

PLAN CHANGE 25 – KINGSTON VILLAGE SPECIAL ZONE

REPORT TO THE COMMISSIONERS BY THE REPORTING PLANNER

1.0 INTRODUCTION

- 1.1 The hearing on Plan Change 25 – Kingston Village Special zone was adjourned on 11 September 2009 on the conclusion of hearing of submissions. During the hearing the Commissioners to Plan Change 25, Councillors Vanessa Van Uden and John Mann, identified a number of areas where possible amendments to the plan change as notified could enable the concerns of submitters to be addressed and have sought clarification of the possible implications of these amendments.
- 1.2 The Commission have clarified the request for further information on these matters in a minute dated 15 September 2009.
- 1.3 The matters for which the commissioners have requested further information include the following:
 - (i) Consideration of alternative limits on building coverage within Activity Area 1c, and
 - (ii) Consideration of alternative provisions relating to the location of garages between dwellings and the street front in Activity Areas 1b and 1c.

2.0 PROVISIONS RELATING TO BUILDING COVERAGE WITHIN ACTIVITY AREA 1C

Rationale for building coverage limits within Activity Area 1c

- 2.1 Controls on building coverage limit the size and scale of buildings to a percentage of the size of the site. The degree of building coverage affects the character and amenity of an area, with low coverage generally resulting in a character that could be described as a more open and spacious and high coverage creating a more developed and urban character.
- 2.2 Activity Area 1c is located around the periphery of the site and between the bulk of the plan change area and the existing Kingston township. Consequently the character of this area is important to create a connection between the character of the existing town and the plan change area. The degree of building coverage affects the character and amenity of an area, with low coverage generally resulting in a character that could be described as more open and spacious and high coverage creating a more developed and urban character.
- 2.3 The urban design analysis of the existing township identified the relatively low site coverage for an urban area as a key character element of Kingston. Feedback from early consultation with the community identified a desire that the plan change area exhibit a similar open character to the existing township. It was recognised that this could not be maintained across the whole site if other plan change objectives were to be achieved. A number of mechanisms to help create the sense of open space were adopted through the master plan approach including the provision of open space areas where greater density was proposed, the use of open swales and planting to create a high level of

amenity in the roading network and the provision of larger site sizes (Activity Area 1c) around the periphery of the plan change area.

- 2.4 The urban design solution was to create the link between the character of the existing township and the plan change area with its greater range of diversity in site size and density by providing an area which could achieve a similar character to the existing township on the periphery. The more constrained section sizes in Activity Areas 1a and 1b limit the sense of spaciousness that can be obtained from these areas, however the larger section sizes of Activity Area 1c provides the opportunity for a form of development closer to that of the existing township. This is achieved by combining provisions requiring larger site sizes with limitations on building coverage to ensure large areas of the section remain open.
- 2.5 The Plan Change provisions identify both site and zone standards for building coverage within Activity Area 1c providing for a maximum building coverage of 30%. Activities seeking to exceed this threshold require consent for a discretionary and non-complying activity. This duplication was an error with the intent of the plan change at notification being that the activity status should be non-complying as outlined in the Section 32 report.

Submissions

- 2.6 **Kingston Village Limited** [25/4/1] made three submissions related to controls on building coverage, seeking an increase in the zone standard for building coverage in Activity Area 1c to 35%, requesting the deletion of site standard 12.28.5.1 and the amendment of Policy 2.4 to reflect that Activity Area 1c would not have a reduced building coverage. No submissions were lodged opposing the increase in coverage. In effect the changes sought include:

The deletion of rule 12.28.5.1.x in its entirety:

12.28.5.1 Site Standards

~~*x. Building coverage within Activity Area 1(c)*~~

~~*The maximum building coverage for all activities on any site within Activity Area 1(c) shall be 30%.*~~

The amendment of rule 12.28.5.2.ii Zone Standards to allow the maximum building coverage for all activities on any site in Activity Area 1c from 30% to 35%.

The amendment of Policy 2.4 to read as follows:

2.4 "To avoid a dominance of built form, achieve a range of dwelling types and complement the character of Kingston through imposing varying building coverage requirements between Activity Areas 1a, 1b and 1c, ~~with a reduced percentage of building coverage within larger sites.~~"

- 2.7 The submitter acknowledged the existing character of Kingston was represented by relatively small built forms but argued that the 35% building coverage is closer to what is achievable under the existing rules for the Kingston township zone but will also enable a more effective and affordable use of the sites within Activity Area 1c.

Consideration of an alternative position

- 2.8 During the hearing discussions were held with the submitter to identify the potential for an interim position that would address the concerns of the

submitter and be consistent with the approach proposed in the Section 32 Report adopted by Council.

- 2.9 Council's reporting officer (the author) and urban designer for this project (Rebecca Skidmore) considered these provisions in detail. The rationale behind having lower building coverage in Activity Area 1c is still strongly supported, however it was acknowledged that there may be an opportunity to put greater flexibility in these provisions within this activity area and still achieve the intent of the objectives and policies for the plan change area.
- 2.10 The Section 32 report identified an alternative to the building coverage provisions for Activity Area 1c as notified (i.e. the zone standard for 30% building coverage) would be to include a site standard of 30%, and a zone standard of 35% building coverage. This would enable building coverage up to 30% as a permitted activity, with building coverage between 30% and 35% being a discretionary activity and any building coverage above 35% being non-complying. However, the section 32 report identified this would create a more complicated consenting regime.
- 2.11 The alternative option proposed in this report would be a variation on the option of using a tiered site and zone standard for building coverage as follows:
- 2.12 Amend site standard 12.28.5.1.x to enable building coverage in Activity Area 1c of up to 30%. Implications – building coverage up to 30% would be permitted (as currently proposed), over 30% would require consent as a discretionary activity.
- 2.13 Amend rule 12.28.6.2 Assessment Matters to include section xvii - Coverage as follows:
- The extent to which:
- (a) The additional coverage does not result in an over-dominance of buildings when viewed from the street and surrounding properties;
 - (b) The building mass is visually broken using detailed elements such as variation in materials, colours, use of fenestrations and open elements such as porches and verandas
 - (c) The overall site layout, building form and landscape treatment maintains a sense of openness and informality.
- Implications – assessment matters would be required to provide guidance on areas in which 'discretion' should be exercised. The assessment matters identified relate to issues associated with increased building coverage and mechanisms that can be employed to address the potential adverse effects associated with increased coverage. Introducing design features and elements to break up the building form and mass help reduce the impression of building dominance. More open elements such as porches and verandas also reduce the dominance of the built form and increase the opportunity for interaction with the street and surrounding sites.
- 2.14 Amend zone standard 12.28.5.2.ii(a)(i) to enable building coverage in Activity Area 1c from 30% to 35%. Implications – building coverage from 30-35% would be discretionary, over 35% would require consent as a non-complying activity.
- 2.15 Amend rule 12.28.4(ii) Non-notification of Applications to include site standards for building coverage in Activity Area 1c. Implication – applications for building coverage between 30-35% may be considered without the need to obtain a written approval of affected persons and need not be notified in

accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application. Applications to exceed the zone standard would be likely to be notified.

Options

- 2.16 To identify the most appropriate option the following options have been considered:

Option 1: the plan change provisions for building coverage as notified.

Option 2: the option provided by way of submission by Kingston Village Limited.

Option 3: the alternative option proposed in this report.

The Section 32 Report accompanying the plan change considered four options in terms of the provisions relating to site and building coverage within the plan change area and identified Option 3: to provide a range of section sizes throughout the Zone with increasing building coverage within the smaller sections as the preferred option. The current proposal is considered generally consistent with Option 3 assessed on Page 46 of the Section 32 Report, but a more detailed assessment of the appropriateness of providing for increased flexibility in building coverage in Activity Area 1c is appropriate.

- 2.17 The key objective for rules relating to building coverage is Objective 2: Township Amenity and Built Character, which states:

2. *Development within the Kingston Village Special Zone provides diversity and choice for different lifestyles, complementing the existing character of Kingston and enabling the establishment of a sustainable and integrated community.*

- 2.18 The key policies seeking to achieve objective 2 in relation to matters of the built form and character of Kingston include the following:

2.4 *To avoid a dominance of built form, achieve a range of dwelling types and complement the character of Kingston through imposing varying building coverage requirements between Activity Areas 1a, 1b and 1c, with a reduced percentage of building coverage within larger sites.*

2.7 *To promote an informal character and feeling of space by encouraging small dwellings and separating buildings from the street.*

2.8 *To provide articulation between building forms and to encourage design elements including a diversity in materials and colour to provide visual interest and to contribute to Kingston's eclectic character.*

Effectiveness

- 2.19 The plan change proposed that building coverage in Activity Area 1c would be lower than Activity Areas 1a and 1b to create a different character to the higher density areas, providing open space around each dwelling, and reducing dominance of built form. This provision was one of a suite of other rules intended to create a transition between the higher density parts of the plan change area and complement the character of Kingston. The current proposal refines the preferred option identified in the Section 32 Report by creating a series of thresholds for building coverage in Activity Area 1c. The threshold for permitted building coverage in Activity Area 1c would remain the same as originally proposed. This will tend to encourage applicants wishing to avoid any cost or uncertainty associated with a resource consent to comply

with the permitted threshold and would lead to a similar result to that originally proposed. Applicants seeking to exceed the permitted threshold can do so by way of a discretionary consent up to an additional 5% but will be assessed on the extent to which the design can avoid building dominance and maintain the sense of spaciousness desired for this area. As a discretionary activity, applications failing to address these issues adequately may be declined. Even with a successful application enabling an increase in building coverage in Activity Area 1c to 35% the actual building size resulting from the proposed provision would remain lower than is possible in the existing township where the minimum sites size of 800m² and 35% building coverage enable larger buildings. Consequently, this proposal is considered to be effective in achieving objective 2 as while the current proposal may result in higher coverage in Activity Area 1c than original proposed at notification this can only occur by way of consent which enables an assessment to ensure the appropriateness of any increase in coverage.

Benefits

- 2.20 The benefits of the proposed variation of the building coverage rules from those notified is that it maintains the threshold of permitted building coverage but provides additional flexibility for applicants seeking larger dwellings where the effects of this can be addressed. This approach provides greater flexibility than the provisions at notification but greater certainty that the effects of increased coverage will be addressed through design than the provisions proposed by the submitter. Consequently the approach proposed as Option 3 would assist in creating diversity and choice for different lifestyles while complementing the character of the existing Kingston township.

Costs

- 2.21 The social and economic costs for those seeking to develop with building coverage up to the permitted threshold will not increase, however those seeking increased building coverage will bear costs associated with resource consent applications required to ensure any potential issues associated with the increased coverage can be appropriately addressed.

Efficiency

- 2.22 The most efficient method will generally achieve the greatest benefit with the least cost. The advantage of a tiered consenting regime as proposed is that it maintains the threshold for permitted activities at the level originally proposed while putting the cost of greater flexibility onto those wishing to exercise it and providing matters for assessing such applications. Overall the benefits of Option 3 outweigh the costs.

Risk

- 2.23 Risk can be assessed in terms of probability and consequence. The risk associated with controls on building coverage is that increased cover would adversely affect the sense of open space and amenity of Activity Area 1c. This risk can be assessed in terms of probability and consequence. Limiting the building coverage to 30% would reduce the probability that the sense of open space and amenity of the area would be affected. The consequence may be reduced attractiveness of this area due to the restrictions on building size. Increasing the permitted building coverage to 35% would increase the

probability that buildings would be built to that level and the potential consequences would be adverse effects on amenity and spaciousness. The provisions proposed in Option 3 provide the greatest flexibility in terms of providing increased building coverage within Activity Area 1c while avoiding the consequences of increased density.

Appropriateness

- 2.24 In considering the appropriateness of the proposed amendment to the rules relating to building coverage as notified in Plan Change 25 it is relevant to note that Option 3 as identified in this report is effectively a refinement of the approach assessed through the section 32 process and identified as the most appropriate for notification. In considering matters raised in submissions it is considered that the level of risk that Option 3 will not achieve the desired environmental outcomes is low, and that the method will be effective in achieving the desired results. It is therefore considered that the option of modifying building coverage provisions for Activity Area 1c proposed as Option 3 is the most appropriate in terms of the options assessed.

Recommendation

- 2.25 In light of the matters raised in submissions and the additional analysis undertaken it is recommended that Option 3, as proposed in this report, be adopted.

3.0 PROVISIONS RELATING FOR THE LOCATION AND ORIENTATION OF GARAGES

Rationale for provisions relating to the location and orientation of garages between dwellings and the street

- 3.1 It is a well established urban design principle that the location of garages on residential sites can affect the amenity of residential areas. Failure to control the location of garages can result in large blank faced garages dominating the street front and reducing interaction and natural surveillance of the street from dwellings. This natural surveillance is considered important in an urban design context as it increases the social interaction between and ownership of the public realm. This issue is not relevant in Activity Area 1a as these sites have the provision for garaging off rear lanes.
- 3.2 The plan change provisions provide for garages as a permitted activity where they are located more than 1m behind the façade of a dwelling. The location of garages forward of this point would require assessment as a discretionary activity, unless the garages are orientated side on to the road access and located between the dwelling and front setback, in which case consent is required as a controlled activity.

Submissions

- 3.3 Kingston Village Limited submitted that the location of garages in the front yard is advantageous for design reasons and the controls proposed are overly restrictive. Kingston Village Limited sought the deletion of rule 12.28.3.2.vi.

12.28.3.2 Controlled Activity

~~vi Garages located between the road setback and the front façade of the dwelling and that are at right angles to the street in respect of~~
~~Landscaping~~
~~External appearance and treatment of the façade facing the road~~

- 3.4 During the hearing the submitter acknowledged the location of garages between dwellings and the street frontage can have an adverse effect on the street environment but felt the rules were overly restrictive and would achieve a poor design outcome for sites accessed from the south in terms of designing for solar gain. It was recognised by both the submitter and Council representatives that for garages located between the dwelling and the street orientation of the entrance to the garage side on to the road were generally preferable.

Consideration of an interim position

- 3.5 During the hearing discussions were held with the submitter to identify the potential for an interim position that would address the concerns of the submitter and be consistent with the approach proposed in the Section 32 Report adopted by Council.
- 3.6 An interim position between the plan change as originally notified and the submitter's position was identified as being one where an exemption was provided to restrictions on the location of garages in front of the dwelling sites accessed from the south.
- 3.7 The proposed option would be to make exemption from the site standard for garages for sites accessed from the south where they are orientated side on to the street and located between the dwelling and the street setback. The changes proposed would be as follows:

Deletion of rule 12.28.3.2.vi.

12.28.3.2 Controlled Activity

~~vi Garages located between the road setback and the front façade of the dwelling and that are at right angles to the street in respect of~~
~~Landscaping~~
~~External appearance and treatment of the façade facing the road~~

Inclusion of an exemption in site standard 12.28.5.1.ii for garages accessed from south:

Site Standard 12.28.5.1.ii

- (b) Within Activity Area 1 all garages and carports must be setback at least 1 metre from the front façade of the residential unit (i.e. the façade that faces the street), except where:
- the legal vehicle access is from the south side of the site, and
 - the garages or carport is located outside any road setback, and
 - the garages or carport is orientated with the vehicle entrance at right angles to the street providing legal vehicle access.

Implications – Sites accessed from the south may be more likely to have garages located between the dwelling and road setback. Conversely, garages and carports are less likely to be located between the dwelling and

road setback in sites that are not accessed from the south. By requiring garages to be orientated at right angles to the road the impact of these buildings on the streetscape will be reduced and are likely to be further mitigated by any landscaping of the area of the road setback.

Options

- 3.8 The Section 32 Report accompanying the plan change provided an analysis of why specific provisions are considered the most appropriate in achieving the purpose of the Resource Management Act 1991. To identify the most appropriate alternative option the following options have been considered:

Option 1: the plan change provisions for garages as notified

Option 2: the option provided by way of submission by Kingston Village Limited

Option 3: as proposed in this report

- 3.9 The key objective for rules relating to building coverage is Objective 2: Township Amenity and Built Character, which states:

2. *Development within the Kingston Village Special Zone provides diversity and choice for different lifestyles, complementing the existing character of Kingston and enabling the establishment of a sustainable and integrated community.*

- 3.10 The key policies seeking to achieve objective 2 in relation to matters of the built form and character of Kingston include the following:

2.5 *To avoid the dominance of garages and parking areas on the street frontage through the use of rear access lanes and where these are not used in Areas 1b and 1c, through setting garages back further from the road boundary than the front façade of the dwelling.*

2.7 *To promote an informal character and feeling of space by encouraging small dwellings and separating buildings from the street.*

2.8 *To provide articulation between building forms and to encourage design elements including a diversity in materials and colour to provide visual interest and to contribute to Kingston's eclectic character.*

2.9 *To encourage the use of energy efficient building material, including high levels of insulation, and design lot layout and built form to achieve passive and active solar energy collection.*

Effectiveness

- 3.11 Although the key objective against which the effectiveness of these options can be assessed is objective 2, the most relevant policies in relation to this issue are policies 2.5, 2.7 and 2.9.

- 3.12 Option 2, the position suggested by the submitter, would be the most effective in meeting the approach established by policy 2.5 as deleting the controlled activity rule 12.28.3.2.vi would result in any garages and carports located forward of the front façade failing to meet the site standard and would require consent as a discretionary activity.

- 3.13 Both Option 1 and Option 3 would be relatively effective in avoiding the dominance of garages on the street frontage. Both Options provide for garages and carports as permitted activities where setback from the front façade of a dwelling. Option 1 also provides for garages and carports

between the front façade of a dwelling and the street setback as a controlled activity which could result in this occurring throughout Activity Area 1. In contrast, Option 3 removes the controlled activity rule but would permit garages and carports between the front façade of a dwelling and the street setback for dwellings accessed only from the south. Therefore Option 3 makes the location of garages more permissive than Option 1 but in a more limited area. In the case of both Options 1 and 2 the effectiveness of the proposed controls in achieving Policy 2.5 is being balanced against achieving a better result for dwellings in relation to Policy 2.9 in relation to building orientation and use of the site. In this respect it is considered that Option 3 is more effective in achieving the intent of both of these policies as it tailors the provisions to those areas with southerly access.

Benefits

- 3.14 As identified above, the benefit of Option 3 is that it enables a balanced approach between achieving good streetscape outcome and enabling design for good solar orientation. In this respect Option 3 is more effective at targeting the provisions to those areas where this will be a relevant issue than Options 1 or 2.

Costs

- 3.15 Option 2, as proposed by the submitter, would have relatively high costs in terms of potential application fees for people wishing to locate their garages between the front façade of a dwelling and the street. Although this would be beneficial in achieving Policy 2.5, it would be detrimental in terms of Policy 2.9 as it would increase consent costs and may discourage better design for solar orientation. The potential consent costs associated with Option 1 are less than for Option 2 but the costs in terms of the desired urban design outcome are potentially higher. Option 3 is the most effective at linking costs associated with consents to those areas where greatest control is required by creating exceptions to the controls on the location of garages where this is needed to achieve the directions sought by other relevant policies.

Efficiency

- 3.16 The most efficient method will generally achieve the greatest benefit with the least cost. The assessment above indicates that Option 3 is the most efficient option.

Risk

- 3.17 The risk of adopting provisions that are less targeted to the issue are that the streetscape is adversely affected by the inappropriate location of garages, that design and layout of dwellings is less appropriate in sites accessed from the south, or that applications face greater consent costs than are necessary.

Appropriateness

- 3.18 In considering the appropriateness of the proposed amendment to the rules relating to the location of garages, it is relevant to note that the approach identified in this report is effectively a refinement of the approach assessed through the section 32 process as being most appropriate, and one that more effectively targets the areas where exemptions may be appropriate from

these controls. In considering matters raised in submissions it is considered that the level of risk that Option 3 will not achieve the desired environmental outcomes is lower than for Options 1 and 2, and that the method is the most appropriate to achieve the desired results.

Recommendation

- 3.19 In light of the matters raised in submissions and the additional analysis undertaken in this report it is recommended that Option 3 be adopted.

4.0 CONCLUSION

- 4.1 The Minute of the Commissioners requested that an analysis be undertaken to assess the potential impact of alternative provisions to address matters raised through submissions in relation to building coverage limits in Activity Area 1c and the location of garages.
- 4.2 This report recommends the adoption of alternative provisions than those originally notified in relation the provisions for building coverage limits in Activity Area 1c and the location of garages. This report makes an assessment of the alternative provisions in terms of the requirements of Section 32 and the recommended option is provided as an attachment to this report.
- 4.3 It is further recommended that, should these provisions be adopted, the design guidelines accompanying Plan Change 25 be updated to provide direction on the appropriate design responses for both these sets of rules.

Ralph Henderson
Senior Policy Analyst
25 September 2009

CHANGES PROPOSED FOR PLAN CHANGE 25 - KINGSTON VILLAGE SPECIAL ZONE RULES AS A RESULT OF SUBMISSIONS HEARD 9-11 SEPTEMBER 2009

Additions to rules shown as underlined, deletions shown as ~~strikethrough~~.

Building coverage within Activity Area 1c

1. Amend site standard 12.28.5.1 as follows:
 - x. Building coverage within Activity Area 1c**
The maximum building coverage for all activities on any site within Activity Area 1c shall be 30%.
2. Amend rule 12.28.6.2 Assessment Matters as follows:

xvii - Coverage:
The extent to which:

 - (a) The additional coverage does not result in an over-dominance of buildings when viewed from the street and surrounding properties;
 - (b) The building mass is visually broken using detailed elements such as variation in materials, colours, use of fenestrations and open elements such as porches and verandas
 - (c) The overall site layout, building form and landscape treatment maintains a sense of openness and informality.
3. Amend zone standard 12.28.5.2.ii(a)(i) as follows:
 - ii. Building Coverage**
 - (a) The maximum building coverage for all activities on any site shall be:
 - (i) Activity Area 1a: 40%
 - Activity Area 1b: 35%
 - Activity Area 1c: ~~30~~35%
4. Amend Rule 12.28.4(ii) Non-notification of Applications as follows:
 - (ii) Applications for the exercise of the Council's discretion in respect of the following Discretionary activities and Site Standards:
 - Industrial and Service Activities within Activity Area 2
 - Outdoor Living Space
 - Site Standards – Building coverage within Activity Area 1c

Location of Garages in Activity Area 1

1. Deletion of rule 12.28.3.2.vi as follows

12.28.3.2 *Controlled Activity*
~~vi Garages located between the road setback and the front façade of the dwelling and that are at right angles to the street in respect of~~
~~- Landscaping~~
~~- External appearance and treatment of the façade facing the road~~
2. Amendment of Site Standard 12.28.5.1.ii as follows:
 - (b) Within Activity Area 1 all garages and carports must be setback at least 1 metre from the front façade of the residential unit (i.e. the façade that faces the street), except where:
 - the legal vehicle access is from the south side of the site, and
 - the garages or carport is located outside any road setback, and

- the garages or carport is orientated with the vehicle entrance at right angles to the street providing legal vehicle access.