

22. 7. 99

**SUPPLEMENTARY REPORT BY THE
CHAIRMAN OF THE ENVIRONMENT COMMITTEE**

1. GRANTING RIGHTS TO AIRSPACE OVER PUBLIC ROADS RR 10263

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Corporate Plan Output: City Planning and Development Policy	

This report replaces clause 3 of the report of the Environment Committee to the present meeting.

A report on the issues involved in granting rights to airspace over public streets was presented to the June Environment Committee. The Committee decided that the report would form the basis for the development of a policy on the matter. For the purposes of this policy, road includes footpath.

The proposed policy is set out below.

POLICY GRANTING RIGHTS TO AIRSPACE OVER PUBLIC ROADS

For the purposes of this policy, road includes footpath, square and pedestrian mall. This policy applies to structures over the road excluding open verandahs, signs etc. The term 'airbridge' refers to a structure providing a pedestrian link only. An 'overbuilding' is a structure which makes use of airspace to increase floor area. Overbuildings range from an enclosed verandah to a structure which extends right across the street.

The Council will not generally grant rights to space above roads for the sole purpose of creating additional floorspace (ie for an overbuilding) unless there are exceptional circumstances, such as where there is a clearly demonstrated need for increased floorspace that cannot be met in any other way, ie by expansion upwards, sideways or backwards or by moving to another site.

When considering a request to grant rights to airspace over a public road the Council must be satisfied that:

1. There is both a need for, and advantages of, an airbridge or overbuilding. Any proposal will therefore need to meet a significant number of the following conditions or results:
 - (a) There are high levels of pedestrian traffic in the vicinity, some of which would be usefully diverted to an elevated walkway, without reducing the amount of pedestrian activity on the street to a level which destroys the vitality.

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- (b) The road beneath the airspace to be granted rights to, is heavily and constantly trafficked, making it difficult and unpleasant to cross at street level
 - (c) The location is susceptible to adverse micro-climatic conditions such as excessive heat, cold, wind or rain which could deter people from going outdoors
 - (d) The structure will connect two uses at the upper level which are associated or will benefit from each others pedestrian activity
 - (e) The commercial viability of a project will be increased, particularly through linking to more potential customers
 - (f) Congestion will be reduced on the footpath below
 - (g) A more direct link or a choice of routes between buildings (including car parking buildings) will be created
 - (h) An atmosphere and convenience similar to an enclosed mall will result
 - (i) An upper level will be enlivened
 - (j) The feeling of security for pedestrians will be increased
 - (k) The new structure will act as a landmark
 - (l) The new structure will provide an additional viewing point
 - (m) The new structure will provide an opportunity for an architectural statement
2. If the Council is satisfied, when assessing the proposal against the above criteria, that there is both a need and clear advantages of granting rights to airspace, then the request may be considered in the following circumstances:
- (a) Where it will not lead to a significant dilution of human activity at street level
 - (b) Where the design and location of the structure will not cause excessive shading at street level, obstruction of footpaths or block light and views from adjoining buildings.
 - (c) Where joining buildings across the street will not result in excessively bulky built form
 - (d) Where the structure can be joined to the host building/s in an architecturally sympathetic way.

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- (e) Entries into heritage buildings will not be favoured, unless it can be demonstrated that the character of the building will be retained.
- (f) If there are already other airbridges or overbuildings close by, building further structures will not have an adverse cumulative effect.
- (g) Where the alignment and location of the structure will not detract from views nor compromise the basic grid layout and urban form of the City Centre and the general openness of the street system. To this end streets in the central area have been categorised as follows (see also accompanying plan):

- *Cathedral Square, New Regent Street, Worcester Boulevard and Worcester Street (Cathedral Square to Latimer Square)*

Airbridges and overbuildings will not be allowed.

- *Major north-south streets (Durham, Colombo, Manchester, Madras) diagonal streets (Victoria Street, High Street) and central east-west streets, west of Colombo Street (Armagh, Gloucester, Hereford, Cashel Streets) and City Mall (Colombo Street to Oxford Terrace)*

Airbridges only considered where views of hills, river or other significant features are not compromised. Overbuildings not allowed.

- *Central east-west streets, east of Colombo Street (Armagh, Gloucester, Hereford, Cashel) and other major east-west streets (Kilmore, Lichfield, St Asaph)*

Airbridges may be allowed. Overbuildings not allowed.

- *Secondary streets (Peterborough, Liverpool, Bedford Row, Tuam, Southwark, Allen, Eaton Place, Mortimer, Welles, Dundas, Winchcombe, Bath)*

Airbridges may be allowed. Overbuildings only considered in exceptional circumstances where the relative merits of closing the street rather than building over it have been assessed.

- *Pedestrianised plazas and streets (City Mall (between Colombo, Hereford and Cashel Streets))*

Airbridges may be allowed. Slight building protrusions into the street may be allowed.

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- *Alongside rivers and parks (Cambridge Terrace, Oxford Terrace, Latimer Square)*

Airbridges not allowed. Slight building protrusions into the street may be allowed.

3. The following design aspects of the structure will be taken into account when assessing any request:
 - (a) Whether it will create a landmark or visual interest
 - (b) Whether it will provide a worthwhile new viewing point
 - (c) To what extent the height above street level will mitigate the domination of the structure at street level
 - (d) Whether the design of the structure is appropriate for its location
 - (e) Whether the structure is of the minimum width and height necessary
 - (f) If the structure is light and open
 - (g) Whether the materials and colours are appropriate
 - (h) Whether the support structures are appropriate
 - (i) How the underside of the bridge is treated
4. In addition to the property matters relating to the terms and conditions of any grant of rights, which shall be negotiated by the Council's Property Unit, issues including those listed below will be considered and recorded as conditions in any transaction:
 - (a) The use to which the structure is put
 - (b) Design requirements – to be to the Council's satisfaction
 - (c) Advertising
 - (d) Technical specifications
 - (e) Maintenance
5. It should be noted that the above policies are a pre-requisite to commercial negotiations.

The policy will be administered in accordance with the attached process flow chart.

- Recommendation:**
1. That the Granting Of Rights To Airspace Over Public Roads policy, as amended and set out above, be adopted in principle for public consultation.
 2. That the report be referred to the Resource Management Committee for comment.

CONSIDERED THIS 22ND DAY OF JULY 1999

MAYOR