

OVERVIEW

The Residential Conservation Zone encompasses the inner residential areas of Lyttelton and Akaroa. The area contains irreplaceable examples of the original colonial fabric of the two settlements, which collectively represent an important element of the heritage of Banks Peninsula. Consequently, these areas generate significant interest to visitors and tourists, and are important to the District's tourist industry.

The area is dominated by the built environment, which dates from the early days of European settlement of the district. Houses are generally wooden with steeply pitched roofs. Many sites are small, houses stand close to each other and are oriented towards the street. In many cases there is insufficient space to accommodate on-site car parking.

The narrow streets, small scale and density of residential development give an intimacy and also contribute to the unique character and amenity of the area.

In order to retain the unique heritage, character and amenity of the area, new building construction other than minor work will require a resource consent. New or altered buildings will be assessed against the policies for the area which are aimed at maintaining consistency of building set-back and of architectural mass, form and proportion. Design guidelines for both the Lyttelton and Akaroa Residential Conservation Zones are set out in Appendix X and Appendix XI respectively. Those guidelines are intended to assist home-owners and builders to accurately understand the historic character of the area and the buildings within it. They offer general guidelines to use when making changes to existing dwellings or erecting new buildings.

The Council may seek expert advice when assessing applications for consent to erect new buildings or alter existing buildings.

ISSUE 1	The heritage qualities of the area may be compromised unless future development respects the unique elements of the existing built environment.
OBJECTIVE 1	To conserve the existing pattern of subdivision, streetscape and building form in the historic residential areas of Lyttelton and Akaroa.

POLICIES

- 1A** New subdivision shall be consistent with the historic pattern which exists in the Area.

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- 1B** Additions and modifications to existing buildings should complement the architectural style of those buildings and not detract from the appearance of adjacent buildings.
- 1C** New buildings shall be positioned so as to generally conform to the existing facade line of neighbouring buildings.
- 1D** The form, proportions and materials of any new building shall be compatible with those of dwellings of the characteristic era of the vicinity in which the building is to be sited.
- 1E** The bulk, location, height, scale and appearance of buildings in the Residential Conservation Area shall not have an adverse effect on the existing amenity of adjoining properties.

EXPLANATION AND REASONS

The Residential Conservation Area identifies important historic areas reflecting early European settlement in the District.

Wooden dwellings dominate the existing built environment with steeply pitched roofs on narrow streets. Houses are located close to each other on relatively small sites and display a consistency of architectural mass, form and proportion. Collectively, the pattern and form of development contributes to the unique character and amenity of the area. To ensure that character is maintained, the form, scale, size and siting of new buildings should be compatible with that of existing development. New building and additions or modifications to existing buildings, which do not complement the scale and form of existing development, would have an adverse effect on existing character and amenity.

Accordingly, large or poorly sited buildings or unsympathetic designs should be avoided.

ISSUE 2	Intensive or large-scale non-residential activities may compromise the special amenity of the area.
OBJECTIVE 2	To ensure the special amenity of the Area is not compromised by any adverse effects of more intensive non-residential activities.

POLICIES (Updated: 2 July 2011)

- 2A** The scale and location of non-residential activities shall be such that they do not reduce the amenity of the locality or dominate the streetscape in which they are located.

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- 2B** Activities should not generate noise, dust or odours to the extent that they compromise the residential amenity of the area.
- 2C** Non-residential activities shall make adequate provision for parking and vehicle manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 2D** On-site parking activities should be screened to prevent adverse aural and visual effects on adjacent properties.
- 2E** Traffic generated by activities shall not create any adverse effect on the capacity of the existing roading network.
- 2F** Where any development requires an extension of reserves, network infrastructure or community infrastructure, it shall be provided by the developer or an appropriate financial contribution shall be required, unless a contribution is being recovered for the same reserves or infrastructure through the Development Contributions Policy under the Local Government Act 2002.
- 2G** Non-residential activities should not attract numbers of people that are out of keeping with the intensity of use on sites for residential purposes.

EXPLANATION AND REASONS

The amenity of the Residential Conservation Zone is derived from the narrow streets, small scale, and density of existing residential development. Allowing large-scale non-residential activities to locate in these areas may compromise the existing attractiveness, character and amenity that make them unique. It is important that the scale and intensity of any future development is compatible with the pattern and form of the existing residential development.

Non-residential activities, such as heli-landing areas, which locate within the Residential Conservation Zone are required to ensure that adverse effects they create are contained within the site and do not reduce the amenity of adjoining sites.

ISSUE 3	The earthworks required for the construction of new residential buildings and associated access on steep slopes can have adverse effects on soil and slope stability.
OBJECTIVE 3	To avoid soil and slope instability resulting from earthworks required for the construction of new residential buildings.

POLICIES

- 3A** Activities requiring earthworks, such as site preparation for the construction of new residential buildings and associated access, shall not be undertaken in locations which are identified as being prone to soil and slope instability without an appropriate engineering/geotechnical investigation.
- 3B** Earthworks shall be controlled so as to avoid the creation or exacerbation of soil or slope stability problems and to avoid the siltation of water bodies.

EXPLANATION AND REASONS

Residential expansion and association activities can have physical impacts on the natural environment such as soil and slope instability resulting from inappropriate earthworks and increased stormwater run-off.

Steeper land within existing residential areas is prone to soil and slope instability which can result in land slips, scarring and siltation of water bodies. Activities requiring earthworks should not be undertaken where slopes are prone to stability problems.

ISSUE 4	Buildings of inappropriate scale, form and location can have adverse effects on views and the character and amenity values of residential areas in Akaroa.
OBJECTIVE 4	To ensure that buildings are of a size, form and location which maintains residential amenity values, and which enables views to be shared as far as is practicable in Akaroa.

POLICIES

- 4A** In order to preserve the character and amenity values of residential areas, buildings in all residential areas should be of a similar scale, size and height as surrounding residential buildings.
- 4B** Buildings in hillside locations should recognise and maintain the existing scale of development and be sited to avoid visual domination of the hillside landscape and, where practicable, to protect views from other properties.
- 4C** The height, bulk and location of buildings should not visually dominate surrounding views or properties or prevent adjacent properties having access to daylight and sunlight.

EXPLANATION AND REASONS

The largely residential character of buildings and the nature of established activities in the Zone creates a particular environment quality. There is a high level of residential amenity in terms of visual character and appearance, and low background noise and traffic. Inappropriate buildings and activities not of the same or similar character can have an adverse effect on this amenity.

The views enjoyed by many residents are one of the amenity values of this Zone. The objective and policies recognise this amenity value, but also recognise that views cannot be completely protected because of the need to consider competing wants and needs, such as being able to have more living space, and the need for housing.

The objective and policies are intended to ensure that buildings and activities in the residential areas are compatible with and do not detract from the character and amenity values which are currently enjoyed in these areas.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Performance and development standards set out in the Plan.
- Design guidelines for buildings in Appendix X or XI.
- Advice and information.
- Consultation with, and support for, community groups active in the maintenance of heritage values.

RULES

1. Permitted Activities

The following are permitted activities where they meet the standards set out in Rule 2 (below):

- a) Restoration, repair and internal alteration of any existing building fabric or detailing thereof.
- b) Home Enterprises.
- c) The demolition of accessory buildings.

2. Conditions for Permitted Activities

2.1 Light

Maximum lux spill from artificial sources light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining residential property boundary.

3. Restricted Discretionary Activities (Updated May 2009)

3.1 Any permitted or controlled activity which does not comply with one or more of the relevant conditions, standards or terms, shall be a restricted discretionary activity with the exercise of the Council's discretion being restricted to those matters specified in the condition or standards or terms. (Updated April 2007)

3.2 The following shall be restricted discretionary activities provided that they comply with the standards set out in Rules 4 and 5 (below):

- a) External alterations or additions to, or demolition of existing buildings on a site (except where permitted under Rule 1) or
- b) The erection of dwellings and accessory buildings, except for new dwellings within the Port Influences Overlay Area shown on Planning Maps S1 and S2.

The exercise of the Council's discretion under Rules 3.2 (a) and (b) shall be restricted to:

- Form and design of buildings and additions to buildings.
- Cladding of buildings.
- Location of buildings and structures on a site.
- Location of vehicle parking spaces. (Updated April 2007)

3.3 Within the Port Influences Overlay Area shown on Planning Maps S1 and S2 the following shall be restricted discretionary activities provided that they comply with the standards set out in Rules 4 and 5 (below):

- a) The erection of new habitable rooms associated with an existing dwelling; or,
- b) Extensions to existing habitable rooms in an existing dwelling; or,
- c) The erection of a replacement dwelling.

The exercise of the Council's discretion under Rule 3.3 shall be restricted to the matter of reverse sensitivity effects on port activities located in Lyttelton Port.

For the purpose of Section 94D(2) and (3) of the Resource Management Act 1991 an application arising from Rule 3.3 does not need to be notified and need only be served on Lyttelton Port Company Limited as the sole affected party, unless it has given its written approval to the activity. (Updated April 2007)

4. General Standards for Restricted Discretionary Activities
(Updated May 2009)**4.1 Height**

Maximum height of buildings and structures – 7.0 metres

Maximum height of accessory buildings and structures – 4.5 metres.

4.2 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2.0 metres above any adjoining site boundary, unless that boundary is a road frontage.

4.3 Yards – Minimum

- Front Yard, Front Sites: No part of any wall of a building facing the road boundary shall be more than 3 metres either side of the line of sight connecting that part of each of the nearest buildings either side of the subject property closest to the road frontage.
- Front Yard, Corner Sites: No part of any wall of a building shall be more than 3 metres either side of a line from that part of each of the nearest buildings along both road frontages drawn parallel to the road boundaries and projected in a straight line to the point of intersection.
- Side Yards: 1.5 metres, provided that one side yard may not be required where written approval has been obtained from the owner and occupier of the site adjoining the relevant boundary.

(Except that accessory buildings may be located within any side yard provided that no wall within the required setback facing the boundary is longer than 6 metres.)

4.4 Site Coverage – Maximum

- 60% of net site area within the Residential Conservation Zone at Lyttelton.
- 35% of net site area within the Residential Conservation Zone at Akaroa.

4.5 Earthworks

Earthworks undertaken on one or more occasions on a site which extend outside the eaves of buildings shall not exceed 20 m³ or have a face height greater than 1.2 metres.

4.6 Light

Maximum lux spill from artificial sources light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining residential property boundary.

5. Particular Standards for the Erection of Dwellings or for the Erection or Extensions to Habitable Rooms (Updated May 2009)

5.1 Dwelling Density

- Not more than one dwelling per 250m² of net site area in the Residential Conservation Zone at Lyttelton.
- Not more than one dwelling per 400m² of net site area in the Residential Conservation Zone at Akaroa.

5.2 Outdoor Amenity Space

An outdoor space of not less than 35m² in area with a minimum dimension of 3 metres shall be provided for each residential unit on a site.

5.3 Vehicle Parking

All new dwelling sites shall provide the following number of parking spaces which may be stacked; Lyttelton – 1 per unit, Akaroa – 2 per unit. Parking spaces shall have the following minimum internal dimensions:

- Width – 3 metres.
- Depth – 5.5 metres.

5.4 Habitable Rooms within the Port Influences Overlay Area

New habitable rooms associated with an existing dwelling or a replacement dwelling, or extensions to existing habitable rooms in an existing dwelling, within the Port Influences Overlay Area shall have an internal sound design level of 40 dBA Ldn (5 day) with ventilating windows open or with windows and doors closed and mechanical ventilation installed and operating.

Note: Refer to Rule 1.9 in Chapter 33: Noise on how to determine the appropriate internal design sound level. (Updated April 2007)

5.5 No-complaints covenant in favour of the Lyttelton Port Company Ltd

Within the Port Influences Overlay Area, where an application for resource consent pursuant to Rule 3.3 involves:

- (i) The erection of new habitable rooms associated with an existing dwelling or extensions to existing habitable rooms in an existing dwelling exceeds a combined gross floor area of 40m² within a 10 year continuous period; or involves,
- (ii) The erection of new habitable rooms associated with a replacement dwelling exceed the combined gross floor area of the habitable rooms contained in the previous dwelling by more than 40m² within a 10 year continuous period.

then the applicant, as part of its resource consent application, is willing to voluntarily offer to enter into a no-complaints covenant in favour of the Lyttelton Port Company Limited and shall include the matters set out below:

- a) the covenant(s) shall be registered against the title(s) of the land upon which the proposal is situated; and
- b) the covenant(s) shall be registered in favour of the Lyttelton Port Company Limited; and
- c) the covenant(s) shall be to the effect that no owner or occupier or successor of land shall object to, complain about, bring or contribute to any proceedings (whether in contract, tort (including negligence), equity, nuisance, public nuisance, under any statute or otherwise, and whether seeking damages or injunctive or other relief or orders), or otherwise opposing, any adverse environmental effects, including noise, dust, traffic, vibration, glare or odour, resulting from any lawfully established port activities undertaken by the Lyttelton Port Company Limited, or its subcontractors and lessees. (Updated April 2007)

6. Discretionary Activities (Updated May 2009)

- 6.1 Any activity listed in Rules 3.2 and 3.3 which do not comply with the standards in Rules 4 and 5.1 to 5.3 is a discretionary activity. (Updated April 2007)
- 6.2 The following shall be discretionary activities provided that they comply with the standards listed in Rules 4 and 5 (above) or in Rule 7 (below):
- Places of Assembly, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
 - Visitor facilities.
 - Health Care Services except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
 - Retailing.

Relocated buildings except for a Port Noise Sensitive Activity within the Port Influences Overlay Area. (Updated April 2007)

7. Standards for Listed Discretionary Activities (Updated May 2009)

Refer to list of standards below:

- a) Places of Assembly – 7.1, 7.2, 7.3, 7.5,
- b) Visitor facilities – 7.1, 7.2, 7.5,
- c) Health care services – 7.3, 7.4(a), 7.5
- d) Retail premises – 7.2, 7.3, 7.4(b), 7.5
- e) Relocated buildings – 7.6, for relocated buildings used as dwellings – 4.1, 4.2, 4.3, 4.4 and 5.1–5.3

7.1 Intensity Ratio

Minimum 30m² of site area per person the activity is designed to accommodate.

7.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites.

7.3 Hours of Operation

0700 to 2200 hours

7.4 Floor Area

- Maximum floor area used for **Health Care Services** activities on any site shall not exceed 100m²
- Maximum floor area used for **Retailing** activities on any site shall not exceed 50m²

7.5 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

7.6 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

8. Non-Complying Activities (Updated May 2009)

The following shall be non-complying activities:

- 8.1 Heli-landing areas, (Updated November 2010)
except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:
- (ee) The number of flights do not exceed 12 (24 movements) in any calendar year;
 - (ff) The flights (movements) do not take place on more than five days in any one month period;
 - (gg) The flights (movements) do not exceed three in any one week;
 - (hh) Any movements shall only occur between 8.00am and 6.00pm;
 - (ii) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
 - (jj) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.
- 8.2 Any activity listed in Rule 3.3 which does not comply with the standards set out in Rules 5.4 and 5.5. (Updated April 2007)
- 8.3 Any activity listed in Rule 6.2 which does not comply with the standards set out in Rules 4 and with any relevant standard in Rules 5 and 7. (Updated April 2007)
- 8.4 Establishment of a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Maps S1 and S2 other than activities specified as a Restricted Discretionary Activity under Rule 3.3. (Updated April 2007)
- 8.5 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity. (Updated April 2007)

ASSESSMENT OF APPLICATIONS

9. Restricted Discretionary Activities (Updated May 2009)

Assessment of applications for restricted discretionary activities shall be limited to the form, design, siting and appearance of buildings and structures, and the location of vehicle parking spaces. In making such assessment the Council may seek such expert advice and assistance as it considers appropriate.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Residential Conservation Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
- The extent to which any breach of the building height, dwelling density, site coverage or setback standards would have an adverse effect on views from properties in the vicinity.

With respect to any new habitable rooms associated with an existing dwelling or replacement dwelling, or extensions to existing habitable rooms in an existing dwelling within the Port Influences Overlay Area, applications will be assessed against the following:

- The relevant objectives and policies contained in the Plan.
- Whether the applicant has obtained written approval from the Lyttelton Port Company Limited.
- The degree to which any resultant outdoor living could create an increased potential for a complaint against port related activities thus causing a potential reverse sensitivity effect on port activities.

Whether any other methods to reduce the potential for reserve sensitivity effects on the port operator, other than the required acoustic insulation, have been incorporated into the design of the proposal.

10. Discretionary Activities (Updated May 2009)

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Residential Conservation Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
- The extent to which any breach of the building height, dwelling density, site coverage or setback standards would have an adverse effect on views from properties in the vicinity.

ANTICIPATED ENVIRONMENTAL RESULTS

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- Protection and preservation of the heritage values and historic character of the Lyttelton and Akaroa residential areas.
- Non-residential activities undertaken in a manner which does not adversely affect the amenity and safety of residential areas.
- New buildings and extensions to buildings are of a form, size and location which allows private views to be maintained as much as possible.

RELATED DISTRICT PLAN PROVISIONS

Provisions, including rules, in Chapter 14 'Cultural Heritage' to protect the historic character of the streetscape in the Akaroa Historic Area.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 37 Waste Management and Hazardous Substances
- 38 Natural Hazards