

9. STRUCTURE ON STREET APPLICATION FOR 40 KINSEY TERRACE

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and City Streets Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to erect a private structure partially on legal road following the initial development of a preferred scheme for the Kinsey Terrace Street Renewal Project.

EXECUTIVE SUMMARY

2. A Structure on Street application for a new double garage sited partially on legal road has been made by the owners of 40 Kinsey Terrace. Currently the owners have a dedicated single garage located entirely on legal road but would like to build an integrated structure that provides a covered link between the proposed structure and the existing house.
3. The Transport and City Streets Unit have reignited the street renewal project with a new round of consultation now underway. Capital funds have been allocated with construction planned for completion in the 2006/07 year.
4. Staff have assessed the sighting of the proposed structure in relation to the upcoming street renewal project and have deemed this to be minimal.
5. Some residents in the area oppose the approval of this application.
6. Residents have endorsed a scheme plan that addresses the issues raised at public meetings held in February and March this year. However, this scheme plan is not yet finalised and will be presented to the Board at a future seminar meeting.
7. The proposed structure on street will not impact on the adopted scheme plan for the street renewal project.

FINANCIAL AND LEGAL CONSIDERATIONS

8. Community Boards have been delegated to approve Structure on Street applications for garages and parking platforms.
9. The application is subject to compliance with other Council requirements ie resource and building consents.
10. A Deed of Licence fee for occupation of road space will accrue to the Council. This is valued at \$200 per annum for a double garage.

STAFF RECOMMENDATIONS

It is recommended that the Board:

- (a) Approve the application subject to the conditions listed in this report.
- (b) Revoke the current Deed of Licence for the single garage and call for the removal of the single garage within six months from the completion of the new double garage.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND

11. The Board will be aware that Kinsey Terrace has been the subject of much debate over the last few years with the old Environmental Planning and Policy and City Streets Units embarking on a renewal project for Kinsey Terrace in 2000. To date the issues raised by the residents have not been addressed as agreement on a final plan had not been reached. The Transport and City Streets Unit have now reignited the renewal project with a new round of consultation now underway. Capital funds have been allocated with construction planned for completion in the 2006/07 year.
12. In the meantime the owners of 40 Kinsey Terrace have approached the Council with plans for an extensive addition to their current dwelling. This involves the construction of a double garage sited partly on legal road (3.0 metres over the boundary). This work is subject to 'Structure on Street' approval which can only be granted by the Board (see attached plan A).
13. When considering the application the Council must be satisfied that:
 - Safety of all road users is not compromised.
 - Legal right of access is maintained for individual property owners.
 - The applicant is unable to construct the structure on his or her land because of the nature of the terrain.
 - The proposal is consistent with the City Plan objectives on property access and parking requirements.
 - The road environment is not unduly compromised with the presence of the structure.
 - The visual intrusion to the streetscape will have minimal effect to road users.
 - Road users include pedestrians, cyclists and other commuters.
14. Currently the owners have a dedicated single garage located entirely on legal road but would like to build an integrated structure that provides a covered link between the proposed structure and the existing house. The existing Deed of License for the single garage would be terminated and a condition made for the current single garage to be removed from the road space. However, the loss of this structure may deny neighbours an opportunity to have covered parking and not impact on vehicle turning movements of large vehicles. The problem herein is that this structure is privately owned and the Council has no rights to its ongoing management.
15. Council policy does not prohibit a property owner from one or more structures on the street. However in this situation it may be prudent for the Council to order the owner to remove the existing structure, within a period to be specified, following the completion of the new structure. This is a fair and reasonable request given the constrained nature of the road at the west end of Kinsey Terrace and the apparent monopoly the owners have in this location where on street parking is at a premium and other residents have no off street parking.
16. The City Plan allows for two vehicle entrances for properties with a road frontage between 16 metres and 60 metres. However, in the City Plan there is a minimum distance between vehicle crossings within the same frontage and it is 7.5 metres. The reason for this is that the distance between crossings provides an opportunity for on street parking which does not exist in this case as the distance between the two structures is approximately 5 metres.
17. The building of a garage partially on the applicant's land will incur extensive remodelling of the existing dwelling and this request is consistent with the Council's policy for approving garages on legal road. Any new garage on legal road would be subject to a new Deed of License arrangement.
18. While the proposed structure is partially located on legal road, along the applicant's road frontage, the structure itself will be adjacent to the formed road and will comprise a short bridge span of 0.5 metres from the edge of road/ top of bank to the front of the structure. Analysis of vehicle path movements indicates that the position of the structure will not affect turning vehicles. Indeed it will assist turning vehicles when compared to the current situation (see attached plans B and C).



19. However, current on street parking arrangements are likely to be compromised by the addition of this structure. A defined parking area capable of accommodating four vehicles will be removed if the Structure on Street application is approved as vehicles are restricted from parking in front of a garage on legal road. This is an issue that can be addressed through the renewal project as there are other options available for on street parking. It will however be important that residents are aware that conflict does arise while trying to maximise on street parking and accommodate turning vehicles, particularly emergency vehicles and service vehicles which are larger than family sized vehicles, in this constrained area.
20. In normal circumstances a loss of parking can occur. An application to provide a new vehicle entrance will result in the loss of parking in that location whether the structure is located on legal road or within the private property.

CONSULTATION

21. The Environmental Services Unit have yet to receive resource consent or building consent applications from the owners of 40 Kinsey Terrace.
22. Residents in the street have become aware of the application and have contacted the Council with concerns as follows.
23. The Council's Authorising Officer for resource consents in this locality, received an email from the chair of the Clifton Neighbourhood Committee (CNC), dated 18 July. This noted the conflict that arises at the western end of Kinsey Terrace between turning vehicles and parked vehicles. In the email it is noted that an "increasing number of trucks, unable to turn (in the now inadequate turnaround area) are having to back up the narrow road".
24. In an attachment to the email, dated 15 July, the CNC suggests that the "proposed garage, if built, would seriously compromise the options available for resolving or at least mitigating, the traffic difficulties" in this part of Kinsey Terrace.
25. The CNC conclude the following:
 - "The proposed garage will further degrade an already difficult situation in regard to vehicle parking and manoeuvring.
 - This being so the Consent notification process should be extended to include all those parties who will be affected in that regard.
 - An extensive process of "Our Street" discussion and debate has been undertaken; much of this will have to be revisited if the proposal is approved, and this could include research and design work already carried out or planned for by the Council."
26. Two public meetings have been held with the residents of Kinsey Terrace since this report was tabled in November last year. The first meeting was held to identify any issues the residents had and set the project's objectives. The second meeting reported back with a scheme plan that sought to address the issues while meeting the objectives of the Council to renew the street asset. The scheme for the western end of Kinsey Terrace is still subject to a geotechnical report on the stability of a low bank with the potential to create parking space.
27. The objectives of the renewal project did not preclude the owners of 40 Kinsey Terrace from proceeding with their Structure on Street application. The scheme plan, which is based on the agreed objectives and not yet finalised, is not inhibited by the location of the proposed structure. The consultant engaged by the Council for the scheme development, including consultation with the community, has commented that nothing raised in the process precludes the structure from proceeding.
28. The scheme plan will be fine tuned over the next few months and presented to the Board at a seminar before seeking wider community comment.

OPTIONS

29. **Option A - Decline the application**
30. The Council could decline the application; however there are no traffic related issues to warrant this decision.

31. **Option B - Approve the application**

32. The affect of the garage, in the planned location, has been technically assessed as follows.
33. Computer modelling of vehicle paths for medium sized trucks, typical of current vehicles, has been carried out to assess the risk of the proposed structure prohibiting turning movements at the western end of Kinsey terrace. The results indicate that the proposed structure will not compromise any option to improve vehicle manoeuvres (see attached plans).
34. However the proposed structure will impact on the number of on street parking spaces currently available to visitors and residents as four spaces are located along the road frontage of 40 Kinsey Terrace, the applicants address. At least two of these will be lost with the garage development until such time as this issue can be resolved as part of the renewal project. Opportunities do exist to provide on street parking at current numbers, albeit in a different location, and improve vehicle turning. Although these issues are outside the objective of this report they need to be included in the renewal project.
35. It is recommended approval be given subject to:
- Deed of licence being entered into with the Council.
 - Resource and building consents being obtained.
 - The owner being entirely responsible for the stability, safety and future maintenance of the bank, driveway and formation work associated with the structure.
 - The site being kept in a tidy condition at all times during the course of construction.
 - Maintaining clear access to the neighbouring properties.

PREFERRED OPTION

36. Option B.

ASSESSMENT OF OPTIONS

Maintain The Status Quo (If Not Preferred Option)

Option A - Decline the application

	Benefits (current and future)	Costs (current and future)
Social		
Cultural		
Environmental		
Economic		
<p>Extent to which community outcomes are achieved:</p> <p>Impact on Council's capacity and responsibilities: Nil.</p> <p>Effects on Maori: Nil.</p> <p>Consistency with existing Council policies: Consistent.</p> <p>Views and preferences of persons affected or likely to have an interest: Community group is against the application.</p> <p>Other relevant matters: Nil.</p>		

The Preferred Option

Option B - Approve the Application

	Benefits (current and future)	Costs (current and future)
Social		
Cultural		
Environmental	Will provide an opportunity for vehicles to manoeuvre.	Loss of parking until such time as the renewal project is completed.
Economic	Deed of License fee - \$200 per annum.	
Extent to which community outcomes are achieved: Primary alignment with community outcome a Also contributes to and		
Impact on Council's capacity and responsibilities: Nil.		
Effects on Maori: Nil.		
Consistency with existing Council policies: Consistent.		
Views and preferences of persons affected or likely to have an interest: Community group is against the application.		
Other relevant matters:		