

Sustainable Buildings and the Law

In recent years there has been a significant shift in the building industry towards environmentally sustainable design and construction solutions.

New measures are being employed that reduce environmental impact during the construction phase and improve environmental performance.

As part of this movement several rating tools have been developed to evaluate the environmental impacts associated with site selection, design, construction and maintenance of buildings, and assess their long-term environmental performance.

Buildings are rated against different environmental impact categories – such as CO2 emissions, water and energy efficiency, and building adaptability.

Green Star is one such rating scheme that has received significant media attention of late. A product of the New Zealand Green Building Council, Green Star evaluates the environmental attributes of New Zealand's commercial buildings using a selection of rating tools applicable to different types of structures.

District councils throughout the country have shown an increasing commitment to promote energy efficiency and environmental sustainability in building design, with many now considering whether rating tools like Green Star should be introduced into their District Plans.

This could mean that buildings in certain zones would be required to achieve a minimum Green Star rating in order to qualify as a permitted activity, meaning no resource consent is required. District councils have also contemplated other ways to incentivise developers to achieve minimum ratings, including exceptions to maximum height restrictions. It will be interesting to see how many district councils formally entrench the Green Star rating scheme into their District Plans and in what format.

Similar developments are happening in the leasing sector, known as the 'greening of leases'. This is a response by landlords and tenants to ensure that both new buildings and refurbishments have a more environmentally friendly and sustainable focus.

In order to be successful, commitment is required by both landlord and tenant to achieve certain measurable and defined outcomes that are often documented in a green management plan. Specifying the use of renewable energy sources and the use of heating and lighting zones are some examples. Drivers behind this movement include reduced operating costs, corporate social responsibility and a higher return on investment.

From a legal perspective, it is certainly interesting to witness the various developments in this area. Anderson Lloyd is mindful of the many ways in which such changes could affect clients in the resource management, building and leasing sectors, and we have a number of partners and associates with specialist expertise to provide advice on a broad range of 'green' matters.