

6. GATED COMMUNITIES

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The purpose of this report is to seek comments and guidance from the Regulatory and Consents Committee on a situation which is arising where new residential developments have restricted access. These are known as “gated” communities. The Sustainable Transport and Utilities Committee has also received this report and the included recommendations.

INTRODUCTION

In the past six months a number of “gated” communities have been presented to Council officers through the pre-application meetings of the subdivisions consent process. It appears that developers, largely on the basis of overseas trends, are recognising that there may be an opportunity to sell safety and security to a niche market. The largest of the current “gated” community proposals may encompass over 70 sections. There has already been some discussion between Council officers as to the pros and cons of such communities. The conclusion has been reached that there should be Council guidance on this matter.

DEFINITION OF A “GATED” COMMUNITY

The definitions and perceptions of what constitutes a “gated” community vary quite considerably. They range from purely visual elements such as a name plate at the entrance to the community, to a fully enclosed neighbourhood with a single controlled access point. They differ to the degree that public access is maintained and the nature and extent of common space/public space ownership. The table below outlines the differing degrees to which a community may be perceived to be or is physically gated.

Type	Boundary	Road Access	Notes
A. Ornamental gating	No marked boundary	Landmark gates at entry	Feature gates showing the subdivision name are placed at the major entries to give identity to a neighbourhood.
B. Walled subdivisions	Opaque fence or wall	Open	Fully walled subdivisions are a common suburban feature in Western cities. Cars and pedestrians can enter.
C. Barricaded streets	No marked boundary	Public streets closed by fences and concrete barriers	Many cities barricade streets creating cul-de-sacs within the grid as a form of traffic control. Pedestrian access is open.
D. Faux-gated entries	Opaque wall or fence	Narrowed entry, removable chains, guard house	Some subdivisions have physical features that look like guard houses or private entries to discourage unwanted vehicles from entering.
E. Partially-gated roads	No marked boundary	Lift or swing arm	Rural cottage subdivisions may feature gates that are only closed for part of the year. Communities on reserves may have gates but no walls. Pedestrian access is open.
F. Fully-gated roads	Natural features like water or ravines	Lift or swing arm	Prestige communities on islands, peninsulas, or remote areas may limit access through combined natural and man-made features.
G. Restricted entry bounded areas	Fence or wall	Gate with limited control access	Suburban communities may completely restrict public access: video or telephone systems may allow visitors to be vetted by residents.
H. Restricted entry, guarded areas	Fence or wall	Gate with limited control access; security guards	Suburban communities may completely restrict public access: video or telephone systems may allow visitors to be vetted by residents. American-style gated communities have guards at the gates or patrolling the premises.

Table 1: A typology or continuum of gated communities (Grant, 2003)

"Gated" communities for the purpose of this discussion centres primarily on Type G - restricted entry bounded areas. They can be defined as a physical area that is fenced or walled off around the periphery, either prohibiting or controlling access to the area by means of a gate or barrier arm preventing access by car or foot. Additionally, the area may have more extreme measures in place such as security cameras or guards patrolling the area. Within gated communities the roads are generally held in private ownership through a Bodies Corporate or similar legal arrangement. The Bodies Corporate undertakes the management and maintenance of the shared space such as the road. Thus gated communities physically restrict access so that space which is normally freely accessible to the public is privatised, with the potential to exclude people from areas such as footpaths and streets, traditionally regarded as public spaces.

CHRISTCHURCH EXAMPLES AND TRENDS

In Christchurch a range of new developments are beginning to emerge that to some extent exhibit the characteristics of the "gated" community.

- (a) Retirement Complexes - there are a number of retirement complexes around the city, and whilst most of these do not have physical barriers to entry they do have psychological barriers, and the larger complexes (eg Grassmere and Barkers) also have internal road networks. A gated community of approximately 65 units for older people (over 50) is under construction as part of a new large subdivision. This will have a long private cul-de-sac with a security barrier across the entrance and a private bowling green and clubhouse. However, public pedestrian access is still available through the area.
- (b) Family Housing - in the upcoming stages of the same subdivision a number of gated enclaves are proposed. These comprise groups of sections ranging in number from nine to 70. A single entrance is planned for each group, controlled by a security gate.
- (c) Higher Density Housing - there are several apartment blocks around the city, particularly in the central area that have controlled access. They differ from gated suburban communities apartment buildings as they exclude public access to private space of lobbies and courtyards rather than excluding people from traditionally public areas such as footpaths and streets.

It is likely, given the incidence of gated communities in the United States and Australia as well as in other parts of New Zealand, that there will be an increasing number of proposals for such enclosed developments. Of immediate concern is the desirability or otherwise of gated roads serving a sizeable tract of conventional houses.

There are currently no restrictions on the development of "gated" suburbs in the City, other than a rule in the Subdivision section of the City Plan which restricts development of rights of way for over 15 units. The reasons for rules states that the restriction of 15 units has been imposed because "...where more than 150 trips per day are required, a road is necessary to ensure safe and efficient vehicular movement." The assessment matters consider the physical formation of the road, but do not address other issues arising from "gated" areas.

ISSUES THAT MIGHT ARISE WITH GATED COMMUNITIES

Operational and Maintenance Issues

- Servicing - There is a potential issue regarding the servicing of a large number of units for the collection of rubbish, mail delivery and meter reading. The community needs to either provide each of the service authorities with access to the area, which somewhat defeats the purpose of the gate, or make provision for these services at the gate;
- Ownership of infrastructure - The Council affirmed last year that it would accept responsibility for the maintenance and upgrading of sewers and stormwater pipes over 150mm. Also where any property is further than 135 metres from a public street fire hydrant the Council requires a hydrant on a ROW, protected by an easement in favour of the Council with the Council owning and maintaining the line;
- Emergency access - response times for fire, police and/or ambulance can be longer unless the owners are willing to also provide these services with 24 hour access to the "gated" area;
- Maintenance - ensure that there is a proper management structure in place which can deal with the on-going issues of maintenance and also the replacement of infrastructure. This may otherwise be an issue which will come back to the Council in future years, as has happened with a number of rights of way around the city;

- Queuing at the gate - the gates and the approach to them needs to cater for the queuing which will occur at peak times of the day without impacting on the safety and efficiency of the public roads.

Liability Issues - Enforcement of Speed Limits, Accidents on Roads

There is currently uncertainty as to who is the road controlling authority in terms of the Transport Act and therefore who has responsibility for standards of traffic control devices such as speed limits, liability for crashes which may occur on private roads and the enforcement of any of these devices.

Bodies Corporate Issues

A Bodies Corporate will need to be established to manage the private road and any other shared facilities. Bodies Corporate (or their equivalents) have proved problematic in New Zealand and overseas for a number of reasons. A paper on this subject was presented by Dr Ann Dupius and Professor Jenny Dixon to the Urbanism Downunder conference earlier this year. Among the issues of concern to the Council in relation to Bodies Corporate are:

- Bodies Corporate seeking a reduction in rates because the Council's are not providing a full range of services;
- Disagreement among individuals within the Bodies Corporate about the level of maintenance they are prepared to pay for;
- Bodies Corporate (or some members of them) seeking the Council is to adopt roads and other facilities further down the track when maintenance becomes a liability. The Council has had protracted dealings in a number of situations where residents seek to have private roads taken over by the Council. A number of which have been built to substandard widths.

Resource Consent Issues

These will arise in situations where the City Plan rules relate to building setbacks from **legal** roads, given that the internal roads of gated communities are not likely to have the status of legal road. There are expected to be other similar issues.

WIDER ISSUES RELATED TO GATED COMMUNITIES

Safety and Security

The primary appeal of the "gated" community is the idea of improved security and less vehicular traffic, making them more pedestrian friendly and therefore safer. The gates are intended to keep out those people who could steal or damage residents' property or pose a threat to residents' safety. Security is a mix of perception and reality. If people feel safe and secure in streets they will use them more and this will in turn increase the safety and security within the whole neighbourhood.

However, there is substantial evidence in the United States of America that there are still high rates of burglary and vandalism occurring in many of the "gated" communities. Additionally, it is seen that "gated" communities do not promote a sense of community and neighbourliness that is often cited and while providing enhanced security within the walls, are doing so at the expense of less security on the streets outside the neighbourhood. They can also promote a sense of unease in the rest of society by visually enforcing the concept that society is unsafe and therefore you need to be walled off from it.

Sustainability

Most "gated" suburbs have only one point of entry, forcing the number of aggregate kilometres driven to increase both within the community and where the "gated" community prevents direct external routes from being taken. Additionally, this may produce higher capacity demands on external major thoroughfares and result in rising levels of air pollution. "Gated" communities can also reduce the level of permeability in the wider neighbourhood preventing the establishment of safe, direct pedestrian and cycle routes.

Social and Visual Issues

There can be both positive and negative social and visual effects of "gated" communities. For example, where a comprehensive design is developed, a very high level of visual amenity can be achieved. However, unsightly boundary fences and the loss of passive surveillance over public space may be detrimental to the remainder of the community.

Other social factors such as freedom of choice, the encouragement of a sense of community and perception of safety, are other positive elements of the "gated" community. In one of the current subdivision proposals discussed with Council officers, membership to a purpose built country club type complex is included with the purchase price of a residential section in the development. While this may encourage the ideal of an interactive community, there are equally adverse effects that should be taken into account both in terms of this approach and the wider issue of gated communities. For example, the creation of exclusive communities and reduced interaction with the wider community.

Additionally, having taken the responsibility for meeting the costs of the amenities provided in their developments, the residents of "gated" communities may be reluctant to support public services and amenities for others in the larger community. The generation of ethnic and class segregation are cited in much of the United States based literature on the topic.

CONCLUSION

The occurrence of "gated" communities is a matter that needs to be acknowledged and debated in order to develop a Council position, since they could result in a range of problems and issues that the Council may ultimately have to assume responsibility for, particularly with regard to maintenance. There are likely to be some types of "gated" communities which are appropriate and others which are not, depending on their size, location in relation to other property and community facilities, length of road, degree of private control etc. It would be prudent for the Council, at this stage, to develop a policy to guide decision making.

Staff

- Recommendation:**
1. That the Council develop a policy on "gated" communities in conjunction with a strategy to support it, as a matter of urgency.
 2. That a joint seminar be held with the Regulatory and Consents Committee and the Sustainable Transport and Utilities Committee as a first step to developing a policy on "gated" suburbs.
 3. That, in the interim, the Council will not generally support the use of gated private roads serving over 15 dwellings, unless they are part of a managed complex.

Chairman's

- Recommendation:** That a joint seminar of Regulatory and Consents Committee, Sustainable Transport and Utilities Committee and Urban Planning and Growth Special Committee be held with all Councillors invited, to discuss the development of a Council policy on "gated" communities.