

31 MARCH 2016

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KAPITI COAST DISTRICT COUNCIL
PRIVATE BAG 60 601
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Dear Sherilyn

RE: PROPOSED DISTRICT PLAN – WAIKANAЕ BEACH

1. Thank you for asking me to consider the submissions lodged in relation to (Old) Waikanae Beach and a character assessment undertaken in response by Urban Perspectives Ltd. I have reviewed the submissions and note that, as is often the case, the submissions canvas a wide range of options and do not all agree with the outcome that should be favoured.
2. I have visited and am familiar with Waikanae Beach, and have reviewed the Proposed District Plan provisions for general and beach residential zones and addressed the following questions (relying on the SEV of the Plan):
 - a. Should the Urban Perspectives report be peer-reviewed?
 - b. Should the beach residential zone be applied as identified in some public submissions?

Urban Perspectives report

3. In summary, this letter inherently acts as a form of peer review of the report written by Ms Deyana Popova of Urban Perspectives Ltd. As is common, the character assessment is limited to the physical environment as it exists now. It does not take into account the changes that the Operative Plan provides for as a permitted activity in the zone, and which in resource management terms would typically be included in a consideration of the existing environment as identified by numerous Environment Court decisions. Given that the context of the submissions and the character assessment is a resource management Plan review, in my opinion this was a limitation in the assessment.
4. If the Operative Plan's permitted activities had also been considered, it would have raised the following issues relative to the Character Assessment:
 - a. Findings on 'natural character' would have been more limited given that the Plan provides for the removal of most private vegetation that contributes to the existing physical environment's character as a Permitted activity. However, many of the character defining landscape elements identified, such as within road reserves and other reserves,

could only be removed with the Council's landowner consent and hence the overall conclusions expressed in the character assessment could remain valid. In my opinion managing those 'public' trees is related much more to the Land Transport Management, Reserves, and Local Government Acts than the Resource Management Act.

- b. In terms of 'built character', the underlying block structure and lot layouts could not be changed without resource consent and conclusions expressed on this element are safe. However, the report discusses the design elements of the road reserve and how this contributes to local character. I agree with this aspect of the analysis but note that this is not a matter managed by the District Plan under the RMA. It is managed by the Council under the LGA and LTMA through its transport and asset management functions.
 - c. The report states "*the area is characterised by a mixture of building types/styles of variable age, including some older, likely original, buildings*" and discusses typical building heights (predominantly single storey) and site coverage. A low average site coverage in particular is identified as contributing to the area's character. I agree with the factual assessment but am concerned that the substantial change permitted by the Operative Plan in respect of both site coverage and building height was not acknowledged. It would have likely softened the conclusions expressed.
 - d. In terms of 'streetscape characteristics' most of the characteristics identified are not controlled by the Operative District Plan and are Permitted activities including (at present) front fence height, the placement of doors and windows in building facades, and on-site landscaping.
5. Notwithstanding this, the report accurately describes and draws conclusions on the study area based on the physical environment as it was at the time of the report (2013). It recommends that the beach residential zone could be applied to an extended area, identified by the author.
 6. Putting as aside whatever merit such an extension could have, I am concerned that such an expansion may not be appropriate based on the scope of submissions received. This is not a criticism of the Character Assessment but is a practical limitation of its use.
 7. For the purposes of advancing the Proposed District Plan the Character Assessment is adequate and the process would not benefit from the time or cost of a further peer review. The fundamental questions raised by the report are directed to the Council's resource management planners evaluating the submissions received.
 8. My analysis is that Waikanae Beach has a pleasant, clear and distinct sense of place and "character". But it is a laid back, informal character primarily established by the design of roads including a lack of kerbs and channels, and street landscaping / walls. In terms of private property, there is a broad and generally consistent pattern of detached houses on individual sites. That is more about underlying planning controls than any unifying architectural or dwelling design element. Indeed, there is considerable variation in building design, appearance, condition, layout and orientation evident.

9. I agree that there are some similarities between Waikanae Beach and the other identified Beach Residential areas. But I would also agree that there are similarities between Waikanae Beach and other areas in the general residential zone. To me there is a weak basis to control building design and appearance in Waikanae Beach given how varied the stock is and that I cannot identify any particular building design outcome that should be promoted on the basis of "character". If anything, a sub-zone or distinction in bulk and location and density controls would be the most that could be justifiable (but even these are difficult to prove as necessary when I look at the proposed 'standard' residential controls, with which most Waikanae Beach buildings appear to comply with).

Should the beach residential zone apply to Waikanae Beach?

10. In summary, I am concerned that it is premature to apply the beach residential zone at this time. While the character assessment is helpful at understanding the environment as it exists at this time, it is silent on issues of what growth or change should be provided for including commercial growth, also raised in some submissions. If it is relied on as the primary authority for a District Plan response, it will inherently bias towards a status quo / less change scenario. While this may be the most appropriate outcome for at least some of the Waikanae Beach area, it may not be the most appropriate outcome for others.
11. I recommend that the Proposed District Plan proceed with the notified general residential zone and that the Waikanae Beach zone be revisited after the Council and community have together and methodically worked through a local area plan that could lead to a more robust and tailored Plan Variation or Change.
12. The benefit of taking time to undertake a full community-based plan is primarily because many of the defining character elements of the area are not controlled by the District Plan but by the Council using powers under other Acts (including Annual Plan budgets to fund any improvements and enhancements that are appropriate). The local area plan could also address issues of growth and any commercial expansion that may be appropriate, and whether any Council projects should be undertaken to enhance key character attributes. I am concerned that rushing with a District Plan response in the short term may see the urgency of a comprehensive plan deferred, to the long term detriment of Waikanae's character. I prefer an approach of properly identifying the preferred overall outcome and then implementing it in a coordinated and properly resourced manner.
13. The other main factor of concern to me is that the Beach Residential zone will not provide the protections sought by those submitters promoting it or address the majority of the character elements identified in the Urban Perspectives report. In this respect it is a solution that demonstrably does not address the issues and potential effects identified as important in the submissions. This is because the permitted activity provisions proposed to apply in the Beach Residential zone would already enable a substantial change in the appearance of the Waikanae Beach area.
14. In summary, the beach residential zone provides additional controls over and above the general residential zone as follows:

- a. All subdivision and land use consent proposals in the beach residential zone must be in accordance with a Special Character Areas Guidelines (Appendix 5.2). This does not apply to permitted activities that can occur without resource consent. These are extensive and allow substantial change on most sites in Waikanae Beach without any Council or community input.
 - b. The maximum height of the beach residential zone is additionally limited to two storeys in height as well as 8m. While three storey dwellings can be achieved in an 8m height limit, this is usually limited to sloping sites where a split level house is able to step down the slope, or on sites higher than the street level, where excavations below ground level can allow a net height (from bottom to top of the building) to still comply with an 8m height limit (from the natural ground level to the top of the building). On most of the flat or gently undulating sites in Waikanae Beach, only a two storey dwelling would be achievable within the 8m height limit.
 - c. A plot / floor area ratio of 0.6:1 applies in the beach residential zone. This allows a 35% site coverage for one storey, but a maximum of 25% site coverage on the second storey.
 - d. The minimum front yard setback is 4.5m whereas in the general residential zone part of the primary dwelling (not a garage or car port) can locate up to 3m from the boundary.
15. In all other respects the same controls apply in each zone including for home occupations, minor units, front fences / walls, outdoor living space and height in relation to boundary. In particular, in both zones:
- a. There is no control over vegetation removal or vegetation type.
 - b. There is no control over architectural style or design, materials or colour.
 - c. There is no control over the placement of doors or windows in the front façade, or for those elements to address the street.
16. The differences between the general and beach residential zones are subtle and, in my view, unlikely to be materially identifiable, because:
- a. There is no evidence that development in the Operative Plan's general residential zone is consistently built to the limit of every permitted control, or that new development on sites under the Proposed Plan regime will either.
 - b. This means that while in the general residential zone a 3m front yard setback instead of 4.5m (minimum) will be available, it is not a mandatory building line and so many dwellings in the general residential zone will still locate 4.5m or further back from the street for issues of privacy / comfort or recreational use of the front garden. It is unlikely that the applicable zone will have a notable impact on the siting of new dwellings in the area.

- c. The greatest difference between the general and beach residential zones is the effect of the floor area ratio leading to, at most, a 10% site area differential between the second level of a general residential zone dwelling and that in a beach residential zone. But if the smaller site coverage was configured to locate towards the front of the building in the beach residential zone, it may not have any visually distinguishable visual bulk effects from the larger site coverage / general residential zone alternative. But in reality many dwellings on both zones will be for less than 30% site coverage, allowing two storey dwellings that look the same in either zone.
 - d. There is no consistent difference between the minimum lot sizes (subdivision) applying to the general residential zone and the beach residential zone. A location-based approach has already been proposed in the Plan where different lot size requirements apply in different areas ranging upwards from 450m². My analysis of the submissions in support of the Beach Residential zone is that none have sought a specific minimum lot size for the Waikanae Beach.
17. I have reviewed the guidelines in Appendix 5.2 of the Plan. They would apply for any subdivision or land use consent applications. In my view they would have limited regulatory effect in the case of consideration of any controlled activity resource consent, where the Council was required to grant consent. In terms of restricted discretionary, discretionary, or non complying activities, the guidelines could be used more forcefully. The guideline amounts to an illustrated set of assessment criteria.
18. The guide addresses issues of building design and location, fencing, setbacks and landscaping.
19. The frontage consideration encourages setbacks to be identified on the basis of adjacent setbacks to ensure a generally consistent building line between sites. In light of the 4.5m permitted front yard setback (subject to the beach character setback margin) this would be primarily relevant if an applicant proposed to contravene the front yard control by locating a building closer to the street than 4.5m. That would require its own consent and the Council would be able, on my reading of the Plan, to consider the issue of an appropriate streetscape and amenity outcome independent of the guideline. A dwelling located 3m back from the front boundary as permitted in the general residential zone would be unlikely to be problematic as, to comply with the height envelope rule it would be one storey in height.
20. In any event, my assessment of Waikanae Beach is that, as noted in the Urban Perspectives report, there is considerable variety in the building stock including shapes, sizes, orientations and overall design. Even the most enthusiastic application of the guidelines would struggle to identify any consistent or tangible 'bottom lines' that could be safely used to refuse seriously non performing resource consent applications that would not be available to the Council using the provisions of the general residential zone (such as an application for a zero front yard setback or a three storey, 10m tall building).

Conclusions

21. In conclusion, my analysis is that:

- a. Applying the beach residential zone to Waikanae Beach is at this time premature and even the Urban Perspectives 2013 review identifies that at the least the question of what area should be subject to any re-zoning is itself a point for engaged discussion with the local community.
- b. Applying the general residential zone to the area in the mean time is unlikely to result in a material diminishment of character when compared with the permitted activity standards and allowances that would apply to the beach residential zone.
- c. Most of the character-contributing elements that give Waikanae Beach its own distinctive sense of place remain in my view considerations best addressed outside of the District Plan including Council powers under the LTMA, RA or LGA. Relying on the District Plan to control these would be inefficient and largely ineffective.
- d. The Council should initiate a consultative community plan to identify and commit to outcomes across all of the Council's functions in an integrated manner including annual plan budgets for improvements or other projects as appropriate.

22. Please feel welcome to contact me to discuss any of the above further at your convenience.

Yours sincerely,



IAN MUNRO

urban planning and design solutions

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