

OVERVIEW

The Residential Zone accommodates the majority of the population of Banks Peninsula District in a range of residential environments. These include urban and suburban living, commuter accommodation and small harbour settlements. The demand for residential living opportunities is expected to increase across the District in the future.

The two major settlements of Lyttelton and Akaroa each have a distinctive urban character. This character is comprised of rural hill backdrops and harbour settings, which contain the settlements and small-scale, predominantly colonial architecture and narrow streets. The residential areas within these settlements are characterised by sites containing detached dwellings and associated private open space and are largely used for domestic purposes. These characteristics are considered by the community to be fundamental elements of the amenity of such residential areas.

Lyttelton has a more urban atmosphere with larger-scale residential and commercial buildings and the industrial buildings and activities associated with the port. It has a distinct urban-rural boundary and is dominated by the built environment. The residential areas are characterised by small lot sizes and narrow streets. It is these aspects that contribute to the amenity of Lyttelton.

Akaroa is a smaller settlement and is characterised by its historic colonial form. Relatively narrow streets, distinctive residential buildings and well-treed properties, complement its colonial architecture. Akaroa is also a focal point for visitors to the region and the District. It is these aspects that contribute to the amenity of Akaroa. The aspects of residential amenity described in the two residential settlements above are highly valued by its residents. Non residential activities that are not compatible with the character of the residential Zone are controlled in order to mitigate adverse effects on the character and amenity of the area.

The smaller settlements around Lyttelton harbour provide a variety of residential opportunities. Each settlement differs as a reflection of its history, the local topography, the relationship with the coast and the type of residential living offered. Residential areas at Cass Bay, Corsair Bay, Church Bay and Diamond Harbour offer a lower density residential environment with relatively large lots.

Opportunities for residential expansion around Lyttelton and Akaroa are constrained by the availability of reticulated services. Any additional residential areas would need to be serviced by appropriate effluent disposal systems in order to avoid the adverse effects on the environment of effluent disposal.

The resource management issues for the Residential Zone relate to both the location and impact of settlements and other residential activities in the natural environment and the effects of buildings and activities on the amenity of residential areas.

CHAPTER 24 RESIDENTIAL ZONE

The Residential Zone is complemented by the Residential Conservation Area which comprises the inner residential areas of Lyttelton and Akaroa with special historic characteristics. The issues facing those historic areas are distinct from the more general issues of the Residential Zone outlined here.

ISSUE 1	Uncontrolled expansion of residential areas at the outer edge of the Lyttelton and Akaroa residential areas could detract from the distinctive landscape and rural character of the District and compromise the existing compact form and character of those settlements.
OBJECTIVE 1	To protect areas of distinctive landscape and rural character at the fringe of existing residential areas from the adverse effects of residential expansion and to maintain the distinctive form of settlements.

POLICIES

- 1A** Any new residential development at the edge of existing residential areas will not be established in areas of identified distinctive landscape and rural character.
- 1B** The edge of residential areas will be precisely defined and identified in order to maintain the form of settlements.

EXPLANATION AND REASONS

Banks Peninsula has a distinctive landscape and rural character providing a particular amenity value, which should be protected. Continued residential growth at the outer extent of existing settlements and in new areas could have adverse effects on the landscape and rural character of the District.

Both Akaroa and Lyttelton are compact settlements with clear and well-defined 'edges'. It is important to secure the integrity of the form of those settlements by maintaining a distinct boundary between residential and rural land uses.

The objective and policies are intended to ensure that the rural urban boundaries of the settlements are not blurred by unconsolidated residential expansion. Those areas of distinctive landscape and rural character at the edges of settlements are also particularly sensitive to the visual impact of buildings, which can detract from that character. Also refer to policies in Chapters 7, 27 and 33 of the district plan, which recognise that residential expansion can potentially affect the operation and development of Lyttelton Port.

ISSUE 2 **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 2 **To avoid soil and slope instability resulting from earthworks required for the construction of new residential buildings.**

POLICIES

- 2A** Activities requiring earthworks, such as site preparation for the construction of new residential buildings and associated access, should not be undertaken in locations which are identified as being prone to soil and slope instability.
- 2B** 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 associated activities can have physical impacts on the natural environment such as soil and slope instability resulting from inappropriate earthworks and increased stormwater run-off. The natural environment around Lyttelton and Akaroa is particularly sensitive to such effects of residential development.

Steeper land both within and at the fringe of existing residential areas is prone to soil and slope instability which can result in land slips, scarring and siltation of water bodies. It is intended that any activities within residential areas requiring earthworks should be controlled in order to avoid, remedy or mitigate any adverse effects on stability and water bodies. Activities requiring earthworks should not be undertaken where slopes are prone to stability problems.

ISSUE 3 **The inability of some infrastructure and effluent disposal systems to cope with physical expansion of the residential area can result in adverse effects on the environment.**

OBJECTIVE 3 **To ensure that additional residential development and activity only occurs where infrastructure is able to accommodate servicing needs.**

CHAPTER 24 RESIDENTIAL ZONE

POLICIES (Updated 2 July 2011)

- 3A** All sites within the Residential Zone shall be serviced by a reticulated sewage system, including suitable community-based systems.
- 3B** 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.

EXPLANATION AND REASONS (Updated 2 July 2011)

Residential expansion and associated activities can have physical impacts on the natural environment such as pollution of water bodies resulting from the disposal of sewage where existing systems are unable to cope with the demand created by residential expansion.

Where network infrastructure, community infrastructure or the environment is not capable of sustainably managing the effects of additional demands and loads that result from additional buildings and activity, the environment and health and safety of people may be adversely affected. In order to avoid such adverse effects, additional buildings and activity are restricted from establishing where infrastructure or the environment is not capable of servicing such activity. The Residential Zone will be confined to areas serviced or proposed to be serviced by reticulated sewerage systems.

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

POLICIES

- 4A** In order to preserve the character and amenity values of residential areas, buildings should be of a scale which complements, surrounding residential buildings, and have adequate outdoor open space.

- 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 scale 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, background noise and traffic. Inappropriate buildings and activities not of the same or similar character can have an adverse effect on this amenity. New buildings and extensions to buildings are to be of a form, size and location which allows private views to be maintained where practicable.

The objective and policies are intended to ensure that buildings and activities in residential areas are compatible with and do not detract from the character and amenity values currently enjoyed. New buildings and extensions to buildings are to be of a form, size and location which allows private views to be maintained where practicable.

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. Many factors contribute to whether views can reasonably be protected, in particular, the gradient of the land plays a large part in determining whether any degree of view sharing can occur. On a flat site where one dwelling is built in front of another, the zero gradient means that views cannot be protected at all. Property owners can only reasonably expect views to be protected to some extent when certain circumstances are favourable, for example, by virtue of a steep gradient or low dwelling density. Due to the small lot sizes in Lyttelton, opportunities for view protection may be very limited.

ISSUE 5	The intensity, scale and character of some non-residential activities may have adverse effects on the amenity values of residential areas and the health and safety of residents.
OBJECTIVE 5	To ensure that non-residential activities are compatible with and will not have adverse effects on the amenity of residential areas or the health and safety of residents.

POLICIES (Updated 2 July 2011)

- 5A** Non-residential activities should not reduce those general amenity values of residential areas which result from the majority of properties being used for residential purposes.
- 5B** The effects of non-residential activities should be consistent with the maintenance of existing residential amenity values.
- 5C** Buildings intended for non-residential purposes should be of an appearance, scale, size, height, density and intensity which is compatible with residential buildings in the locality.
- 5D** Non-residential activities shall make adequate provision for parking and vehicle manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 5E** On site parking for non-residential activities shall not produce adverse aural and visual effects on adjacent properties.
- 5F** 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.
- 5G** Traffic generated by activities should not compromise road safety or efficiency.

EXPLANATION AND REASONS

A valued element of the amenity of residential areas is the occupation and use of the majority of sites for domestic purposes. Non-residential activities, such as heli-landing areas, can thus have an adverse effect on the character and amenity values of residential areas. The objective and policies intend to ensure that there is limited ability to establish non-residential activities and that where those activities are established they are consistent with the existing character and amenity values of residential areas.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Identifying areas of distinctive landscape and rural character at the fringe of residential areas and imposing rules which restrict buildings and activities in these areas.

- Identifying areas prone to soil and slope instability within residential areas and imposing controls on buildings and activities in these areas.
- Limiting residential expansion to those areas serviced or proposed to be serviced by reticulated sewage systems.
- Conditions and standards controlling the density, intensity, size, bulk and location of buildings.
- Plan rules limiting non-residential activities so that residential amenity values are maintained.

RULES

In the Residential Deferred Zone on Planning map S11 the standards applicable in the Akaroa Hill Slope Zone will apply until there is the ability to connect to an reticulated water supply and to connect to the sewer or otherwise adequately treat and dispose of effluent. From that time the standards applicable to the Residential Zone shall apply to the Residential Deferred Zone on Planning Map S11.

1. Permitted Activities (Updated April 2007)

The following are permitted activities where they meet the conditions set out in Rule 3 (below):

- a) The erection of dwellings except for new dwellings within the Port Influences Overlay Area shown on Planning Maps S1 and S2.
- b) Within the Port Influences Overlay Area shown on Planning Maps S1 and S2:
 - i) The erection of new habitable or non-habitable rooms associated with an existing dwelling; or,
 - ii) Extensions to existing habitable or non-habitable rooms in existing dwellings; or,
 - iii) The erection of a replacement dwelling.
- c) Home Enterprises.
- d) Creation and maintenance of reserves.

2. Controlled Activities

Relocated Buildings

For relocated building activity compliance with the following standards and terms is required for the activity to be a controlled activity:

- a) Compliance with all of the relevant rules in this Plan.

2.1 Resource Consent Conditions

In considering an application for a controlled activity for a relocated building the Council may impose conditions in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

3. Conditions for Permitted Activities and Standards for Controlled Activities

3.1 Dwelling Density

All areas except:

- Diamond Harbour Density Overlay Area;
- The property at 10 Harmans Road, Lyttelton described as Lot 1 DP71436;
- The property at 10 Pages Road, Lyttelton, legally described as Lot 2 DP 52500

No more than one dwelling on any site 400m² or less in area;

or

1 dwelling per 400m² on sites greater than 400m² in area.

- Diamond Harbour Density Overlay Area

Within the area shown on planning maps S7 and S8 as Diamond Harbour Density Overlay Area. No more than one dwelling on any site 600m² or less in area or one dwelling per 600m² on sites greater than 600m².

- 10 Harmans Road Lyttelton

In the case of 10 Harmans Rd Lyttelton described as Lot 1 DP 71436, one dwelling per 5000m².

- 10 Pages Road, Lyttelton (Lot 2 DP 52500)

No more than 5 dwellings in total on the property legally described as Lot 2 DP 52500.

3.2 Height

Maximum height of buildings and structures – 7.0 metres.

Maximum height of accessory buildings and structures – 4.5 metres.

3.3 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 2 metres at any point above the nearest site boundary.

3.4 Yards – Minimum

No building or part of a building shall be erected within the following yards:

- Front – 3.0 metres. Where a garage contains a vehicle entrance which generally faces the road, the garage shall be setback 5 metres.
- Side – one of 1.5 metres and one of 2 metres. (Except that accessory buildings may be located within any of the side yards provided that no wall within the required setback facing the boundary is longer than 6 metres).
- Rear – 2 metres.

3.5 Site Coverage

Maximum: 35% of net site area.

3.6 Earthworks

Earthworks which extend outside the eaves of buildings shall not exceed the following dimensions:

- 20m³ (volume)
- and
- shall not have a face height greater than 1.5 m.

3.7 Light

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

3.8 Relocated Buildings

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

3.9 Habitable Rooms within the Port Influences Overlay Area (Updated April 2007)

- a) Within the Port Influences Overlay Area showing on Planning Maps S1 and S2:
 - i) New habitable rooms associated with an existing dwelling, or extensions to existing habitable rooms in an existing dwelling, shall not exceed a combined gross floor area of 40m² within a 10 year continuous period; or;
 - ii) New habitable rooms associated with a replacement dwelling shall not 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.
- b) New habitable rooms associated with an existing or 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. Failure to

comply with Condition 3.9 (b) renders the activity a non-complying activity under Rule 7.3.

Note: Refer to Rule 1.8 in Chapter 32: Noise on how to determine the appropriate internal design sound level.

4. Restricted Discretionary Activities and Standards for Restricted Discretionary Activities (Updated April 2007)

4.1 Any permitted or controlled activity which does not comply with one or more of the conditions listed in Rules 3.1 to 3.8 shall be a restricted discretionary activity with the exercise of the Council's discretion being restricted to the matters specified in the condition. (Updated April 2007)

4.2 Any permitted activity which does not comply with Rule 3.9 (a) but does comply with Rule 3.9 (b) shall be a restricted discretionary activity provided that it complies with the standard in Rule 4.3 below with the exercise of the Council's discretion being 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 non-compliance with Rule 3.9(a) 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)

4.3 No complaints Covenant in favour of the Lyttelton Port Company Limited

The applicant, as part of its resource consent application pursuant to Rule 4.2, 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.

Failure to comply with this standard renders the activity a non-complying activity under Rule 7.4. (Updated April 2007)

5. Discretionary Activities (Updated April 2007)

The following are discretionary activities where they meet the standards set out in Rule 3 (above) and Rule 6 (below):

- a) Places of Assembly, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
- b) Visitor Facilities.
- c) Health Care Services, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
- d) Retailing.
- e) Emergency Service Facilities.

6. Standards for Listed Discretionary Activities

Refer to list of standards below:

- a) Places of Assembly – 6.1, 6.2, 6.3, 6.5,
- b) Visitor Facilities – 6.1, 6.2, 6.5
- c) Health Care Services – 6.4(a), 6.5,
- d) Retailing – 6.2, 6.3, 6.4(b), 6.5,
- e) Emergency Service Facilities – 6.2.

6.1 Intensity Ratio

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

6.2 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.

6.3 Hours of Operation

0700 to 2200 hours.

6.4 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.

6.5 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. Non-Complying Activities (Updated April 2007)

The following shall be non-complying activities:

- 7.1 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:
- (y) The number of flights do not exceed 12 (24 movements) in any calendar year;
 - (z) The flights (movements) do not take place on more than five days in any one month period;
 - (aa) The flights (movements) do not exceed three in any one week;
 - (bb) Any movements shall only occur between 8.00am and 6.00pm;
 - (cc) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
 - (dd) 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.
- 7.2 Any activity listed in Rule 5 which does not comply with the relevant standards in Rule 6.
- 7.3 Any activity listed under Rule 1 which does not comply with Condition 3.9(b).
- 7.4 Any activity specified in Rule 4.2 which does not comply with the Standard in 4.3.
- 7.5 Establishment of a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Maps S1 and S2 other than:
- a) Activities specified as Permitted Activities in Rule 1b); or,
 - b) Activities specified as a Restricted Discretionary Activity in Rule 4.2.
- 7.6 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity.

ASSESSMENT OF APPLICATIONS

8. Restricted Discretionary Activities (Updated April 2007)

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities and standards for controlled activities with which the proposal fails to comply.

CHAPTER 24 RESIDENTIAL ZONE

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

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

With respect to any new habitable rooms associated with an existing 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.
- 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 the applicant has obtained written approval from the Lyttelton Port Company Limited.
- 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.

9. Discretionary Activities

Applications for discretionary activities will be assessed against the following:

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

In addition, the conditions for permitted activities will be used as a guide.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Residential Zone:

- To control expansion of the residential areas so as not to detract from the distinctive landscape and character of the district.
- To avoid soil and slope instability resulting from earthworks.
- Enable residential development to occur only where infrastructure can accommodate.
- A built environment maintaining residential amenity values.
- Non residential activities compatible with the amenity of the residential 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