

Appendix 5 Relevant Objectives and Policies

Central City Living Zones Review – Technical Report 5 Relevant City Plan Objectives and Policies

The key objectives of the City Plan that are relevant to this review include:

4.1 Objective : Form

The maintenance and enhancement of natural and physical features and characteristics contributing to the distinctive form of the City.

4.2 Objective : Amenity

A pleasant and attractive City.

6.1 Objective : Urban consolidation

To accommodate urban growth with a primary emphasis on consolidation.

11.1 Objective : Diverse living environments

A diversity of living environments based on the differing characteristics of areas of the City.

11.4 Objective : Adverse environmental effects

A living environment that is pleasant and within which adverse environmental effects on amenity values are avoided remedied or mitigated, while still providing the opportunity for individual and community expression.

11.5 Objective : External appearance

Good quality building and site design to achieve a high level of amenity throughout the living areas of the City.

4.1.2 Policy: Inner urban area.

To maintain and enhance the inner "urban area" as the principal focus for the larger scale and widest range of housing forms, opportunities for higher density living environments and diversity of activities.

4.2.3 Policy: External appearance of buildings

To promote, and where appropriate, ensure the harmony and compatibility of buildings.

Policy 4.2.6 Landscape design

To enhance the landscape quality of the City and encourage sensitive landscape design and the retention of appropriate vegetation and new planting.

11.1.4 Policy: Densities

To provide for various levels of building density within living areas, taking into account the existing character of these areas, the capacity of infrastructure and strategic objectives of urban consolidation.

11.4.9 Policy: Noise

To ensure noise levels associated with non-residential activities are consistent with maintaining a high standard of amenity within living areas and to ensure that in the Living 3 and 4 Zones residential units are designed to mitigate potential adverse noise effects generated by traffic on collector and arterial roads.

11.4.11 Policy: Street scene

To reinforce the "Garden City" image of Christchurch and the different identified characters of the living areas of the City.

11.5.2 Policy: Urban design for infill and redevelopment

a) To encourage design compatible with existing development for infill and redevelopment throughout the living areas except as identified under b).

b) To ensure that development in the Living 3 and 4 Zones is designed in accordance with the principles of good urban design, appearance and amenity, including:

- That development considers the amenity for residents, neighbours and the wider community;*
- That development responds positively to the context and existing site features of value;*
- That residential units are oriented towards the street or other public spaces and that the design of pedestrian entrances, windows and front fences enable engagement with the street to ensure community safety, social interaction, and visual interest;*
- That development on corner sites enhances the structure and legibility of the City and incorporates distinctive design treatments;*
- That development maintains consistency with historical subdivision patterns relating to the rhythm of front façade width and separation between buildings along the street or other public spaces;*
- That buildings avoid excessive perceived bulk or repetition and are of a domestic appearance, human scale, visually interesting, and use high quality materials;*
- That development provides for safe and efficient movement of pedestrians, cyclists and vehicles within the site and along adjoining streets;*
- That development is not dominated by car parking and garaging, particularly when viewed from the street or other public spaces;*
- That development is softened by trees and other landscaping while maximising the safety of occupants and visitors;*
- That development provides for configuration and distribution of outdoor living space to optimise accessibility, usability, comfort and attractive outlook for each residential unit;*
- That development provides adequate internal storage space, outdoor service areas and utilities that are accessible and visually integrated into developments;*
- That residential units have adequately designed internal and outdoor living spaces, levels of privacy, access to sunlight and insulation from traffic noise.*
- That development minimises energy use and resource consumption and manages stormwater run-off at source.*

Appendix 6 Relevant Recovery Strategy Excerpts:

Central City Living Zones Review – Technical Report 6 Relevant Recovery Strategy
Excerpts

Guiding Principles in Recovery Strategy are:

- Work together

Recovery is a collaborative effort. It is essential to have constructive relationships between the private sector, NGOs, local and central government agencies, and the wider community.

- Take an integrated approach

Links between different recovery initiatives will be identified so that together they achieve the greatest benefits.

- Look to the future

Development and recovery initiatives will be undertaken in a sustainable manner. They will meet the needs of future generations, taking into account climate change and the need to reduce risk from natural hazards. They will also ensure community safety and wellbeing now and in the future. If the process of repair reveals a way of enriching people's quality of life, that opportunity will be taken.

- Promote efficiency

Resources will be used wisely so that the recovery is timely and affordable, and delivers value for money.

- Use the best available information.

A wide range of information, including spatial information, will be collected and shared. This information will help decision-making, improve transparency, promote best practices and enable the public to participate in the recovery effectively.

- Care about each other

Recovery initiatives will take account of people's psychological, physical, spiritual and social needs. They will promote equitable outcomes and connected communities and recognise diversity.

- Innovate

Creative, cultural and resourceful solutions to recovery issues will be encouraged.

- Aim for balanced decision-making

Decisions will balance action and certainty with risk. They will consider the need for positive action, speedy responses and certainty; and the risk of short-term economic, environmental and social hardship and of compromising long-term objectives.

- Keep it simple

Communication must be clear and stick to the facts. It must give land owners, residents and businesses the information they need.

Vision of the Recovery Strategy

Greater Christchurch recovers and progresses as a place to be proud of – an attractive and vibrant place to live, work, visit and invest, *mō tātou, ā, mō kā uri ā muri ake nei* – for us and our children after us.

Built Environment as a component of Recovery

One of the six components of recovery identified by the strategy is the built environment- land use, housing, buildings, transport, infrastructure. This review of living zones clearly falls under this component. The Vision and Goals for this component of recovery are set out as:

5. Develop resilient, cost effective, accessible and integrated infrastructure, buildings, housing and transport networks - by:
 - 5.1 coordinating and prioritising infrastructure investment that effectively contributes to the economy and community during recovery and into the future;
 - 5.2 supporting innovative urban design, buildings, technology and infrastructure to redefine greater Christchurch as a safe place built for the future;
 - 5.3 rebuilding infrastructure and buildings in a resilient, cost-effective and energy-efficient manner;
 - 5.4 developing a transport system that meets the changed needs of people and businesses and enables accessible, sustainable, affordable and safe travel choices;
 - 5.5 zoning sufficient land for recovery needs within settlement patterns consistent with an urban form that provides for the future development of greater Christchurch;
 - 5.6 having a range of affordable housing options connected to community and strategic infrastructure that provides for residents participation in social, cultural and economic activities; and
 - 5.7 drawing on sound information about ongoing seismic activity and environmental constraints, including other natural hazards and climate change.

Other relevant goals from the strategy are stated as

- 1.1 facilitating a timely and efficient recovery, including intervening where necessary to remove impediments, resolve issues and provide certainty;
- 1.5 delivering smarter council and government planning and services;
- 3.4 supporting people, in particular those facing hardship and uncertainty, by providing quality housing, education and health services; and
- 4.5 acknowledging losses and creating spaces to remember, while embracing necessary changes to the city's character and urban form.

Relationship with existing strategies and plans

The Recovery Strategy sets the overall direction for the rebuild and recovery of greater Christchurch. It also inserts provisions necessary for the recovery into specific planning documents and instruments (sections 15 and 26 of the CER Act), ... Strategies that were developed before the earthquakes to guide planning and growth in greater Christchurch will need to be re-evaluated in the light of recovery needs.

Implementation

Re-evaluation of existing planning documents will take account of the residential red zone decisions, any changes in demand for types of housing and an increase in the short-term demand for housing. It will consider new land hazard information to confirm where residential and commercial building is and is not appropriate. Guidance will be provided on the conditions for land and building

development so that homes and business premises are well designed and more resilient to future natural hazards.

Appendix 7 Urban Design Panel Terms of reference

Central City Living Zones Review – Technical Report 7 Urban Design Panel Terms of Reference

URBAN DESIGN PANEL – Terms of Reference

Updated November 2012

1 Background

International experience has demonstrated that the use of Urban Design Panels to review and advise on proposed developments is a valuable tool to promote the development of a high-quality urban environment.

The Christchurch Urban Design Panel was established in 2008 as a result of public concern over the quality of the design of new developments in Christchurch and their effects on the urban environment.

The Urban Design Panel must retain the confidence of developers and designers working in the city, while demonstrating better urban design outcomes to Council and the wider community. To this end a pool of thirty Panel members will be drawn from nominations from professional institutes including the Property Council of New Zealand.

'Making Christchurch a world class boutique city' is the vision of the Christchurch City Council. The Council is a foundation signatory of the *New Zealand Urban Design Protocol* launched in 2005 by the Ministry for the Environment. As a signatory the Council is committed to making Christchurch *'more successful through quality urban design'*.

The importance of high quality urban design has been reinforced by the Greater Christchurch Urban Development Strategy (UDS) which includes the following strategic directions:

- a. Promoting good urban design to make our communities more liveable and attractive with good connectivity
- b. Recognising and protecting cultural identity and sense of place
- c. Ensuring the connection between homes, jobs, recreation and environment through mixed land uses and integrated transportation modes

In addition to an Urban Design Panel a range of other initiatives are being undertaken to promote higher quality urban development in the City including urban design plan changes, design guidelines.

This Terms of Reference outlines the role, membership, and process for the Urban Design Panel, and identifies the scope of their activities.

2 Role of the Urban Design Panel

The function of Christchurch's Urban Design Panel is to:

- Provide independent urban design advice to promote good design and a quality urban environment
- Provide pre-application advice to developers on significant developments in the Central City (within the four avenues), Lyttelton Town Centre zone, Living 3 zone, Business 1 and 2 zones and Living G- Density A zones
- Provide urban design advice to the Council on significant resource consent applications in the Central City (within the four avenues), Lyttelton Town Centre zone, Living 3 zone, Business 1 and 2 zones and Living G- Density A zones
- Provide urban design advice to the Council on appropriate urban design controls, and on both Council and privately initiated plan changes, or outline development plans
- Provide urban design advice to developers and the Council on large scale Greenfield development in areas of sensitivity
- Provide urban design advice to the Council on significant Council projects

The Urban Design Panel has an advisory role to the Council rather than statutory decision making powers. The Panel's recommendations will be incorporated into officers' planning reports and referred to the appropriate decision making body. While the Council officers are required to pay heed to the Panel's advice, the requirements of the City or District Plan or established Council policy should take precedence over the Panel's recommendations where there are any differences.

It is anticipated that the Council urban designers and landscape architects will advise the Urban Design Panel of relevant issues that the Panel might wish to consider. The Panel does not have a mandate to represent the public, or to represent the Council, and it should have cognisance of the provisions of the Christchurch City Plan.

3 Membership of Urban Design Panel

The membership of the Panel is made up of professionals with specialist skills in the fields of urban design, architecture, landscape architecture, development and property.

A pool of thirty panellists will be drawn from nominations by the New Zealand Institute of Architects, New Zealand Property Council, NZ Institute of Landscape Architects, Lincoln University and New Zealand Planning Institute and appointed by the Council as members of the Panel. Additional members may be recruited and appointed by the Council through the respective professional institutes as required to ensure a sufficient pool of skills as noted above and to provide a quorum for all meetings. Individuals recognised as being skilled in urban design from outside these professional institutions may also be appointed members of the Panel.

The Council will appoint a Panel convenor (and an alternate) from the pool of panellists to chair Panel meetings. Each Panel will include at least one expert in each of urban design, architecture and development. A quorum of three members is required for a Panel meeting. For some applications, additional specialists with expertise in heritage, iwi issues, surveying, ecology or the arts may be co-opted to sit on the Panel as required.

It is anticipated that a core of panel members will hear most applications, but it may be necessary to substitute members from the wider pool of members for some applications. This "pool" process will ensure that there is no conflict of interest between members of the Panel and the application being considered, and also that the skill mix of panellists is appropriate for

the application and its context. Every endeavour will also be made to ensure that there is continuity of panellists when an application is being re-presented to the panel.

Council officers will also attend meetings of the Panel, providing secretariat support, advice on regulatory matters and a communication channel to those involved in the subsequent decision making process.

Panellists will be appointed for two years, with the option to extend this period if approved by the Mayor and Chief Executive, to maximum of four years and panellists are:

- Required to declare if they have a conflict of interest and may not take part in any Panel meeting for which they have declared a conflict of interest
- Subject to confidentiality requirements, in the same manner as Council staff and consultants
- Required to agree to these terms of reference as part of their contract with Council for specific services and terms

Panel members will be paid a fee of \$180 per hour for attendance at meetings for an agreed number of hours depending on the complexity of the application (minimum 1 hour payment). Time spent on additional site visits and research will not be reimbursed.

4 Urban Design Panel Reviews

The Panel will focus on how the building or development relates to the surrounding public space and will be especially concerned with how the proposal fits into and improves the existing environment.

Design assessment criteria and / or design guidelines in the City Plan, or developed in conjunction with the community, will form the basis for an Urban Design Panel review. In the absence of criteria or design guidelines the Panel may look at the following matters:

- a. Quality of the architecture and its relationship to Christchurch
- b. General design principles including scale and composition, architectural details, articulation of facades and the treatment of rooftops
- c. The relationship of the building to the street, public spaces and adjacent buildings, and to the character of surrounding areas
- d. The location of activities and their relationship with the street and public spaces particularly on the ground floor
- e. The design of pedestrian and vehicle entrances, and access to and around buildings
- f. The relationship with existing heritage buildings and significant open spaces in the vicinity
- g. The amenity and quality of outdoor spaces associated with the development
- h. The integration of artworks into the development
- i. Circulation and servicing
- j. Safety for users and passers-by
- k. The level of amenity for residential accommodation including outlook, sunlight access, visual and acoustic privacy, ventilation, size and design
- l. The design of buildings to maximise sustainability, for example in water heating, lighting, heating, natural ventilation, and stormwater reduction, treatment or re-use
- m. To minimise energy use both within the buildings and in relation to the entire development.

- n. Ensure protection of listed heritage buildings and sites.

The Panel shall consider only those proposals that meet the following criteria:

- (i) Proposals that require a resource consent from the Christchurch City Council under the City or Banks Peninsula District Plan and which are located within any site within the following zones and locations:

- Four Avenues (all zones), and/or
- any land zoned L3, L4, or
- Business 2 (District Centre Core),
- Business 1 (District Centre Fringe/Local Centres),
- Lyttelton Town Centre Zone,

and fall into one or more of the following criteria:

- Multi unit residential development of 5 units or more.
 - Multi unit commercial development of 3 units or more.
 - Mixed use commercial/residential development of more than 3 units combined.
 - Any building with a gross floor area (GFA) of 750m² or greater.
 - Any building adjoining any item contained in the 'List of Protected Buildings, Places and Objects' in the District or City Plan.
 - Any building adjoining a Conservation or Open Space Zoned land in the District or City Plan.
 - Any new building or external modification to an existing building in the Lyttelton Town Centre Zone which requires resource consent for external appearance.
- (ii) Any Christchurch City Council capital project with a value of \$2.5 million or greater, and/or any major infrastructure project which is intended for public use, or to which the public have regular access.
- (iii) Any proposal within the Living G - Density A Zone.
- (iv) Subdivision or land use consent for 50 or more allotments where areas of sensitivity are identified by the Planning Team Leader, Principal Urban Design Advisor or Subdivisions Manager.
- (v) Any proposal, including draft plan change or outline development plan, on the advice of a Principal Advisor Urban Design or the Planning Team Leader based upon one or more of the following:
- Scale of the proposal
 - Profile and visibility within the context
 - Sensitivity of the location and/or activity.

Where significant buildings or developments fall outside these criteria they may be submitted to the panel voluntarily by the owner/developer. The Panel shall have the right to refuse to consider any proposal if it considers that the proposal will have a minor urban design impact.

Council projects and resource consents will be reviewed by the Panel to ensure Christchurch City Council demonstrates best practice in its own development projects. The Panel's advice will also be sought on policy and strategy work such as plan changes, design guides or structure plans, to ensure the professional opinions of the design and development communities are taken into account.

5 Process

The Panel process provides the added value of peer review and advice to the applicants and their consultants, while promoting the best outcome for the urban environment. In order to maintain the confidence of developers, meetings of the Panel will be closed to all but the applicant's nominated representatives, the Panel and Council representatives.

It is proposed that when a developer makes an initial approach to Council to discuss an application, a pre-application meeting with the Urban Design Panel should be offered. To encourage developers to consult the Urban Design Panel early in the process, the Council meets the costs of the Panel. This process minimises delays to applications and provides the benefit to applicants of "no surprises" once the proposal reaches the formal hearing and decision-making stage.

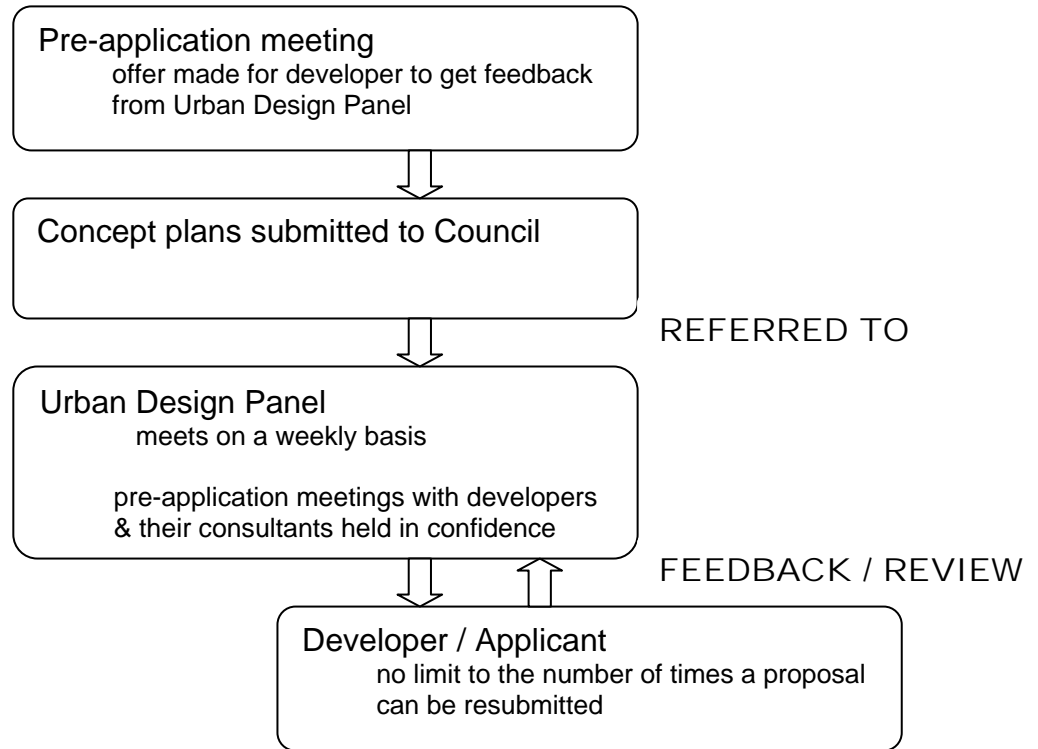
The advice of the Panel, as a team of experts advising their peers in the design and development industry, may be supplemented by an urban design assessment as part of the processing of resource consents.

With a proposed schedule of two weekly meetings, the applicant and Council can agree the most suitable upcoming meeting, in order for the applicant to prepare an appropriate level of material for the printed agenda. Applicant's teams are invited to present to the Panel and answer questions on their proposal. The Panel will compose its recommendations in committee.

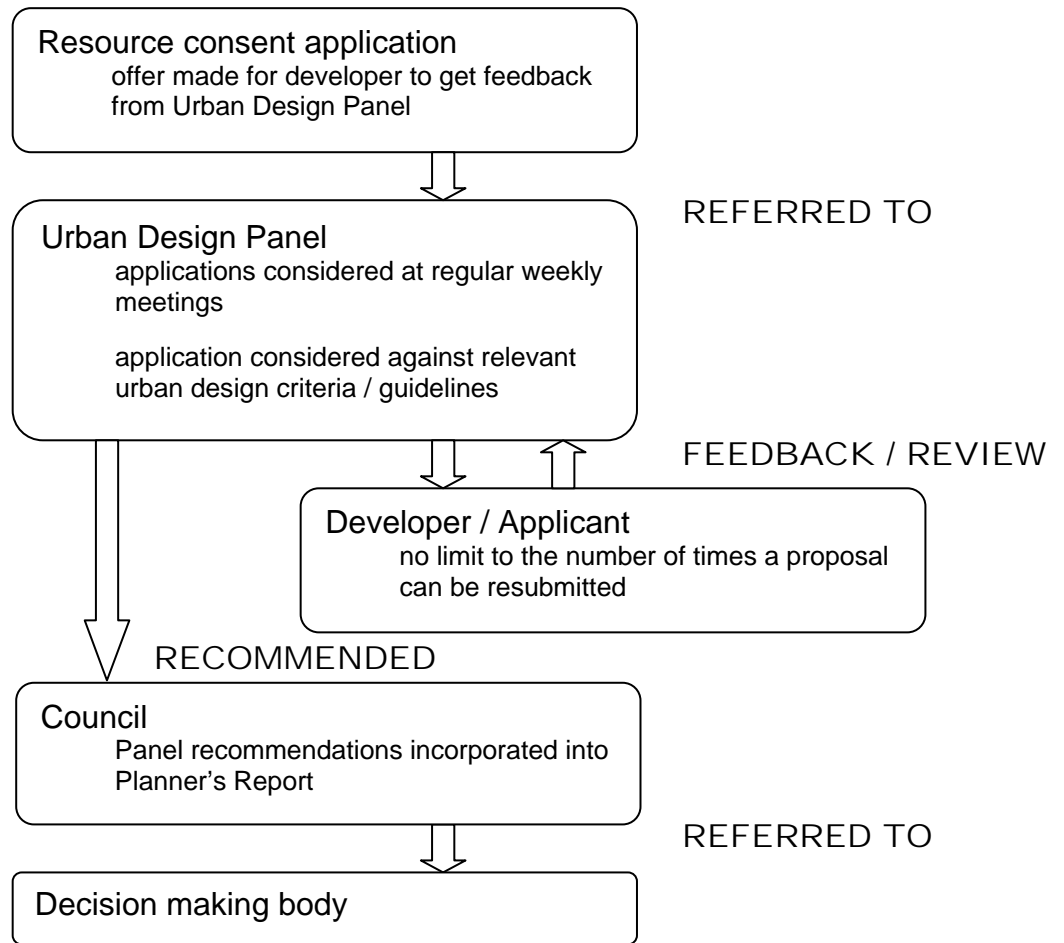
Once an application has been formally lodged, the final development proposal may be re-considered by the full Panel at an agreed meeting. Recommendations from the Urban Design Panel will be incorporated into the planners' reports to the delegated decision-making authority.

The diagrams below outline the process for pre-application and post-application advice from the Panel:

Pre-Application Review:



Post-Application Review:



6 Administration

- Democracy Services will manage the weekly schedule of meetings for the Urban Design Panel and the appropriate officers. In order to minimise delays to applicants, meetings will take place with a minimum of three panellists as a quorum or be rescheduled within three working days.
- Meetings will not be publicly advertised or held in public, but will occur on a regular schedule (subject to the availability of the Panel). The applicant or their nominated person (e.g. the manager or designer of the project) is expected to attend to present necessary information.
- Reports for the meetings will be submitted to Democracy Services by the reporting planner and agendas, including copies of the development application(s), will be circulated to Panel members as early as possible before a meeting.
- Meetings will be scheduled for a minimum of one hour per applicant. Panel members will be reimbursed for the one-hour minimum meeting, plus additional hours spent at scheduled meetings. Members are not reimbursed for any preparation time outside of scheduled meetings.
- Decisions (in terms of what recommendations the Panel will make to the Council) will be made by panellist consensus, whereby discussion will result in a set of recommendations and reasons for them which all Panel members are in general agreement with.
- Members of the Panel will bound by the Council's Code of Conduct for elected members, specifically in relation to Part 1: General Principles of Public Life, and Part 2: Disclosure of Pecuniary and Other Interests, Contact with the Media regarding Council and Committee Decisions, and Confidential Information.
- Minutes will be prepared by the Democracy Services officers present and reviewed by the Convenor to ensure a true and correct record of appropriate recommendations made at the meeting. The Panel's recommendations will be circulated to the applicant and reporting planner within a week of the meeting.
- Urgent or special meetings of the Urban Design Panel may be called with three working days notice, with agendas and reports circulated prior to the meeting as above.
- If any applicant requests confidentiality for their proposal this should be supported by the planning officer, and the reasons for public exclusion given.
- Applicants will be advised that they cannot make any reference to the Panel or its recommendations in any media without the express permission of Council.

Appendix 8 Issues and Options Paper 2007

Central City Living Zones Review – Technical Report 8 Living 4 Issues and Options Paper
2007

Issues and Options Paper:

The Design & Scale of Buildings within the Central City Living 4 Zones

July 2007



CHRISTCHURCH

Table of Contents

1.0	<i>Executive Summary</i>	3
2.0	<i>Background</i>	4
2.1	The Living 4 zone locations:	6
2.2	Plan Objectives & Policies:	7
3.0	<i>Issues</i>	8
3.1	Density and the bulk of developments	8
3.2	The design and quality of developments	15
3.3	The provision of on-site amenity	22
3.4	The quantity, quality, and location of outdoor areas, landscaping, fencing, and carparking	29
3.5	The size and shape of sites & comprehensive developments	40
3.6	Areas & buildings with heritage & special amenity values	43
3.7	Non-residential activities within the L4 zone	50
4.0	<i>Summary</i>	53

1.0 Executive Summary

Over the last twelve years since the current City Plan was publicly notified, the Council has received a considerable amount of feedback from community groups, developers, Council Officers, and members of professional institutes that the design and/or quality of a number of residential multi-unit developments within the inner urban areas and around community focal points (Living 3 & 4 zones) have not always been of an adequate standard. The L3 and L4 zones are largely a response to the City Plan's strategic objective of a consolidated urban form as a strategy for managing urban growth. The L3 & L4 provisions enable development to occur that is of a higher density and scale to that which currently exists. Concerns regarding multiunit development are partly a response to this increase in density and partly a response to perceived poor levels of design and appearance of numerous recent developments. The paper groups issues in terms of density, heritage, design, amenity, landscaping and open space, comprehensive developments, and non- residential activities in living zones. A separate paper following a similar format has been prepared for the medium density Living 3 zones.

This paper has been prepared to identify the relevant issues and options and to initiate feedback from any interested parties. To help facilitate this feedback the paper also indicates a number of directions in which future plan changes might go. It is recommended that following feedback on this paper an assessment under Section 32 of the Resource Management Act is prepared to guide Council in deciding whether, and in what form, any potential changes to the Living 4 zone provisions in the Plan might occur.

It is important to emphasise that this review does not consider issues surrounding residential and mixed-use development within the Central City zone that covers Christchurch's Central Business District. While some of the issues relating to the scale and design of apartment developments in the Living

4 zones may also be applicable to similar developments in the Central City commercial area, in the interests of keeping this review focussed and manageable, its scope has been limited to the L4 zones. The findings of this review may however help to inform any subsequent review of the Central City zone provisions.

The design of new higher density multi-unit developments, how they interact with neighbouring sites, and their contribution to the wider streetscene and character of an area are all related to what constitutes good urban design. This review is aimed at ensuring that the Plan objectives for vibrant, attractive, high density residential environments are able to be achieved in a Christchurch context and is an important step in ensuring that the Council lives up to its responsibilities both as a signatory to the national Urban Design Protocol and its obligations under the Resource Management Act.

2.0 Background

The current City Plan seeks to manage Christchurch's growth through a strategy of enabling limited new urban growth adjacent to the existing urban edge, whilst concurrently looking to consolidate development within the existing urban area. The Plan objectives are given effect through a package of policies and rules addressing the scale and density of residential development in various parts of the City. The rule package covering the residential areas closest to the City Centre and adjacent to large suburban shopping areas (Living 3 and Living 4 zones) enable medium and high density development to occur, with such development generally taking the form of multi-unit townhouses and apartments. Higher density development close to the City Centre has been possible for several decades, as numerous 1960s and '70s

'sausage block' flats attest, although the current Plan provisions generally enable greater density than that possible under earlier Plans.

In the early 1990s public concern over the lack of any height limits in parts of the Central City led to the introduction of variable height limits via Plan Change 46 to the Transitional Plan which was made operative on 23 April 1993. When the current City Plan was prepared the following year it was acknowledged that the character and scale of residential development within the Four Avenues was not uniform and therefore a contextualised planning approach needed to be applied to the zoning of the Central City, with the plan containing a variety of height limits and building density controls.

The current City Plan was publicly notified in 1995 and during the late 1990s a number of multi-unit developments were produced that complied with the Plan rules yet did not provide a particularly good standard of design and appearance and were of a considerably greater height and bulk than surrounding residential properties. Concerns were raised by both Residents' Associations, Council Officers, and members of professional bodies such as the New Zealand Institute of Architects. At this time hearings were being conducted into public submissions on the Plan, including submissions seeking amendments to the Living 3 and Living 4 zone provisions. Rather than introducing changes to the Plan whilst these hearings were progressing, the Council produced voluntary design guides for the Living 3 and Living 4 zones to both help guide homeowners and developers and to establish whether community concerns regarding perceived poor quality multi-unit developments were able to be overcome using voluntary, non-regulatory methods. In 1999 decisions on public submissions to the Plan were released, with these decisions amending a number of Living 3 and Living 4 zone rules and zone boundaries. Following the release of decisions in 1999 there were several hundred references (appeals) to the Environment Court. A number of these references related to various aspects of the Living 4 zone provisions, including height limits around Cranmer, Latimer, and Victoria Squares, the retention of character buildings in the Inner City East, and the content of assessment matters for resource consent applications. Decisions on these

references have now been received.

Feedback from residents' associations and members professional institutes regarding the perceived poor quality design and appearance of some multi-unit developments continued after the release of decisions in 1999 despite rule amendments following decisions and the production of voluntary design guides. Parallel to the resolution of Environment Court appeals post-1999, a Mayoral Forum was established to address a wide range of commercial and residential issues within the Four Avenues. The discussion flowing from the Mayoral Forum and ongoing community feedback indicated that a detailed review of the Living 3 and Living 4 zone provisions was required, in particular an investigation into whether the design and appearance of multi-unit developments could be improved, whilst still providing for higher density development close to the City Centre as an important method of avoiding urban sprawl. During the 1999-2005 period the priority focus of the Council's planning staff was to resolve Environment Court appeals and to make the Plan operative (beyond Environment Court challenge), with it anticipated that potential changes to the Plan's L3 and L4 provisions would be investigated once the references had been resolved and the Plan made operative. The vast majority of Plan references have now been resolved (including all those relating to the L3 and L4 zones) and the Plan was accordingly made partially operative in November 2005.

Now that the Plan is largely operative, this Issues and Options Paper is the first step in reviewing the Living 4 zone provisions. The paper follows a similar format to a separate paper on the Living 3 zones. It is anticipated that these papers and associated feedback will assist the Council in preparing an assessment under Section 32 of the Resource Management Act to guide Council in deciding whether, and in what form, a potential change to the Living 3 and 4 zone provisions in the Plan might occur. S.32 requires the Council to examine the costs and benefits of any proposed Plans changes to ensure that they are the most efficient and effective method for achieving the Resource Management Act's purpose of sustainable management.

This current plan review coincides with the following significant regional and national initiatives that help to set the context for a review of the L3 and L4 zone provisions:

Building Code review: Recent amendments to the Building Act require the Building Code to be reviewed by 2007. As part of the Building Code review the Department of Building and Housing (DBH) is considering whether a range of internal apartment design issues could be addressed through changes to the Code, e.g. minimum unit size, ventilation, acoustic and thermal insulation, access to daylight etc . The Building Code review is also considering a range of environmental design matters such as the reuse of roofwater, solar heating and designing for passive solar gain.

Unit Titles Act review: The DHB is also currently reviewing the Unit Titles Act to ensure that it addresses the current issues surrounding the management and maintenance of multi-unit developments. Future amendments to the

Building Code and Unit Titles Act therefore have the potential to resolve a

number of important matters relating to the on-site amenity, liveability, maintenance, health, and safety of multi-unit developments.

National Urban Design Protocol: The Ministry for the Environment (MfE) has an ongoing programme aimed at improving the standard of urban design in New Zealand. The Ministry launched the New Zealand Urban Design Protocol in 2005, to which the Council is a signatory, and produced several reports highlighting good examples of urban design and the potential economic, environmental, and social benefits of good urban design. The Urban Design Protocol Action Pack contains a number of recommendations for Local Government that include the review of district plans to ensure that they include explicit urban design outcomes, that plan rules collectively support these outcomes, and that plan changes be developed if necessary. MfE has also recommended that Local Government develop and adopt urban design guidelines as part of District Plans¹.

Greater Christchurch Urban Development Strategy: The Council, in partnership with neighbouring Selwyn and Waimakariri District Councils, Canterbury Regional Council, and Transit NZ is currently looking at where and how greater Christchurch is going to grow over the next forty years. The Urban Development Strategy (UDS) has recently been adopted following extensive public consultation. The UDS sets the framework for managing urban growth in greater Christchurch through a combination of staged urban expansion around the rural fringes of Christchurch and neighbouring towns such as Rangiora and Lincoln, and an increased emphasis on accommodating a growing proportion of urban growth through more intensive use of the existing urban area, especially in the inner suburbs and the City centre. If this intensification is to continue, and is to result in attractive, vibrant communities that provide an attractive alternative to a suburban lifestyle, then it is vital that higher density dwellings are well designed and provide a good level of amenity for both occupants and the wider neighbourhood.

2.1 The Living 4 zone locations:

The Living 4A, 4B and 4C zones are located primarily within the Central City (the Four Avenues) with small pockets of Living 4B at Carlton Mill and North Beach. The Plan enables a diverse range of residential development, redevelopment and infill from medium to high densities within these areas. The built form is to be the predominant feature of these living environments with open space and landscape plantings having an important but secondary role. Special Amenity Areas (SAs) have been identified within the Living 4 zones to recognise particular amenity and character values of certain discrete areas.

The L4C zoning applies to a number of character areas, contains nine of the eleven L4 SAs, and contains a considerable variety of height limits (6m-20m). L4B zoning has the most liberal height and bulk standards and applies to a limited number of areas where tall apartment-style developments

¹ Urban Design Protocol Action Pack, MfE, 2005, pg. 10

(approximately 10 stories) are considered appropriate. The L4A zone applies to the balance of the residential areas within the Four Avenues, with a diverse range of development to medium-high densities (1-5 stories) anticipated.

2.2 Plan Objectives & Policies:

Before considering in detail the issues facing the Living 4 zones it is helpful to briefly consider the relevant plan objectives and policies that form the background to the Living 4 zone provisions and which place the L4 zone in a City-wide context. The relevant objectives and policies are spread through a number of sections of Volume 2 of the Plan, with similar or complementary policy directions repeated in different sections. The below discussion therefore summarises these provisions. The Plan objectives and policies were developed through a public notification, hearing, and Environment Court Appeal process over the past ten years.

The Plan has a strategic objective of managing urban growth through urban consolidation (obj. 6.1). This objective does not however mean that consolidation is to be uniform throughout the City but rather that higher density housing is to be provided for adjacent to the city centre and around consolidation focal points such as large suburban malls (policies 4.1.2, 4.1.4, and 6.1.1(a)), whilst the low density outer suburban living environments are to be maintained (policy 4.1.3). Limited peripheral urban growth adjacent to the existing urban boundary is also anticipated by the Plan in suitable locations, with higher density development to be included in large peripheral growth areas eg. pockets of townhouse-style development in Northwood and Aidanfield (policy 6.1.1(b) & (c)).

A consolidated urban form is sought for a number of reasons. Increased population density and residential activity in and around the city centre will help to contribute towards the maintenance of a vibrant and attractive city centre (policies 4.1.2, 6.2.1, and objective 12.4). By enabling people to live near to shops, services and employment opportunities the number and length of vehicle trips can be minimised and alternative forms of transport such as walking, cycling, and public transport supported (policies 7.1.2 & 7.1.3). A consolidated urban form will also help to maintain the values of significant natural landscapes, ecological areas (policy 6.3.5) and versatile soils (policy 2.1.1) through limiting urban sprawl, and will help to avoid development in areas subject to constraints such as natural hazards (policy 6.3.5), airport noise (policy 6.3.7), and incompatible rural activities (policy 6.3.8).

Parallel to the benefits anticipated from a consolidated urban form is objective

11.1 of providing a diverse choice of housing types and living environments in order to meet the wide variety of housing needs of the City's residents. Low-maintenance town house and apartment style units in close proximity to cafes, shops, employment, and cultural facilities are appealing to a growing

number of residents and provide an important alternative to the 'kiwi quarter acre' section in a suburban environment.

Complementary to the objectives and policies promoting urban consolidation the Plan also has a number of objectives and policies relating to the character and amenity of the City and how these matters will be addressed within an overall context of urban consolidation and redevelopment. New development should be of good quality, be well designed, and be compatible with existing development, whilst acknowledging that the character of higher density areas will change (objective 11.5 & policies 4.2.3, 6.1.2, and 11.5.2). The Plan also seeks to maintain and enhance the character of Special Amenity Areas (SAMs) (policies 11.1.1 and 11.5.1) and to protect heritage buildings and items (policy 4.3.1) and notable trees (policy 4.3.3) no matter which zone these areas and items are located within. A series of policies under objective 11.4 are aimed at ensuring that the potential adverse effects of development on amenity matters such as privacy, sunlight, outlook, noise, open space and parking are able to be mitigated.

In conclusion, there is an at times uneasy tension between the objectives of urban consolidation, the provision of a range of housing choice, and ensuring that redevelopment is well designed and takes into account the character of the surrounding area. There has been considerable feedback over the years that while the objectives and policies generally 'make the right noises', the package of rules and methods have not been adequate to achieve the results of good quality, well designed, higher density areas that the Plan anticipates. This review therefore examines how the package of Plan rules and methods that manage multi-unit development might be amended to ensure that the Plan objectives of development that both increases density and is well designed are able to be achieved.

3.0 Issues

This paper outlines the relevant issues and discusses various options that have been raised through Environment Court references on the City Plan, by the community, developer groups, or by Council Officers. The issues mostly relate to design and amenity aspects of development and reflect the tension between the desires of some members of the community to maintain existing character and the current direction of the Plan for the L4 zones ie. intensification.

Feedback has been received from a number of residents and design professionals that despite several plan policies encouraging good quality design, new development has not always taken into account the character, heritage, and amenity of both the adjoining sites and the surrounding environment, nor does it provide adequate space for outdoor living and landscaping.

3.1 *Density and the bulk of developments*

3.1.1 *Issue explanation*

The inner urban area has an established character which some residents

value, feel comfortable with, and would like to see retained. Feedback from these

residents is that they consider a number of recent new higher density developments are inappropriate because of the effects they are having on the existing character and amenities. These adverse effects are partly related to building bulk, location, and design and partly related to an increase in activity with an attendant increase in vehicle movements and noise. Community concerns resulting from an increased building density are often expressed as general concerns about effects on the 'feel' or character of an area and negative reactions to poor quality building design and appearance. The specific issues considering building design and bulk and location rules are considered later in this document. This section considers the underlying levels of permitted building density that, at a fundamental level, determine the number and size of residential buildings that the zone can accommodate.

3.1.2 Current City Plan provisions

Objectives and Policies

As noted above, an important strategic aim of the Plan is the achievement of sustainable urban growth through urban consolidation. An increase in density within the inner urban area is also identified as being necessary for the provision of a variety of choice in housing forms and for making a contribution towards the efficient use of existing infrastructure, promotion of a sustainable transport network, and a vibrant central city. The Plan also seeks that new development should be appropriately designed and that adequate levels of amenity should be maintained.

The general objectives and policies of the Plan relating to living areas set out a clear strategy for managing the effects of higher densities on the character of the living areas of the city (policies 11.11.1 – 11.1.3) . This is to:

- Conserve and enhance the character of living areas identified as "special amenity" areas;
- Maintain the general character of the suburban living environment; and to
- Promote change in the character of selected living areas through encouraging infill and site redevelopment.

Rules

The Plan rules do not directly control population density and indeed it would be difficult to do so. Rather provision is made to enable higher density housing to be constructed through more liberal controls on the bulk and location of buildings than those that apply to the outer suburbs. Whether or not the opportunities for redevelopment to higher densities are taken up is dependent on the housing market at any given time.

In the Living 4 zones the maximum bulk of buildings is controlled by way of a maximum residential floor area ratio (the ratio of floor area to site area) and a

combination of setback from boundary, height, and outdoor living space standards. The maximum permitted plot ratio varies across the L4 zones according to the differing characteristics of the existing built environment

within the Four Avenues and Special Amenity Area designations. In general the plot ratio is 1.2 for L4A and L4C zones (lower in some SAMs) and 1.4 for the L4B zone. This means that for example a building in the L4C zone on a 1000m² site with a plot ratio of 1.2 can accommodate a building with up to 1200m² of floor area (two floors of 600m² each if two story). The plot ratio approach to controlling the density of building differs from the low density suburban zones where the density of residential units is controlled primarily through a rule specifying a minimum site area per dwelling, for example a minimum of 450m² per dwelling is required in the Living 1 zone.

It should be noted that on the small narrow sites that are common within some parts of the L4 zone, the bulk of buildings can be restricted to a lower level than that permitted by the plot ratio standards as a result of a combination of other standards governing recession planes, parking, outdoor living space and setback from boundary controls. The restrictions of narrow sites can however be overcome through the amalgamation of several sites to enable a larger building to be constructed.

3.1.3 Options

Reduce Level of Density

This option involves amending the key density rule (plot ratio) to reduce the level of development possible on a site.

Benefits	Costs
<ul style="list-style-type: none"> • The existing lower density character of parts of the L4 zones will be retained, in accordance with the wishes of some residents. • The current tension or conflict between existing low density and new high density development will be reduced. 	<ul style="list-style-type: none"> • Fundamentally inconsistent with the achievement of the Plan's strategic objectives of a consolidated urban form and provision of diverse housing choice. • Significant lost economic value for owners of sites where the development potential is reduced. • If increases in the City's population are not at least partially accommodated within the existing urban area then there will be considerable pressure for larger areas of green field land on the City fringes to be developed. • Reduced opportunity for Christchurch to develop an urban, as opposed to suburban, character in the Central City.

Same Level of Density

This option involves the retention of the existing density rules (status

quo). Benefits	Costs
----------------	-------

<ul style="list-style-type: none"> • Consistency with the achievement of the Plan’s strategic objectives of a consolidated urban form. • Consistency with the Plan policies for a sustainable transport network, a vibrant city centre, efficient use of existing infrastructure, and the provision of a diverse range of housing forms. 	<ul style="list-style-type: none"> • The current tension between existing low density and new high density development will continue while the zone transitions. • The character of the zone will change, against the wishes of some residents.
--	---

Alter the Living 4 zone boundaries

This option envisages that the density provisions of the Living 4 zones will remain unchanged, however the location of the zone boundaries within the Four Avenues could be reviewed to permit higher densities of development in some areas eg. rezone from L4A to L4B, and lower densities in other areas (such as currently occurs within some SAMs). A variation of this option is to more closely align the quantity of permitted plot ratio with height limits ie. lower plot ratio for areas where height limits are low, and higher plot ratio where heights limits are higher.

Benefits	Costs
<ul style="list-style-type: none"> • Consistency with the achievement of the Plan’s strategic objectives if the amount of land rezoned to higher density matches that rezoned to lower density. • The permitted level of density may more closely reflect the sensitivity of certain character areas to the effects of high density development. Hence the existing character and amenity values of some areas may be retained. • Increased development opportunities in any areas rezoned to higher density. • If plot ratio limits are more closely aligned with height limits the total scale of development may better reflect the sensitivity of the area and the rule ‘package’ may work more efficiently. 	<ul style="list-style-type: none"> • May result in an overall reduction in density with adverse effects on the urban consolidation objective if new lower density areas are not correctly balanced against new higher density areas. • If rezoning to lower density only extends to a relatively few, discrete areas, broader community concerns with the quality of higher density development across the L4 zones will not be addressed. • Potentially significant lost development opportunities for landowners in areas rezoned to lower density.

A progressive approach to increased density

This option introduces a density rule which varies according to the density of development that exists on the properties immediately surrounding a site. As an area is redeveloped the standard would get progressively higher so that it is eventually the same standard which currently exists within the Plan. An example of this would be a rule which limits the site coverage permitted on a site to a maximum of 5% more than the site coverage which exists on any one of the adjacent sites, or a certain percentage eg. 65%, which ever is the least.

Benefits	Costs
<ul style="list-style-type: none"> • Ensuring that new development is not built to a significantly higher density than neighbouring properties. 	<ul style="list-style-type: none"> • The Plan’s strategic objectives may not be fully achieved within the life of the Plan. • Uncertainty for land owners as to the development potential and hence value of their sites. • Difficulties with implementation and potential for conflict between land owners who have differing development agendas. • A very slow transition, controlled by the lifetime of existing buildings. It is hard to predict the anomalies that this approach might create.

Changing from plot ratio to a minimum site area per unit control

This option involves the introduction of a minimum site area per residential unit (similar to the current Plan approach in the lower density residential zones).

Benefits	Costs
<ul style="list-style-type: none"> • Would potentially lead to an increase in the amount of open space around individual units. • Would result in new developments being closer in character to most existing development (ie. individual units on their own site). 	<ul style="list-style-type: none"> • Almost certain to result in an overall reduction in density with adverse effects on the urban consolidation objective. • Potentially significant economic cost for landowners as a minimum site size control would almost certainly reduce the development potential of a site. • Does not easily enable apartment-style development if each unit has to be contained on its own site, with an associated reduction in the range of housing types and choice. • Significantly limits multi-unit design options. • Applies a suburban-style density control to a central city, urban context.

3.1.3 Discussion

Between July 1990 and June 2004, building consents were issued for 1,583 residential units and dwellings within the Four Avenues. In suburban ‘greenfield’ subdivisions, the typical density of residential units is ten units per hectare, therefore consolidation within the four avenues has accommodated

the equivalent number of residential units as some 150 hectares of low density subdivision on the City fringes. The Plan's objectives and policies provide a clear direction for the future accommodation of urban growth through consolidation within the City and adjacent to the City fringes. The Plan recognises and accepts that its strategy for achieving this objective will alter the character and amenities of the inner residential areas of the City. Balancing the policies supporting urban consolidation are other objectives and policies that aim to ensure that new higher density development still provides adequate levels of on-site amenity for both occupants and neighbours and that the design of new development takes into account the character of the surrounding area. Any option that would result in a significant reduction in the number of potential residential units that can be accommodated within the zone would have significant implications for the Plan's key objective of urban consolidation. A large reduction in the amount of permitted development would also have potentially significant economic implications for landowners by reducing the development potential of their land.

There therefore exists an inherent tension in the higher density L4 zones in that they are zones of *change*. The outer suburban L1, L2, and LH zones seek to maintain and preserve the existing suburban character of the area. L3 & L4 zones seek to actively promote change in the character of the zone through permitting higher density development that is inherently different from the existing character – in essence the Plan is looking over time to create a new, good quality urban rather than suburban character. The inherently different purpose of L3 and L4 zones compared with L1 and L2 means that there will be an inevitable mix of characters whilst the zone is in transition. It is important to note that the redevelopment of sites to higher densities in the L4 zone has been an ongoing process for many years, with much of the area covered by the L4 zone having been zoned for medium density development under the old Transitional Plans. Large parts of the L4 zone today represent a mix of densities and designs that range from villas and workers cottages to large pre-1940s dwellings that have been converted into a number of flats and 1960-70s 'sausage' flat complexes. The Living 4 zone is therefore a zone of transition and as such some clash of styles and densities is inevitable.

Despite the L4 zone containing a mix of building styles and densities, it is still possible to design new development that maintains a reasonable level of amenity for adjoining landowners and that is sympathetic to the character of existing development. It is acknowledged that some of the developments since 1995, whilst complying with Plan standards, do not achieve the levels of amenity for high density development anticipated in the plan's objectives, policies, and anticipated outcomes. The poor design and associated adverse effects of these developments is likely to have aggravated the concerns felt by some residents and has led to requests for the Council to reduce the density of development (bulk and number of the buildings) permitted within the L4 zones. It is important to note that the concerns

often relate to poor design, rather than increased density per se, reflecting feedback that residents aren't necessarily opposed to change provided 'things are done well'.

The Plan currently recognises that there is considerable diversity within the Central City in terms of existing character, street widths, and traffic volumes. The Living 4 zones therefore contain a range of different plot ratio standards from 0.9 in some of the L4C SAmS to 1.4 in the L4B zone. In addition to the range of plot ratio standards there is also a range of height limits ranging from

6m to 30m according to zone and SAm-specific controls. The link between height limit, plot ratio limit, and zoning do not appear to be as clear and consistent as they might be. In general terms the lowest plot ratio standards should coincide with the lower height limits and larger plot ratio standards with the higher height limits. This link between standards currently exists to a certain extent in the Plan, however there may be benefit in reviewing these links to ensure that the total package of plot ratio and height standards work together to both enable larger development where such development is appropriate and better control such development in more sensitive locations within the L4 zones.

Given that the main differences between the various L4 zones is the change in plot ratio, height, and in the case of some SAmS design and appearance rules it could be possible to just have a single L4 zone (i.e. do away with the A, B, and C tags) yet continue the current fine-grained approach to height and plot ratio with plot ratio differences mapped in the same way as height differences are currently mapped. A single L4 zone (containing variable height and plot ratio) would simplify the Plan provisions and were the option of a design and appearance resource consent for all multi-unit development suggested below to be adopted, would still enable the character of different areas within the city centre to be recognised.

3.1.4 Summary

The Living 4 zone is a zone of change, with a degree of conflict between old and new character inevitable. The introduction of higher density development near the city centre and around consolidation focal points is an integral component in achieving one of the Plan's key strategic objectives of a consolidated urban form and acknowledges that areas close to city centres generally have an urban rather than suburban scale of development and character. Any significant reduction in density in the Living 4 zone would therefore have a substantial effect on this key objective and would also have potentially significant economic implications for landowners. It is however acknowledged that the links between height and plot ratio are not as consistent as they might be and would benefit from being reviewed to ensure that the rule package works effectively in both controlling effects and enabling appropriate levels of development. It is also acknowledged that a number of new higher density developments permitted by the existing Plan standards have not achieved the levels of design quality and amenity anticipated in the Plan and therefore the Plan's rule package (discussed below) needs to be reviewed to ensure that any adverse effects resulting from an increase in density can be minimised, and that new multi-unit developments are of a consistently good design and appearance.

3.2 The design and quality of developments

3.2.1 Issue explanation

Concerns have been expressed by residents' associations and the architectural community that developments of a poor design, appearance and/or quality have been erected within the L4 zone and that these have adversely affected the character and amenity of the surrounding areas.

The general direction of the Plan rules with respect to all the living zones has been 'traditional' in that they control the bulk and location of buildings, car parking and some aspects of landscaping and screening. The design details have been left to the individual landowner. This approach is based upon the presumption that buildings which are erected within the defined building

'envelope' are unlikely to have a significant detrimental effect on the amenity or character of the surrounding area. While the bulk and location approach generally works well in the low density living zones, it is questionable whether such an approach is also appropriate for higher density areas where design choices become more important with people living in closer proximity to one another and the extent of building being much more visible from the street and neighbouring properties.

3.2.2 Current City Plan provisions

Objectives and Policies

The relevant living zone objectives aim to achieve "*a diversity of living environments based on the differing characteristics of areas of the City*" (obj.11.1) and "*good quality building and site design to achieve a high level of amenity throughout the living areas of the City*" (obj. 11.5). Policy 11.5.2 relating to infill and redevelopment throughout the City is "*to encourage design compatible with existing development for infill and redevelopment throughout living areas*", with the explanation and reasons to the policy going

on to state that "*This policy seeks to encourage infill and redevelopment in living areas to be designed so as to be compatible with existing development. A significant issue for many residents, particularly in the older area of the City, is the impact of new residential development on the existing character. This relates particularly to infill and redevelopment of sites where the density is often increased, open space lost and the new development may not be of compatible style and design as existing. Many difficulties would be encountered if regulatory means were set in place to require a particular style of design, as experience has shown that it is difficult to regulate for 'good taste'. However, encouragement of good design is able to be achieved through the use of non-regulatory methods such as preparation and promotion of design guidelines*".

This approach is similar to other related policies such as 4.2.3 "*to promote,*

*and where appropriate ensure, the harmony and compatibility of buildings”,
with the explanation and reasons stating that “consistent with a strategy for
urban consolidation, specific living areas, namely some inner city and central*

living areas, and living areas around consolidation focal points are identified as appropriate for significant changes in the scale and density of future development. This will influence design and appearance of buildings in these locations”.

Policy 6.1.2 in the urban growth chapter is also similar in its aim “*to promote development of vacant land, and redevelopment and more intensive use of the urban area as a whole, in a manner consistent with maintaining and improving the character and amenity values of neighbourhoods, and the quality of the built environment”.* The explanation and reasons to this policy notes that “*redevelopment and infill has to be carried out in a manner which is sensitive to the receiving environment and which avoids, or mitigates adverse effects. This can be done for example, by ensuring that buildings are designed and located in sympathy with their surroundings, that sites are able to be adequately landscaped, and by ensuring that heritage buildings and special amenity areas are retained wherever possible”.*

Rules

The existing Living 4 zone rules do not explicitly control design and appearance matters, rather they control the bulk and location of buildings on a site, the dimensions of outdoor living and service areas, parking areas, and width of landscaping along the street frontage. The external design and appearance of new buildings and alterations (where visible from a public place) is however controlled in several of the L4 SAMs.

3.2.3 Options

Status quo

The ‘status quo’ option retains the current Plan provisions unamended.

Benefits	Costs
<ul style="list-style-type: none"> • Ease of retaining the current Plan provisions, with which people are familiar. • The permitted activity status enables development to occur without the costs, delays, and uncertainty caused by the resource consent process. • Considerable freedom and discretion for individual landowners to design their buildings as they wish. This freedom can also be interpreted as a cost as it contains the risk that ‘ugly’ buildings may be constructed. 	<ul style="list-style-type: none"> • Adverse effects on the environment will continue to occur. • The objectives and policies of the Plan which encourage good quality design are unlikely to be uniformly achieved.

Non-statutory methods

This option involves the continued and intensified use and reliance on non- statutory methods including: design guidelines and education.

Benefits	Costs
<ul style="list-style-type: none"> • Guidelines assist people in planning well designed buildings. • No resource consent costs, compliance, monitoring or enforcement costs or delays resulting from consent processing. 	<ul style="list-style-type: none"> • Uncertain environmental outcomes and potential adverse environmental effects as compliance with guides is voluntary. • No enforcement powers or provisions. • Generally, the developers who are creating poor quality developments won't bother with voluntary design guides and those creating good quality developments don't need them. • Considerable resources required to develop and market alternative methods

Discretionary design controls

This option consists of the introduction of a rule relating to new multi-unit developments which enables the Council to either seek a specific style of building, or alternatively seek compliance with a range of urban design assessment matters (broadly similar to those currently expressed in the Council's voluntary L4 design guide). The introduction of such a rule could replace, or be in addition to, the existing bulk and location requirements.

Benefits	Costs

<ul style="list-style-type: none"> • This is a flexible approach which enables the site specific assessment of developments. • Potential for enhanced design, appearance and compatibility of buildings. • Avoids the need for detailed bulk and location rules that can be problematic to write for design-related matters. • May enable a reduction and simplification of the existing bulk and location rules if significant urban design matters are dealt with through this alternative approach. • By requiring all multi-unit developments to obtain consent, the incentive to design within the bulk and location standards to avoid needing a consent will be removed, thereby encouraging good designs (that none-the-less would break bulk and location controls) to still be progressed. • This option appears to be well established and producing generally acceptable outcomes in Wellington and Auckland and will enable closer alignment with the matters raised in the recent MfE urban design protocol. 	<ul style="list-style-type: none"> • Loss of 'enabling' status and associated certainty if all new multi-unit developments require consent. • Significantly increased levels of detail may be required in the Plan and administration and decision making costs may increase. • Greater compliance and resource consent costs for developers. • Potential difficulties with the achievement of consistent administration and hence consistent environmental outcomes. • Loss of individual freedom and design innovation if a specific building style is sought. • Perceived difficulties with objectively describing what is "acceptable design" and reliance on the "judgement" of Council experts or decision-maker.
--	---

More specific bulk and location standards

This option involves the introduction of additional bulk and location style rules that impose specific controls on design-related matters. Examples of such potential rules include:

- standards relating to the orientation of dwellings, for example requiring the front unit to 'face' the street, or alternatively requiring greater modulation in the front façade and the inclusion in the front façade of features such as windows, front doors, and balconies;
- standards relating to the location of garaging and habitable space on the ground floors;
- Better articulation of individual dwellings and dwelling entrances within a development;
- More detailed fencing and landscaping standards discussed

below; Benefits	Costs
-----------------	-------

<ul style="list-style-type: none"> • The permitted activity status of complying with a rule enables development to occur without the costs and delays caused by a blanket design and appearance resource consent option. • Potential for enhanced design and appearance and compatibility of buildings. • Potential for an enhanced streetscene through the avoidance of blank facades and lack of landscaping/high fencing. • Retains the potential for individual freedom and design innovation by not specifying a particular stylistic outcome. 	<ul style="list-style-type: none"> • Can be problematic to write rules controlling design matters that are succinct, unambiguous, not unduly restrictive, and which effectively control adverse effects. • May result in increased administration costs by introducing controls over previously unregulated design matters. • Even with improved bulk and location controls, the potential is likely to remain for 'ugly' buildings to be developed.
---	---

3.2.4 Discussion

A large number of factors combine to determine the overall design, appearance and/or quality of a development, including:

- The **size and shape of the site** has the greatest impact of any factor as it effectively determines the nature of the development which can occur on the site.
- The **scale or bulk of buildings** erected on a site, in comparison with those on the surrounding sites, also greatly influences the visual impact of developments on the surrounding area. Generally, buildings which are significantly larger and bulkier than those surrounding them have the potential for greater changes to the character of an area, although this change is not necessarily negative.
- The **location of the buildings** on the site also influences the relationship between the open space and buildings on the site as viewed from the street and adjacent sites. The most appropriate location for buildings on any particular site is strongly influenced by the pattern which exists within the surrounding area.
- The **orientation of the dwellings** on the site, in terms of the location of their front door, outdoor living, and service areas influences the appearance and character of the site as viewed from the street as well as the potential for visual and social interaction between the site, the street, and neighbouring units.
- The **style or details of a building (such as the materials, colours, pattern of doors, roofline, windows and other features)** will to a large extent determine whether a building complements those within its surroundings or whether it introduces new or 'foreign' elements to an area (this is not to suggest that such 'new or foreign' aspects are inherently better or worse than that which exists).

- The **amount, location and treatment of the open space on the site** and the **existence of, style, colour and height of fencing** will determine the

extent to which the buildings on the site are visually softened and/or separated from the street and adjacent sites.

None of these factors act or are perceived in isolation, rather they combine to create an overall impression. The **character and qualities** of the surrounding environment will furthermore determine its sensitivity to the introduction of developments with different characteristics.

The Plan objective with respect to the design of developments within the Living areas of the City provides a clear goal – the achievement of a high level of amenity through good quality building and site design. The objectives and policies relating to design compatibility are however anticipated to be implemented in a manner which is consistent with the Plan's overall strategy for urban consolidation which anticipates a significant increase in the scale and density of development within the L4 zones. Such density increases will not however be uniform throughout the L4 zones, with the Plan rules representing a contextual approach to height and plot ratio standards in recognition of the variety of existing building scale and street characteristics within the Four Avenues. As noted in the above discussion on density, new higher density buildings will inherently have a somewhat different character from detached single or two story dwellings. New development should however still have a good standard of design and appearance so that over time a new high quality, high density urban character is developed.

The Plan's policies are implemented throughout the living zones of the City by way of 'traditional' bulk and location rules which influence design choices by defining the envelope within which buildings are permitted to be erected and by requiring minimum standards for such matters as parking, screening and landscaping. The general regulatory approach of the Plan is one of enabling landowners to develop their land as they see fit, provided certain potential adverse effects are controlled. The existing bulk and location rules are therefore designed to control the potential effects of building, whilst enabling landowners to design their buildings and respond to market conditions as they wish, within the regulatory building 'envelope'. This existing approach means that it is possible for developments to be designed in such a way as to be fully complying with the Plan, thereby giving certainty to the landowner that they can proceed with their project without the costs, delays, and uncertainty of the resource consent process.

The bulk and location approach works well in a low density suburban context where buildings generally have a low bulk relative to the size of their site and a considerable amount of open space and opportunities for landscaping are retained. Due to the larger scale and density anticipated in the Living 4 zones, these zones are more sensitive to the effects of design choices than the other lower density residential areas of the City and therefore the current bulk and location approach may not be appropriate for effectively controlling adverse effects of large multi-unit developments.

An alternative regulatory approach, similar to that adopted in Wellington

and

Auckland, is that in addition to simplified bulk and location standards there is

also a general design and appearance resource consent requirement for all multi-unit developments where Council's discretion is limited to consideration of a range of urban design principles as assessment matters. The multi-unit assessment matters in the Wellington and Auckland Plans contain many of the elements currently included within the Council's voluntary L4 design guide. Such assessment matters could include consideration of site layout, the provision of adequate landscaping and open space, variety in the front façade rather than blank walls, garages being visually unobtrusive etc. The inclusion of urban design guidelines within District Plans has also been suggested as a possible Local Government action in a recent MfE report on urban design (Urban Design Protocol Action Pack , March 2005). Such an approach could replace a number of the current design-oriented bulk and location rules such as the controls on continuous building length, horizontal containment angles, and roof angle to height provisions.

Due to the considerable variety of existing building styles within the Four Avenues and issues of personal freedom it is considered problematic to specify a certain style of building eg. all new buildings are to look like turn of the century villas. If a specific style outcome was sought this would need to be for very discrete geographic areas where there was a homogenous style of building with clearly identified heritage values (see later discussion on heritage areas), and the gains in heritage retention would need to be very carefully weighed against the cost of personal freedom and limits on design innovation and creativity.

The introduction of a design and appearance rule over the entire L4 zone for new multi-unit developments would represent a major methodological shift in the regulatory approach of the Council. A blanket design rule (regardless of whether it sought a specific style or just consistency with a number of design principles) may impose significant costs on both landowners and the Council through increasing the number of resource consents needing to be processed. The shift away from the current enabling approach to one where a resource consent is required for every multi-unit development will need to be carefully justified to show that the potential benefits in design outcomes and flexibility outweigh the costs and loss of certainty for applicants of having to obtain a mandatory resource consent. It should be noted that the Wellington and Auckland design and appearance rules do not require neighbours' consent and are non-notified applications. The non-notified status of the rule helps to reduce potential time delays and uncertainty for applicants, albeit that community participation is also reduced.

An alternative to a design and appearance rule across the L4 zones is the introduction of several new bulk and location rules that target the design areas or principles that are causing most concern. Examples of areas that could be targeted by such controls are the treatment of blank street facades, orienting buildings to 'face' the street, design of front fences and landscaping, the location of garages, and the amount of outdoor living space. Such an approach would still enable complying developments to happen as of right without the need to go through the resource consent process, whilst also

addressing some of the key design areas that are currently causing concern. The challenge

however with any bulk and location approach is to draft clear simple rules that will deliver certain environmental outcomes for what can be complex design matters.

Voluntary design guides, while being a useful educative tool, cannot in themselves guarantee good design nor effectively control adverse effects. Broadly speaking, the developments that have caused the most community and officer concern in the past are those produced by developers focussing on the lower end of the market where it is perceived that the additional costs of good design are not able to be recouped. Alternatively, those developers aiming at the higher end of the market have a market incentive to construct good quality, well designed buildings. The availability of voluntary design guides is therefore likely to have only limited effect.

3.2.5 Summary

A number of multi-unit developments within the L4 zones have complied with the current Plan rules yet have produced poor urban design outcomes and associated adverse effects on the character of the area and the amenity of both neighbours and occupiers. An option that has been adopted in Wellington and Auckland is to require all multi-unit developments to obtain a discretionary resource consent relating to design and appearance where the proposal's compliance with a number of broad urban design principles could be assessed. The potential gains in terms of better design outcomes and the flexibility of a proposal being assessed against a range of principle-based assessment matters rather than compliance with specific design-related bulk and location rules will need to be carefully weighed against the costs of the resource consent process and the possible loss of certainty that is provided by the current bulk and location approach.

An alternative to a design and appearance controls is the review of the existing bulk and location rules and the potential introduction of several new rules to control design and appearance matters that are of particular concern such as front facades, the relationship of buildings to the street, location of garaging, and the quality of front fencing and landscaping,.

It is acknowledged that either the assessment matters for a new design and appearance rule or revised bulk and location provisions will need to be tailored to be relevant to the various L4 zones. The design and appearance issues relevant to high-rise apartment developments provided for in L4B zones can be quite different from the issues associated with three-story townhouse development common throughout much of the L4C areas. The decision on which of these broad regulatory approaches to adopt will have important implications for the form of any future Plan amendments.

3.3 The provision of on-site amenity

3.3.1 Issue explanation

A minimum level of on-site amenity is necessary to enable people to enjoy a pleasant, safe and healthy lifestyle. On-site amenity refers to the qualities that affect the enjoyment of a property including: access to sunlight, privacy, outlook, safety, sound/noise levels, and the amount of open space and landscaping on the site. The location and accessibility of features such as storage, parking and service areas also influence on-site amenity.

Poor amenity values may occur when the environment surrounding a site or the relationship between the units is not taken into account in the design of a development. Specifically, poor design can result in a combination of shading, lack of privacy, high noise levels, and inappropriate or inadequate provision for storage, parking and service areas. Even when a property has high levels of amenity, the property can be adversely affected at a later date as a result of a new development on an adjacent property. Existing low density developments are particularly susceptible to this occurring.

It is important to note that the majority of areas covered by the L4 zone have always been able to be developed to higher densities than more suburban locations, although the opportunity to develop to these higher densities has not always been taken up. There should therefore be an expectation that the amenity provided in residential areas close to the City centre is different from that which might reasonably be anticipated in more suburban locations. The amenity provided in higher density locations should however still be of an adequate level, with concerns being voiced that this adequate level may not be being delivered, especially with reference to the effects of building heights and setbacks. Concerns regarding building height, setback, and outdoor living space provisions relating to parts of the Living 4 zones have also been recently raised by the Environment Court².

3.3.2 Current City Plan provisions

Objectives and Policies

Plan objective 2-11.4 seeks to achieve a living environment that is pleasant and within which adverse effects on amenity values are avoided, remedied or mitigated, while still providing the opportunity for individual and community expression in terms of building design. Supporting policies seek to ensure that development does not unduly compromise privacy, outlook, and sunlight and that adequate provision is made for outdoor living, parking, and service functions. These policies also acknowledge that expectations of amenity levels will vary depending on the density of different living areas of the City. The plan standards controlling levels of privacy, sunlight, and outlook therefore vary according to zone and have been determined with regard to the density and character of the area and landowners reasonable expectations for development.

Rules

² Christchurch Civic Trust v CCC (RMA 610B/99).

The L4 zone rules require all residential units to be provided with outdoor living, service, car parking and manoeuvring areas. They also set out minimum standards for:

- The degree of sun light and outlook for neighbours (recession planes and horizontal containment angles);
- The setback of buildings, balconies and living room windows from boundaries with neighbouring properties;
- The area, dimensions, screening and location of outdoor living and service spaces; and

Maximum standards for:

- The height of buildings;
- The continuous length of buildings.

3.3.3 Options

Status quo

The ‘status quo’ option retains the current amenity-related plan provisions unchanged.

Benefits	Costs
<ul style="list-style-type: none"> • Ease for landowners with retaining the current Plan provisions that people are familiar with being retained. • The permitted activity status enables development to occur without the costs and delays caused by the resource consent process. 	<ul style="list-style-type: none"> • The levels of amenity expected by some residents may not be achieved, especially in terms of effects relating to building height and setback.

Non-statutory Options

This option involves the continued and intensified use of non-statutory methods including: design guidelines, incentives and education.

Benefits	Costs
<ul style="list-style-type: none"> • Guidelines assist people to provide good on-site amenities. • No resource consent costs, compliance, monitoring or enforcement costs. 	<ul style="list-style-type: none"> • Uncertain environmental outcomes potentially resulting in adverse effects on amenity values. • Considerable resources required to develop alternative methods, guidelines, etc. • Generally, the developers who are creating poor quality developments won't bother with voluntary design guides and those creating good quality developments don't need them. • No enforcement powers or provisions to control potential adverse effects if

Amending the Building Height rule 3-2.4.4.4

The Plan currently permits a range of building heights throughout the L4 Zones, depending on the differing sensitivities of these areas to building height. As noted in the above discussion on density and character, there may be merit in reviewing these height limits to ensure closer alignment with the permitted plot ratio standards and SAM-specific rules. A recent Environment Court decision concerning residential building within the Inner City East (CCT Vs CCC) noted that there may be merit in investigating a reduction in the maximum permitted building height in this part of the Four Avenues to 8m (generally two story) as a permitted activity, with development between 8m and 11m a discretionary activity and over 11m a non-complying activity.

Benefits	Costs
<ul style="list-style-type: none"> • May result in developments that are more in keeping with the scale of existing development in areas that are yet to be developed to L4 standards. • May improve streetscene amenity by reducing the visual impact of tall, blank, three or four story facades. • By reducing the contrast in bulk and height between old and new development may help to increase community acceptance of higher density development. • Would have associated positive effects in terms of sunlight, outlook, and reduced overlooking. 	<ul style="list-style-type: none"> • May reduce the development potential of sites and hence impact upon the achievement of the Plan's density objectives and policies. • A reduction in height may impose significant economic costs on landowners in terms of lost development potential. This is especially the case for narrow sites where site constraints mean the maximum permitted plot ratio can only be achieved through a three or four story building. • A reduction in height may result in an increase in site coverage (low, squat buildings) as developers seek to achieve the maximum permitted plot ratio of the site. • May impose suburban design outcomes on an urban, City Centre

Increasing the various building setback from boundary rules.

The Plan currently requires dwellings to be located at least 1.8m away from the side boundaries, with living area windows and balconies at first floor level or above required to be setback at least 3m from these boundaries. One option involves increasing the minimum required setback to potentially improve privacy and mitigate potential visual effects of building dominance on neighbours.

Benefits	Costs

<ul style="list-style-type: none"> • May result in improved levels of privacy and a reduction in the visual dominance of new development on adjoining sites. 	<ul style="list-style-type: none"> • May reduce the development potential of sites and hence impact upon the achievement of the plan's density objectives and policies. • An increase in setbacks that is greater in the higher density zones than the lower density suburban zones may be inconsistent with the overall zone purposes and anticipated levels of amenity. • An increase in the required setbacks may impose significant economic costs on landowners in terms of lost development potential. This is especially true on narrow sites where alternative site layout options are limited.
---	--

Decreasing the various building setback from boundary rules.

Matters raised as part of the above mentioned Environment Court decision included concerns that the current 1.8m building setback created 'waste' space that could be better used by enabling buildings to be built up to the site boundary.

Benefits	Costs
<ul style="list-style-type: none"> • May result in more efficient use of sites and better positioning of outdoor living space. • May increase the development potential of sites, thereby better achieving the Plan's density objectives. • Lack of windows (due to Building Act requirements) may improve privacy and reduce overlooking for neighbours. • May enable more flexibility for building designers. • Would enable terrace-style housing to be developed on neighbouring sites in the future. 	<ul style="list-style-type: none"> • May increase the visual dominance of buildings on adjacent properties. • Would require compliance with potentially costly Building Act requirements for fire rating residential buildings within 1m of the boundary. • The Building Act also imposes significant restrictions on windows within 1m of boundaries. These restrictions could result in a loss of visual amenity due to large blank facades. • Would make compliance with current recession plane requirements extremely difficult and therefore require a recession plane-related resource consent to be obtained or the recession plane provisions amended. Either option may result in an increase in shading and loss of daylight for neighbouring properties.

Introducing noise insulation standards for multi-unit developments.

The L4 provisions enable people to live in much closer proximity to one another than the lower density suburban zones. The Central City environment generally has higher levels of ambient noise than quiet suburban streets. The issue of enhanced noise insulation both in external walls and internal

walls

between units has been raised as something that would help to improve the on- site amenity of multi-unit developments.

Benefits	Costs
<ul style="list-style-type: none"> • May result in enhanced amenity levels for unit occupants and therefore the desirability of the units. • Reduce the potential for 'reverse sensitivity' issues where residential developments are close to commercial business and entertainment sites in a central City location. 	<ul style="list-style-type: none"> • Would increase construction costs and complexity.

3.3.4 Discussion

The *range* of amenity-related design matters that the Plan currently controls are similar for both low and high density residential zones. The differences are primarily in the *extent* of the outcome sought, e.g. the degree of protection from shading and overlooking provided through controls on the permitted height of buildings. As noted earlier in this document, the L4 (and L3) zones are areas of transition and some tension between the levels of amenity provided by old and new developments is inevitable. It is however still necessary for the Plan methods to achieve the policies aimed at maintaining an adequate level of amenity for residents.

Part of the desire by some parts of the community for lower height limits or increased building setback from boundaries is a reaction against the poor design and build quality of some recent developments. There is also some tension caused by the fact that the L4 zones, while not suburban, are not truly urban either. A truly urban residential form is possible within the mixed-use Central City commercial zones and it is in this zone that most recent high-rise apartment development has been focussed. Apart from small pockets of L4B, most L4 development takes the form of 2-4 story townhouses rather than apartment towers. Recent forms of development are also partly a response to the historical landuse patterns of the Central City whereby individual residential sections are generally rectangular in shape and sited at right angles to the street. Many of these sites have been further subdivided through the 1960s and 1970s with 'sausage flat' developments. The result of these historic patterns of subdivision are that most L4 zoned street blocks are in multiple ownership where coordinated, comprehensive redevelopment is extremely difficult to achieve. Recent developments have therefore tended to occur on single sites (or at most the amalgamation of two or three sites). It is unlikely that this pattern of redevelopment is going to change in the near future and therefore the zone rules need to be designed with this pattern of development in mind. Matters such as setback from the road or side boundaries, taller buildings, the location of garaging, and potential effects on the amenity of neighbours would not be such an issue if redevelopment occurred in a comprehensive manner and followed European-style terrace

housing models

with dwellings facing the street and parking at the rear, in basements, or on the street.

Within the L4 zones there is a considerable range of permitted height limits from 6m in parts of the Avon Loop up to 30m in parts of the L4B zone, with horizontal containment angles (for developments above 14m) and recession planes also influencing height and the shape of rooflines. The range of height limits in the Plan is in response to the scale of existing development, street characteristics, and sensitivity of different areas to the height of new buildings.

As sites in the L4 zone are redeveloped to higher densities, the tensions between differing scales of development can be expected to decline over time. Some parts of the L4 zones, especially those to the east of the city centre, are however experiencing very slow rates of redevelopment. Based on current rates of redevelopment, the tension of transition and the visual impact of occasional, large, three story buildings may therefore remain for several decades. In the recent CCT vs CCC Environment Court decision, the Judge suggested that within the Inner City East there would be merit in exploring whether lowering the permitted height limit to 8m, with development between

8m and 11m discretionary, and above 11m non-complying might achieve better environmental outcomes. It may also better reflect the market realities that the urban consolidation gains in density in this part of the City will take a considerable length of time to achieve and therefore the rules should reflect the fact that transition tensions need to be more carefully managed. Any large-scale reduction in permitted building heights is however likely to lead to a reduction in the development potential of sites, a reduction in the density of L4 zones, and lost economic opportunities for landowners. A reduction in height may also result in an increase in site coverage as developers seek to maximise development potential by erecting large, squat buildings rather than narrower, higher buildings.

The option to no longer require any side boundary setbacks (currently 1.8m) would enable a more efficient use of a site and an associated increase in design flexibility. These benefits would however need to be very carefully weighed against a potential loss of sunlight and outlook for neighbouring properties and a loss of visual amenity through having large blank walls (due to Building Act restrictions on windows on boundaries) erected hard on a boundary. Several recent developments that have involved garages being built on the boundary adjacent to an existing dwelling with windows on or very close to the boundary line have illustrated some of the difficulties in enabling new buildings to be located on the boundary in an infill situation. Building to boundary lines can work well for large, comprehensively developed sites, however the realities of erecting new dwellings in amongst existing dwellings can be problematic. The current Plan enables building within the setback to occur if it can be shown through the resource consent process that the effects on neighbouring properties are able to be effectively mitigated, with this current system perhaps representing a useful

compromise between developer and neighbour rights. A possible amendment to the current rule that permits garages to be built to the boundary could be to still enable such development,

except in cases where neighbouring dwellings have windows closer than 1.8m to the boundary.

Given the busy City centre location and high density nature of the L4 zones it has been suggested that the Plan should require certain standards of acoustic insulation both on external walls and internally between units. The Plan currently includes noise insulation standards in the mixed-use Central City Edge zone for residential, educational, and traveller accommodation developments. The additional construction costs of noise insulation standards would need to be balanced against the gains in amenity for future occupants were such standards to be introduced. The issue of acoustic and thermal insulation requirements for multi-unit developments is also being considered by the Department of Building and Housing as part of the current national review of the building code.

3.3.5 Summary

The levels of residential amenity provided in the higher density areas close to the city centre will always differ somewhat from that which might reasonably be expected in an outer suburban environment. The Plan should nonetheless still provide for adequate levels of amenity in the higher density areas. Surveys have shown that some residents in the L4 zone do have concerns regarding the height of buildings and the associated effects such as visual dominance, contrasting character, and potential reduction in privacy and outlook.

There is considerable merit in continuing with a contextualised approach to height limits within the L4 zones. Such an approach enables potential effects to be controlled whilst enabling taller development in appropriate locations. As noted above, the links between zoning, building height, plot ratio, and SAm-specific controls may benefit from a review to ensure that the package of rules is functioning in an effective, integrated manner. Any widespread reduction in the permitted height levels (and/or increasing building and window setback distances) need to be carefully weighed against the potential reduction in density and lost development opportunities for landowners. The additional construction costs of increased acoustic insulation would likewise need to be balanced against the amenity of future building occupiers.

3.4 The quantity, quality, and location of outdoor areas, landscaping, fencing, and carparking

3.4.1 Issue explanation

New multi-unit developments can result in the loss of established gardens and their replacement with large areas of impermeable surfaces and little or no green space. The loss of green space, combined with the poor design of boundary fencing, can have an adverse affect on the character and amenity

values of the surrounding area and the 'Garden City' image of Christchurch.

The impact of new developments on the character of existing residential neighbourhoods is often considered in terms of the height, bulk, design and location of the buildings alone, downplaying the influence of open space treatment and fencing on the character of a development. Even small areas of appropriately designed and located open space and landscaping or the retention of a couple of mature trees at the site frontage may however soften and significantly reduce the impact of large bulky buildings. Within the L1 and L2 zones, even if design is poor, the presence of a moderate building setback from the road combined with landscaping and trees along the road boundary help to screen and soften any adverse effects. Large areas of asphalt and high solid fencing alternatively tend to emphasise the built nature of a site and increase its visual impact on the character of the surrounding area.

The Plan standards currently permit developments that have high fencing, large visible areas of asphalt, and little landscaping or open space. There is an acknowledgement that such developments have not always achieved the Plan's objectives and policies and that they contribute towards community concerns regarding the effects that new developments have on the existing character of the L4 zones.

3.4.2 Current City Plan provisions

Objectives and Policies

City wide objectives and policies relating to the treatment of sites seek to enhance landscape quality, maintain and enhance tree cover, identify and protect trees that have special value to the community and recognise and

promote the 'Garden City' character of Christchurch (policy 4.2.1, 4.2.2, 4.2.6, and 4.3.3). The three related objectives for the living areas of the City seek a diversity of living environments that are pleasant, have good quality building and site design, and allow individual and community expression whilst ensuring adverse effects are avoided, remedied and mitigated (objectives 11.1, 11.4, and 11.5). The relevant supporting policies do however acknowledge that the amount of open space relative to the density of buildings will vary from zone to zone, and that for medium-high and high density central living areas buildings will dominate over open space and plantings (policy 11.1.4).

Rules

The Plan rules do not specifically control the treatment or design of outdoor areas and landscaping in residential areas. There are however a number of general zone rules that have a direct impact on the choices made in relation to open space and the opportunity for plantings, namely density, the provision of outdoor living and service areas, the provision of a minimum of one on-site carpark per residential unit, the provision of a 2m deep landscaping strip and a

4m deep building setback from the road boundary, and the allowance for solid fences to be erected up to 2m in height along the road frontage.

3.4.3 Options

Status quo

The 'status quo' option retains the current Plan provisions unamended.

Benefits	Costs
<ul style="list-style-type: none"> • Certainty for land owners and ease of implementation through the retention of familiar Plan provisions. • The permitted activity status for elements such as fencing and landscaping enables development to occur without the costs and delays caused by the resource consent process. 	<ul style="list-style-type: none"> • Adverse effects on streetscene and amenity will continue to occur through inadequate provision of outdoor space and landscaping. • Loss of amenity for occupants through inadequate outdoor living areas. • Possible over-supply of carparking leading to inefficient use of sites and adverse effects on amenity. • Continuation of high, solid fences along the street frontage with a loss of visual amenity and adverse effects on the garden city image.

Amending the outdoor living space rule

4.2.11

The current rule requires all units with a habitable room on the ground floor to have 30m² of outdoor living space with a minimum dimension of 3m. The reference to ground floor habitable rooms was intended to provide an exemption for apartment units that are wholly contained on or above the first floor and would therefore be disconnected from a privately owned outdoor living area. This exemption has in some cases provided an unintended incentive for developments to have only garages on the ground floor, therefore avoiding the need to provide an outdoor living area (garages are not defined in the Plan as a habitable room). There was considerable discussion regarding this rule in the recent Christchurch Civic Trust v CCC Environment Court case. The Court concluded that it did not have sufficient scope in the appeal to amend the rule, however the Court did voice concerns over perceived shortcomings in the rule as currently worded and recommended in its decision that this rule be the subject of further investigation. There are a number of potential options for amending this rule:

- Amending the rule so that units directly connected to their ground floor garage (ie. garage ground floor, living directly above on the first and second floors) need to provide an outdoor living space.
- Amending the rule so that each residential unit is required to have a habitable room on the ground floor and therefore must also provide an outdoor living space.
- Amending the rule so that an outdoor living space must be provided for each unit, regardless of whether or not they have a

habitable room on the ground floor (this could be a communal area for upstairs apartments).

- In association with any of the above options, increasing the amount of outdoor living space per unit from 30m².

Benefits	Costs
<ul style="list-style-type: none"> • Should result in more outdoor living space for residents, with a corresponding increase in on-site amenity. • May improve the streetscene, 'garden city' character, and the visual amenity of developments as there will be more outdoor living space and room for potential landscaping. • By requiring habitable rooms on the ground floor the visual dominance of garages will be reduced, with an improvement in visual amenity and the relationship of developments with the streetscape. • By requiring all units to provide some form of groundfloor outdoor living the incentive of only having garages on the ground floor would be removed, without the need to expressly require a groundfloor habitable room 	<ul style="list-style-type: none"> • May reduce the profitability of developments as the provision of additional outdoor living space may reduce the number of units the site is capable of providing. Increased amenity may however increase the value of the development. • Potential reduction in the number of units per site (due to increased outdoor living space) may have implications for the strategic objective of urban consolidation. • A requirement that all units include a ground floor room would limit design options that include first floor apartments. • An increase in outdoor living space may not meet occupier aspirations for low-maintenance units with no gardens. • There may be problems associated with the maintenance of communal outdoor living areas (eg: body corporate

Introducing a site coverage rule

Introduce a new rule that limits the maximum area of a site that can be covered by buildings. This rule could also be extended to include the area covered by impervious surfacing.

Benefits	Costs
----------	-------

<ul style="list-style-type: none"> • May improve the streetscape and the visual amenity of developments as there will be a minimum percentage of the site kept free of building and therefore available for potential landscaping. This would especially be the case if the amount of hardsurfacing is also controlled . • May result in taller, narrower buildings rather than large, low squat buildings (this could be a positive or negative effect) as developers seek to maximise plot ratio within site coverage constraints. 	<ul style="list-style-type: none"> • May have economic implications for landowners as the limitation on site coverage may reduce the number of units the site is capable of providing. Increased amenity may however increase the value of the development. • Potential reduction in the number of units per site would have implications for the strategic objective of urban consolidation. • A site coverage rule would reduce the design flexibility currently provided by the existing residential floor area ratio rule. • Restricting the amount of impervious surfacing in a site coverage rule may cause practical difficulties in providing sealed driveways to the rear of long narrow sites. • Controls on the amount of impervious surfacing may create enforcement difficulties as hardpaving of outdoor living areas could be provided at a later date without requiring a building consent.
--	--

Amending the carparking standards

Currently Living 4 developments are required to provide 1 garagable space per residential unit and 1 visitor space per 5 units. Concern has been expressed that the car parking requirement for the Living 4 zone is unnecessarily high, and is potentially affecting both the appearance of developments (visual dominance of garages) and the efficiency with which the sites are used. The carparking standards could therefore be amended so that in the L4 zone the provision of on-site carparking is optional. It has also been suggested that rather than a minimum standard there be a maximum standard, i.e. limiting the number of carparks per unit to 1.

Benefits	Costs
----------	-------

<ul style="list-style-type: none"> • Making the provision of on-site carparking optional would provide more flexibility in building design and more efficient use of sites. This would be achieved through the option of providing additional outdoor living space, habitable rooms, or additional units, rather than underused carparking spaces. • Consistent with objectives and policies in terms of encouraging higher density development near community focal points and the city centre therefore requiring less car dependency. • Consistent with the objectives and policies of the plan relating to the promotion of sustainable transport and a reduction in car trips. • Improved amenity at ground floor level due to a reduction in blank garage doors in the façade at street level and a reduction in the amount of hardsurfacing. 	<ul style="list-style-type: none"> • If there is market demand for one or more spaces then the option of not providing any on-site parking (i.e. no minimum on-site parking requirement) may have very limited take-up. • There may be considerable market resistance to the option of a maximum of only 1 space per unit, with a shortage of parking reducing the desirability of city centre living and thereby limiting the achievement of urban consolidation. • The profile of Inner City dwellers indicates that units are often tenanted in flatting situations and therefore are likely to have more than one vehicle (although this is also a function of the number of bedrooms). • Could result in pressure for more on-street parking if not enough parking is provided on-site, with increased tension between residents and City centre workers and visitors. • Inconsistent with policies seeking the provision of on-site carparking to protect streetscene amenity (policy 11.4.8).
---	---

Increased controls for fencing and landscaping

This option consists of the introduction of specific standards relating to fencing and landscaping on the street frontage such as reducing the permitted fence height, requiring landscaping to be visible from the street through front fences being made from visually permeable materials such as rails or trellis or set back to allow a small front planting strip, increasing the area of the required landscaping strip, or specifying the type of planting/ number of trees in that strip.

Benefits	Costs
<ul style="list-style-type: none"> • Enhanced design and appearance of front fencing and more visible landscaping may improve streetscene and the 'garden city' image. • Increased quality, quantity, and visibility of landscaping on the front boundary may improve the visual appearance of the site and reduce the impression that it is dominated by buildings and hardsurfacing. 	<ul style="list-style-type: none"> • Specific standards on fencing and landscaping would reduce flexibility in design and may increase costs to the developer. • Perceived loss of privacy, security, and an increase in noise if fence height is reduced and/or fences are required to be more visually permeable. • Increasing the area of the front landscaping strip may reduce the development potential of the site and the number of units it can contain. • May result in increased administration and decision making costs, due to increased regulation of fencing and landscaping.

3.4.4 Discussion

The objectives of the Plan express a clear desire for the site design of new developments to be of a good quality, for any adverse effects resulting from those developments to be avoided, remedied, or mitigated, and for the living areas of the City to be pleasant places in which to live, albeit that they will have differing characteristics. The "Garden City" image is also to be recognised and promoted, tree cover is to be maintained and enhanced, and sensitive landscape design is to be encouraged in the living areas of the city. Opportunities for individual and community expression are to be provided within this framework. The supporting policies provide a clear strategy as to how these objectives are to be achieved.

Despite the clarity of the objectives and policies with regard to the maintenance of open space and landscaping, there have been concerns expressed by the community that some recent multi-unit developments have resulted in a loss of open space and amenity. It would therefore appear that the links between the objectives and policies and the plan rules and methods are not as effective as they ought to be.

Requirements for Open Space

As noted above, density in the L4 zone is managed through a control on the maximum residential floor area ratio. Plot ratio gives building designers the flexibility of determining whether or not a taller, narrower building is more appropriate to the site as opposed to a large, low squat building. In the Living

4 zone there is no explicit site coverage rule, however the setting of the permitted plot ratio at 1.2 over most of the zone means that a two story building will result in 60% site coverage, with 40% of the site unbuilt. For three story buildings the site coverage reduces to 40%. In practice the

outdoor service space, outdoor living space, parking, vehicle
manoeuvring, and

setback from boundary requirements for buildings mean that a portion of the site will always remain free of buildings.

The introduction of a site coverage rule would have significant implications for the design flexibility that the plot ratio rule currently enables, i.e. designers can choose whether to have tall, slim developments or wider, lower developments. A more effective approach that would retain design flexibility, whilst also increasing the opportunity for garden plantings may be to amend the current rule relating to the provision of outdoor living space.

The plan requires that for every new residential unit a minimum of 30m² of outdoor living space be provided (rule 2-4.2.11). This requirement is however not imposed on any unit without a habitable room on the ground floor due to *“the unlikelihood that such spaces would be used”*, with units without a ground floor outdoor living area required to have a balcony of at least 5m². Although this exception may be a legitimate reason for not requiring outdoor living space for apartment units that are wholly contained at first floor level or above, it has created an anomaly whereby 2-3 storey townhouses with garaging alone on the ground floor also do not have to provide ground level outdoor living areas. This exception significantly increases the bulk of the overall building that can be erected (by reducing the amount of the site ‘lost’ to open space), provides an incentive to only include garages at street level (with associated adverse effects on the visual amenity of developments), limits the opportunities for substantial landscaping to be established, and therefore limits the amenity that such spaces can provide for both occupants and the amenity of the wider area. Given that it is unlikely that this type of development was envisaged when the rule was drafted, less open space is currently being provided on some sites than would have been anticipated at the time the Plan was prepared.

There are several options available for amending this rule. The first is to require that units that are directly connected to the ground floor through their own garage also have to be provided with outdoor living space. This would remove the incentive to just provide garages at ground level. The majority of developments in the L4A and L4C zones tend to be town houses with individual units stacked vertically (eg. garage ground floor, living 1st and 2nd floors above garage), rather than apartments where units are wholly contained on 1st or 2nd floors with other units below them at ground level. Most units therefore do have direct access to ground level, albeit that this is currently through garages.

An alternative is to simply require all units to have 30m² outdoor living, with the ability for these areas to be combined as communal open space for any units that are first floor or above. This would ensure that the site as a whole had usable outdoor living space and may be more effective than requiring all units to have a ground floor habitable room which would preclude the option of 1st and 2nd floor apartments. There may however be issues with outdoor space being separated from units, and maintenance of communal areas could become an issue if body corporate mechanisms

are not well developed. The issues surrounding the provision of communal ground level open space and

the most effective design solutions do differ considerably between three storey townhouse typologies and four plus storey apartment towers. The above options are focussed more on three storey developments, although the provision of well-designed balconies and communal recreation areas in apartment towers still have an important role to play in the provision of on-site amenity.

Any of the above options to increase the amount of outdoor living area is likely to have implications for the layout of the site and potentially the number of units that can be accommodated. The potential costs to developers and the strategic objective of urban consolidation in terms of lost development opportunities therefore need to be balanced against the amenity gains for both occupants, neighbours, and the wider streetscene.

The Treatment of Areas of Open Space

The plan includes a requirement for parking and manoeuvring areas to be sealed and a requirement for a 2m deep landscaping strip to be provided across the front of sites. The plan does not specify the number of trees to be provided on a site nor does it specify that this landscaping strip should be visible from the street, for example it can be hidden behind a 2m high front wall. It should also be noted that where 30m² of outdoor living space is provided, there is no requirement that this be in lawn or planted, for example it could be a paved courtyard.

The subdivision chapter of the plan sets minimum dimensions for both the legal width and formed width of accessways (Part 14, Table 5.2.2). If the formed width is less than the legal width the remainder is to be landscaped to provide a narrow landscaping strip along the driveway (Part 14, Appendix 4(8)). The application of this requirement is however limited due to accessways often being sealed for their full legal width, and where they are not there are a number of practical difficulties with landscaping above services and maintaining a good standard of upkeep of narrow landscaping strips by multiple owners.

The objectives and policies recognise that there are significant benefits from retaining existing mature trees, however the plan rules do not require such retention unless an individual tree or group of trees is specifically listed in the plan.

These rules in combination have permitted the creation of very barren sites that do little to mitigate the visual effect of large buildings or contribute to the 'Garden City' image. Potential solutions include strengthened requirements for the 2m front landscaping strip to include a certain number of trees depending on the length of frontage and/or to be visible from the street (possibly through visually permeable fencing eg. rails, recessed alcoves in the fence, low fencing etc.). Likewise a landscaping strip of even 0.5m along the side of a sealed driveway can have a significant positive effect in terms of the amenity of the site and reducing the visual dominance of hardsurfacing.

Fencing

There are three standards within the Plan relating to fencing within the L4 zones. The first is the requirement for all outdoor living, service and parking areas to be screened from adjacent sites and streets. The second is a requirement for any fence provided in order to screen an outdoor living area “be constructed with materials which harmonise with the unit”. The third restricts the height of fences to a maximum of 2m.

Given that fencing is usually the lowest cost and most easily maintained method of screening, these standards encourage the solid screen fencing of the street frontage of properties. This discourages interaction between the site and the street and creates a hard edge to the site. Indeed, unless a developer chooses to retain mature trees, plant tall trees within the landscaping strip, or to utilise landscaping as the required screening, any plantings within the required landscaping strip will be hidden from the street.

The requirement for fencing to be constructed from materials that harmonise with the buildings is also only applicable to some fences and is open to interpretation. Fencing is often constructed after the development has been completed, is not included on the original PIM application and does not in itself require building consent, and can therefore be difficult to monitor and enforce.

In addition to screening properties and having an influence on on-site amenity, fencing also plays an important role in maintaining adequate levels of privacy, security, and sound and fume buffering from often busy streets. High, impermeable fences are often perceived as being most suited for achieving privacy and security, although this is not necessarily the case. Well designed, visibly permeable fencing less than 2m high can enable better levels of passive surveillance of properties and the inclusion of planting as part of boundary treatment can add to the amenity of a site without detracting from the site’s privacy or security. Specific fencing rules requiring visual permeability could be varied depending on whether or not the site fronted an arterial or local road and whether or not the front fence screened the main outdoor living space in acknowledgement of the varied demands for privacy and noise buffering. A potentially simpler, and equally effective, alternative is to require the front landscaping strip to be visible, with this able to be achieved through a variety of methods such as low or visually permeable fencing, setting solid fencing behind a landscaping strip, including landscaping in raised ‘planter boxes’ as part of the fence, including steps in the fence line to enable planting in alcoves etc. The challenge will be drafting a clear, concise bulk and location style rule that still enables designers flexibility to select the most appropriate solution for the site. The adoption of a discretionary design and appearance rule, as discussed in previous sections, that included the treatment of front fencing and landscaping as an assessment matter represents an alternative method that may allow a degree of flexibility, whilst still ensuring good design outcomes.

Car parking standards

Within the L4 zone, the Plan requires one garagable on-site vehicle park per unit, with one visitor space also required for every five units. The plan

standards, combined with market expectations of on-site parking, have contributed towards the majority of new units having a double garage which in turn has implications for the visual appearance of the development and the use of land for parking that could possibly be used for additional habitable rooms or outdoor living.

Given that the L4 zone is located close to the central city and the relatively small size of many units, there are concerns that the parking standards are overly restrictive and reduce design flexibility. There may be merit in not requiring any parking spaces in the L4 zones which would significantly increase site layout options and reduce the amount of hardsurfacing and driveways. Clearly the amount of on-street parking would be likely to increase, however on-street parking is extremely common in city centres both within New Zealand and internationally and is part of an urban, as opposed to suburban, environment. To ensure that on-street parking problems are minimised, the number of required spaces could be linked to the size of the units so that one space could still be required for units over for example 80m² (as units under 80m² do not generally have more than two bedrooms and therefore potentially fewer occupants than larger units).

An alternative method would be to include a maximum parking standard eg. a maximum of one space per unit (unless parking is contained within a basement). Such an approach is common in the United Kingdom and would help to ensure that garaging does not visually dominate developments. A maximum of one space may however meet with considerable market resistance from purchasers wanting more than one space and may therefore reduce the attractiveness of inner city dwellings for prospective purchasers.

Role of the public street

In reviewing the provision of open space and landscaping for new private developments it is important to acknowledge the role that the design and treatment of public roads, waterway margins, parks, and the undergrounding of services have on the character of an area. Street tree planting and well designed and landscaped verges and median strips can help to create a sense of greenness within an area that would otherwise be dominated by buildings. The Council is currently involved in a number of Neighbourhood Improvement Plans (objective 11.6) and has a scheduled programme of kerb and channel replacement that often includes enlarging and landscaping the verges. Whilst sensitive treatment of public space along roadways and in parks can make a contribution to amenity, it cannot however act as an adequate substitute for the good design of new development and in itself is unlikely to provide an acceptable level of amenity.

Summary

Concerns have been expressed by some residents, Council Officers, and design professionals that some recent developments in the L4 zones have resulted in a loss of trees and gardens that in turn has created a streetscene dominated by buildings and hardsurfacing in conflict with Christchurch's garden city image. The objectives and policies of the Plan make it clear that despite the increase in building density, some open space and landscaping

is

anticipated and the City's garden city character is to be maintained and enhanced.

It is recognised that the amount, location, design and treatment of open space, fencing and carparking have a significant impact on the character of a site. Even small areas of appropriately designed and located open space and landscaping may significantly reduce the impact of large bulky buildings. Large areas of impervious surfacing and poorly designed fencing conversely emphasise the large scale of a development and hence increase its impact on the character of the surrounding area. For these reasons there may be considerable benefit in amending the rules relating to open space, landscaping, fencing, and carparking. It is also important to emphasise that if the general design and appearance resource consent approach discussed above is adopted then these issues could be included as assessment matters rather than as prescriptive rules.

3.5 *The size and shape of sites & comprehensive developments*

3.5.1 *Issue explanation*

The size and shape of a site strongly influences and in some cases limits the options available for redevelopment. Large or amalgamated sites enable greater flexibility in building layout and often also enable larger, bulkier buildings to be erected, while small sites disproportionately constrain the size of buildings and tend to promote a row of units going back at right angles to the street. Due to the perceived amenity and design benefits that can result from site amalgamation and comprehensive developments it has been suggested that planning incentives could be introduced to encourage such developments in the form of increased height and plot ratio allowances. Concerns have alternatively been raised that the amalgamation of sites and the ability to construct large, bulky developments should be subject to *additional* planning controls due to the greater potential for adverse effects that can arise from poorly designed large developments.

3.5.2 *Current City Plan provisions*

The plan does not have any objectives, policies, or rules that explicitly deal with the development of large sites or large developments. A number of the objectives and policies discussed earlier in this document relating to developments being well-designed and providing good levels of amenity are however still relevant in a general sense.

3.5.3 *Options*

Status quo

The 'status quo' option retains the current Plan provisions

unamended.

Benefits	Costs
<ul style="list-style-type: none"> • Certainty for land owners and ease of implementation through the retention of familiar current Plan provisions. • The status quo is neither for or against comprehensive large developments. • The permitted activity status enables development to occur without the costs and delays caused by the resource consent process and brings certainty to landowners. 	<ul style="list-style-type: none"> • Due to the potential for comprehensive developments to develop to a greater scale than surrounding developments the potential for adverse effects will remain. • Site by site redevelopment is likely to continue, with associated limitations on site layout and integration.

Specific additional bulk and location style standards for comprehensive developments.

This option consists of the introduction of specific bulk and location rules to control the potential adverse effects of comprehensive developments. It is likely that any such rules, whilst tailored to larger developments, would still address similar matters to those proposed in previous sections, for example dealing with buildings facing the street and the amount of landscaping and outdoor living space. The advantages and disadvantages are therefore similar to those discussed previously. It should be noted that if the option discussed earlier in this paper concerning a discretionary design and appearance resource consent for all multi-unit developments is adopted then the assessment matters are likely to also be equally applicable to large comprehensive developments and further standards would not be necessary.

Benefits	Costs
<ul style="list-style-type: none"> • Plan provisions tailored specifically for large developments means that the potential adverse effects of such developments are able to be effectively mitigated. • Enhanced design, appearance, and amenity for both occupants and neighbours. • Enhanced streetscene through the avoidance of blank facades and lack of landscaping/ high fencing. 	<ul style="list-style-type: none"> • May reduce the development potential of sites and hence impact upon the achievement of the Plan's density objectives and policies. • Significantly increased levels of detail may be required in the Plan. • May result in a proscribed design outcome and a loss of design expression and flexibility for individual landowners. • Would result in increased administration costs by introducing controls over previously unregulated design matters. • Can be problematic to write bulk and location rules controlling design matters that are succinct, unambiguous, not unduly restrictive, and which effectively control adverse effects.

Planning incentives/ lenient rules to encourage comprehensive developments.

This option consists of the introduction of plan provisions that encourage comprehensive developments and the amalgamation of sites. Provisions could for example include increased plot ratio and height allowances for sites over a certain size.

Benefits	Costs
<ul style="list-style-type: none"> • Would encourage the amalgamation of sites and the associated benefits of increased layout flexibility and the opportunity to develop buildings parallel to the street rather than at right angles. • May better achieve the Plan’s objectives and policies seeking an increase in density. 	<ul style="list-style-type: none"> • If large developments are poorly designed then the potential for adverse effects increases. • The Plan already to a certain extent encourages site amalgamation through the ability to ‘internalise’ non-compliances.

3.5.4 Discussion

Much of the Living 4 zone still has the historic pattern of long narrow sites. This pattern is especially evident in some eastern areas where many sites are up to fifty metres deep and only 12 to 16 metres wide. Unless several of these sites are amalgamated there are few site layout options available for the redevelopment of these sites to the density anticipated by the Plan. Where redevelopment of long narrow sites is possible, the site constraints tend to generate long blocks at right angles to the street with large visible sealed driveway areas. In many overseas cities with a long history of higher density development, higher density development tends to result in terraced buildings that face the street, with parking either on the street or to the rear via service lanes. Such comprehensive development is difficult to achieve in ‘in-fill’ situations due to the difficulties in amalgamating sites. The risk and expense involved in undertaking a large development can be considerable and therefore smaller, site by site developments can be more economically achievable.

The amalgamation of a number of long narrow sites to form a single, larger, site creates many more options for redevelopment of the land. A particular benefit of site amalgamation is the opportunity to create developments that face and run parallel with the street, with garaging either underground or to the rear of sites and with increased opportunities for communal open spaces. Large sites also enable taller buildings to be erected towards the middle of the site without compromising the sunlight or outlook of neighbouring properties. Due to their larger scale, comprehensive developments also have greater potential to have an adverse effect on streetscene if poorly designed, for example by turning their backs to the street and presenting a long row of garage doors and blank facades. The amalgamation of sites and the construction of large comprehensive developments therefore has the potential for both positive and negative effects.

Unlike the Transitional Christchurch City Plan (City Section) and Plans for other cities within New Zealand, there are no provisions within the Plan that explicitly encourage or discourage comprehensive developments or that deal with the specific effects that might arise from such developments. Under the existing Plan rules, comprehensive developments do however have an inherent advantage from the developers' perspective by often enabling a higher density of development once sites are combined than that which would be possible on each site individually – the sum is greater than the parts. This higher density is possible through the reduction in land 'lost' to boundary setbacks and driveways, and the ability to internalise recession plane and on-site manoeuvring non-compliances between individual units within the overall development. The positive environmental effects achieved by the enhanced layout and design options provided by larger sites may justify the provision of increased plot ratio and height allowances to developments occurring on sites over a certain size, however the positive effects of any such increases would need to be carefully balanced against the potential for large developments to be markedly out of keeping with the character of the surrounding area. It is important to note that were the option discussed earlier in this paper relating to a design and appearance rule covering all multi-unit developments to be adopted then the issues covered in the assessment matters of that rule are likely to also be applicable to large comprehensive developments and may therefore provide a useful balance in the rule package by enabling taller or bulkier development on large sites provided that it is well designed and laid out on the site.

Summary

There are three broad options available to address the issues presented by large comprehensive developments. The first is to maintain the status quo whereby comprehensive developments are not explicitly encouraged or discouraged. The second is to introduce bulk and location controls or a discretionary design and appearance rule to mitigate potential effects of developments over a certain size. It may well be that these controls are no different to those proposed in the previous section dealing with design and appearance. The third option is to expressly encourage comprehensive developments through providing plot ratio and/or height bonuses for developments on sites over a certain size.

3.6 Areas & buildings with heritage & special amenity values

3.6.1 Explanation

There have been a number of concerns expressed by sections of the community that the removal of older buildings is resulting in a loss of character and heritage values of L4 zoned areas. These concerns relate both to the loss of older buildings and the perceived low quality of the design and appearance of their subsequent replacements.

3.6.2 Current City Plan provisions

Objectives and policies

The Plan's objectives and policies relating specifically to heritage seek to identify, conserve and restore heritage items and values (objective 4.3 and supporting policies). This is a strong approach aimed at not only the maintenance of identified heritage values but also their restoration.

With regard to character, the city-wide objectives for the living zones seek "*a diversity of living environments based on the differing characteristics of areas of the City*" (obj.11.1) and "*good quality building and site design to achieve a high level of amenity throughout the living areas of the City*" (obj. 11.5). Objective 11.6 seeks "*the conservation and enhancement of living areas and improvement, and where appropriate, replacement of existing housing*", with this objective being expanded upon in the associated policy 11.6.2 "*to encourage conservation and enhancement of existing housing stock in older living areas of the City, accepting that the replacement of existing housing stock is likely in medium-high and high density living areas*".

The supporting policies provide a 'three tiered' strategy to achieve the above objectives. The first tier is articulated in policy 11.1.1 relating to SAMs which seeks "*To conserve and enhance the character of living areas identified as "special amenity" areas*", with this approach reinforced by policy 11.5.1 which seeks "*to ensure building, open space and site design within identified "special amenity" areas in the living environment maintain and enhance their coherent urban character*". These policies are very strong and suggest an approach aimed at not only maintaining the existing character but at achieving an improvement in that character.

The second tier relates to the low density residential zones, with policy 11.1.2 seeking "*to maintain the general character of the suburban living environment*". Plan policies 4.2.3, 6.1.1, and 6.1.2, emphasise the need to maintain the suburban living environment and differentiate the approach for these areas from the approach for higher density areas.

The third tier of the strategy relates to higher density areas that have considerable potential for infill and redevelopment. Policy 11.1.3 seeks "*to promote change in the character of selected living areas through encouraging infill and site redevelopment*", with the explanation and reasons for the policy clarifying that these selected living areas are those located close to the inner city and around consolidation focal points, ie. the L3 and L4 zones. This policy needs to be considered in association with policy 11.5.2 which aims "*to encourage design compatible with existing development for infill and redevelopment throughout living areas*".

In conclusion, the plan seeks to *conserve and enhance* the character of SAMs, *maintain* the character of suburban zones, and *promote change* in the character of within medium and higher density areas, while at the same time *encouraging* good design.

Rules

The heritage provisions in the plan cover some 600 listed heritage items across the city and provide these buildings with varying degrees of protection from demolition, removal, and inappropriate alterations and additions, depending on the category of listing. There are 56 listed heritage buildings or objects within the L4 zones. The resource consent process enables the Council to assess the effects of the proposed works and to determine whether or not they should be permitted and if they are permitted what conditions, if any, should be imposed. A number of non-regulatory methods identified in the plan also encourage the retention of heritage buildings throughout the City.

Eleven areas within the Living 4 zones are identified as being SAMs. A mix of SAM-specific plot ratio, height, and setback from the street controls have been applied to all of these SAMs. An external design and appearance rule also applies to seven of the SAMs (22, 23a, 26, 30, 31, 32, 33). This provision requires that a resource consent is obtained for design and appearance matters relating to any new buildings or alterations where these are visible from a public place (typically the street).

It is important to emphasise that the rules do not focus on the heritage values of buildings within the SAMs and are not a mechanism for the protection of these buildings from demolition or removal. The SAM provisions are rather intended to ensure that the bulk and location of new buildings are in keeping with the scale of development in the SAM and are well designed (in SAMs with a design and appearance rule). A recent Environment Court outcome (consent order RMA 446/99) has increased the level of detail and specificity in the Plan assessment matters for SAM 22, 30, 31, 32, and 33 so that the special characteristics of these SAMs are able to be more clearly considered when assessing design and appearance consent applications.

In addition to SAM-specific rules, the Council has produced a series of non-statutory leaflets on the majority of the City’s SAMs to help inform residents and developers of the history and any special features of these areas. These booklets describe the SAM and the key design elements to consider, as well as outlining any SAM-specific rules. The leaflets go on to recommend that the Council’s urban design team be consulted prior to making an application for resource consent in a SAM.

3.6.3 Options

Status quo

The ‘status quo’ option retains the current Plan provisions

unamended. Benefits	Costs
---------------------	-------

<ul style="list-style-type: none"> • Certainty for land owners and ease of implementation via the retention of the current Plan provisions, with which people are familiar. 	<ul style="list-style-type: none"> • Possible loss of individual historically important buildings may continue, especially if these are not listed in the Plan. • Possible loss of heritage streetscapes due to ad hoc infill development in conflicting styles. • Possible loss of character due to inadequate SAm-specific rules. • A lack of detailed assessment criteria in the Plan regarding the important character elements to be maintained in individual SAmS increases the potential for inconsistent Plan administration of SAmS.
--	---

Increased / Reviewed Heritage Protection

Additional historically significant buildings and areas within the Living 4 zones may be identified through a city-wide review of the Plan’s heritage listings that is currently underway as a separate process. This separate review raised the option of introducing a heritage conservation area concept to enable protection of areas where individual buildings in themselves do not have sufficient heritage value to justify listing, however an intact streetscape of older buildings does cumulatively contain significant heritage values i.e. the sum is greater than the parts. Heritage conservation areas in other New Zealand District Plans typically contain controls on demolition and the design and appearance of new buildings and alterations. It should be noted that a far more detailed assessment of the benefits and costs of various methods of heritage protection, including consideration of non-statutory methods, would need to be undertaken before heritage conservation areas could be introduced.

Benefits	Costs
----------	-------

**ATTACHMENT 9 TO CLAUSE 3
PLANNING COMMITTEE 15. 2. 2013**

<ul style="list-style-type: none">• Increased protection for buildings with heritage value, and associated retention of the character that these buildings contribute to an area.• More effective achievement of the Plan's heritage related objectives and policies.	<ul style="list-style-type: none">• Potential reduction in development opportunities for some building owners.• Administration and decision making costs may increase if the number of listed buildings and areas are increased.• May have a negative effect on the urban consolidation objective through reduced higher density development. This may be limited depending on the number of identified buildings.• May not meet community concerns due to potentially only a limited number of buildings and streets meeting heritage listing criteria.
--	---

Increased / reviewed Character and Amenity Protection

Special Amenity Areas are supposed to identify and retain the elements that make up the special character of an area. It has been suggested that the rules and assessment matters are not currently adequate to achieve this goal and that considerably more detail and ‘teeth’ need to be included in the Plan. Concerns about the intent and function of SAMs goes wider than just the L4 zones and therefore should be addressed through a separate City-wide review.

Benefits	Costs
<ul style="list-style-type: none"> • Increased protection for areas of ‘special’ amenity or character from the effects of inappropriate new development. • Potentially more effective achievement of the Plan’s character-related objectives and policies for areas with an existing special character. 	<ul style="list-style-type: none"> • More restricted development opportunities for some land owners and potentially greater compliance and resource consent costs. • Significantly increased levels of detail may be required in the plan and administration and decision making costs may increase. • May be a limited number of areas within the L4 zones that have an existing coherent character, and therefore revised SAM provisions may still have only a very limited ability to influence the character of the L4 zone as a whole. • Distracts from the need to provide a good level of amenity across the L4 zone as a whole.

Non-statutory Options

This option involves the continued and intensified use of non-statutory methods to maintain and enhance SAMs such as voluntary design guidelines and education.

Benefits	Costs
<ul style="list-style-type: none"> • Education may encourage owners to value and appreciate their buildings and promote a more cooperative approach between the Council and owners. • Guidelines assist people to create well designed buildings. • No resource consent costs, compliance, monitoring or enforcement costs 	<ul style="list-style-type: none"> • Will require a considerable effort to continually promote the guidelines and to encourage their use. • Given that poor development has already occurred despite both existing design guides and plan rules, it is doubtful whether an entirely voluntary approach will be adequate to ensure that poor development and its attendant adverse effects will not occur. • No enforcement powers or provisions.

3.6.4 Discussion

Heritage

The Plan's heritage-related objectives and policies are clear in that the values of identified buildings are to be conserved and protected. The methods included within the Plan support this direction by controlling demolition, removal, and alterations to listed buildings through the resource consent process. The Council also promotes a number of non-regulatory methods to encourage the retention and restoration of heritage buildings including the provision of education and advice to building owners, information about grants, and in some limited cases financial assistance or direct purchase of heritage buildings.

Significant community concerns have been voiced over the perceived loss of heritage buildings to infill development. Typically the lost buildings are older villas and workers cottages. Whilst such buildings may contribute to the character of an area, in the majority of cases they will not in themselves contain sufficient historic merit to justify being individually listed in the Plan as a heritage item.

Independent of this discussion on issues facing the Living 4 zone, the Council is currently reviewing the heritage objectives, policies, rules, and listings in the Plan. It is anticipated that this heritage review will examine the residential areas of Christchurch and will consider whether there are any additional buildings that warrant heritage listing. In addition to a review of heritage listings for individual buildings, a future investigation of a 'heritage conservation area' concept could be considered where individual buildings in and of themselves are not of sufficient historic merit to justify listing but where the coherent, intact, historic character of the street in which they're located does cumulatively have heritage value, that is, the sum is greater than the parts.

One option that has been raised by some residents in the past is to address the loss of character, as opposed to heritage, buildings through the introduction of a new category of designation that is separate from a heritage listing but that recognises the contribution a particular building makes to the character of the surrounding area – a listed character building rather than a listed heritage building. Broadly similar approaches have been considered in two recent Environment Court Cases (*Glendore v CCC*, *Christchurch Civic Trust v CCC*), with the Court identifying difficulties with such an approach, especially in areas where there is little consistent character or style. These potential problems include first identifying which buildings add 'character' to an area and secondly whether this contribution is sufficient in itself to justify protection of such buildings (and attendant potential lost opportunities for landowners). An alternative to seeking some means of protecting perceived character buildings is to improve the design and quality of the new buildings that replace them – in essence to create a good quality, higher density character.

Character and Amenity

As with heritage, the Plan's objectives and policies with respect to character and amenity are also clear. A diversity of living environments is to be promoted throughout the City, with good quality building and site design a key element in achieving high levels of amenity within the City's living areas. A strong approach is to be used to conserve and enhance the character of SAMs, with a more general policy across the Living 4 zones aimed at promoting change in character whilst encouraging good quality design with respect to infill and redevelopment.

There appears to be a degree of confusion regarding the purpose and the degree of regulatory protection attached to SAMs. The SAM concept in the Plan does not seek to protect existing buildings from demolition, rather the Plan provisions are designed to control the scale, location, and in some cases the design of new buildings and additions where these are visible from a public place (typically the street). The special characteristics of SAMs vary from location to location, and therefore the package of SAM-specific rules also varies. In some cases the package of rules includes controls on the design and appearance of buildings, however they can also merely require for example a larger than normal building setback from the street (with scope for a wide range of building designs beyond that setback). The lack of clarity in the Plan's assessment matters regarding the special character of identified SAMs has led to concerns from parts of the community that the Plan standards are inadequate to maintain the special character of SAMs and enable unsympathetic buildings to be erected.

It is important to emphasise that the concerns relating to SAMs are not limited to the L4 zone but are equally relevant to SAMs contained within the other living zones. It would therefore be appropriate to address SAMs in an integrated manner by undertaking a review of SAM provisions on a City-wide basis separate from the review of the Living 4 provisions. The outcomes of this review may well differ from SAM to SAM and depend on both community aspirations and a careful analysis of the costs and benefits of additional controls. If the community does want additional controls on building design then the Plan would need to be amended to give certainty as to the style and features that are considered important to be maintained.

In addition to SAMs, the Living 4C zone is described in the Plan as a Central City Character zone in acknowledgement of the residential character, amenity, and coherence of the area. The permitted height limits and controls on non-residential activities are therefore generally more stringent in the L4C zone than L4A and L4B. Within the Four Avenues all the SAMs with the exception of SAM 23a (Salisbury Street) and SAM 33 (Latimer Square) are located in the L4C zone. The Plan therefore seeks to acknowledge existing character through the zone rules where the L4C rules are generally more stringent than L4A and L4B, and within the L4C zone where the SAM-specific rules are more stringent again.

3.6.5 Summary

Heritage

The Plan includes clear objectives and policies with respect to the protection of historically significant buildings. The achievement of these objectives are supported by the related rules, heritage listings, and other non-regulatory methods. The Council is currently undertaking a separate City-wide review of the Plan's heritage provisions and listed buildings. A future study is also possible into the introduction of a heritage conservation area concept where intact, historically significant streetscapes receive some form of formal recognition and protection through the Plan. Such a concept could possibly replace some SAmS where there is a consistent, homogenous streetscape of heritage significance and where protection of that streetscape and style of building is desired.

Special amenity areas

The Plan's objectives and policies with respect to character and amenity are also clear. That links between the objectives and policies and their supporting methods such as SAmS and SAm-specific rules are not however as strong or clear as they might be. There are concerns regarding the lack of clarity as to the special character that is to be maintained and therefore the effectiveness of SAm-specific rules. This uncertainty has in some cases created a gap between community expectations of what a SAm should achieve and the level of character protection actually provided through the Plan. Concerns over the functioning of SAmS are not limited to those within the L4 zones but are a City-wide issue. A comprehensive, city-wide review of SAmS and their associated rule packages is therefore necessary to address these issues in an integrated manner. The introduction of a design and appearance rule for all multi-unit developments, or alternatively more detailed bulk and location rules addressing design matters, would assist in ensuring that new development takes into account the character of the surrounding area and results in a higher standard of urban design throughout the L4 zone, including SAmS.

3.7 Non-residential activities within the L4 zone

3.7.1 Issue explanation

The location of non-residential activities within residential areas can deliver considerable benefits by providing for both local community needs and the opportunity for residents to live close to where they work. Non-residential activities can however also have adverse effects on residential neighbours due to their potential for increased traffic and pedestrian movements, noise and disturbance, and the potential loss of residential neighbours and character.

3.7.2 Current City Plan provisions

Objectives and policies

The Plan acknowledges that non-residential activities in residential areas can serve an important function in meeting local community needs, however they also need to maintain a high standard of amenity (Objective 11.3). Policy

11.3.3 provides for a range of home-based employment opportunities and Policy 11.4.12 for non-residential activities generally, provided their scale is consistent with the surrounding environment and acceptable levels of amenity are able to be maintained.

Rules

The Plan currently permits up to 40m² or 30% (whichever is larger) of a residential site in the L4 zones to be used for a non-residential activity, provided that the activity meets a number of other standards relating to the number of people employed, site size, hours of operation, and traffic generation and parking. Within the L4C zones and apartment blocks over three stories in the L4A and L4B zones, non-residential activities can only be undertaken (without a resource consent) by those people residing on the site, i.e. the business can't employ people who reside elsewhere. To ensure that non-residential activities in L4A and L4B zones (non-apartments) include a residential component, the Plan requires at least one person engaged in the non-residential activity to reside on the site. The Plan does however make some important exceptions for educational, spiritual, day-care, and health facilities in recognition of the important community role that these activities fulfil, and also contains specific rules tailored towards mitigating the specific effects of travellers accommodation within the Avon Loop L4C area and fronting various streets elsewhere in the L4 zones.

3.7.3 Options

Status quo

The 'status quo' option retains the current Plan provisions unamended.

Benefits	Costs
<ul style="list-style-type: none"> • Certainty for land owners and ease of implementation through the retention of familiar current Plan provisions. • There does not generally seem to be high levels of community concern relating to non-residential activities in the L3 zone, therefore the status quo may be achieving the Plan objectives and major amendments are unnecessary. 	<ul style="list-style-type: none"> • Any existing problems with the current provisions will remain unresolved and potential adverse environmental effects will continue.

Review existing standards for non-residential activities.

This option consists of the review of the Plan rules relating to non-residential activities within the L4 zone.

Benefits	Costs

<ul style="list-style-type: none"> Given that the rest of the L4 rules are likely to be reviewed, the inclusion in a review of the non-residential rules will enable the zone provisions to be investigated in a comprehensive manner. If significant problems are revealed with the current rules then a review will enable these problems to be resolved and potential adverse effects to be more effectively mitigated. 	<ul style="list-style-type: none"> The current Plan provisions relating to non-residential activities do not appear to be causing undue concerns, therefore a review of them may not represent the most efficient use of Council resources.
--	--

3.7.4 Discussion

Enabling people to work from home and important local community facilities such as day-care or health facilities to locate within residential areas has a number of benefits such as shorter travel times, reduced congestion, and improving convenience and a sense of community. The Plan currently permits modest commercial activities to operate from residential properties, provided these business activities comply with a number of standards aimed at controlling their potential adverse effects on residential neighbours and the residential character of the wider living zone. Given that these activities occur in residential areas, and that neighbours therefore have a reasonable expectation that they will have residential neighbours, the Plan requires that all business activities must also be associated with a residential activity on the same site. An area that may warrant review is the requirement that the person residing on the site also be employed by the associated business. The environmental effect that the rule aims to control (loss of residential character and coherence) could be achieved by still requiring a residential component but dropping the requirement that residents also be employed by the associated on-site business. The split of the amount of building (plot ratio) between residential and non-residential activities would also benefit from clarification.

The Plan also includes some important exceptions to the above standards for educational, spiritual, day-care, and health facilities in recognition of the important community role that these facilities play and in recognition of the history that such activities have of being located within residential areas. It is also important to note that with the exception of a small area in North Beach, the L4 zones are located close to the City centre and therefore currently enable a higher density of people to locate close to services and sources of employment.

While community concerns have been raised in the past concerning some site-specific non-residential activities, there does not appear to be widespread community concern with the principle of mixed-use developments or community facilities locating in residential areas, provided their potential effects are able to be adequately mitigated. It would therefore appear that the current Plan provisions relating to non-residential activities do not require any fundamental changes, however relatively minor changes may

help in bringing greater clarity to rule application and enforcement.

Summary

The Plan seeks to maintain a balance between enabling non-residential activities to locate in residential areas and the need to maintain adequate levels of residential amenity and coherence. There does not currently appear to be widespread community concerns with the principle of a mix of uses, provided residential amenity is maintained. There does not therefore appear to be a pressing need to review the Plan provisions relating to non-residential activities in residential areas.

4.0 Summary

The above review of the Plan provisions, combined with discussions with Council Officers and general community and developer feedback over recent years has led to the identification of a number of issues relating to the effectiveness, clarity, and ability the existing plan provisions to achieve the outcomes anticipated for the Living 4 zones. It is important to note that many of the issues identified in this paper are interrelated and therefore the analysis and conclusions with respect to each individual issue should not be considered in isolation.

The principle conclusions of this issues and options paper are:

- **Density:** The plan currently enables development to occur in the L4 zones that is in many cases higher than the existing density of development. Increasing the density of the L4 zone is seen as being of strategic importance in terms of how the growth of the City is managed (ie. consolidation), the provision of a variety of housing styles to meet the differing needs of the City's residents, and to help promote sustainable forms of transport and the efficient use of existing infrastructure. The Plan acknowledges that in permitting a higher density of development there will be a change in the character of the L4 zone. Given the strategic importance of urban consolidation and the provision of a diverse range of housing styles, there are significant implications were the permitted density of development in the L4 zone to be reduced. There is merit in continuing with the current fine-grained approach to height and plot ratio throughout the L4 zones, although the current package of standards would benefit from being more closely aligned i.e. ensuring that for areas where greater height is acceptable, the plot ratio allowances are adequate to enable those heights to be achieved. There may also be merit in just having a single L4 zone to simplify the L4 rules i.e. doing away with the A, B and C tags, with differences in plot ratio and height mapped.

New development, while being of greater density, should however still be well designed and provide adequate levels of amenity. A number of options for amending the plan rules governing the design, height, outdoor living, and carparking may however have the potential, in combination, to affect the amount of development possible, especially for smaller sites.

- **Design & appearance:** The design and appearance of multi-unit developments has a significant influence on whether such developments have positive or negative effects on the streetscene and amenity of both occupants and neighbours. Options to address the environmental effects of poor design include the introduction of a rule requiring all multi-unit developments to be assessed on design and appearance matters. Such a rule could require an application to be assessed against a number of urban design principles whilst retaining considerable flexibility for individual building designs. This approach has been adopted by Wellington and Auckland Councils, with the assessment matters in these Plans addressing matters relating to the location of buildings on the site, orientation of buildings to the street, relationship of buildings to neighbouring developments, location of carparking, landscaping, fencing and open space. Such an approach could replace a number of the current design-oriented bulk and location rules such as the controls on continuous building length, horizontal containment angles, and roof angle to height provisions. The requirement for all multi-unit developments to obtain resource consent on design and appearance matters presents a significant departure from the current plan 'bulk and location' approach that creates a building envelope within which buildings of any style can be erected without the need for a resource consent. The gains in terms of potentially better design outcomes and the flexibility of compliance with urban design principle-based assessment criteria need to be carefully weighed against the costs of the resource consent process and the loss of certainty as to what will be acceptable that is provided by the current bulk and location approach.

An alternative to a blanket design and appearance rule is the introduction of several new bulk and location rules that address design aspects that are of particular concern. Examples could include rules requiring the orientation of front units to face the street rather than the side driveway, increasing the level of articulation and detail in street facades, and the treatment of front fences, landscaping, and open space. This approach will enable certainty for landowners through not requiring a resource consent if they design in accordance with the plan rules and will help ensure that new buildings meet minimum requirements for key design matters. The drafting of simple, unambiguous rules to control often complex design issues can however be problematic.

- **On-site amenity:** Recent surveys of residents in and adjacent to new higher density developments have shown that residents are generally happy with a number of matters related to on-site amenity provided in new developments. There have however been consistent concerns relating to the height of new developments, especially when they occur adjacent to existing single story dwellings. This tension between new and existing development of different densities is likely to reduce over time as more of the L4 zone is redeveloped. It is however recognised that certain L4 zoned areas such as the inner city east have been slow to redevelop and as such the tensions caused by occasional large three story

buildings and their

perceived effects of shading, overlooking, and visual dominance are likely to remain for some time.

An option for overcoming these concerns is to review the building height rule. One option that was discussed at a recent Environment Court case concerning multi-unit development in parts of the higher density L4 zones was to reduce the permitted building height to 8m, with development between 8m and 11m discretionary and above 11m non-complying. Any changes to the building height rule will need to be carefully considered in terms of their potential to impact on the development potential of sites, cause large squat buildings (as owners seek to maximise their permitted plot ratio), or discourage redevelopment and urban renewal.

- **Treatment of outdoor areas:** Some new developments have resulted in very bare sites with large areas of impervious surfacing, little outdoor living area, and large, blank fences along the street frontage. The Plan currently only requires an outdoor living area to be provided for residential units with a room on the ground floor (with balconies required for apartments above ground level). This rule has contributed towards a number of new developments having only a garage on the ground floor and thereby not being required to provide outdoor living space. Options to increase the provision of outdoor living space include the provision of a communal outdoor space for units without a room on the ground floor, requiring all units to have a habitable room on the ground floor (and therefore also provide outdoor living space), or requiring the provision of outdoor space for units that have some direct link to the ground floor such as through their garage. These options are of particular relevance to the provision of outdoor living space for townhouse –style developments less than 11m in height. Tall apartment towers are a fundamentally different type of building with different outdoor living solutions.

The plan currently requires the provision of one garageable on-site carpark per unit in the L4 zone. This requirement may be too high given the location of the L4 zone close to the city centre or consolidation focal points and the fact that many L4 units only have one or two bedrooms. The reduction of the minimum carparking requirement to not require any on-site parking (possibly linked to smaller units) would enable more efficient use of sites and greater design flexibility, with the space currently taken up by potentially underused carparking able to be better used for additional outdoor living areas or habitable rooms. The proposed rule would be a minimum requirement so if it was felt that the market was demanding on-site parking then these could still be provided.

There would be benefits in reviewing the plan rules relating to landscaping and fencing between buildings and the street to overcome the lack of specificity in the current rules and to encourage more visible landscaping along the street frontage. If the design and appearance resource consent

option discussed above is adopted, fencing and landscaping could be included as assessment matters rather than as specific rules in themselves.

- **Large comprehensive developments:** The Plan currently neither explicitly encourages or discourages large, comprehensive developments, although the amalgamation of sites does currently enable development at a greater scale than that which would have been possible on smaller individual sites through the internalisation of non-compliances, the ability to share driveways and the reduction in land lost to building setbacks from boundaries. The amalgamation of sites to enable comprehensive redevelopment can have beneficial effects through the greater design and layout flexibility that a large site offers, for example the opportunity to develop a row of units facing the street rather than going back at right angles and better use of communal outdoor living space. Poorly designed large developments also have the potential for negative effects by turning their backs to the street and presenting long rows of garages in the street façade. Given the potential benefits in terms of site layout flexibility and the ability to erect taller buildings in the middle of large sites without unduly affecting neighbours' amenity, there may be merit in increasing the permitted height and plot ratio for larger sites over a certain size. If the option discussed earlier relating to a design and appearance rule covering all multi-unit developments were adopted then the issues covered in the assessment matters of that rule are likely to also be applicable to large comprehensive developments and could provide an effective balance between enabling taller developments on large sites and ensuring that they are well designed and laid out.
- **Heritage:** Feedback has been received from a number of residents regarding the perceived loss of heritage buildings to new development. It is noted that the terms 'heritage' and 'character' can often become confused and that old buildings, whilst contributing to an area's character, do not always contain sufficient heritage merit to justify their protection. A separate, comprehensive review of the plan's heritage provisions and the extent of listed heritage buildings is currently underway and will examine heritage issues in detail on a city-wide basis. This separate review has raised the option of introducing a heritage conservation area concept for areas with historically significant streetscapes, although such a move would require detailed investigation in its own right.
- **Special Amenity Areas (SAMs):** The Plan's objectives and policies with respect to character and amenity are also clear. That links between the objectives and policies and their supporting methods such as SAMs and SAM-specific rules are not however as strong or clear as they might be. There are concerns regarding the lack of clarity as to the special character that is to be maintained and therefore the effectiveness of SAM-specific rules. This uncertainty has in some cases created a gap between community expectations of what a SAM should achieve and the level of character protection actually provided through the Plan. Concerns over the functioning of SAMs are not limited to those within the L4 zones but are a City-wide issue. A comprehensive, city-wide review of SAMs and

their associated rule packages is therefore necessary to address these issues in an integrated manner. The introduction of a design and appearance rule

for all multi-unit developments, or alternatively more detailed bulk and location rules addressing design matters, would assist in ensuring that new development takes into account the character of the surrounding area and results in a higher standard of urban design throughout the L4 zone, including SAmS.

- **Non-residential activities:** The Plan seeks to maintain a balance between enabling non-residential activities to locate in residential areas and the need to maintain adequate levels of residential amenity and coherence. It appears that the current provisions relating to non-residential activities are in general adequately maintaining this balance.

(...)

CENTRAL CITY LIVING ZONES REVIEW – SUMMARY OF CHANGES

‘Central City’ = CBD as defined by the Canterbury Earthquake Recovery Act 2011:

CBD means the area bounded by—

- (a) the 4 avenues that are Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue, and Deans Avenue; and*
- (b) Harper Avenue*

‘the City’ = all of Christchurch City including the CBD.

PROVISION	OLD	NEW
Planning maps – extent of zones		
Living 4A zone	Bealey Ave/Colombo-Manchester & Fitzgerald Ave/Armagh-Hereford areas.	L4A zone deleted – it becomes the amended Living 4C.
Living 4B zone	Some located in Central City – east of Latimer Sq, (plus some located in North Beach outside the Central City).	In Central City L4B zone becomes the amended L4C. No L4B remains inside the Central City.
Living 4C zone	Covered some character areas in Central City	Extended to cover all residential areas in Central City but new rule specific areas created within i.e. ‘Residential coherence areas’ and ‘Avon Loop Area’.
Living 5 zone	11 areas in Christchurch – Two inside the Central City – Peterborough and Avon Loop.	<ul style="list-style-type: none"> • 13 areas across the City. In the Central City the Peterborough St L5 is now smaller and split into two; one of the balance areas renamed the Montreal St L5. • Zone description amended accordingly.
Volume 3 Rules and other clauses.		
L4A (Central City – Diverse)	Applied to the northern and eastern periphery of the central city business area	Former L4A areas now L4C, all rules and references to L4A deleted.
L4B		

	Applied to some Central City areas and North Beach – High Rise	<ul style="list-style-type: none"> L4B in Central City now L4C. L4B Applies only to areas outside the Central City -North Beach – High rise area & Carlton Mill area - zone description amended accordingly;
Development Standards		
Street scene (Volume 3, Part 2, 4.2.3)	<ul style="list-style-type: none"> Referred to L4B (Central City) which doesn't apply in Central City any more 	<ul style="list-style-type: none"> Reference to L4B (Central City) substituted with L4B (Carlton Mill) Road setback for L4B (Carlton Mill) - 2m; References to some SAm areas deleted;
Separation from neighbours (Volume 3, Part 2, 4.2.5)	L4B (Central City) – no setback from internal boundary	Rule for L4B (Central City) deleted as no such zone now. This has the effect of applying a 1.8m setback to all internal boundaries.
Critical Standards		
Building Height (Volume 3, Part 2, 4.4.4)	Corner of Hagley Avenue and Moorhouse Avenue was zoned L4B and the height limit was 30m	This area is now zoned L4C - with a reduced height limit of 14m (refer to new community stand. – Volume 3, Part 2, 4.3.7)
L4C		
Categories of Activities		
Corner of Hagley Ave and Moorhouse Ave area – other activities (Volume 3, Part 2, 4.1.5)	<ul style="list-style-type: none"> The area zoned L4B Compliance with Critical standard for Height (30m) limit was required 	<ul style="list-style-type: none"> Rezoned to L4C. Height Critical Standard Changed to a Community standard with a limit of 14m.
Development Standards		
List of standards which when breached require a non-notified resource consent (Volume 3, Part 2, 4.2)		Added new reference to the list – 4.2.10 Ground floor habitable room – residential activity (within Central City L4C zone)
Building height (Volume 3, Part 2, 4.2.1)		Added a new reference to the new Community Standard 4.3.7 (Building Height in Living 4C in Central City)
Street scene and accessways (Volume 3, Part 2, 4.2.3)	<ul style="list-style-type: none"> (a) required 1-2m street scene setbacks in L4C (Avon Loop) as per planning map 39G; 	<ul style="list-style-type: none"> references to L4C (Avon Loop) and map 39G deleted – normal L4C 2m setback rules apply;

	<ul style="list-style-type: none"> sub-clause (a)(v) providing for height reduction by 2m in some Central City areas (map 39G); sub-clause (c) - rule on placement of car parking in L4C (Avon Loop) For Park Tce (between Bealey and Armagh/Rolleston cnr) - road setback was 2m 	<ul style="list-style-type: none"> sub-clause (a)(v) deleted (no height reduction); rule (c) deleted Added new road setback of 4.5m for Park Tce L4C area; references to some SAm areas deleted;
Separation from neighbours (Volume 3, Part 2, 4.2.5)	L4C (Avon Loop) – no setback from internal boundary	Normal setback of 1.8m from internal now applies for Central City L4C zone in the Avon Loop area.
Urban design appearance and amenity (Volume 3, Part 2, 4.2.7)	Provisions combined for Central City and other SAm areas.	Clause altered – specific provisions for SAm areas within Central City - subject to assessment matters in 13.2.8 Urban design, appearance and amenity - Living 3, 4A, 4B and 4C Zones.
Ground floor habitable room (Volume 3, Part 2, 4.2.10)	Generic rule for all L3, 4A, 4B and 4C – 50% of all units in development shall have a habitable space at ground level.	<ul style="list-style-type: none"> Specific sub-clause added for L4C in Central City and percentage dropped to 30%; The rest of the rule altered to apply to L3, 4B and 4C outside the Central City – 50%
Outdoor living space (Volume 3, Part 2, 4.2.11)	Generic rule for all L3, 4A, 4B and 4C – 30m ² outdoor living space requirement, or 16m ² if combined with communal areas	<ul style="list-style-type: none"> Old L4C rule (30m² and 16m²) now applies in New Brighton L4C only; L4C (Central City) – 24m² or 12m² if combined with communal areas References to L4A deleted
Retailing and other activities (Volume 3, Part 2, 4.2.18)	<ul style="list-style-type: none"> Rule referred to L4C (Avon Loop) zone 	<ul style="list-style-type: none"> Reference altered to L4C (Central City) in the Avon Loop ...
Community Standards (other activities only)		
Scale of activity – other activities (Volume 3, Part 2, 4.3.1)	<ul style="list-style-type: none"> Referred to L4A and L4C (Avon Loop); Exception applied to L4A allowing larger gross floor area to be used for the educational, day care, spiritual, health or travellers' accommodation activity on the site (4.3.1)(a)(iii); Exception for L4A allowing more than 1 non-resident person to be employed in the educational, day care, spiritual, health or 	<ul style="list-style-type: none"> References changed to L4C and to L4C (Central City) in the Avon Loop (area shown hatched on the new Central City planning map) respectively; The exception in 4.3.1(a)(iii) applicable to L4A now applies to L4C; The exception in 4.3.1(c) is removed and the rule (one non-resident person employed on site) now applies in L4C (Central City) residential

	travellers' accommodation activity on the site (4.3.1)(c);	
Site size (Volume 3, Part 2, 4.3.2)	<ul style="list-style-type: none"> References to L4A and L4C (Avon Loop); 	<ul style="list-style-type: none"> References changed to L4C and to L4C (Central City) in the Avon Loop (area shown hatched on the new Central City planning map) respectively
Hours of operation – other activities (Volume 3, Part 2, 4.3.3)	<ul style="list-style-type: none"> Referred to L4C (Avon Loop) in exceptions to rule (a)(ii) & (b)(i); (b)(vi) refers to an exception for L4A in a specific area of Bealey Ave 	<ul style="list-style-type: none"> References in 4.3.3(a)(ii) & (b)(i) changed to L4C (Central City) in the Avon Loop (area shown hatched on the new Central City planning map) L4A is replaced with L4C for the same area in sub-clause (b)(vi)
Traffic generation – other activities (Volume 3, Part 2, 4.3.4)	(a)(iii) refers to an exception for L4A in a specific area of Bealey Ave	<ul style="list-style-type: none"> L4A is replaced with L4C for the same area
Residential coherence – other activities (Volume 3, Part 2, 4.3.6)	(b) & (c) refer to L4A and L4C (Avon Loop)	<ul style="list-style-type: none"> L4A is replaced with L4C and L4C (Avon Loop) with L4C shown as hatched in the Avon Loop
Building Height in Living 4C zones in the Central City – New rule (Volume 3, Part 2, 4.3.7)	<ul style="list-style-type: none"> Building heights as per current planning map 39D Corner of Hagley Avenue and Moorhouse Avenue L4B - height limit was 30m; Height limits for L4C (Avon Loop) as per map 39C (ranged from 6m to 12m); Area of L4B east of Latimer Sq – 20m Two areas of L4C north and south of Cranmer Sq – 11m Area of L4C between Rolleston Ave, Cambridge Tce, Montreal & Hereford St – 20m 	<ul style="list-style-type: none"> New rule refers to building heights as shown on the amended planning map 39D for Central City Living Zones Review. Some amended: Corner of Hagley Avenue and Moorhouse Avenue (now L4C) - new height of 14m; New height limit for Avon Loop area (now standard L4C) – 8m; L4B replaced with L4C, new height – 14m Two areas of L4C north and south of Cranmer Sq – new limit - 14m Area of L4C between Rolleston Ave, Cambridge Tce, Montreal & Hereford St – 14m
Critical Standards		
Residential site density (Volume 3, Part 2, 4.4.1)	<ul style="list-style-type: none"> Rule for L4A Rule for L4C excluding L4C (Avon Loop) – 1.2 floor ratio Exception for SAm 25, 26, 27 	<ul style="list-style-type: none"> L4A deleted 1.2 floor ratio rule for L4C now limited to L4C (New Brighton) only Exception for SAm 25, 26, 27 deleted

Site density - other activities (Volume 3, Part 2, 4.4.2)	<ul style="list-style-type: none"> • Rule for L4A • Exception for SAm 25, 26, 27 	<ul style="list-style-type: none"> • L4A deleted • Exception for SAm 25, 26, 27 deleted
Open space – residential activities – L4C (Avon Loop) (Volume 3, Part 2, 4.4.3)		Rule deleted
Building Height (Volume 3, Part 2, 4.4.4)	<ul style="list-style-type: none"> • Exception (i) - Height for L4A and L4C zones in accordance with planning maps 39B, D & G; • L4B (Central City) rule • Rule for L4C (central New Brighton) 	<ul style="list-style-type: none"> • Rule (i) deleted • Reference to community standard 4.3.7 for L4C height limits added to Note • changed to L4B (Carlton Mill Rd) • changed to L4C (central New Brighton only)
Retailing – other activities (Volume 3, Part 2, 4.4.5)	Reference to L4C (Avon Loop)	Changed to L4C (Central City) in the Avon Loop shown hatched on the amended map 39G
L5		
Categories of Activities (Volume 3, Part 2, 5.1)		
Residential activities and other activities (except travellers' accommodation) - all standards (Living 5 Zone) (Volume 3, Part 2, 5.1.1)	Reference to “Peterborough – As for L4A zone”;	<ul style="list-style-type: none"> • Reference changed to “Peterborough – As for L4C (Central City) zone”; • New reference added to “Montreal – As for L4C (Central City) zone”;
Development Standards (Volume 3, Part 2, 5.2)		
Site density (Volume 3, Part 2, 5.2.1)		Plot ratio of 0.8 for Montreal St L5 added
Sunlight & outlook for neighbours (Volume 3, Part 2, 5.2.3)	<ul style="list-style-type: none"> • No recession planes restriction for L5 along Montreal St; • Along Peterborough St Diagram D applied 	<ul style="list-style-type: none"> • Recession planes restriction for Montreal L5 added; • Peterborough St changed to Diagram E (less restrictive)
Street scene (Volume 3, Part 2, 5.2.4)	(c) Requirement for lower building height in L5 in Avon loop where no street setback was required as per the old map 39G.	(c) deleted and replaced with no street scene setback provision for those parts of Avon Loop L5 where no street scene setback is shown on the amended planning map 39G.
Separation from neighbours (Volume 3, Part 2, 5.2.7)		3m setback requirement now applies, Montreal L5 now added to the rule
External appearance (Volume 3, Part 2, 5.2.8)	<ul style="list-style-type: none"> • Montreal L5 had no controls, • (c) Building alterations and new buildings in 	<ul style="list-style-type: none"> • In both Montreal and Avon L5 areas, new buildings, alterations and additions visible from

	the Avon L5 were a controlled activity	<ul style="list-style-type: none"> Sub-clause (c) now deleted
Volume 3 Part 2 Critical Standards		
Site density (Volume 3, Part 2, 5.4.1)		<ul style="list-style-type: none"> Montreal L5 now subject to 0.9 plot ratio
Building Height (Volume 3, Part 2, 5.4.3)	Avon L5 – controls as per map 39G	Montreal and Avon L5 are now subject to maximum height as per map 39D
Volume 3 Part 2 Assessment matters		
Generally (Volume 3, Part 2, 13.2, 13.2.4, 13.2.7, 13.2.9, 13.2.10, 13.2.11, 13.2.13 - 13.2.17)	References to L4A, L4B and L4C	<ul style="list-style-type: none"> References to L4A deleted; References to L4B amended to L4B outside the Central City References to L4C amended to L4C outside the Central City where appropriate
Urban design, appearance and amenity - Living 3, 4A, 4B and 4C Zones (Volume 3, Part 2, 13.2.8)	(b) contained specific matters related to various SAm areas	Matters related to SAm 22, 30, 31, 32, 33 have been deleted
Volume 3 Part 2 – Living Zones - Appendices		
Appendix 1 – Recession planes and containment angle diagrams	<ul style="list-style-type: none"> References to L4A in various diagrams; Diagram D applied to all of L4C zone; and L5 (Peterborough) and adjoining non-living zones; Diagram E applied to L5 (Avon) and adjoining non-living zones 	<ul style="list-style-type: none"> References to L4A deleted in all diagrams; Diagram D applies to L4C zone outside the Central City only but references to L5 (Peterborough) and adjoining non-living zones are now in Diagram E Diagram E – references to L5 (Avon) and adjoining non-living zones now deleted Diagram E (less restrictive) now applies to L4C and L5 inside the Central City;
	<ul style="list-style-type: none"> MAPS 39B, D, G 	Amended as per new maps. 39G deleted as it has become redundant.
Volume 3, Part 1, Definitions		
Volume 3, Part 1 - Definitions	<ul style="list-style-type: none"> Definition of Height - referred to L4A 	<ul style="list-style-type: none"> Reference to L4A deleted
Other/Consequential amendments (likely not exhaustive)		
Part 7 – Cultural Zones	<ul style="list-style-type: none"> 3.3.1 Open Space - referred to L4A; 	<ul style="list-style-type: none"> Reference to L4A deleted

	<ul style="list-style-type: none"> • 3.3.3 Street Scene - referred to L4A; • 3.5.1 Building height – (c) referred to L4A and to planning maps 39B and D for height controls; • 3.6.2 – listings for Chch East and St Mary’s schools referred to L4A; 	<ul style="list-style-type: none"> • Reference to L4A deleted • Reference to L4A deleted; map reference to 39 B deleted. “ • Reference to L4A replaced with L4C
Part 8 – Special Purpose Zones	<ul style="list-style-type: none"> • 2.1 Zone Rules - referred to L4A; 	<ul style="list-style-type: none"> • Reference to L4A deleted
Part 9 – General City Rules	<ul style="list-style-type: none"> • 2.2.4 - exception from the rule on permitted temp. activities for L4A and L4B; • 3.4.2 and 3.4.3 - referred to L4A; • 3.4.5 - referred to L4A; • 3.5.1 Height - referred to L4A; Scheduled spiritual activities had an 11m height limit in accordance with planning maps 39B and 39D • 9.2 - referred to L4A 	<ul style="list-style-type: none"> • References to L4A and L4B deleted • Reference to L4A deleted • Reference to L4A deleted • Reference to L4A deleted; reference to 11m deleted and maps 39B deleted • Reference to L4A deleted
Part 10 – Heritage and Amenities	<ul style="list-style-type: none"> • 3.4.1 - referred to L4A 	<ul style="list-style-type: none"> • Reference changed to L4C
Part 11 – Health and Safety	<ul style="list-style-type: none"> • 1.3.4 - referred to L4A 	<ul style="list-style-type: none"> • Reference to L4A deleted
Part 13 – Transport	<ul style="list-style-type: none"> • 2.2.1 - Table 1- referred to L4A; • 2.2.10 Parking area and access design, Table 2 – list of residential zones included L4A 	<ul style="list-style-type: none"> • Reference to L4A deleted • Reference to L4A deleted
Part 14 - Subdivision	<ul style="list-style-type: none"> • 4.2.2; 4.2.3; 4.3.8 referred to L4A 	<ul style="list-style-type: none"> • References to L4A deleted
Planning Maps – Introduction - Designations	<ul style="list-style-type: none"> • Listed L4A zone 	<ul style="list-style-type: none"> • L4A listing deleted

PLANNING COMMITTEE 15. 2. 2013

4. PROPOSALS TO IMPROVE THE EARTHQUAKE-PRONE BUILDING SYSTEM IN NEW ZEALAND

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Unit Manager Resource Consents and Policy Approvals
Author:	Steve McCarthy, Unit Manager Resource Consents and Policy Approvals

PURPOSE OF REPORT

1. This report outlines the content of the Consultation Document: Building Seismic Performance which includes Ministry of Business, Innovation and Employment (MBIE) proposals to improve the system dealing with earthquake-prone buildings in New Zealand. The consultation document can be found at <http://www.dbh.govt.nz/current-consultations>.
2. Attached is a completed Submission: Building Seismic Performance Feedback Form (**Attachment 1**) which is a proposed Council response to MBIE's questions and proposals. It is based upon previous Council submissions made to the Royal Commission and supports the concept of a building rating system proposed in a report to the Planning Committee in October 2012.

EXECUTIVE SUMMARY

3. The Consultation Document and its proposals closely followed the release of the Canterbury Earthquakes Royal Commissions recommendations. The Council has previously considered many of the issues outlined following the earthquakes in Christchurch and has made submissions on them to the Canterbury Earthquakes Royal Commission.
4. Many buildings suffered irreparable damage in the Canterbury earthquakes. The Council is well placed to make submissions having witnessed damage to earthquake-prone buildings, buildings that had been strengthened and buildings built to new building standards.
5. The proposals are for a consistent national approach to dealing with earthquake-prone buildings, in essence:
 - (a) All non residential and multi unit, multi storey residential buildings to have a seismic capacity assessment within five years of the changes taking effect.
 - (b) All earthquake-prone buildings to be strengthened, or demolished, within 15 years of the changes taking effect. (The 15 year timeframe comprises five years for the assessment and 10 years for strengthening or demolition).
6. The proposals largely follow Royal Commission recommendations except that the Royal Commission also recommended:
 - (a) Residential buildings - individual local authorities to be able to require strengthening of hazardous elements in residential buildings (most residential buildings are not currently covered by the earthquake-prone building system).
 - (b) Unreinforced masonry buildings – faster timeframes for assessment (within two years) and strengthening (within seven years). Higher strengthening levels (to 50 per cent of new building requirements) for certain parts of unreinforced masonry buildings (chimneys, parapets, ornaments and external walls).
 - (c) Local Authority Powers – giving local authorities the option of requiring strengthening to be done faster and or to higher levels than those set by central government, after consulting with communities.
7. The proposed Council submission supports the principles and specific MBIE proposals including:
 - (a) seismic capacity assessments within five years;
 - (b) owners submitting plans for strengthening or demolition within 12 months of assessment;

PLANNING COMMITTEE 15. 2. 2013

4 Cont'd

- (c) timeframes for strengthening or demolition within 10 years;
 - (d) prioritisation of some critical buildings;
 - (e) a national publically accessible register and building rating system;
 - (f) exemption for some low risk buildings; and
 - (g) greater Central Government support for local authorities and building owners.
8. Based on our experiences in the Canterbury earthquakes, the proposed Council submission also supports the key Royal Commission recommendations regarding URM's (Unreinforced Masonry Buildings) and hazardous elements of buildings. Also extending local authority powers requiring different levels of strengthening and shorter timeframes including:
- (a) faster timeframes for assessment (within two years) and strengthening (within seven years);
 - (b) higher strengthening levels (to 50 per cent of new building standards) for certain parts of URM buildings (chimneys, ornaments and external walls); and
 - (c) local authority powers giving councils an option to require strengthening to be done faster and/or to higher levels than those set by central government, after consultation with communities.
9. Because of the number of residential homes with potentially hazardous elements i.e. unreinforced chimneys and an overall lower public risk, it is recommended that the Council submission does not support specific Royal Commission recommendations regarding
- (a) Residential Buildings - individual local authorities to be able to require strengthening of hazardous elements in residential buildings.
10. MBIE and the Christchurch City Council are hosting a Canterbury consultation meeting, one of seven nationally, which will be held on the 19 February 2013 from 6pm to 8pm at Templin Hall, Canterbury Horticultural Centre. This is designed to further explain the consultation document and help participants to make submissions.

FINANCIAL IMPLICATIONS

11. There is no specific funding provided in the Long Term Plan (LTP) to initiate a project to implement these proposals. Preliminary estimates as to the cost of implementing the proposals in the current form has been estimated at \$250,000 for the first five years whilst the seismic assessments are being carried out, and agreement with owners negotiated followed by \$150,000 a year as buildings proceed to be strengthened. Currently there is funding proposed in the Long Term Plan for the desktop assessment of earthquake-prone buildings in 2013/14 (\$257,261) and 2014/15 (\$157,081) which is funding that could be utilised if these proposals are adopted by Government.
12. There will be an economic impact on building owners for the cost of strengthening earthquake-prone buildings within the time frames provided in the proposals. If the strengthening target remains at +33 per cent NBS (New Building Standard) as outlined in the proposals, the estimated cost in Christchurch for strengthening 1,100 buildings would be approximately \$130 million, based on the MBIE figures in the consultation document. Constraints might be a lack of capacity in the building industry and consequent escalating prices.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

13. As above. Partial funding is available and the CERA process of requiring DEEs (Detailed Engineering Evaluations) of buildings is helping to support us in understanding the relative strength of many of the buildings in Christchurch.

PLANNING COMMITTEE 15. 2. 2013

4 Cont'd

LEGAL CONSIDERATIONS

14. If the Government adopts the proposals following the consultation round, there would be consequent changes to the Building Act 2004. The Act currently requires councils to adopt and to regularly review an Earthquake Prone, Dangerous and Insanitary Buildings Policy. The MBIE proposals do not comment on whether or not councils would still be required to adopt a policy in respect of earthquake-prone buildings. If a policy is still required its scope will be reduced if these proposals are adopted.

Have you considered the legal implications of the issue under consideration?

15. At this stage there are no legal implications associated with responding to this consultation document. The adoption of the proposals would lead to greater Government involvement and oversight. This would help in clarifying legal responsibilities for both local government and building owners.
16. Our legal advice is that the proposals do not state who will be responsible for the enforcement of the new requirements, and what enforcement tools will be provided. This is a matter which would need to be addressed as part of the required legislative changes to the Building Act 2004.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. The proposals support a project which is currently underway which involves undertaking a seismic assessment of commercial buildings in the city and establishing those that are earthquake-prone.
18. Adoption of the proposals in the consultation document would supersede the present Earthquake Prone, Dangerous and Insanitary Buildings Policy which currently needs to be reviewed in 2015 pursuant to provisions in the Building Act 2004.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

19. Yes, the proposals help in a future review of the Earthquake Prone, Dangerous and Insanitary Buildings Policy.

ALIGNMENT WITH STRATEGIES

20. Yes, aligns with page 89 of the LTP, administration of laws around building and development leading to safe buildings and reduction of environmental hazards. Also aligns with page 187 of the LTP, developing our urban environment, sustainable use of buildings and our heritage is protected.

Do the recommendations align with the Council's strategies?

21. These proposals align with the intent of the Council's Earthquake Prone, Dangerous and Insanitary Buildings Policy, if adopted in their present form.

CONSULTATION FULFILMENT

22. Whether or not there is general public support in Christchurch for the proposals in the consultation document will be further tested when the public consultation meeting on 19 February 2013 occurs. It is expected that the Council consideration of this matter along with the consultation meeting will result in a large amount of consultation feedback to the Government.

4 Cont'd**STAFF RECOMMENDATION**

It is recommended that the Planning Committee recommend that the Council:

- (a) Note that the proposals included in the Ministry of Business, Innovation and Employment consultation document largely align with the Council's Earthquake Prone, Dangerous and Insanitary Buildings Policy and support the submissions on this matter previously made to the Royal Commission in 2012.
- (b) Note that legislative change would be required to introduce the proposals, at which time the Council will have a further opportunity to make submissions to Parliament. There do not appear to be effective enforcement provisions proposed.
- (c) Note that the Council has supported the proposals to include a publicly displayed rating system for buildings. The Council has previously considered a report on this matter and has been awaiting the opportunity to comment to Government.
- (d) Resolve to make a submission to the Ministry of Business, Innovation and Employment by 8 March 2013 in support of the majority of the proposals and as outlined specifically in the attached Building Seismic Performance - Feedback Form.
- (e) In the Council's submission ask the Government to give specific attention to the enforcement of the proposed requirements for action to be taken to strengthen or demolish earthquake-prone buildings.

BACKGROUND (THE ISSUES)**Consultation Document: Building Seismic Performance**

- 23. The Consultation Document: Building Seismic Performance has been released by MBIE. The proposals included seek to improve the system dealing with earthquake-prone buildings in New Zealand.
- 24. The risk of major life-threatening earthquakes remains very low in New Zealand. The risk of dying in an earthquake is around one in a million annually, averaged across the whole population, compared with a one in 10,000 risk of dying in road accidents.
- 25. There is no such thing as an earthquake-proof building – any building may fail if the earthquake is big enough. Therefore, the system must strike a balance between protecting lives and the economic costs of strengthening or demolishing the most vulnerable buildings.
- 26. MBIE (incorporating the previous Department Building and Housing) has developed proposals based on the Royal Commission's findings and recommendations and in consultation with a Sector Reference Group. The Council is represented on the Sector Group by Steve McCarthy, Resource Consents and Building Policy Manager.

MBIE Proposals in Consultation Document

- 27. The MBIE proposals are that local authorities would be required to make a seismic capacity assessment of all non-residential and multi-unit, multi-storey residential buildings in their districts within five years of the legislation taking effect, using a standard methodology developed by central government, and to provide the resulting seismic capacity rating to building owners. An owner could have their building's seismic capacity rating changed by commissioning their own engineering assessment.
- 28. Assessments would be prioritised faster for certain buildings (e.g. buildings on transport routes identified as critical in an emergency).
- 29. Building information would be entered onto a publicly accessible register maintained by MBIE.

PLANNING COMMITTEE 15. 2. 2013

4 Cont'd

30. The current national earthquake-prone building threshold (one-third of the requirement for new buildings, often referred to as 33 per cent NBS) would not be changed. However, it is proposed to establish a mandatory national requirement for all buildings to be strengthened to above the current threshold, or demolished, within a defined time period.
31. All buildings would be strengthened to be no longer earthquake-prone, or be demolished, within 15 years of the legislation taking effect (up to five years for local authorities to complete seismic capacity ratings, followed by 10 years for owners to strengthen or demolish buildings).
32. Strengthening would be carried out faster for certain buildings (eg, buildings on transport routes identified as critical in an emergency).
33. Owners of buildings assessed as earthquake-prone would have to submit a plan for strengthening or demolition within 12 months of the assessment.
34. Certain buildings could be exempted or be given longer time to strengthen, e.g. low-use rural churches or farm buildings with little passing traffic.
35. Central government would have a much greater role in guiding and supporting local authorities and building owners, as well as in public education and information.

Christchurch City Council Earthquake Prone, Dangerous and Insanitary Building Policy 2010

36. The Christchurch City Council, in an extraordinary meeting on 10 September 2010, adopted the revised Earthquake-prone, Dangerous and Insanitary Buildings Policy. The Council is required by law to have such a policy. It adopted its first in 2006, and reviewed and revised this in early 2010. The 2010 Policy change was particularly important as it clarified how to handle known Earthquake-prone Buildings in the event that they were damaged by an earthquake and needed to be repaired.
37. A key feature of the Policy was that it set timeframes of 15, 20 and 30 years for strengthening earthquake prone buildings and set a strengthening target of 67 per cent of current Building Code requirements for existing buildings. At the time the Council was guided by the Recommendations of the New Zealand Society of Earthquake Engineers that 67 per cent of Full Code Levels is a reasonable level of strengthening to reduce the risk posed by existing buildings.
38. As outlined previously, the Council has made submissions to the Royal Commission that Central Government should give clear direction and much of the policy on earthquake prone buildings should be determined at national level. In particular, regarding the timeframes for strengthening earthquake prone buildings and the levels at which a building is deemed to be earthquake prone and the target to which buildings should be strengthened.
39. The adoption of the proposals will affect the earthquake prone and dangerous building provisions of the Building Act 2004 and may supersede or require changes to the Council's Earthquake Prone, Dangerous and Insanitary Buildings Policy 2010. Under section 122, a building is earthquake prone if it has a seismic performance strength that is less than 33 per cent of the design standards for a new building that would be built on the same site. If the MBIE proposals are adopted it is not clear whether councils would still be required to have a Earthquake-prone, Dangerous and Insanitary Buildings Policy. If a policy is still required its scope will be reduced.
40. There are between 15,000 - 25,000 earthquake-prone buildings in New Zealand. This is a "ballpark" estimate because very few local authorities can provide good data. The proposals affect:
 - (a) commercial and industrial use buildings;
 - (b) public use buildings; and
 - (c) multi storey residential buildings.

PLANNING COMMITTEE 15. 2. 2013

4 Cont'd

41. The Christchurch situation is unique insofar as CERA (Canterbury Earthquake Recovery Agency) already have a legislative mandate under the Canterbury Earthquake Recovery Act, to require a structural survey of buildings. Currently we have 780 DEEs (Detailed Engineering Evaluations) from CERA and 15 per cent are earthquake-prone. Based on an estimated 7,500 buildings we are likely to have in excess of 1,100 earthquake prone buildings in the City.
42. Under the current system, many earthquake-prone buildings are not being identified or dealt with in a timely and cost-effective way. The issues include too much variance in local authority practice, public confusion about risk, a lack of good data on buildings, and lack of central guidance to local authorities.
43. Ideally, in an improved system, no building would fall below an acceptable level of risk. There would be better information on the seismic capacity of buildings, reasonable times for owners to strengthen or remove buildings, limited exemptions to the strengthening requirement, and important heritage buildings would be preserved.
44. In the Canterbury region the seismic loading factor (Z factor) changed in May 2011. This increased the number of buildings considered to be earthquake prone in the region.

Council Submission to the Canterbury Earthquake Royal Commission

45. The Council made formal submissions to the Royal Commission in February 2012. All of the submission points made by Council have been taken up by the Royal Commission and most are included in the proposals currently being consulted on. Council submissions related to:
 - (a) what buildings should be treated as earthquake prone, and what standard should be reached for those buildings and over what period.
 - (b) whether and to what extent and over what period should buildings that are not earthquake prone be required to meet new building standards.
 - (c) the desirability of immediate action in respect of restraining parapets, chimneys and other high – hazard elements.
 - (d) the respective roles of central and local government in respect of earthquake prone buildings and their seismic strengthening.
46. The Council sought to get certainty for building owners in respect of these submissions, suggesting that the test for whether a building is earthquake prone (under 33 per cent of the new building standard) remains the same for a period of five years – submitting that in the long term the test should be increased.
47. The Council submitted that the building owners should be required legislatively to strengthen their buildings after they have been identified as earthquake prone and the Council's role would simply be to enforce any inaction by owners. They asked the Commission to recognise that Council had set a target to strengthen the buildings to 67 per cent but Insurers were resisting this and that many owners did not have sufficient funds themselves to pay to get the building to a higher level. The Council submitted that the Royal Commission was best placed to determine if the 33 per cent test was appropriate and what the target for strengthening should be.
48. The Council submitted that the decision on the maximum timeframes for strengthening earthquake prone buildings is best made by Central Government, with provision for Councils to shorten those timeframes, after consultation with communities, to reduce these timeframes.
49. The Council submitted that for non - residential buildings and residential buildings of two or more storeys and more than three or more household units, there should be a structural survey of buildings after 20, 40 and thereafter every 10 years. Linked to the structural surveys should be a "star rating" system to be displayed on buildings and the "Quake Star" rating system was mentioned. The Council also submitted that buildings undergoing strengthening also be required to comply with fire and disabled access provisions of the Building Act.

PLANNING COMMITTEE 15. 2. 2013

4 Cont'd

50. The Council sought immediate action with regard to hazardous building elements and strengthening to the highest standard reasonably practicable. The immediacy of the work to be based on the risk profile and public safety issues presented by the building.
51. The Council considered that Central Government should give clear direction and much of the policy on earthquake prone buildings should be determined at national level. Councils should be given a clear ability to enforce strengthening of buildings with this being a direct requirement for building owners.
52. Many of the key proposals follow on from and build on the points of a previous Council submission to the Royal Commission. Accordingly our proposed submission and feedback supports those specific MBIE proposals including:
 - (a) seismic capacity assessments to be carried out by Councils within five years;
 - (b) owners submitting plans for strengthening or demolition within 12 months of assessment;
 - (c) timeframes for strengthening or demolition within 10 years;
 - (d) prioritisation of URM's (unreinforced masonry buildings) and hazardous features of buildings, with shorter timeframes for assessment and strengthening or demolition;
 - (e) prioritisation for assessment of some critical buildings;
 - (f) a national publically accessible register and building rating system;
 - (g) exemption for some low risk buildings; and
 - (h) greater Central Government support for local authorities and building owners.

Support for a Building Rating System

53. The Council has made submissions to the Royal Commission endorsing a building rating system based broadly on the "Quake Star" proposed methodology. The system to be linked to regular structural surveys of buildings with the information held in a central national register.
54. More recently, the Planning Committee considered a report on the early introduction of a building rating system in Christchurch and agreed to await the release of the Royal Commission's final report.
55. The main limitation in the early introduction of such a system was that there is currently no legislative power to require building owners to display a rating system on their buildings (it would need to be a voluntary scheme by building owners at present) and that we are only part way through getting seismic assessments on buildings in the City.
56. The recommendation in the report was to await legislative direction from the Government in respect of introducing a building rating system based on the recommendations of the Royal Commission.
57. This MBIE Consultation Document is the opportunity for Council to further endorse a Building Rating System and ensure it is included in any legislative change that results.

33 Per Cent or 67 Per Cent Target for Strengthening

58. The Council has previously been guided by the Recommendations of the New Zealand Society of Earthquake Engineers that 67 per cent of Full Code Levels is a reasonable level of strengthening to reduce the risk posed by existing buildings. However incorporating this into the Earthquake-prone, Dangerous and Insanitary Buildings Policy has led to resistance from Insurers and difficulties for some building owners in seeking to meet a higher target level of strengthening. The Council has previously submitted that either the Royal Commission or Central Government is best placed to determine the appropriate trigger and target levels.

4 Cont'd

59. MBIE has engaged a British risk management expert, Tony Taig, to advise them on what the target should be nationally. He has studied the Canterbury earthquake and concluded that “when it comes to saving lives, Christchurch gives us confidence that upgrading all vulnerable buildings to the current earthquake prone threshold (33 per cent) would be of major benefit...”. “The immediate focus should be on bringing vulnerable buildings up to current earthquake prone threshold (33 per cent) of new building standard, rather than on raising that threshold”. New Zealand has an estimated 15,000 – 25,000 buildings deemed to be likely to collapse in a moderate earthquake (refer **Attachment 2**).
60. The consultation document outlines a cost benefit study to strengthen buildings to 34 per cent and 67 per cent respectively. With a 15 year timeframe, as proposed, the cost nationally to strengthen buildings to 34 per cent is \$1,717 million with a benefit of \$37 million. To strengthen to 67 per cent - \$7,692 million with a benefit of \$87 million. MBIE have proposed a target of 34 per cent.

Heritage Buildings

61. Over many years the Council has developed regulatory controls and financial incentives to encourage the preservation of Heritage Buildings. Accordingly, the proposed submissions support the retention of regulatory controls and protection of the heritage buildings in the normal course of events. Where an earthquake event causes damage to buildings there may need to be changes to section 129 of the Building Act 2004, to allow immediate action and the overriding of some District Plan requirements to protect public safety in the short term.

Enforcement of the Proposed System

62. The success of the proposed system to increase the structural integrity/seismic resilience of buildings will depend on there being enforceable provisions to require action to be taken to strengthen or demolish earthquake-prone buildings. The consultation document does not include any proposals that satisfy this need. Key features of an enforcement regime will be that responsibilities of parties are clearly defined, the enforcement agency is authorised to take decisive action, required work is time banded and remedial action by the Council is at the cost of the building owner as a charge against the land.

THE OBJECTIVES

63. The introduction of a national system which will:
- (a) seek to reduce harm from the collapse or partial collapse of buildings in earthquakes; and
 - (b) provide for effective and well informed decisions by building owners, tenants, occupiers and users of buildings above a regulated life safety bottom line.

Council Submission Building Seismic Performance Feedback Form Proposals and Questions

Proposal 1:

Local authorities would be required to make a **seismic capacity assessment** of all non-residential and multi-unit, multi-storey residential buildings in their districts within five years, using a standard methodology developed by central government, and to provide the resulting seismic capacity rating to building owners. An owner could have their building's seismic capacity rating changed by commissioning their own engineering assessment.

Proposal 2:

Assessments would be **prioritised faster** for certain buildings (e.g. buildings on transport routes identified as critical in an emergency).

[Question 1 is to provide personal details]

2. Should local authorities be required to assess the seismic capacity of all buildings covered by the earthquake-prone building system in their areas, and to issue seismic capacity ratings to owners?

Response:

Yes. Practically it is only local authorities that have the overall knowledge, records and plans of their building stock that would enable this work to be undertaken within the time frames proposed. In many cases, building assessment process is already underway and in Christchurch CERA have required DEEs (Detailed Engineering Evaluations) from building owners. Currently 780 DEEs have been provided, of which 15% of the buildings have been found to be earthquake-prone.

3. Do you think five years is a reasonable and practical time to require local authorities to carry out assessments in their districts?

Response:

Yes. The nature of the standard methodology that is to be developed by central government for the seismic capacity assessment will be important in order to meet these timeframes. The present IEP (Initial Evaluation Procedure) system is too complex and needs modification if this is the type of methodology that will be adopted.

4. Should unreinforced masonry buildings be assessed faster than other buildings?

Response:

Yes. Clearly URMs (Unreinforced Masonry Buildings) collectively pose a greater risk than other categories of buildings. Generally they will be earthquake-prone and consequently the assessment of URMs should be relatively simple and uncontested. Faster assessment of these buildings will also better identify hazardous elements that the Royal Commission recommended should be immediately addressed.

5. What cost and other implications do you see with these proposals to assess the seismic capacity of buildings?

Response:

There is a large cost for local government generally and its rate payers in undertaking this work. Christchurch City Council has estimated a cost of \$250,000 per annum for the first five years and \$150,000 thereafter until year 15.

Consideration should be given to enabling Councils to charge building owners for the cost of undertaking the seismic capacity assessments, in order that the cost is directed to the main benefactor.

Proposal 3:

Building information would be entered into a publicly accessible **register** maintained by MBIE.

6. Do you agree that local authorities should be required to enter information on the seismic capacity of buildings into a publicly accessible, central register to be managed by MBIE?

Response:

Yes. The council previously made a submission to the Royal Commission where we have supported seismic assessments and regular surveys of buildings. We believe that the disclosure of the seismic capacity of a building through a publically accessible central register will invariably lead to an improvement in the building stock as greater awareness triggers market forces. This would lead to higher occupancy levels and higher rents for better quality stock.

7. Should information other than the building's seismic capacity rating be entered into the register – for example, agreed strengthening actions or information from an agreed building ratings system?

Response:

Yes. As previous, the Council supports the concept of seismic assessments of all buildings and this being linked to a "star rating" system. This rating should not only be contained in a register but should also be publically displayed on buildings so that the public and tenants are fully aware when they enter or use a building.

8. Rather than a central register, should local authorities be responsible for both collecting and publishing this information?

Response:

No. We support the concept of a central register so that there is national consistency. The information provided would also be used by Council to increase public awareness and could be published in LIMs and Council publications as necessary.

9. Should there be any other information disclosure requirements – for example, should building owners be legally required to display information on the building itself about the building’s seismic capacity?

Response:

Yes. We envisage a system similar to the BWOFF (Building Warrant of Fitness) system whereby building owners are legislatively required to display, in a public part of the building, information related to the seismic capacity of the building along with information on the certification of building systems.

10. What costs and other implications do you see resulting from the proposal to put seismic capacity information in a register?

Response:

We believe that the initial information derived from the seismic capacity assessments could be entered into a central register at a minimal cost. There are similarities to the national register of dogs, which has been in place for many years. This initial information will rapidly become out of date unless a regular regime of structural surveys of buildings is introduced. Our proposal is that structural surveys should occur at 20 years, 40 years and thereafter at 10 yearly intervals during the life of the building. The results of the structural surveys should be forwarded to the central register to keep it up to date.

Proposal 4:

The current national earthquake-prone building threshold (one-third of the requirement for new buildings, often referred to as 33 per cent NBS) would not be changed. However, it is proposed to establish a **mandatory national requirement** for all buildings to be strengthened to above the current threshold, or demolished, within a defined time period.

11. Does the current earthquake-prone building threshold (33 per cent of the requirement for new buildings) strike a reasonable balance between protecting people from harm and the costs of upgrading or removing the estimated 15,000-25,000 buildings likely to be below this line?

Response:

The Council agrees the threshold for an earthquake-prone building should remain the same but submits that the level of strengthening that can be required for an earthquake-prone building should be linked with the danger posed by the building as well as consideration of the cost in achieving a higher level of strengthening than just above the earthquake-prone threshold.

Councils Earthquake Prone Buildings Policy currently stipulates a target of 67% NBS for strengthening of earthquake-prone buildings. This is in line with recommendations from the NZSEE, as described in the former Department of Building and Housing’s guidance document on earthquake-prone building policies: “...territorial authorities may wish to consider the view of the NZSEE that recommends strengthening to levels above the minimum requirements. It considers

67% of the new building standard as an appropriate level for the requirement to reduce or remove the danger.”

Nationally we can see a balance may be achieved with a 33% NBS threshold, between the economic cost of upgrading the buildings and protecting people. However, we note that Council's experience to date with strengthening buildings that are already damaged, or where significant works are to be carried out anyway, is that there is not a significant increase in the cost of strengthening to a higher level than strengthening to 34%. Therefore a better to allow Councils to require a greater level of strengthening when the cost difference of strengthening to a higher level than 34% is not over a certain value of the total cost of the works

The experience in Christchurch was that strengthening earthquake-prone buildings to above 33% NBS served to protect people amid the extreme earthquake events that we suffered. The evidence was that hazardous features of some buildings posed the greatest threat. Accordingly we would encourage the earlier and greater strengthening of those particular features, ie parapets, chimneys, facades, as recommended by the Royal Commission.

12. Should the requirement for earthquake-prone buildings to be strengthened or demolished take precedence over all other legal, regulatory and planning requirements, such as those designed to protect buildings of heritage or local character?

Response:

Yes. However given the timeframes proposed it is our view that other regulatory issues should be considered in conjunction with the proposed strengthening or demolition of buildings. Currently in the greater Christchurch region, where there is an immediate danger it is possible to utilise section 129 of the Building Act 2004 to isolate, brace or demolish a heritage or character building without having regard to other legal, regulatory or planning matters. Consideration should be given to making the exemption in clause 12 of the Canterbury Earthquakes (Resource Management Act) Order 2010 permanent (this clause stipulates that no resource consent is required if a power is exercised under section 129).

13. Should local authorities have the power to require higher levels of strengthening than the earthquake-prone building threshold, or strengthening within shorter timeframes than the legally defined period?

Response:

Yes, see the answer in 11 above. In addition, there are certain geographic areas which have an increased risk from natural hazards. In these cases, allowing Councils to require higher levels of strengthening than the earthquake-prone building threshold, or strengthening within shorter timeframes than the legally defined period means that they can respond more quickly to an imminent risk. Effecting changes to the NZS1170:2005 seismic loading code can be difficult if it is only a small geographic area affected.

14. Should certain features of unreinforced masonry buildings, such as chimneys and parapets, be required to be strengthened to a higher level?

Response:

Yes. See 11 above. The Council also has an example of where an element of an unreinforced masonry building (a wall) needed to be strengthened to a higher level to properly reduce the danger that element posed to the public. A detailed engineering evaluation for the building, that had been damaged in the earthquakes, identified that the building had a strength of 10% NBS. The building consent application included works to strengthen the building to 34% NBS.

The Council had a particular concern about the boundary wall which posed a risk to adjacent property and a public thoroughfare. The Council requested justification for the 34% strengthening level, in the form of comparative reports addressing cost differences between the 34% and 67% level; an assessment of the degree of hazard to occupants and the level of danger posed to adjacent property and spaces; and the amount of earthquake damage. The owner's builder identified that there would be little difference in the cost of strengthening the high risk elements to a higher level. It was agreed with the owner that further reports would be prepared, providing for a higher level of strengthening to the high risk elements.

A satisfactory conclusion resulted in this case, however, if the agreement of an owner is not forthcoming, we consider Councils should be able to require greater strengthening in appropriate cases.

Proposal 5:

All buildings would be strengthened to be no longer earthquake-prone, or be demolished, within **15** years of the legislation taking effect (up to five years for local authorities to complete seismic capacity ratings, followed by 10 years for owners to strengthen or demolish buildings).

Proposal 6:

Strengthening would be **carried out faster** for certain buildings, e.g., buildings on transport routes identified as critical in an emergency.

Proposal 7:

Owners of buildings assessed as earthquake-prone would have to submit a **plan** for strengthening or demolition within 12 months.

15. Is it reasonable and practical for owners of earthquake-prone buildings to meet the following timeframes:

- **12 months to submit plans for either strengthening or demolishing the building?**
- **10 years from the date of the seismic capacity rating to strengthen or demolish?**

Response:

Yes. There is a history of Central Government and Councils seeking to have buildings strengthened over many years. It will come as no surprise to building owners that their buildings do not meet current standards and are likely to collapse in a moderate earthquake. Building owners should be able to provide a provisional plan to strengthen or demolish a building within 12 months of being notified. They will then have a further period up to 10 years to refine their plans and undertake the work.

16. What additional powers would local authorities require to enforce the proposed requirements?

Response:

The proposal suggests that there will be a contractually enforceable agreement between the building owner and Councils to effect the necessary strengthening works. We are uncertain what is envisaged here but can only anticipate that there will be time consuming and costly legal action resulting from such a requirement. We believe that an earthquake-prone building that does not meet such an agreement should be able to be demolished by the Council, at a cost to the building owner and as a charge against the land. Councils should also not have to pursue debt recovery action against the owner to recover its costs, or wait until the land owner sells its land to recover these costs via the charge on the land but should be able to immediately initiate a sale of the land in a similar manner as a mortgagee sale is conducted.

It should be noted that a small territorial authority there may not be sufficient funds to demolish buildings where owners default and then wait to recover costs, or bring further legal action to recover costs (or their may be no prospect of cost recovery if owners are bankrupt etc). In such situations we propose that Councils can ask central government to take over enforcement in such cases.

17. Should local authorities be able to require faster action on buildings of strategic importance, such as those:

- **located on transport routes identified as critical in an emergency**
- **with important public, social and economic functions, such as schools and police stations**
- **with post-earthquake recovery functions, such as civil defence centres and hospitals?**

Response:

Yes. There is obviously a higher risk associated with the failure of these types of buildings. We would see these buildings as being a higher priority in terms of seismic capacity assessments (perhaps two years). However a subsequent ten year time frame to strengthen or demolish is realistic.

18. Should all unreinforced masonry buildings require strengthening more quickly than other earthquake-prone buildings?

Response:

Yes. See comments in 4 above. A seismic capacity assessment should be undertaken in two years and a period of seven years to strengthen or demolish seems appropriate.

Proposal 8:

Certain buildings could be **exempted** or be given **longer time to strengthen**, e.g., low-use rural churches or farm buildings with little passing traffic.

19. Should the owners of certain specified types of earthquake-prone buildings be able to apply to local authorities for exemptions or time extensions to the requirement to strengthen or demolish?

Response:

Yes. This should be subject to the owners providing a hazard assessment as outlined in question 20 and being able to satisfy Health and Safety in Employment Act requirements.

20. If yes, what are your views on the following possible criteria:

- **the building is used only by the owner, or by persons directly employed by the owner, on an occasional or infrequent basis**
- **the building is used only occasionally (less than eight hours per week) and by less than 50 people at any one time**

AND in each circumstance above:

- **all users are notified that the building is likely to collapse in a moderate earthquake**
- **the building is not a dwelling**
- **the building is not a school or hospital and does not have a post-disaster recovery function**
- **there is no risk of the building partially or fully collapsing onto a public walkway, transport route or a neighbouring building or public amenity**
- **effective mitigation measures have been put in place to protect building users from the risk of collapse in a moderate earthquake?**

Response:

Yes. We support the criterion and circumstances outlined above. We particularly support the full disclosure of the strength of the building to users and would suggest that a full hazard assessment is provided in the application for exemptions or time extensions.

Proposal 9:

Central government would have a much greater role in guiding and supporting local authorities and building owners, as well as in public education and information.

21. Are the advice, information and education activities proposed for central and local government agencies sufficient to help ensure effective implementation of the new earthquake-prone building system?

Response:

Yes. We believe that public disclosure of the strength of buildings, a building rating system, and further public education and information by central government and councils will increase public awareness and reduce risk.

Views are sought – Building Act fire escape and disability upgrade

On whether the current Building Act **fire escape and disability upgrade requirements** are, in practice, a barrier to building owners deciding to carry out earthquake strengthening work.

22. Are current requirements to upgrade buildings to “as nearly as reasonably practicable” to Building Code fire and disabled access requirements a disincentive or barrier to owners planning to earthquake-strengthen existing buildings?

Response:

Yes. In order to strengthen a building as well as undertake fire and disabled access improvements can double the cost of strengthening alone. However we believe that there should be no relaxation of these requirements. It is more likely that a building will experience a fire than a major earthquake event, accordingly present day fire requirements are considered to be equally as important as strengthening a building. We see disabled access and fire egress having similar requirements and believe that a comprehensive upgrade of buildings is essential in the present day environment (subject to some discretion as in section 112, Building Act 2004).

23. Should local authorities be able to grant building consents for earthquake strengthening without triggering the requirement to upgrade the building towards Building Code fire escape and disabled access and facilities requirements?

Response:

No. We believe that present section 112 Building Act 2004 requirements maintain a good balance and provide some discretion to allow structural upgrades without fully complying with fire and disabled access provisions.

24. Should any change apply to both fire escape and disabled access and facilities requirements, or to disabled access and facilities requirements only, i.e., retain the current fire escape upgrade requirements?

Response:

No. See comments in 22 above.

25. What would be the costs and other implications of de-linking earthquake strengthening from current Building Code fire and disabled access requirements?

Response:

See comments in 22 above.

Views are sought – Heritage Buildings

On how important **heritage buildings** can be preserved while also being made safer.

26. When considering listing heritage buildings on district plans, what factors should local authorities consider when balancing heritage values with safety concerns?

Response:

We consider that listed Heritage buildings should be retained wherever practicable. The benefits of heritage retention need to be kept firmly in mind when balancing heritage values with safety concerns. Community identity: sense of place; attractive city; historical education; a reference point in the context of new development; sustainable development; tourism and economic value are all important considerations.

Safety concerns should not outweigh these factors. Any heritage item with safety concerns can be isolated until the issues are resolved. Permanent isolation may even be the answer with some form of safe viewing area.

Where the danger is such that public safety is compromised, section 129, Building Act 2004 provides a process to avert such dangers in emergency situations. (See our comments at question 12 above.)

27. What assistance or guidance will be required for owners, local authorities and communities to make informed decisions on strengthening heritage buildings in their districts?

Response:

A non regulatory package of Council heritage advice should be available for an owner of a building listed in the District Plan including:

- Resource Management Act and Building Act process support;
- financial assistance including architectural advice from conservation architects;
- engineering advice on the different methods of strengthening;
- advice from a quantity surveyor on the costs of the various options;
- insurance advice/costs to reinsure; and,
- updates as technology and materials become available

This would be supported by knowledge of heritage values of the building and its fabric – ideally through a conservation plan, or advice by a conservation architect or heritage specialist.

Nationally, support documentation on heritage conservation principles – ICOMOS NZ 2010 Charter along with publicity on benefits on heritage retention in communities.

28. What barriers deter heritage building owners from strengthening their buildings?

Response:

There are a number of barriers which include:

- financial implications associated upgrading to current building requirements and meeting RMA conditions. These include fire, disabled access and structural upgrades to the whole building;
- change of use triggering building upgrade requirements;
- lack of available guidance, information sharing, and best practice / real examples (this could be done by web info, brochures, workshops for owners/developers);
- potential loss of tenants due to the upgrade works and the increase in rents that follow. Inability/difficulty to get waiver or concessions under the Building Act;
- The difficulty of obtaining insurance and if obtainable the high cost may encourage sale or demolition rather than upgrade;
- An unwillingness of owners to take care of their buildings. Many heritage building owners are not necessarily sympathetic to heritage values and may have acquired their building for other reasons or simply inherited them; and,
- Time pressure imposed by Councils for upgrades to occur.

29. Do heritage rules (for example, those in district plans) deter owners from strengthening heritage buildings?

Yes. The cost of resource consents is a material factor in deterring owners from strengthening heritage buildings.

Response:

The rules which seek to protect heritage fabric impose costs which make the strengthening of the heritage building more expensive. There are also associated compliance costs of obtaining resource consents which in some cases deter owners from strengthening heritage buildings.

Some Councils reimburse resource consent costs and have associated heritage incentive grants to overcome the issues outlined above. A balance needs to be struck between the owner recognising that they own a special building which the rules are there to protect. Councils need to recognise owners require other non regulatory help (advice, an ongoing relationship between the two parties).

Without financial and practical aid to support the owners it is likely that many buildings will be seen as being 'too hard' or 'too expensive' to deal with and consequently demolished.

30. What are the costs and benefits of setting consistent rules across the country for strengthening heritage buildings?

Response:

There are a range of circumstances whereby the imposition of tight timeframes and legislative requirements on owners may have a detrimental effect on the preservation of heritage buildings and values in communities. The options provided for in question 20 (where exemptions or a longer time to strengthen) are provided in certain circumstances would help ultimately.

With regards to the proposals in this document and given the timeframes proposed it is our view that other heritage and regulatory issues should be considered in conjunction with the proposed strengthening or demolition of buildings. Clearly, where there is an immediate danger it is possible to utilise section 129, Building Act 2004 to isolate, brace or demolish a heritage or character building without having regard to other legal, regulatory or planning matters.

There is a danger of loopholes being created for some building owners and developers through the creation of universal rules across different geographical and economic regions.

Views are sought – Residential buildings

On the Royal Commission's recommendation to allow local authorities the power, following consultation with their communities, to adopt and enforce policies to require specific hazardous elements on **residential buildings** to be dealt with within a specified timeframe.

31. Should local authorities have the power, following consultation with their communities, to adopt and enforce policies to require specific hazardous elements on residential buildings to be dealt with within a specified timeframe?

Response:

No. The evidence is that despite there being a number of hazardous elements e.g. chimneys in residential buildings, the overall life safety risks are relatively minor. Our understanding is that very few residents were badly injured by the failure of a chimneys. This is despite the demolition of approximately 22,000 chimneys in Canterbury following the Canterbury earthquakes in September and February. Nationally this is a huge task which is not warranted given the limited life safety risk involved.

Other questions

32. What would the proposed changes mean for you?

Response:

The proposed changes provide a more effective system which is better able to be implemented by local government. Councils would have a major part to play in administering the requirements, undertaking seismic capacity assessments, notifying owners and negotiating strengthening plans, serving notices to undertake

engineering evaluations, entering information on seismic capacity of buildings and administering a building rating system, enforcing requirements on building owners and reporting on monitoring and evaluation activities to MBIE.

33. Are you aware of any problems with current policy and practice around earthquake-prone buildings, other than those identified in this document?

Response:

The present legislation does not clearly provide for strengthening 'parts' of buildings ie hazardous elements. Although the matter has been clarified by a recent determination, an amendment to the Building Act would make the matter completely certain.

The definition of a "dangerous" building in section 121(1)(a) of the Act excludes the occurrence of earthquakes. However, this makes the enforcement of buildings that cannot otherwise be defined as earthquake prone, but that might be dangerous in an earthquake, difficult. The Council requests that you consider its submission on the Building Bill no 4 which addresses a number of matters related to earthquake-prone building (and land hazard) issues that have not been addressed by the Select Committee in its report on this Bill.

34. Do you agree with the following objectives for changes to the existing earthquake prone buildings system:

- **reduce the risk – to an acceptable level of people dying and being injured in or by buildings that are likely to collapse in moderate to large earthquakes.**
- **ensure that building owners and users have access to good information on the strength of buildings they own and use, to help them make good decisions about building resilience and their use of the building.**

Response:

Yes



Quake-proofing: How far to take it

Getting earthquake-damage prone buildings up to the present building threshold will go a long way towards saving lives and making buildings safer, writes risk management expert TONY TAIG.

New Zealand has an estimated 15,000 to 25,000 earthquake-prone buildings. New Zealand's Building Act empowers local authorities to require building owners to reduce or remove the danger presented by buildings defined as earthquake-prone.

An earthquake-prone building is defined in the Building Act 2004 as being likely to collapse in a moderate earthquake. A moderate earthquake is defined in the act as being one-third as strong as what a new building at the same site would be designed to withstand.

My report, *A Risk Framework for Earthquake*

Prone Building Policy, written in collaboration with GNS Science, addresses, among other things, the factors the New Zealand Government needs to consider in developing policy for earthquake-damage prone buildings.

The report was commissioned by the former Department of Building and Housing, now the Ministry of Business, Innovation and Employment (MBIE). It forms part of a review on earthquake-prone building policy settings and its implementation.

Proposals resulting from the review, and questions about them, were released by MBIE in early December as part of a consultation

document.

This document aims to help the public and technical experts comment on proposals to improve the earthquake-prone buildings policy system. The MBIE consultation is open for submissions until 5pm on March 8.

Based on evidence gathered from the February 22, 2011, earthquake in Christchurch, I believe that the immediate focus should be on bringing vulnerable buildings up to the present earthquake-prone building threshold rather than on raising that threshold. This threshold has become shorthanded over time to "33 per cent of New Building





Standard", or NBS.

Many Christchurch buildings that were strengthened to more than 33 per cent NBS were badly damaged, though most did not collapse and kill or injure people inside them.

The February 22, 2011 earthquake produced some of the most severe shaking recorded in any urban area in the world. In parts of Christchurch everything normally held down by gravity was effectively thrown up into the air, including buildings, people, cars and roads.

Had the earthquake happened at night when everyone was at home, there would have been considerably more fatalities in areas like the Port Hills. Several homes there were destroyed by collapsing slopes, and more than 50 homes were struck by boulders, one-metre-plus in size.

As a result of the earthquake, new evidence became available to help understand how buildings impacted on the survival of

people inside and outside shaking buildings.

With the notable exceptions of the Canterbury Television (CTV) and Pyne Gould Corporation buildings, those who died were mainly pedestrians hit by falling facades and masonry while passing by or escaping from buildings.

My report concludes that raising the earthquake prone building threshold from 33 per cent to 67 per cent of NBS would be of questionable benefit. No building that had been strengthened to the 33 per cent threshold or better collapsed and killed anyone in the Christchurch February 22, 2011 earthquake.

Buildings strengthened over and above the present threshold sustained less damage than those strengthened just to the threshold, but many such buildings in Christchurch were pulled down anyway as engineers were reluctant to vouch for their structural integrity after the earthquake.

When it comes to saving

lives, Christchurch gives us confidence that upgrading all vulnerable buildings to the present earthquake-prone building threshold (33 per cent) would be of major benefit. Other important measures we can be confident would save lives include bringing high-risk buildings not yet identified into the earthquake-prone building framework; and paying equal attention to other hazards from earthquakes such as landslides and collapsing cliffs.

My report provides further background on earthquake risk in comparison with other hazards facing New Zealanders as well as discussing the relative merits of different strategies to reduce earthquake risk. There should be a debate about whether the 33 per cent threshold should be raised, but that debate needs to be informed by better evidence about what the benefits would be. That research should be progressed vigorously, but in the meantime I favour measures that we can be confident would save many



PMCA licensed copy. You may not further copy, reproduce, record, retransmit, sell, publish, distribute, share or store this information without the prior written consent of the Print Media Copyright Agency. Ph +64-4-498-4487 or email info@pmca.co.nz for further information.



Perspective, page 13 - 931.00 cm²
Metro - circulation 75,705 (MTWTF--)

ID 180291819

PAGE 3 of 3

lives over ones where we can't be sure they would.

■ Consultation will run until 5pm Friday, March 8. A series of regional public information meetings will be held this month across New Zealand. To view the consultation document, meeting schedule or to make a submission visit: dbh.govt.nz/consultingon-epbp.

■ As a specialist consultant with UK-based company TTAC Ltd, Tony Taig has more than 30 years' experience in dealing with risk and uncertainty in natural and man-made hazards. Previous TTAC Ltd projects involving New Zealand include a report on lahar on Mt Ruapehu.



Tony Taig

In parts of Christchurch everything normally held down by gravity was effectively thrown up into the air, including buildings, people, cars and roads.



Structural weakness: Old unreinforced masonry buildings proved particularly vulnerable to the Canterbury earthquakes, such as these shops on Colombo St, Christchurch, wrecked in September 2010.

Photo: FAIRFAXNZ