

COUNCIL 23. 10. 2014

**ENVIROMENTAL COMMITTEE
23. 9. 2014**

**A meeting of the Environmental Committee
was held in the No. 1 Committee Room
on 23 September 2014 at 9.33am.**

PRESENT: Councillor Phil Clearwater (Chairperson)
Councillors Jimmy Chen (Deputy Chairperson), Vicki Buck, Pauline Cotter, David East and Tim Scandrett

IN ATTENDANCE: Community Board member for part of item 10 (public excluded item).

APOLOGIES: Councillor Buck arrived at the meeting at 9.34am missing clause 7 and left the meeting at 10.54am and so was absent for clause 10 (public excluded item).
Councillor East was absent for part of clause 6, from 10.41am to 10.46am.
Councillor Cotter was absent for part of clause 10 (public excluded item), from 10.54am to 10.56am.
Councillor Chen was absent for part of clause 10 (public excluded item), from 10.55am to 10.58am.

The Environmental Committee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. CONSTRUCTION SITE HOARDINGS-TEMPORARY USE OF LEGAL ROAD FEE REBATE PROGRAMME

		Contact	Contact Details
Executive Leadership Team Member responsible:	Chief Operating Officer, Operations Group		
Officer responsible:	Unit Manager Transport and City Streets		
Author:	Malcolm Park – Road Assets Operations Manager		

1. PURPOSE AND ORIGIN OF REPORT

- 1.1 During the Christchurch rebuild, fences and protective hoardings are being progressively erected around major central city construction projects. In many cases these necessarily involve use of part of the adjacent public road space.
- 1.2 Comment has arisen from developers about the charges for fences and hoardings, levied for the temporary use of legal roads. There have been requests of Council staff to remit charges normally made for this activity.
- 1.3 The purpose of this report is to explore methods of incentivising developers and contractors to erect hoardings around their building sites that contribute to improved visual appearance, amenity and public information in the central city. This may include reducing the charges currently used for the temporary use of legal roads.

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2. EXECUTIVE SUMMARY

- 2.1 There is a degree of community good to be derived from well designed, engaging and informative hoardings fronting building sites in the central city. To encourage the production of such hoardings, a tool box comprising design and technical guidelines and incentives has been prepared. However, it is important to note that any incentives do not encourage occupation of the public realm beyond that which is necessary to facilitate developments.
- 2.2 This report recommends that authority to rebate or alter a part of the charges, under certain qualifying conditions, be delegated to the Chief Operating Officer.

3. BACKGROUND

- 3.1 Public footpaths and roads are occupied for "private" purposes for a variety of reasons, examples including protection of the public from unsafe buildings, hoardings to allow for building works on adjacent land, or where the works involve protrusion above or below footpaths (e.g. verandas, base isolation foundation works), temporary storage and or work space, and short or long term lease of space for partial private use (e.g. tables and chairs for hospitality outlets). This report is focused on situations where public space is occupied and enclosed by hoardings for the purpose of rebuilding in the post-earthquake environment.
- 3.2 Charges are made for fences and hoardings occupying roads and footpaths where construction companies and developers occupy public space. The Traffic and Parking Bylaw 2008, Section 20 applies:
- "20. USE OF WASTE-TAKER BINS, RECEPTACLES, OR ANY OTHER OBJECT
(1) Subject to the sub clause (6), waste-taker bins, similar receptacles or shipping containers or any other object that interferes with the use of a road (not being a vehicle) may be placed on the road if:
(a) the person placing the bin, receptacle, shipping container or other object has obtained the prior consent of an authorised officer;"
- 3.3 The Council's Charges and Fees schedule of the Three Year Plan (page 170) apply, Temporary use of legal road \$7.50 per month (per square metre).
- 3.4 Applications for temporary hoardings and fences on legal roads are approved and monitored by the Asset Protection Team.

4. COMMENT

4.1 Reason for Charge

Hoardings or fences are erected to delineate work sites, protect the public from work site hazards, and protect the developers from incursions by unauthorised persons and unwanted interference with their structures and plant. Fences and hoardings on legal road take up space otherwise available for roads, pedestrian footpaths, cycles and vehicle parking. A charge for the legal road used helps to ensure:

- occupied areas of road and footpath are removed from public use for no longer than necessary
- a minimum area of road and footpath is removed from public use
- parking availability is disrupted for a minimum of time
- parking revenue is protected.

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4.2 However there are some anomalies and situations which are seen by concerned parties as being unreasonable. For example:

- where public (pedestrian) access is not possible because of repair and other works occurring elsewhere on the road space (e.g. Oxford Terrace - Stronger Christchurch Infrastructure Rebuild Team (SCIRT) and Avon River Precinct works)
- where public (pedestrian) access is not unduly compromised – e.g. wide pedestrian areas such as Worcester Boulevard, Oxford Terrace (Cashel to Worcester), High and Cashel Malls
- where the need to occupy public land is a legal requirement - as in the case of a fall zone required for an unsafe building
- where the Council charges may be seen as a disincentive to retention and repair of an existing building, contrary to other Council policies - e.g. heritage listed buildings.

4.3 **Visual Impact of Hoardings**

Due to their size, solid construction and interface with the public realm, hoardings will have an increasing presence and will impact significantly on the way people experience the city. The look and feel of our city could easily become visually dominated by temporary hoardings, graffiti and a jumble of signage. Hoardings can go beyond simply meeting compliance requirements of the building code, and could tell people about building projects, showcase construction partners, let people safely watch projects take shape, and engage the public in the project and its role in the future of the city.

4.4 **Public Benefit**

The quality and visual impact of hoardings vary from basic plywood fences to colourful painting and design interpretations. The current public benefit of hoardings in the central city is that of pedestrian safety and protection of site works. However, there is the opportunity to use the growing number of hoardings around building sites to further benefit visitors and residents as well as the project. If the hoardings were to provide useful information and enhance the resident and visitor experience, then such efforts could be rewarded by way of fee rebates.

4.5 **Eligible Streets**

It is proposed that the streets within or bounding the 30 kilometre per hour Inner Speed Zone defined in the Accessible City chapter of the Christchurch Central Recovery Plan (page 6), will be eligible for fee rebates. (See **Attachment 1**.)

4.6 **Rebate Amounts**

Qualifying hoardings will be eligible for a Temporary Use of Legal Road fee rebate of 50 percent, except that in the case of heritage listed buildings being restored, 100 percent rebate may be given, and fees will be waived when public access along the frontage containing the hoarding is prevented for any period in excess of one month because of road works.

4.7 **Programme Life**

The rebate programme will be initially offered until 30 June 2016 and will be reviewed prior to that date to determine its success and consider whether it should continue in its current form, be amended or cease.

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4.8 **Qualifying Attributes of enhanced hoardings**

To qualify for a fee rebate the hoarding shall go beyond compliance with the building code, and fulfil other normal considerations, such as site access requirements, appropriate robustness and site health and safety requirements. Specifically, to qualify for a fee rebate the hoarding shall be designed, such that the hoarding:

4.8.1 includes artwork or features which are creative, playful and engaging overall – creative hoardings build public and local business goodwill for the development, and safeguard the medium to long term positive vision for the area. For the purpose of this programme, branding and corporate logos do not constitute artwork, but can be successfully integrated into the artwork

4.8.2 visually defines the site – clearly showing where a project begins and ends

4.8.3 uses large scale images – helping people visualise their future relationship with the site

4.8.4 showcases the delivery team – communicating a team approach through collated presentation of corporate logos. Critical to success is avoiding negative impacts from clutter or excessively large commercial signage

4.8.5 provides public viewing of the construction – inviting people to watch the build progressing with accessible viewing windows at a variety of heights and widths

4.8.6 portrays the history, present and future of the site – concise, interesting information making links with what was there before, what is coming, and current activity towards that end. This builds immediate and long term engagement, anchoring the project in the life of the city

4.8.7 includes way-finding – as appropriate to help people make navigational decisions (such as large format street names close to corners or maps highlighting nearby destinations). This supports business recovery, as well as aiding residents and visitors endeavouring to find their way around, due to loss of built form.

4.9 To qualify for a fee rebate the hoarding design must integrate all seven attributes, unless good reason is provided and accepted as to why a given attribute is not applicable.

4.10 **Application Process**

Applications for the rebate will be by way of email to a specified Unit of the Council attaching the required information. A simple guide to the process has been prepared as part of a tool box including design and technical guidelines (see **Attachment 2**), templates and incentives. The application can be made at any time, and the rebate will be applied from the date on which proof of implementation of the hoarding design is available (e.g. date stamped photograph).

5. **FINANCIAL IMPLICATIONS**

5.1 Temporary use of legal road charges are made across a range of developers on a regular basis. This revenue was budgeted to be approximately \$200,000 in 2014 and is anticipated to be \$400,000 in 2015. Examples of organisations paying these charges include: Fletcher Construction, Armitage Williams, Arrow International, Hereford Holdings, Ganellen Construction, Leighs Construction, Naylor Love, Urettek Ground Engineering, SouthBase.

5.2 The cost of the fee rebate programme depends on the number of qualifying applications, but is likely to be approximately \$100,000 per year.

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6. STAFF RECOMMENDATION

That the Council approve:

- 6.1 That delegation be given to the Chief Operating Officer to authorise rebates of 50 percent for the Temporary Use of Legal Road fees for qualifying hoardings projects.
- 6.2 That delegation be given to the Chief Operating Officer to authorise of up to 100 percent permitted in the case of a listed heritage building made safe, under repair or refurbishment.
- 6.3 To waive fees for hoardings on the footpath for the duration that public access to the remaining footpath is not possible due to road works beyond the control of the applicant, where road works exceed one month.
- 6.4 That the Temporary Use of Legal Road fees for qualifying hoarding projects will apply to those streets within or bounding the 30 kilometre per hour Inner Speed Zone defined in the Accessible City chapter of the Christchurch Central Recovery Plan (page 6).
- 6.5 That to be a qualifying hoarding all of the following criteria will apply:
 - 6.5.1 Include artwork or features which are creative, playful and engaging overall. For the purpose of this programme, branding and corporate logos do not constitute artwork, but can be successfully integrated into the artwork; and
 - 6.5.2 Visually defines the site – clearly showing where a project begins and ends; and
 - 6.5.3 Uses large scale images – helping people visualise their future relationship with the site; and
 - 6.5.4 Showcases the delivery team – communicating a team approach through collated presentation of corporate logos avoiding clutter or excessively large commercial signage; and
 - 6.5.6 Provides public viewing of the construction – inviting people to watch the build progressing with accessible viewing windows at a variety of heights and widths; and
 - 6.5.7 Portrays the history, present and future of the site – concise, interesting information making links with what was there before, what is coming, and current activity; and
 - 6.5.8 Includes way-finding – as appropriate to help people make navigational decisions.
- 6.6 That the rebate will apply from the time proof of implementation of hoarding is received and accepted by the Chief Operating Officer and will apply until such time as the road space is no longer being used for the site construction hoarding line.
- 6.7 That any rebate available under this policy will cease on 30 June 2016.
- 6.8 That delegation be given to the Chief Operating Officer for the establishment of any operational procedures necessary to support this resolution.

7. COMMITTEE RECOMMENDATION

That the Staff Recommendation be adopted with the addition of the words “up to” in 6.1 so it reads:

- “6.1 That delegation be given to the Chief Operating Officer to authorise rebates of **up to** 50 percent for the Temporary Use of Legal Road fees for qualifying hoardings projects.”

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2. OCCUPATION OF AIRSPACE AT 270 ST. ASAPH STREET

		Contact	Contact Details
Executive Leadership Team Member responsible:	Chief Operating Officer	N	
Officer responsible:	Team Leader Network Planning Transport	Y	941-8690
Author:	Kathy Jarden	Y	941-8203

1. PURPOSE AND ORIGIN OF REPORT

- 1.1 The purpose of this report is to seek a recommendation from the Environmental Committee that the Council approve the Occupation of Airspace proposed by Boxed Quarter Limited for the commercial development that would encroach on the corner of St. Asaph Street and Madras Street.
- 1.2 The report originates from staff acting on an application by the project manager for Boxed Quarter Limited.

2. BACKGROUND

- 2.1 Box Quarter Limited (the "Applicant") is seeking approval in principle from the Council to occupy airspace with respect to a proposed retail, café and office building.
- 2.2 The application for the area of occupation is approximately 53.9 square metres with the encroachments as shown in **Attachment 1**.
- 2.3 The Council must be satisfied that a request to grant the right to use the airspace over the road meets with the Policy on Structures on Roads 2010. The decision making authority as per Clause 6 of the Policy is exercised by the Council, advised by the relevant Community Board. As the property is within the central city, staff are seeking the recommendation of the Environmental Committee that the Council grant delegation to the Property Consultancy Manager to conclude negotiations subject to:
 - 2.3.1 engineering plans being approved by the Asset and Network Planning Unit Manager
 - 2.3.2 approval from the Urban Design Panel
 - 2.3.3 a formal Deed of Licence for the Occupation of Airspace being entered into.
- 2.4 Comments from Urban Design Panel

The Urban Design Panel reviewed the plans in June 2012 and commented:

"The panel:

1. *Considers the plans as presented to be diagrammatic as a result of the modular nature of the design being applied to the whole site. The panel recommends the applicant further develop the design to take account of:*
 - *circulation within, and around the buildings including points of entrance, staircases and upper levels*
 - *likely scenarios for hospitality and office fit out*
 - *specific wall elevations locating solid walls, glazing and doors, and*
 - *service cores for hospitality tenancy.*
 2. *Notes that to be visually successful on this prominent corner site the proposal relies on being a mix of two and three storeys."*
- 2.5 Resource Consent and Building Consent applications have been lodged.

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3. COMMENT

- 3.1 The impending rebuild of the central city environment is likely to give rise to an increased occurrence of the use of airspace to increase the net area of a building. Staff previously reported to the Council on 3 October 2013 the matter of Hereford Holdings and a proposal to use airspace for their development along Oxford Terrace and Cashel Street.
- 3.2 Staff sought the recommendation of the previous Council to delegate to the Chief Executive or nominated manager authority to conclude negotiations of any future applications covered by clause 2.3 "Use of airspace over roads for increasing the floor area of a building" of the Policy on Structures on Roads 2010 subject to the stipulations of clause 3.3 above. That recommendation was not adopted and was to be referred to the incoming Council.
- 3.3 Council officers are proposing a change to the Policy on Structures on Roads 2010 for the use of airspace with the report going before the Council at a later date.
- 3.4 In the interim, individual applications to utilise airspace will be brought to the Infrastructure, Transport and Environment Committee, which replaces the Environmental Committee under the new structure, and the Council for approval. There is currently one other application for multiple air space encroachments that will be presented in due course and the expectation is that these applications will increase for the duration of the rebuild of the central city.

4. FINANCIAL IMPLICATIONS

- 4.1 An annual licence fee will be charged for the occupation of air space. A market rental valuation has been undertaken with the value of the airspace being assessed at \$2100 per annum, plus GST.
- 4.2 The costs to prepare the licence agreement will be met by the Applicant.

5. STAFF AND COMMITTEE RECOMMENDATION

That the Council:

- 5.1 Grant approval as landowner of the legal road (being St. Asaph and Madras Streets) for the proposed construction by Boxed Quarter Limited encompassing the occupation of airspace subject to:
 - 5.1.1 Engineering plans being approved by the Asset and Network Planning Unit Manager;
 - 5.1.2 Approval from the Urban Design Panel; and
 - 5.1.3 A formal Deed of Licence for the Occupation of Airspace being entered into.
- 5.2 Grant delegation to the Property Consultancy Manager authority to negotiate, conclude and enter into the licence as approved in 5.1 above (including Licence fee and all other terms and conditions) under clause 2.3 "Use of the airspace over roads for the increasing the floor area of a building" of the Policy on Structures on Roads 2010.

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PART B – REPORTS FOR INFORMATION

3. DEPUTATIONS BY APPOINTMENT

Nil were received by the Committee.

4. WASTE AND ENVIRONMENTAL MANAGEMENT TEAM QUARTERLY REPORT

The Committee **decided** to receive the Waste and Environmental Management Team Quarterly report.

5. DRAFT TREE POLICY WORKING PARTY REGARDING APPLICATIONS FROM RESIDENTS TO REMOVE COUNCIL OWNED TREES CITING HEALTH REASONS

The Committee **decided**:

5.1 To thank the Chair and Working Party for the work it has completed on the Draft Tree Policy and request that staff prepare a report covering the matters raised for discussion by the Infrastructure, Transport and Environment Committee, which replaces the Environmental Committee under the new structure.

5.2 That the staff report include information on point 6 of the memo tabled by Paula Smith, Chair of the Tree Policy Working Party, as detailed below:

“Where a person’s health is the reason given for an application to remove a healthy tree the Tree Policy Working Party considers additional information is required. For example, if the health reason given is an allergy, it is suggested the formal reports to Boards should contain:

- *up-to-date advice from the medical officer of health*
- *a map showing the location of trees of allergy causing species in the vicinity on council land and, wherever possible, on adjacent private land*
- *a pollen dispersal calendar*
- *any other factual health-related information which may help the board make a sound evidence-based decision.”*

6. FOOD FORESTS AND EDIBLE PLANTINGS

6.1 A memo from Andrew Rutlege, the Council's Parks Unit Manager, providing an update on progress in regard to resolutions passed in relation to 'food forests and edible plantings' was **tabled**.

6.2 The Committee **decided**:

6.2.1 To receive the memo.

6.2.2 Request that staff prepare a report for the 23 October 2014 Council meeting with information on:

- pilot sites
- guidelines on plantings and species including their location (excluding berms at this stage)
- replacing restrictive rules and barriers with a proactive framework which achieves outcomes.

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PART C – DELEGATED DECISIONS

7. APOLOGIES

The Committee **resolved** that an apology for lateness be accepted from Councillor Buck.

8. DECLARATION OF INTEREST

Nil were received by the Committee.

9. RESOLUTION TO EXCLUDE THE PUBLIC

The Committee **resolved** that the resolution to exclude the public as set out in the agenda be adopted and that Riccarton/Wigram Community Board Chairperson, Mike Mora, be permitted to be present for item 10.

The meeting concluded at 11.16am.

CONSIDERED THIS 23RD DAY OF OCTOBER 2014

MAYOR