

**OVERVIEW**

The Town Centre Zone includes all of the established commercial centres in the District. The principal commercial centres of Lyttelton and Akaroa are included, as are a number of smaller commercial nodes at Governors Bay, Diamond Harbour, Church Bay and Little River. In general, the areas covered by the provisions of this Zone are well established and provide for a range of business and community activities and opportunities. The Town Centre Zone also caters for visitor accommodation and residential development at a greater density than in the Residential Zones.

The Town Centre Zones within Lyttelton and Akaroa are well defined and are the main business and commercial areas in the district. These areas contain a mix of activities including retailing, visitor accommodation, offices, community facilities, historic and residential buildings. Outside Lyttelton and Akaroa, the Town Centre Zone includes local commercial centres located within residential areas and outlying settlements. These centres contain small-scale retail and service activities focused on the needs of the local community and visitors.

The commercial centres of Lyttelton and Akaroa were established by the first European settlers in the District and their built environments reflect those early days of settlement. Many simple timber framed buildings from the pioneer period remain, while more substantial brick buildings of varying architectural style reflect the subsequent consolidation of commercial activity in the District. The form, scale and size of the early buildings give the commercial centre streetscapes of Lyttelton and Akaroa a distinctive character and amenity. In addition, the Akaroa waterfront is of paramount significance to the amenity of Akaroa. That character is important in defining the identity of both towns and is a feature, which is valued by the community and attracts many visitors to the District. Tourism, therefore, is an important industry in the District.

In order to retain the character 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 architectural mass, form and proportion. Design guidelines for both the Town Centre Zones at Lyttelton and Akaroa are set out in Appendix X and XI respectively. The guidelines are intended to assist developers and builders to accurately understand the historic character of the area and the buildings within it. They offer general principles to apply when making changes to existing buildings or erecting new buildings. As well as the provisions of this chapter for the protection of the historic character of Akaroa and Lyttelton, Chapter 14 'Cultural Heritage' contains provisions for the protection of the Akaroa Historic Area which encompasses almost all of the Town Centre Zone, as well as most of the Residential Conservation Zone.

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

The provisions of the Town Centre Zone are intended to allow for a range of business and community activities within a framework, which maintains the

character and amenity of the areas and provides for adequate infrastructure to service new development. The provisions also recognise that in most locations the Town Centre Zone is adjacent to open space and residential areas and that the amenity of those areas must be protected.

<b>ISSUE 1</b>	<b>Increasing intensity of development may reduce the amenity of the Town Centre Zone.</b>
<b>OBJECTIVE 1</b>	<b>To ensure the level of amenity in the Town Centre Zone is maintained.</b>

### **POLICIES**

- 1A** Activities should not generate noise, dust or odours, which will reduce the amenity values of public open spaces and streets within the Town Centre Zone.
- 1B** The scale and siting of buildings and structures shall be such that they do not reduce the level of amenity of public open spaces or dominate the streetscape in which they are located.
- 1C** Activities should make adequate provision for parking and vehicle manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 1D** There should be either sufficient on-site vehicle parking for any activity established within the Zone or adequate space in the locality of the activity where such parking can be established without adversely affecting pedestrian or traffic safety.
- 1E** Car parks located on sites adjacent to Residential Conservation and Residential Zones should, where practicable, be screened from residential sites immediately adjacent to the car park.
- 1F** Traffic generated by activities shall not reduce the ability of streets to accommodate pedestrian traffic.
- 1G** Vehicle access to and from sites shall ensure the safety of pedestrians.
- 1H** Where an activity generates significant volumes of pedestrian traffic, pedestrian access to and from the site shall provide adequate weather protection and be sufficiently segregated from any vehicle access to ensure safety.
- 1I** To maintain and encourage the establishment of retail business activities along the ground floor level of Beach Road, Akaroa.

## EXPLANATION AND REASONS

These policies are intended to ensure that any future development in the Town Centre Zone does not compromise the existing level of amenity. This amenity derives, in part, from the common scale of existing development. While that development is relatively intense, most buildings are either two storied or of an equivalent height and proportion. There are very few notably large buildings overlooking the streets and public outdoor areas and traffic volumes are comparatively low. While it is considered important to provide for a mix of activities within this area, development must be in accordance with the existing scale and intensity to prevent new buildings dominating the streetscape or reducing the amenity of public open space. Moreover, while it is intended that the existing mix of activities be strengthened through further development, it is important that the scale and intensity of that development does not compromise the attractiveness of areas and thus reduce their pedestrian use and appreciation. In the town centre area in Beach Road, Akaroa, the amenity of the area is partially dependant on maintaining a vibrant and cohesive commercial area. The retaining of retail businesses is recognised as a necessary component of this. New activities which generate vehicular traffic are also required to ensure that parking and manoeuvring are contained within the site and do not adversely affect the existing street network or safety of pedestrians.

<b>ISSUE 2</b>	<b>The existing streetscape and character of central Lyttelton and Akaroa can be compromised by buildings and structures of inappropriate design, colour and scale.</b>
<b>OBJECTIVE 2</b>	<b>To conserve the existing streetscape and building form of the Lyttelton and Akaroa Town Centres.</b>

## POLICIES

- 2A** Changes to existing buildings should be carried out to a design and in a manner which does not detract from the architectural character of the area.
- 2B** Additions and modifications to buildings and other structures should be positioned and designed so that they complement the architectural character of the existing building and do not detract from adjacent buildings or structures.
- 2C** New buildings in Akaroa and Lyttelton should be positioned to complement the existing façade line of neighbouring buildings, except that in Akaroa dwellings should be, and industrial/service buildings may be, set back from the front boundary.

**2D** The form, proportions and materials of any new building shall be compatible with those of existing buildings in the vicinity of which the building is to be sited.

**EXPLANATION AND REASONS**

The streetscapes of Lyttelton and Akaroa reflect the historical development of the District and are important in defining the character of the main settlements. New building which does not complement the scale and form of the existing buildings may compromise the existing character of the Town Centres.

To ensure that the character of Lyttelton and Akaroa are maintained, the form, scale, size and siting of new buildings should be compatible with the existing development. Unduly large and poorly sited buildings, or additions and modifications that do not reflect the existing architectural style, have the potential to reduce the character of the existing development and streetscape.

<b>ISSUE 3</b>	<b>Commercial activity within the town centre Zone has the potential to have adverse effects on the amenity of adjacent open space or residential areas.</b>
<b>OBJECTIVE 3</b>	<b>To ensure that activities adjacent to open space or residential areas will not have adverse effects on the amenity of those areas or the health and safety of residents.</b>

**POLICIES**

- 3A** The effects of non-residential activities which abut the Residential, Residential Conservation or Small Settlement Zones should not reduce the existing amenity of those sites.
- 3B** The bulk and location of buildings located on sites adjacent to Recreational Reserves, Small Settlement, Residential and Residential Conservation Zones shall not overshadow or reduce the privacy of residential sites or open spaces.
- 3C** Activities located on sites adjacent to Small Settlement, Residential and Residential Conservation Zones should make provision for vehicle, loading, parking and manoeuvring areas which does not produce adverse aural and visual effects on residential sites.
- 3D** Vehicle movements generated by activities shall not lead to a reduction in the safety or amenity of any street which contains abutting sites in Recreational Reserves, Small Settlement, Residential or Residential Conservation Zones.

**EXPLANATION AND REASONS**

In all settlements, the Town Centre Zone is located adjacent to, or is surrounded by, residential areas. Activities carried out the Town Centre Zone may reduce the amenity of residential areas through the generation of traffic, noise or glare or the overshadowing of open space or residential sites by commercial buildings and activities.

Accordingly, activities that locate next to residential areas should not compromise or detract from the amenity of the Recreational Reserves, Small Settlement or Residential Zones or the health and safety of residents. Activities located adjacent to Recreational Reserves or Residential Zones are required to make provision for parking and manoeuvring to ensure that any adverse effects are contained within the site.

**METHODS TO ACHIEVE OBJECTIVES AND POLICIES**

- Performance and development standards which control the height, bulk and location of buildings.
- Design guidelines for buildings in Appendix X or XI.
- Advice and information.
- Additional controls over activities and buildings located adjacent to Recreational Reserves, Small Settlement, Residential and Residential Conservation Zones.
- Consultation with, and support for, community groups active in the maintenance of heritage values.
- Implementation of the Akaroa Waterfront and Traffic Development Plan.

**RULES****1. Permitted Activities** (Updated April 2007)

The following are permitted activities where they meet the conditions set out in Rule 5 (below):

- a) Restoration, repair and internal alteration of any existing building fabric or detailing thereof.
- b) Creation and maintenance of reserves.
- c) Any of the following, provided that within the Town Centre Zone at Lyttelton and Akaroa, they are established in an existing building:

- Dwellings, except for new dwellings within the Port Influences Overlay Area shown on Planning Map S2.
  - Health Care Services, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
  - Home Enterprises, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
  - Places of Assembly, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
  - Retail Premises.
  - Visitor Facilities.
  - Offices.
  - Community facilities.
- d) External alterations or additions to, or demolition of existing buildings or the erection of new buildings on a site, other than within the Town Centre Zone at Lyttelton and Akaroa.

## **2. Restricted Discretionary Activities** (Updated May 2009)

- 2.1 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 the matters specified in the condition or standard or term.  
(Updated April 2007)
- 2.2 The following shall be Restricted Discretionary Activities, provided they comply with the standards set out in Rule 4 and 5 (below):
- (i) Any of those activities listed in Rule 1 (Permitted activities, above) which require the construction of a new building or the external modification or demolition of an existing building within the Town Centre Zone at Lyttelton and Akaroa, with the exercise of the Council's discretion being restricted to the following matters:
- Form, bulk, scale and design of buildings and additions to buildings.
  - Cladding of buildings.
  - Location of buildings and structures on a site.
  - Location of vehicle access and egress and parking spaces.
  - Location of reticulated utilities.
- (ii) A new dwelling within an existing protected or notable building identified in Appendices IV and V and on Planning Map S2 and which is located within the Port Influences Overlay Area shown on Planning Map S2 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 Rule 2.2 (ii) 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)

### 3. Discretionary Activities (Updated May 2009)

- 3.1 Any activity listed in Rule 2.2(i) which does not comply with the standards in Rules 4 and 5 shall be a discretionary activity. (Updated April 2007)
- 3.2 The following are Discretionary Activities provided that they comply with the standards set out in Rules 4 and 5 (below):
- Industry.
  - Public Car parking areas.
  - Service Stations.
  - Relocated Buildings (except when to be used for a port noise sensitive activity within the Port Influences Overlay Area).
  - Emergency Service Facilities. (Updated April 2007)

### 4. Conditions for Permitted Activities and Standards for all Restricted Discretionary and Discretionary Activities (Updated May 2009)

#### 4.1 Height

Maximum height of buildings and structures:

- within the Town Centre Zone at Lyttelton – 12 metres.
- within all other parts of the Town Centre Zone – 7.5 metres.

#### 4.2 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45° recession plane from any point 2.0m above the nearest adjoining boundary of any site in the Recreational Reserves, Small Settlement, Residential or Residential Conservation Zones.

#### 4.3 Yards

No building or part of a building shall be erected within 3 metres of the boundary of any site located within an Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

No dwelling or part of any dwelling in Akaroa shall be erected within 2 metres of the front yard boundary.

#### 4.4 Site Coverage – Maximum

- 80% of the net site area within the Town Centre Zone at Lyttelton.
- 65% of the net site area in all other parts of the Town Centre Zone.

#### 4.5 Verandas

Where there is a veranda or verandas attached to existing adjacent buildings, any new building, except a service station, which adjoins either of those buildings shall provide a veranda along the full extent of its frontage, so that it relates to the existing veranda or verandas so as to provide continuous pedestrian cover.

#### 4.6 Access to Rear of Sites

Clear pedestrian access to the rear of each site for fire fighting must be provided and kept free of obstructions. This requirement may be met by legal access provided over an adjoining property.

#### 4.7 Screening

Where any outdoor storage area, refuse disposal area, service area adjoins or directly faces a road or a site within an Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone, such areas shall be screened by a wall or dense hedge not less than 1.8 metres in height. Except that this rule shall not apply to service stations for service areas where these directly face a road or site within the above zones.

#### 4.8 Light

Maximum lux spill from artificial sources of light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining site within a Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

#### 4.9 Ground floor activities – Beach Road

Visitor accommodation and residences establishing on Beach Road between Rue Jolie and Bruce Terrace shall only occupy the floors above the ground floor, or behind any ground floor commercial activity, in order to provide for commercial activities to be established on the ground floor level facing the street.

#### 4.10 Dwelling Density – Akaroa

In the Akaroa Town Centre Zone, not more than one dwelling per 250m<sup>2</sup> of net site area.

#### 4.11 Outdoor Amenity Space – Akaroa

An outdoor space of not less than 35m<sup>2</sup> in area with a minimum dimension of 3m shall be provided for each residential unit on a site.

#### 4.12 Dwellings located in Protected and Notable Buildings within the Port Influences Overlay Area (Updated April 2007)

Within any existing protected or notable building shown in Appendices IV and V and on Planning Map S2 and which is located within the Port Influences Overlay:

- a) No dwellings are permitted on or below any ground floors.
- b) Each dwelling shall have a minimum floor area\* of 100m<sup>2</sup> except where a building has an upstairs storey with a minimum floor area of less than 100m<sup>2</sup> then one dwelling is permitted on that storey.
- c) All dwellings are to be acoustically insulated so that all habitable rooms have an internal design sound level of 40 dBA Ldn (5 day) with ventilating windows open or with windows and doors closed and mechanical ventilation installed and operating.

- d) The applicant, as part of its resource consent application pursuant to Rule 2.2 (ii), 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:
- i) the covenant(s) shall be registered against the title(s) of the land upon which the proposal is situated; and
  - ii) the covenant(s) shall be registered in favour of the Lyttelton Port Company Limited; and,
  - iii) 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 6.2.

\*For the purposes of this rule “floor area”, means the floor area of a dwelling, which excludes the external walls of the building, the stair wells or lift shafts or any common entrance way, corridor, or rooms shared by more than one dwelling.

Note: Refer to Rule 1.9 in Chapter 33: Noise on how to determine the appropriate internal design sound level required in clause 5.12 (c).

## 5. Standards for Listed Discretionary Activities (Updated May 2009)

Refer to list of standards below:

- a) Industry – 5.1, 5.2, 5.3, 5.6.
- b) Public Car Parking areas – 5.2.
- c) Service Stations – 5.2, 5.6.
- d) Relocated buildings – 5.5

### 5.1 Intensity Ratio

Minimum of 20m<sup>2</sup> of gross floor area per person the activity is designed to accommodate. The maximum number of persons able to be accommodated by any building on the site shall be no more than 100.

### 5.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or dense hedge which ensures privacy for any adjoining sites within a Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

**5.3 Use of Heavy Motor Vehicles**

Entry and egress for heavy motor vehicles associated with the activity (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall not be achieved over any boundary of the site which faces any site within an Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

**5.4 Parking and Loading**

On-site parking and loading must be separated from any adjacent site within Recreational Reserves, Small Settlement, Residential or Residential Conservation Zones by a 3 metre wide landscape strip which shall be planted in shrubs and trees.

**5.5 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.

**5.6 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 or 1 plus cash in lieu of the second parking space.

Parking spaces shall have the following minimum dimensions: width 3 metres, depth 5.5 metres.

**6. Non-Complying Activities (Updated May 2009)**

The following shall be non-complying activities:

**6.1 Heli-landing areas, (Updated November 2010)**

except that this rule shall not apply to heli-landing areas on sites greater than 3000m<sup>2</sup> where all of the following conditions are met:

- (a) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (b) The flights (movements) do not take place on more than five days in any one month period;
- (c) The flights (movements) do not exceed three in any one week;
- (d) Any movements shall only occur between 8.00am and 6.00pm;
- (e) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (f) 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.

- 6.2 Any activity listed in Rules 2.2 (ii) and 3.2 which does not comply with the relevant standards in Rules 4 and 5. (Updated April 2007)
- 6.3 The 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 2.2 (ii). (Updated April 2007)
- 6.4 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

#### 7. Restricted Discretionary Activities (Updated May 2009)

Assessment of applications for restricted discretionary activities shall be limited to the form, bulk, scale, design, siting and appearance of buildings and structures, and to the location of vehicle access and egress and 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 Town Centre Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- The design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

With respect to any new dwellings within an existing protected or notable building identified in Planning Map S2 and which is located 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 noise 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.

**8.      Discretionary Activities** (Updated May 2009)

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Town Centre Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- The design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

**ANTICIPATED ENVIRONMENTAL RESULTS**

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

- Protection and preservation of the heritage values and historic character of the Lyttelton and Akaroa town centres.
- The amenity and safety of residential and open space sites in adjacent zones is not adversely affected by activities and development in the Town Centre Zone.
- Successful, attractive and compact primary retail areas.
- Easy, comfortable and safe pedestrian movement.

**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