Appendix 2: Recommended Amendments to rule ICr.37B

Council Reply – City Centre, Commercial & Infrastructure

Key:
Amendments to the NRMP proposed in the notified version of PC29 are shown with black underline and ~~strikethrough~~.
Amendments to the notified PC29 recommended in the S42A reports are shown with red underline and ~~strikethrough~~.
Amendments proposed in the S42A Addenda and Joint Witness Statements are shown in red underline and ~~strikethrough~~ with yellow highlight.
Amendments proposed by the S42A Author from the Hearing are shown in red underline and ~~strikethrough~~ with green highlights.
Comment boxes have been used to indicate the submission that provides scope for the recommended amendment. The S42A author initials indicate which S42A report addresses the change.

Note:
Minor editorial changes have been made to the text under RMA Schedule 1, Clause 16 shown in red underline and ~~strikethrough~~.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited.
ICr.37B **New buildings and alterations and additions to buildings**	ICr.37B. 1 1. Alterations to existing buildings are permitted where they involve: a. maintenance or repair of an existing building; or b. internal alterations to an existing building; or c. external alterations to an existing building that are: i. less than 25m² of any street facing building facades; and ii. less than 100m² of any non-street facing building façade. 2. Additions to an existing building are permitted where they: a. Are less than 25% of the existing floor area of the building or 250m², whichever is the lesser; and b. are not located on a street facing building façade or within 10m of a street boundary; and c. do not include a residential activity. ~~d. Minor alterations and additions to a building that does not change its external design and appearance of the building are permitted.~~ ~~e. New buildings are a restricted discretionary activity.~~	ICr.37B.2 ~~not applicable~~ Alterations and/or additions to existing buildings are a controlled activity within the Inner City – Fringe, (between Vanguard Street and St Vincent Street, south of Gloucester Street), where they are not otherwise permitted and are for an industrial activity. Control is reserved over: i. having regard to the functional requirements of the activity, the design and location of: a. building entrances and glazing; and b. pedestrian and vehicle access, and parking; and c. servicing and provision for on-site rubbish storage and sorting of recyclable materials; and d. landscaping. Resource consent applications for controlled activities will be considered without notification or obtaining written approval of affected persons.	ICr.37B.3 A new building, or any alterations and additions to existing buildings that are not otherwise permitted or controlled by ICr.37B.1 and ICr.38B.2 are a restricted discretionary activity. Discretion is restricted over: i. effects of the building design and development layout on the visual quality and interest of streets and public open spaces; and ii. effects on amenity values for building occupants, including access to the street and provision for waste; and iii. effects on the heritage values of ~~adjacent~~ heritage precincts or scheduled buildings that share a common legal boundary with the development site; and iv. effects on residential amenity values for building occupants, including outlook, privacy and storage~~.~~; and v. effects of the building design and development layout on micromobility and accessibility of access. Resource consent applications will be considered without notification, or obtaining written approval of affected persons.

Assessment Criteria	Explanation
ICr.37B.4 a. The effects of the building or addition/alteration on the visual quality and of streets and public open spaces, in particular: i. ~~Outside of Trafalgar, Hardy and Bridge Streets~~For sites not located within the ring road: i. whether the street facing facades maximise opportunities for glazing and active uses, having regard to the function of the street within the City Centre and City Fringe; and ii. whether pedestrian shelter is provided in appropriate locations to provide wather protection, particularly over building or tenancy entrances, and having regrad to the function of the street. b. In all locations: i. whether the development minimises long expanses of blank walls and visually breaks up the mass of the building into distinct elements. Techniques to achieve this include, the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and façade modulation and articulation; and ii. whether the building has well proportioned windows and openings that relate to the shape and size of the building; and iii. whether tenacies are visually expressed as separate entities within a building's form and façade; and iv. whether a variety of architectural detail is provided at ground and middle levels, including maximising doors, windows and balconies overlooking the street or public open space; and v. whether mechanical plant for heating and ventilation will be screened from public view. c. The effects on amenity values for building occupants, in particular: i. whether clearly defined and convenient pedestrian access is provided from building entrances and tenancies from the street; and ii. whether adequate provision is made for on-site rubbish storage and sorting of recyclable materials, that is sufficiently sized to cater for the rubbish generated by the development, and is in an accessible location. For new buildings, rubbish areas should be located within the building. Where a building is being altered and this is not possible, the rubbish area should not be visible from the street or public open space and should be appropriately screened. iii. where adjoining any industrial activities in the St Vincent, Vanguard, Parere, Natalie and Gloucester Street block, whether sensitive activities can locate and design principal living rooms and bedrooms ~~are located and designed~~ to mitigate potential reverse sensitivity or amenity effects. d. The effects on the heritage values of ~~adjacent~~ historic heritage buildings that share a common legal boundary with the development site, in particular: i. whether the proposed building is located and designed to have regard to the ~~significant~~ historic heritage elements and the relationship between the built form of the ~~adjacent~~ heritage building that shares a common boundary with the	ICr.37B.5 This rule allows for the qualitative assessment of new buildings or alternations/additions to existing buildings to ensure that a quality City Centre environment for people is achieved. The matters of discretion and assessment criteria complement rather the duplicate the effects that the rules seek to manage. The matters of discretion and assessment criteria in ICr.37B.3 and ICr.37B.4 are focused on managing the design related effects of development and address matters of building form and layout, not scale. Even though new buildings and additions are a restricted discretionary activity, the matters of discretion and assessment criteria do not reduce the building height enabled in the Inner City, where the development site does not share a common boundary with a heritage precinct.

development site. This does not mean rigid adherence to the height of the heritage building, but it does require careful consideration in terms of the form and design of the building to ensure the design is sympathetic to the visual qualities of the heritage building, ~~and visually integrated~~ and

ii. where the adjoining heritage building is set back from the street frontage, whether aligning the setback of the new building would achieve a better design outcome; and

iii. whether the building uses materials and/or design details that respect rather than replicate any patterns or elements of the heritage new building, however new and contemporary interpretations in form and detail may be used.

e. The effects on residential amenity values, in particular:

i. ~~a.~~ whether residential units are located, proportioned and orientated to provide a good standard of amenity for future residents, including by maximising passive solar access, while balancing the need for buildings to front the street, and encouraging natural cross ventilation and the provision of communal open space; and

ii. ~~b.~~ whether adequate space for the storage of bulky goods, including for bicycles, is included within the residential unit, or within a secure and conveniently located part of the building.

f. For streets not required to comply with REr.33, where residential is proposed at ground floor, whether it is designed to enable passive surveillance of the adjoining street and provide privacy for residents. This could be achieved by:

i. providing outdoor living areas overlooking the street; and

ii. providing a planted setback and/or fenced setback where the site adjoins the street. These treatments should be low enough to allow for direct sightlines and passive surveillance;or

iii. raising the balcony and floor plate of the ground floor residential units above the level of the adjoining street to a height sufficient to provide privacy for residents and enable them to overlook the street.

g. Whether residential activity at ground floor is designed with flexibility to accommodate commercial/retail activities in the future, particularly on other key streets, including Halifax, Collingwood and Rutherford Streets, Selwyn Place and St Vincent and Vanguard Streets.