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Land Use Consent Application
prepared for

**CAROL AND PETER
JOHNS**

**28A Jacksons Road and 33 Dublin Street,
Lyttelton**

July 2023

Land Use Consent Application
prepared for

CAROL AND PETER JOHNS

28A Jacksons Road and 33 Dublin Street, Lyttelton

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Form 9: Application for Resource Consent Under Section 88 of the Resource Management Act 1991

TO: The Christchurch City Council

We: Carol and Peter Johns ('the applicant'), apply for the Land Use Consent described below.

1. The activity to which the application relates (the proposed activity) is as follows:

The establishment of a single storey residential dwelling with an attached garage on 28A Jacksons Road in Lyttelton and the demolition of the earthquake damaged building on 33 Dublin Street.

The proposed activities for which consent is sought will be undertaken in accordance with the details, information and plans that accompany and form part of the application, including the Assessment of Effects on the Environment attached.

2. The sites at which the proposed activity is to occur are as follows:

28A Jacksons Road and 33 Dublin Street are legally described as Lot 2 and Lot 1 DP 470468, respectively. The Certificates of Title are attached in **Appendix 1**.

The natural and physical characteristics of the site and any adjacent uses that may be relevant to the consideration of the application is set out in further detail within the details, information and plans that accompany and form part of the application, including the attached Assessment of Effects on the Environment ('AEE').

3. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

Owners: applicant

Occupiers: applicant

4. There are no other activities that are part of the proposal to which this application relates.

5. No additional consents are required at this time in relation to this proposal.

6. I attach an assessment of the proposed activity's effect on the environment that—

(a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

(b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

7. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.



8. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
9. I attach an assessment of the proposed activity against the resource management matters set out in the relevant planning documents.
10. I attach all necessary further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.

A handwritten signature in black ink, appearing to read 'M. Neumann'.

Mona Neumann, Planner

DATED: 4 July 2023

(Signature of applicant or person authorised to sign on behalf)

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Assessment of Effects on the Environment (AEE)



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Introduction

1. Land use consent is sought to establish a two-bedroom residential dwelling at 28A Jacksons Road and demolish the existing building on 33 Dublin Street, Lyttelton. Resource consent is required as a restricted discretionary activity under the Christchurch District Plan ('District Plan').
2. Section 88 of the Resource Management Act 1991 ('the Act') sets out the requirements for persons making an application to a local authority for a resource consent. Section 88(2)(b) states that:

"an application must be made in the prescribed form and manner; and include, in accordance with Schedule 4 of the Act, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment".

3. The following assessment is made in accordance with these requirements.

The Site and Surrounding Environment

4. The application relates to 28A Jacksons Road and 33 Dublin Street in Lyttelton, which are legally described as Lots 1 and 2 DP 470468. The Certificates of Title are attached as **Appendix 1**. The site is shown in **Figure 1** below.



Figure 1. The application site (highlighted in red) and the surrounding environment (Source: Canterbury Maps)

5. The site is located on a relatively steep hill section between Dublin Street and Jacksons Road. The site generally slopes down from north-west to south-east. The buildings on the properties to the north (35 Dublin Street and 30 Jacksons Road) are located at a higher elevation and the buildings to the south (31 Dublin Street and 28 Jacksons Road) are



located at a lower elevation relative to the application site. **Figures 2 and 3** illustrate the view from Dublin Street and Jacksons Road, respectively, relative to the adjoining sites.



Figure 2. The application site as viewed from Dublin Street with the neighbouring buildings on either side.



Figure 3. The application site (behind the white picket fence) as viewed from the street looking north-east.



6. 28A Jacksons Road has a net site area of approximately 251m². The site is vacant and forms the upper section of the property owned by the applicant. It is accessed from the lower branch of Jacksons Road.
7. 33 Dublin Street also has a net site area of 251m². It contains the existing dwelling on the site which was damaged during the Canterbury earthquakes and the Earthquake Commission (EQC) deemed it uneconomic to repair. The building is classified as a 'contributory' building within the proposed Heritage Area in Lyttelton under Plan Change 13 (PC13).
8. 33 Dublin Street has pedestrian access to Dublin Street via a walkway at the top of the retaining wall.
9. The surrounding environment is residential in character with predominantly stand-alone, single and two-storey dwellings on sites of a similar net site area which are typical for Lyttelton. Notably, many dwellings on the hill are located close to the road and internal boundaries (e.g. 24, 28 Jacksons Road, 29 – 37 Dublin Street), or have garages with a very small to no setback from the road (e.g. 22, 32, 57 Jacksons Road). Based on the recent Heritage Report and Site Record Forms¹ for Lyttelton, the buildings in the area are a mix of older (pre 1950s) and more recent houses.

The Proposal

10. The applicant proposes to establish a new residential dwelling on 28A Jacksons Road as set out in the plans included as **Appendix 2**. The architecturally designed dwelling consists of essentially two components at varying levels which are internally connected. The bedroom level (66.44m RL) is set into the hill so that the north-western section is below ground level. The hallway connects the two bedrooms, study and bathrooms with the slightly lower living room level (65.84m RL). The building with the living room / kitchen is constructed on piles of varying heights. A deck of the same height is proposed along the north-western side of the living room / kitchen.
11. The garage is located approximately 1.6m from the road boundary on the same level as the road to allow easy access (69.44m RL). Due to the steep contours of the site, the garage is located above the laundry on the bedroom level. Pedestrian access is provided from the road down a flight of stairs to the entry.
12. A number of retaining walls are required for the structural support of the building along the road and north-eastern side boundary. All earthworks will occur within the footprint of the building which for this purpose extends 1.8m from the outer wall in accordance with 8.9.3 a.iv. No earthworks will commence until building consent has been obtained. Therefore, all earthworks are exempt from the District Plan activity standard (8.9.2.1 P1).
13. The existing dwelling on 33 Dublin Street, alongside all hard surfaces (including paths and patios), is proposed to be demolished. This building was damaged during the Canterbury earthquakes and deemed uneconomic to repair by EQC. The agreement with EQC prescribes the demolition of this building and the establishment of a new building on the upper section of the site. A letter from Allen Hurley (Settlement Specialist, EQC) confirming

¹ [HA-7-Lyttelton-Township-RHA-final-report-for-Notification-1.PDF \(ccc.govt.nz\)](#).



the requirement for the demolition is attached in **Appendix 3**. The letter does not disclose specific terms as the settlement agreement is confidential.

14. All rubble / demolition material will be removed, and the land will generally be left in a tidy state. The applicant is open to keeping the white picket fence along Dublin Street if the demolition contractor deems it feasible to do so during the demolition process.

Statutory Context

NES for Contaminants in Soil

15. Based on a review of the Listed Land Use Register held by Environment Canterbury, there is no evidence of ground contamination or of activities described on the Hazardous Substances and Industries List occurring or having occurred on the site. Accordingly, the NES does not apply to the proposed activity.

Christchurch District Plan

16. The site is zoned *Residential Banks Peninsula* in the District Plan. This zone includes the settlement of Lyttelton which has a distinctive urban character with a more urban atmosphere and a distinct urban-rural boundary. The residential areas are characterised by small lot sizes and narrow streets.
17. The site is located within the following overlays: *Lyttelton Character Area*, *Ngā Tūranga Tūpuna*, *Remainder of Port Hills* and *Banks Peninsula Slope Instability Management Area* and *Banks Peninsula District Plan Coastal Hazards*.
18. An assessment of the proposal's compliance with the applicable rules in the operative District Plan is set out in **Appendix 4**. Based on that assessment, resource consent is required in respect of the matters identified in **Table 1**.

Table 1: Non-compliances with the rules in the operative District Plan

Rule Number	Rule	Activity Status
Operative District Plan		
7.4.3.2 RD1	The proposed vehicle access does not meet Rule 7.4.3.7 – Access design. <i>Comment – The proposed vehicle access does not provide the required 1.5m x 2m visibility.</i>	Restricted discretionary
14.8.1.3 RD6	Buildings that do not meet Rule 14.8.2.2 - Building height. <i>Comment- The garage exceeds 4.5m in height measured from the existing ground level.</i>	Restricted discretionary
14.8.1.3 RD7	Buildings that do not meet Rule 14.8.2.5 - Daylight recession planes. <i>Comment- The garage intrudes the north-western recession plane and the building the south-eastern recession plane.</i>	Restricted discretionary



14.8.1.3 RD8	Buildings that do not meet Rule 14.8.2.4 - Minimum building setback from side and rear internal boundaries and railway lines. <i>Comment- The building encroaches on the north-eastern 2m internal boundary setback and the deck/terrace on the south-western 1.5m internal boundary setback.</i>	Restricted discretionary
14.8.3.1.3 RD3	Within the Lyttelton Character Area Overlay: iv. external alterations or additions to, or demolition of existing buildings on a site, except for the demolition of accessory buildings; and/or v. the erection of a building and accessory buildings, except for new buildings within the Lyttelton Port Influences Overlay Area; and/or vi. the relocation of a building onto the site. <i>Comment- The proposal comprises the erection of a new building on 28A Jacksons Road and the demolition of an existing building on 33 Dublin Street.</i>	Restricted discretionary

Plan Change 13

19. Plan Change 13 (PC13) is relevant to this proposal. It proposes eleven new residential heritage areas across the city in recognition of Christchurch's distinct identity. PC13 was notified on 17 March and the submission period closed 12 May. The hearing is set to commence in October later this year.
20. The site is proposed to be located with a new heritage area, and the existing building on 33 Dublin Street classified as 'contributory' building. Contributory buildings are described as supporting and being consistent with the heritage value of the area.
21. Pursuant to section 86B(3)(d), heritage rules have immediate legal effect, therefore an assessment of compliance with the proposed rules is included in **Appendix 5**, and the non-compliances with PC13 rules are listed in **Table 2**.

Table 2. Non-compliances with PC13 provisions

Plan Change 13		
9.3.4.1.3 RD6	<p>a. In a Residential Heritage Area</p> <p>i. new buildings and alteration to building exteriors</p> <p>ii. new road boundary fences and walls over 1.5m in height and alteration to road boundary fences and walls which are or will be over 1.5m in height.</p> <p>b. Where the building is a heritage item scheduled in Appendix 9.3.7.2, Rule 9.3.4.1.3 RD1 or RD2 will instead.</p> <p>c. This rule does not apply to:</p> <p>i. buildings that are located to the rear of the main residential units on the site and are less than 5m in height;</p> <p>ii. alteration to exteriors of neutral buildings or intrusive buildings where the alteration is not visible from the street;</p> <p>iii. fences and walls on side or rear boundaries;</p>	Restricted discretionary



	<p>Advice note: New buildings in Residential Heritage Areas in RD6 a.i. including those located in heritage settings, are also subject to the Built Form Standards for Residential Heritage Areas in 14.5.3.2 and Rule 14.8.3.2.</p> <p>Comment- A new building in the Lyttelton Residential Heritage Area is proposed.</p>	
9.3.4.1.3 RD7	<p>In a Residential Heritage Area</p> <p>Demolition or relocation of a defining building or contributory building, except where the building is also a heritage item scheduled in Appendix 9.3.7.2, in which case Rule 9.3.4.1.3 RD3, 9.3.4.1.4 D1, D2 or 9.3.4.1.5 NC1 will apply.</p> <p>Comment- The demolition of the existing building on 33 Dublin Street which is classified as a contributory building is proposed.</p>	Restricted discretionary
14.8.3.1.3 RD5	<p>Residential units in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.2 – Site density.</p> <p>Comment- The site has a net site area of 251m² whereas 450m² is required.</p>	Restricted discretionary
14.8.3.1.3 RD6	<p>Residential units in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.3 – Height of buildings.</p> <p>Comment- The garage exceeds the 5m height limit for accessory buildings.</p>	Restricted discretionary
14.8.3.1.3 RD7	<p>Buildings in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.3 – Site coverage.</p> <p>Comment- Approximately 57.6m% (or 144.60m²) of the 251m² site is covered by buildings whereas a maximum of 50% is permitted.</p>	Restricted discretionary
14.8.3.1.3 RD9	<p>Activities in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rules 14.8.3.2.5 or 14.8.3.2.6 – Minimum building setbacks or Rule 14.8.3.2.9 – Outdoor living space per unit.</p> <p>Comment- The building encroaches on the north-eastern 3m internal boundary setback and the deck/terrace on the south-western 1.5m internal boundary setback. The garage is set back 1.6m from the road boundary and the building approximately 2.35m.</p>	Restricted discretionary

Plan Change 14

22. Proposed Plan Change 14 ('PC14') is also relevant to this proposal. It proposes amendments to the objectives, policies and rules associated with residential development in accordance with the Medium Density Residential Standards ('MDRS') in Schedule 3A of the Act. PC14 was notified on 17 March and the submission period closed 12 May. The hearing is set to commence in October later this year.
23. It is proposed that the MDRS do not apply to Lyttelton (including the application site) due to several qualifying matters. The site is identified as being within the Sunlight Access, Low Public Transport Accessibility, Residential Character Area, Residential Heritage Area and Sites of Cultural Significance qualifying matter areas, therefore it is proposed that the MDRS do not apply to the site. PC14 rules do not have immediate legal effect given section 86BA(1)(c)(ii) and the operative District Plan rules continue to apply.



Activity Status

24. Overall, land use consent is required for the proposal as a **restricted discretionary** activity under the operative District Plan and PC13.

Resource Management Act 1991- s95-95E and s104-104C

25. In terms of notification considerations in sections 95A-95E of the Act the following matters are noted:
- i. public notification is not requested by the applicant;
 - ii. there are no special circumstances necessitating public notification.
26. As a restricted discretionary activity, the provisions in sections 104 and 104C direct the substantive determination of applications and the following sections of this AEE have regard to the relevant provisions referred to therein.

Assessment of Actual or Potential Effects on the Environment

27. As a restricted discretionary activity, the actual or potential effects on the environment are limited to the relevant assessment matters under the District Plan. These effects relate to residential amenity, character and heritage values, and transport, and are addressed in turn below.

Residential amenity

28. The garage intrudes the north-eastern recession plane and the 4.5m height limit. The extent of the intrusion is shown on the north and east elevations in the provided plans (RC.04). The proposed building encroaches on the 2m north-eastern side boundary setback while the deck is located within the 1.5m setback along the south-western side boundary.

Impacts on neighbouring properties to the north

29. The relevant matters of discretion are set out in Clauses 14.15.3 Impacts on neighbouring property and 14.15.18 Minimum building, window and balcony setback. They comprise considerations of the amenity of neighbouring properties, in particular any loss of privacy, outlook, overshadowing or visual dominance effects, as well as the opportunity for landscaping and the practical/functional need for said intrusion. The development on the adjoining site (including separation by land used for vehicle access) and the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances, the provision of screening or any other methods must also be considered.
30. In terms of the non-compliances along the north-eastern boundary, firstly it is noted that the neighbouring property to the north, 30 Jacksons Road, is located at a higher elevation relative to the application site. **Figure 4** shows a visualisation of the proposed building in the context of the adjacent site to the north.



Figure 4. The proposed building relative to the neighbouring site, 30 Jacksons Road.

31. Furthermore, the land directly adjacent to the subject site is a narrow access strip in ownership of 35 Dublin Street connecting the garage (facing Jacksons Road) and the principal building in the lower section of the site fronting Dublin Street. The boundaries are outlined in **Figure 5** below. The strip of land between the garage and the remainder of the site is planted in mature trees and shrubs.



Figure 5. Site boundaries of 35 Dublin Street (Source: Canterbury Maps).

32. The proposed garage has been designed to mirror the location of the adjoining garage. It is set back from the road at the same distance and has a similar length/area along the shared boundary. The visual effects of the recession plane and height intrusion are largely limited to this garage. The neighbouring garage does not have any windows facing the application site and is otherwise not considered to be a sensitive space in comparison to habitable rooms or outdoor living spaces. Furthermore, if either site to the north-east (30



Jacksons Road or 35 Dublin Street) was to be re-developed, due to the configuration of the legal boundary, the area that is currently occupied by the existing garage would remain to be used for access purposes only as no other building could be feasibly constructed within the narrow strip of land that is adjacent to the application site.

33. In any case, the shading effects would be limited to a very short period in the late afternoon during the summer months given the neighbouring site is located to the north of the garage.
34. In addition, due to the steep topography of the site, the proposed height and location of the garage and the dwelling will not visually dominate or overshadow the property of 30 Jacksons Road. As illustrated in **Figure 4** above, the habitable spaces on 30 Jacksons Road which are primarily facing east into the valley/towards the centre of Lyttelton sit considerably higher than the proposed building.
35. The existing landscaping within the access strip offers additional mitigation/screening, however, the applicant accepts that they have no authority over the retention of this. The proposed 2m setback between the main dwelling and the boundary provides ample space for additional landscaping on the application site.
36. Furthermore, it is noted that the garage height and recession plane intrusion are, to a large part, owed to the steep topography of the site and the need to provide for a level vehicular access from the road boundary. The garage by itself is not a building that appears to be especially tall or dominant (being a single car garage of a regular height with a gable roof). The gable roof design matches the design and materiality of the rest of the building ensuring consistency across the site which is of particular relevance given the location within the Lyttelton Character Area. Garages with similar non-compliances are typical in this neighbourhood on the hill, as described above.
37. Overall, it is considered that the intrusions along the north-eastern boundary will not compromise the outlook, privacy and access to sunlight of the owners and occupiers on the neighbouring properties.

Impacts on neighbouring properties to the south

38. In terms of the properties to the south, 28 Jacksons Road and 31 Dublin Street, any adverse effects are limited to the encroachment of the deck into the 1.5m setback which ranges from 0.5m (at the eastern end) to 0.8m (in the west). In comparison to a regular building with solid walls, the deck with a 1.1m high balustrade, being an unintrusive structure, will have minimal visual effects. While the deck is located above the current ground level for the most part (ranging from approximately 1.35m in the south-eastern corner of the site to ground level along the western side), it will appear secondary and subordinate to the main building on the site which has a compliant 1.5m side boundary setback.
39. The extent and location of the deck has been designed to capture the views of the harbour and provide a level outdoor living area without extensive earthworks/levelling of the site. This arrangement (deck/balcony as the primary outdoor living area) is common for properties located on the hill and will not appear out of character with the surrounding sites.
40. Regarding privacy, the effects are limited to the north-eastern corner of 28 Jacksons Road and the south-western corner of 31 Dublin Street. These spaces are used as outdoor living



areas. They are designed and orientated to the south-east to maximise the views of the harbour. For example, there is an outdoor bench located among the vegetable garden on 31 Dublin Street looking out to the harbour away from the application site (as shown in **Figure 6**).



Figure 6. Boundary fence between 28 Jacksons Road, 31 Dublin Street and the application site, looking south-east.

41. Furthermore, in comparison to a compliant deck (i.e. set back 1.5m from the boundary), the additional adverse effects due to the extra 0.5m – 0.8m strip of decking on the privacy of the residents on adjoining sites will be minimal. There is sufficient space between the deck and the boundary for a narrow hedge.
42. The recession plane intrusion along the south-eastern boundary is not considered to adversely affect adjacent properties, as the applicant owns both sections of the site. Written approval is inherent with the application. Moreover, the recession plane would not have



applied to the proposal if the applicant had first developed the site and then subdivided the section. Therefore, this non-compliance is not considered to have any adverse effects on adjoining sites beyond what could have been reasonably established on the site prior to the subdivision of the site.

Impacts on the street and the wider environment

43. For completeness, it is noted that the garage height and recession plane intrusions do not have any adverse on the street as when viewed from the street, the height of the garage and the gable roof appear within the permitted building envelope, as shown in **Figure 7** below. In terms of residential amenity, the proposal will not have any adverse effects on the wider environment.

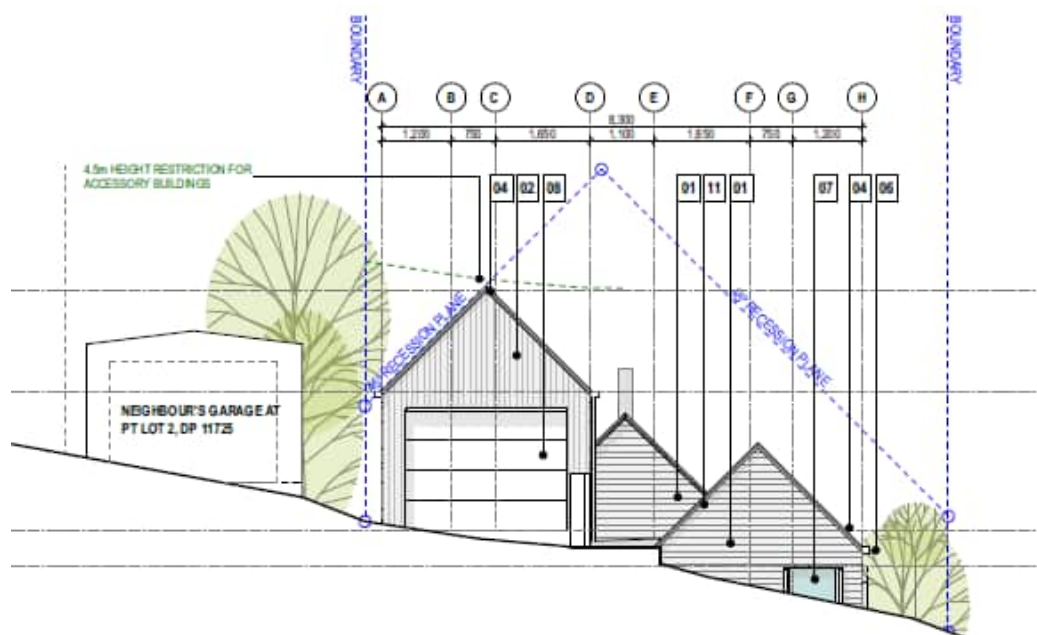


Figure 7. Elevation as viewed from the road.

PC13 non-compliances

44. As outlined in **Table 2** above, the proposal breaches a number of PC13 built form standards, namely (in addition to the ones assessed above) site coverage, site density and road boundary setback. PC13 has not yet been through a hearing process and the proposed provisions are subject to submissions and potential changes. As such, little weight should be afforded to them.
45. Notwithstanding this, it is considered that the existing lot size and proposed site coverage (including the deck) is appropriate in the context of Lyttelton which is characterised by smaller lot sizes and higher site coverages in comparison to other zones in the District (as set out in Policy 14.2.1.1). The proposed built form and layout is informed by the topography of the site and, for the reasons detailed above, the scale of the building appears to be in proportion to the site in the context of Lyttelton. The location of the garage balances the need to provide a level driveway for vehicles while minimising adverse effects on neighbouring sites, which, as mentioned previously, is very common throughout Lyttelton.



46. Although little weight can be given to the proposed new rules in PC13, the proposal is considered to be generally acceptable in the context of the proposed planning framework.

Conclusion

47. Based on the reasons outlined above, the proposed built form is considered to have **less than minor** adverse and acceptable effects on the residential amenity of surrounding sites and the wider environment, and no person will be adversely affected.

Effects on the character and heritage values of the area

48. The site is located within the Lyttelton Character Area and both the new building as well as the demolition of the existing building require consent. The assessment matters are described in Clause 14.15.23 Character Area and are assessed in turn below. The site is also proposed to be located within the new heritage area under PC13, and as such, the matters in *Clause 9.3.6.5* are also considered. Although limited weight should be afforded to these they are included in the assessment below where relevant.
49. The Lyttelton Character Area recognises the long and rich history of Ngai Tahu land use and occupancy of the area as well as the development of the township as an idiosyncratic port town with a strong sense of place and identity. According to the Lyttelton Character Area Design Guide, the key elements of the built environment of Lyttelton which give the area its special character include the large number of buildings from the late 19th century to the early 20th century, which are typically of a smaller scale and follow the contours. Small front gardens with a strong connection to the street and frequent changes in levels with retaining walls, slopes and terraces are common features. The panoramic views of the harbour are an integral feature of the town.

New building

50. As described above, the proposed building is divided into several single-storey components at varying heights which are internally connected to match the contours of the site. It essentially divides the building into visually three separate units. The living room / kitchen, bedroom and garage feature the same gable roof design, whereas the part of the building containing the study and laundry is partly set into the hill and located beneath the garage. The building is proposed to be finished with horizontal timber wall cladding and steel corrugated roofing of the colour 'titania' (Resene) which is a soft neutralised grey, close to white, with an LRV of 67. It is orientated towards the Lyttelton Harbour (south/east). 28A Jacksons Road is located on the edge of the current Character Area, with the properties to the north and the across the road being outside the Character Area, as shown in **Figure 8**. The site is visible from the township centre as described in more detail below.



Figure 8. The outline of the Lyttelton Character Area.

51. Assessment matters are grouped into three categories (area context, site character and street interface, and built character) and the special considerations relating to Lyttelton have been included, with references to the Christchurch City Council Lyttelton Residential Character Area Design Guide.

Area context

52. As typical in Lyttelton, the proposed building footprint follows the contour across the site in order to avoid extensive levelling or raising of the land and reduce the need for high retaining walls. The small section size and the relatively large site coverage (in comparison to other suburban areas in Christchurch) is a distinctive development pattern of the township and the proposal is in keeping with this setting (noting that it meets the minimum net site area and maximum site coverage under the operative District Plan).
53. 28A Jacksons Road is a vacant and mostly grassed section of land with no notable vegetation apart from hedges along the side boundaries (which will be retained) and one mature tree in the centre of the site (which will need to be removed). There is space around the building and along the road frontage for additional landscaping.
54. One recorded heritage item in the vicinity of the site is located across the road on 47 Jacksons Road. However, due to the general steep contours of the area and the dense vegetation between the lower and upper section of Jacksons Road, the application site sits well below the property with the heritage building and will barely be visible. Regardless, the design of the building (gable roof, single storey, cladding type and material) reflects and complements the architectural characteristics of traditional buildings.
55. Overall, the size, location and design of the new building is sympathetic to the existing environment and is not considered to detract from the special character that Lyttelton is known for.

Site character and street interface

56. The main entrance faces the road. Nevertheless, the engagement with the street is limited due to the site and the proposed building sitting well below the street. Planter boxes within the road boundary setback (which also function as retaining walls) provide opportunities for landscaping and contribute to the general openness and coherence of the site when viewed from the street. No additional fence along the road boundary is proposed. **Figure 9** shows the artist's impression of the proposed building when viewed from the street.



Figure 9. Artist's impression of the proposed built form as viewed from Jacksons Road.

57. The relatively small building setback from the road is not uncommon in Lyttelton. For instance, the buildings on 28 and 24 Jacksons Road are located at a similar distance to the road.
58. Due to the steep contours of the site, it is necessary for the garage to be located near the road boundary to allow for vehicular access. However, this is not uncommon on hill sites. The neighbouring garage, for example, is located at the same distance to the road. The design and materiality of the small, single car garage matches the rest of the building therefore limiting the visual dominance effects on the street and the wider environment.
59. Considering the site is currently vacant and does not contain any (accessory) buildings, some views from the street down into the harbour will be blocked by the proposed building. However, the building, in particular the section closest to the street is set into the hill ensuring that the built form will not dominate the streetscape and will retain views of the houses and landscape on the opposite hill. The proposed building does not block the views from the street more or less than the buildings on the neighbouring sites. As described above, the building will also not block any views from the habitable spaces and outdoor living areas on adjoining sites.



60. Overall, despite the limitations of the topography of the area, the proposal is considered to complement the residential character and not detract from the amenity of the area.

Built character

61. The proposed building reflects the typically small scale and simple forms of residential buildings in Lyttelton. With its varying levels following the contours of the landscape, the building appears visually as three separate, single storey components which are consistent with the buildings in the township and on adjoining sites in terms of building bulk and height.
62. The Lyttelton Design Guide recommends the use of pitched or hipped roofs at 30 degrees and steeper, and traditional weatherboard cladding. The proposed dwelling has been designed based on these recommendations. It features a steep, 45 degree symmetrically pitched roof from corrugated metal and horizontal timber cladding.
63. Some windows will be uncharacteristically large and square, as opposed to traditional houses which have generally more narrow and smaller windows. However, the windows are recessed into the wall as recommended in the Design Guide and the bay window facing the harbour adds depth and visual interest when viewed from the township below. A visualisation of the proposed building is included in **Figure 10**.
64. The proposed off-white/grey tone of the cladding and roof is unintrusive and consistent with other buildings in the character area.
65. All in all, the proposed design and architectural detailing of the building is considered to be compatible with the traditional houses in Lyttelton and complementary to the character of the area. In fact, it is modelled on the building (16 St Davids Street) which has been highlighted in the Design Guide (page 4) as an exemplary contemporary house that complements the special character of Lyttelton.
66. In terms of its relationship with heritage buildings on surrounding sites, as described above, when viewed from the street or the application site itself, the heritage building on 47 Jacksons Road is hardly (if at all) visible. However, from the township further below, the proposed building will be in the same line of sight as the heritage building as depicted in **Figure 11**. Due to the complementary form and relatively small scale, the proposed building is not considered to detract from the heritage values of the heritage building.



Figure 10. Visualisation of the proposed building in the context of the surrounding environment, view from Exeter Street.

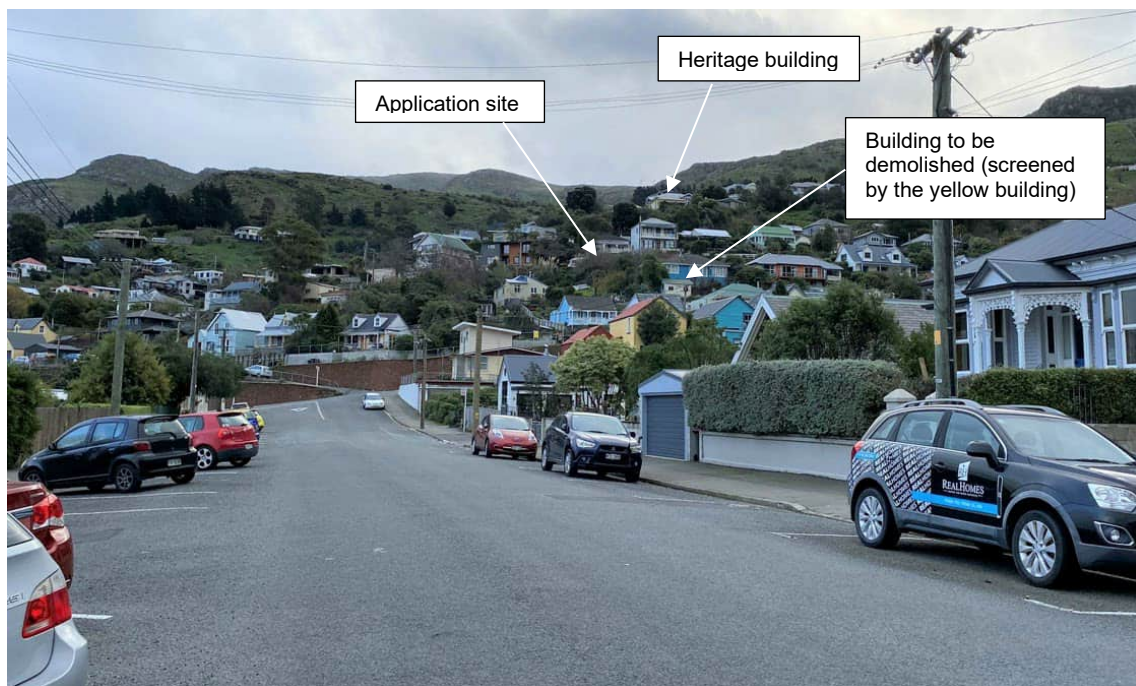


Figure 11. View from Winchester Street.

67. In summary and on balance, the development is considered to recognise the distinctive setting and complement the built character values of the area.



Demolition of the existing building

68. The operative District Plan seeks to retain residential buildings in the character area that were built prior to 1945 and/or contribute to the architectural character values. In addition to the assessment matters in *Clause 14.15.23 Character Area*, the matters introduced in PC13 (*Clause 9.3.6.5*) are also considered in the assessment below, although only limited weight should be afforded to them.
69. The existing building on 33 Dublin Street is described in the recently completed Individual Site Record Form as a modified colonial cottage which is estimated to have been constructed in the 1870s. It is not a heritage item listed in the Heritage New Zealand Pouhere Taonga list or in the District Plan. However, it is proposed to be classified as a 'contributory building' which supports and is consistent with the heritage value of the heritage area. Its heritage values derive from its contribution to the area's historic, architectural and contextual values.
70. The building was damaged in the Canterbury Earthquakes and deemed uneconomic to repair by EQC. A letter confirming this and the need to demolish the building in order to establish the new building on 28A Jacksons Road is attached in **Appendix 3**. Therefore, the costs to retain the building on site and restore it are considered unreasonable. While the heritage fabric or heritage value of the building and its contribution to the character area cannot be retained, the site will be left in a tidy state, and if possible, the picket fence along Dublin Street will be maintained. If the site was to be redeveloped in the future, any new building will need to be assessed against the criteria set out in the District Plan for the character area (and the heritage area if PC13 was to be adopted as proposed) which ensures that a new building on the site will continue to complement the character and heritage values of Lyttelton.
71. In terms of its significance for the heritage area, while it is an original (albeit modified) building of the 19th century, it is not very prominent from the street or the wider township. The building is located on a narrow section between the houses on 31 and 35 Dublin Street high above the road. A retaining wall and a walking track separate the site from the street. When driving up or down Dublin Street, the buildings on the neighbouring sites largely screen the building on 33 Dublin Street. The photos below were taken near the intersection of Dublin Street and Winchester Street looking up the road (**Figure 12**) and in front of 37 Dublin Street looking down the road (**Figure 13**).

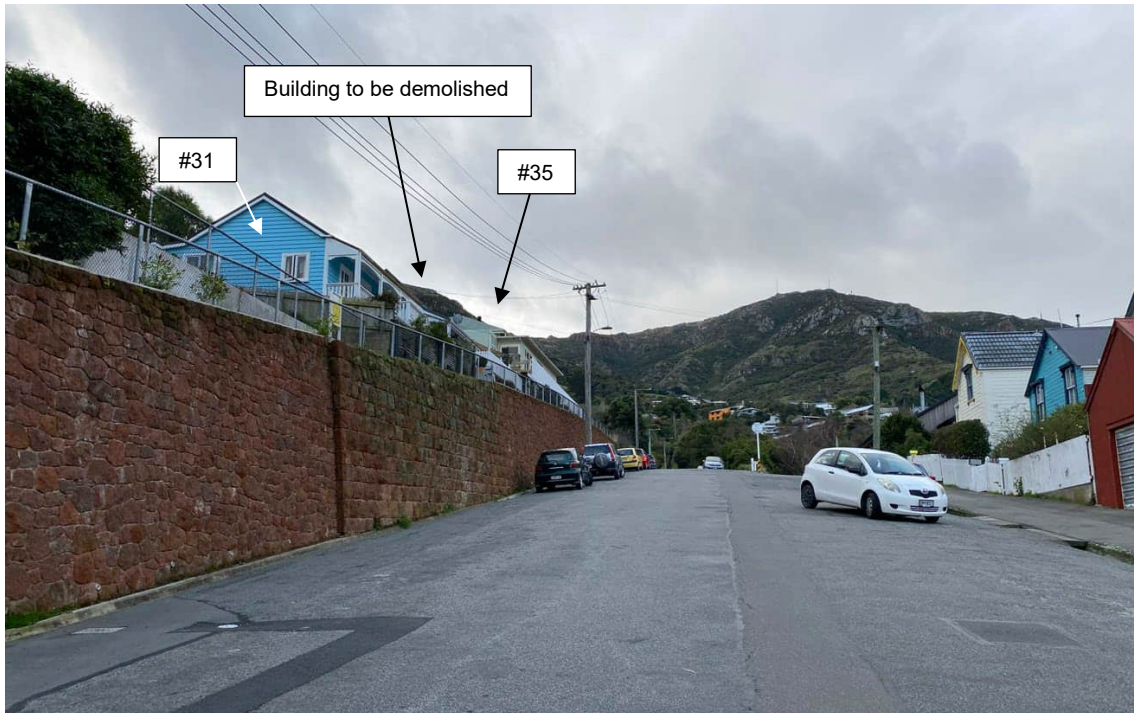


Figure 12. Looking up Dublin Street.

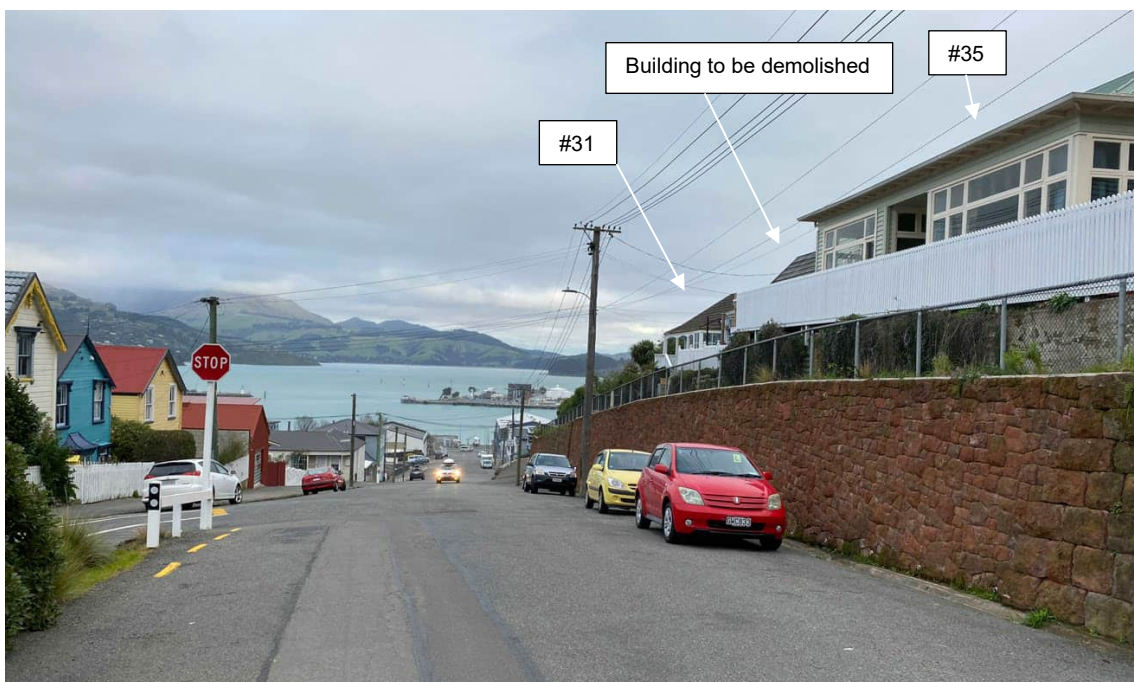


Figure 13. Looking down Dublin Street.

72. In the same way, the building is not prominent from views along Winchester Street (as shown in **Figure 11** above), Exeter Street (**Figure 14**) or Reserve Terrace on the opposite site of the hill (**Figure 15**).

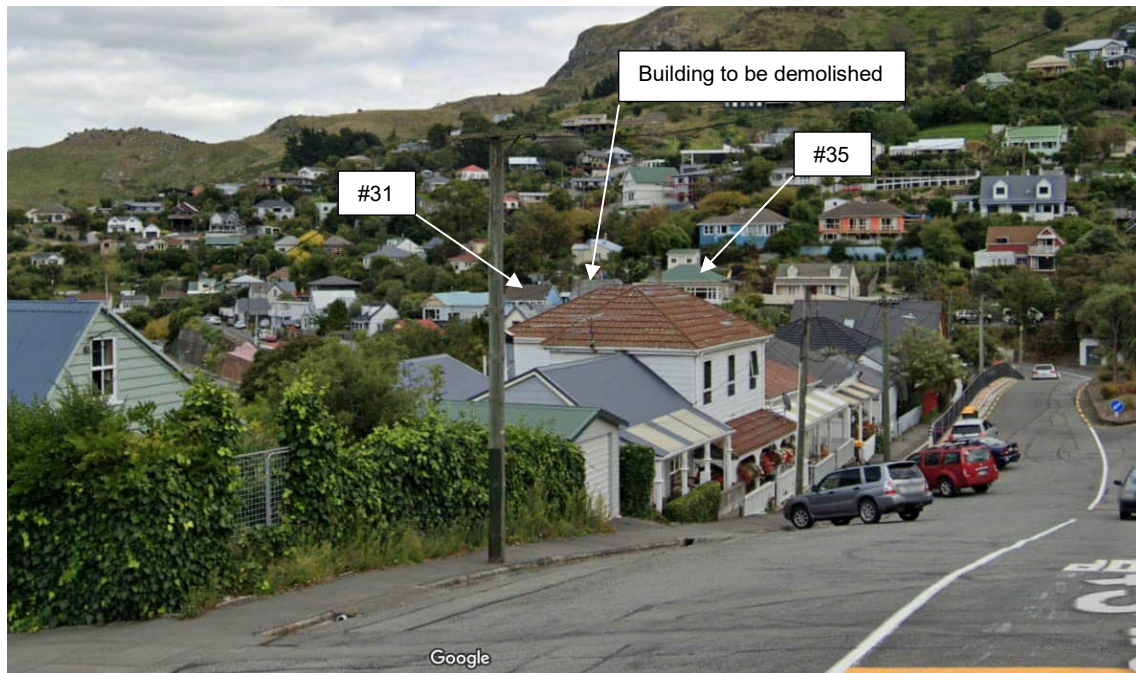


Figure 14. View towards the application site from intersection Exeter Street/Canterbury Street (Source: Google Streetview).



Figure 15. View from Reserve Terrace (Source: Google Streetview).

73. Overall, having regard to the matters described in Clause 14.15.23 and, to a limited extent, 9.3.6.5 of PC13, the required demolition of the existing cottage on 33 Dublin Street due to earthquake damage will have minimal adverse effects on the wider character and heritage value of the area due to its small scale and the location of the property.



Conclusion

74. On balance, it is considered that the proposal maintains and complements the character and the heritage value of the area while allowing the applicant to rebuild their home after the Canterbury Earthquakes. Any adverse effects on the distinctive residential character of Lyttelton are considered to be **less than minor** and acceptable.

Transport effects

75. The proposed access falls short of the required visibility triangle between the garage and the road boundary. While a visibility splay of 1.5m x 2m is required, only a splay of 1.5 x 1.6m is proposed. The assessment matters for this non-compliance are contained in Clause 7.4.4.9.
76. This non-compliance arises due to the site being located on a relatively steep section of the hill which means that it is necessary for the garage to be located closer to the road boundary (1.6m) than what the Plan requires (2m). However, as described in more detail above, shorter garage setbacks are quite common on hill sites. The adjoining garage is set back the same distance to Jacksons Road as what is proposed.
77. The access only serves a single car garage. Jacksons Road, which is split into an upper and lower section near the application site, is a low volume traffic environment. The 1.6m setback is considered to be sufficient for drivers exiting the garage to safely see pedestrians, cyclists and other road users, considering the low speed environment (steep and narrow road).
78. Given the circumstances, the proposed access is considered acceptable and will have **less than minor** adverse effects on the safety and amenity values of neighbouring properties and the wider transport network.

Summary of Effects

79. It is considered that the adverse effects of the proposal on the surrounding environment will be **less than minor** and acceptable. No persons are considered adversely affected.

Relevant Provisions of Planning Instruments

80. The planning documents of relevance to this application and the provisions therein are listed and assessed in turn below:

Christchurch District Plan

81. In accordance with section 104(1)(b) of the Act, the application has been assessed against all the relevant objectives and policies of the operative District Plan which are set out in **Table 3** below.



Table 3: Assessment of relevant plan provisions in the District Plan

District Plan provision	Comment / Assessment
Chapter 7 Transport	
<p><i>7.2.1 Objective - Integrated transport system for Christchurch District</i></p> <p><i>a. An integrated transport system for Christchurch District:</i></p> <ul style="list-style-type: none"> <i>i. that is safe and efficient for all transport modes;</i> <i>ii. that is responsive to the current recovery needs, future needs, and enables economic development, in particular an accessible Central City able to accommodate projected population growth;</i> <i>iii. that supports safe, healthy and liveable communities by maximising integration with land use;</i> <i>iv. that reduces dependency on private motor vehicles and promotes the use of public and active transport;</i> <i>v. that is managed using the one network approach.</i> <p><i>7.2.1.3 Policy - Vehicle access and manoeuvring</i></p> <p><i>a. Provide vehicle access and manoeuvring, including for emergency service vehicles, compatible with the road classification, which ensures safety, and the efficiency of the transport system.</i></p>	<p>The proposal provides for the transport needs of the development in a manner that ensures safety and efficiency of the transport system, and therefore is considered to be consistent with these matters.</p>
Chapter 9 Natural and Cultural Heritage	
<p><i>9.5.2.1.1 Objective - Areas and sites of Ngāi Tahu cultural significance</i></p> <p><i>a. The historic and contemporary relationship of Ngāi Tahu mana whenua with their ancestral lands, water, sites, wāhi tapu and other taonga is recognised and provided for in the rebuild and future development of Ōtautahi, Te Pātaka o Rākaihautū and the greater Christchurch Area.</i></p> <p><i>9.5.2.1.3 Objective - Cultural significance of Te Tai o Mahaanui and the coastal environment to Ngāi Tahu</i></p> <p><i>a. The cultural significance of Te Tai o Mahaanui, including Te Ihutai, Whakaraupō, Kōkourārata, Akaroa, Te Waihora, Te Roto o Wairewa and the coastal environment as a whole to Ngāi Tahu is recognised and Ngāi Tahu are able to exercise kaitiakitanga and undertake customary uses in accordance with tikanga within the coastal environment.</i></p> <p><i>9.5.2.2.2 Policy - Ngā Tūranga Tūpuna</i></p> <p><i>a. Recognise the historic and contemporary relationship of Ngāi Tahu with the areas and landscapes identified as Ngā Tūranga Tūpuna and:</i></p> <ul style="list-style-type: none"> <i>i. facilitate opportunities to provide information about the historic occupation or use of these areas by Ngāi Tahu and associated values;</i> <i>ii. incorporate representation of the association of Ngāi Tahu with these areas into the design of public buildings and/or community facilities, and in the subdivision and development or redevelopment of residential or commercial areas;</i> <i>iii. manage earthworks involving disturbance of soils below a depth not previously disturbed by cultivation or building foundations;</i> <i>iv. facilitate opportunities to enhance mahinga kai and other customary use of taonga species through planting and landscaping;</i> <i>v. enhance the natural character and cultural values of water bodies, waipuna / springs, repo / wetlands and coastal waters, including reinstating original water courses where practicable;</i> 	<p>It is considered that the effects on cultural values will be acceptable. The earthworks required for the building platform (which will be dealt with as part of the building consent application) will be managed carefully (with an Erosion and Sediment Control Plan) to ensure runoff will be minimised. The effects of the proposal will be confirmed via consultation with the Rūnanga, if required.</p>



- vi. *maintain or restore natural features with cultural values within these areas; and*
- vii. *ensure that cultural values are recognised and provided for in the design, location and installation of utilities, while enabling their safe, secure and efficient installation.*

9.5.2.2.5 Policy - Engagement with Rūnanga

a. Ngāi Tahu and Council to encourage and facilitate the engagement of landowners and resource consent applicants with the relevant rūnanga prior to undertaking activities and/or applying for resource consent, within or adjacent to identified sites of Ngāi Tahu cultural significance (including silent file areas). Where prior applicant engagement has not been undertaken Council will consult with the relevant rūnanga.

Chapter 14 Residential

14.2.1 Objective - Housing supply

a. An increased supply of housing that will:

- i. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7;*
- ii. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and*
- iii. assist in improving housing affordability.*

14.2.1.1 Policy - Housing distribution and density

a. Provide for the following distribution of different areas for residential development, in accordance with the residential zones identified and characterised in Table 14.2.1.1a, in a manner that ensures:

- vi. low density residential environments in other existing suburban residential areas and in the residential areas of Banks Peninsula, and in small settlements are maintained, but limited opportunities are provided for smaller residential units that are compatible with the low density and township suburban environment; and*
- vii. within Banks Peninsula, limited low density residential development adjacent to existing residential townships and small settlements, that complements the surrounding environment, is able to be efficiently serviced by public infrastructure and in some limited circumstances private infrastructure; and is in locations not subject to significant risks to life safety and property damage from natural hazards*

Table 14.2.1.1a...

Residential Banks Peninsula Zone

Includes urban and suburban living, commuter accommodation and the small harbour settlements.

The zone includes the settlements of Lyttelton and Akaroa which each have a distinctive urban character. Lyttelton has a more urban atmosphere and a distinct urban-rural boundary. The residential areas are characterised by small lot sizes and narrow streets. Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings and well-treed properties. Akaroa is a focal point for visitors to the region and the district. The character of these two settlements is highly valued and the District Plan provisions seek to retain that character. Opportunities for residential expansion around Lyttelton and Akaroa are constrained by the availability of reticulated services and land suitability.

The smaller settlements around Lyttelton harbour provide a variety of residential opportunities. Residential areas at Cass

The proposal will maintain the housing supply in the city and meet the needs of the applicant in the recovery after the earthquakes.

The proposal meets the minimum net site area and site coverage requirement and is therefore considered to be in keeping with the low-density character of the area as anticipated. For the reasons described above, it integrates with the existing residential settlement, is located within the existing urban boundary and does not compromise the dominance of the landscape setting. The proposal is considered to be consistent with this policy and the description of the Residential Banks Peninsula Zone.



Bay, Corsair Bay, Church Bay and Diamond Harbour offer a lower density residential environment with relatively large lots. Each settlement differs as a reflection of its history, the local topography, the relationship with the coast and the type of residential living offered.

Non-residential activities that are not compatible with the character of the Residential Banks Peninsula Zone are controlled in order to mitigate adverse effects on the character and amenity of the area.

14.2.1.4 Policy – Residential development in Banks Peninsula

a. Provide for limited growth and changes to residential townships and small settlements that:

- i. improves the long term viability of the townships, settlements and their communities;*
- ii. provides new housing opportunities in locations that are not subject to significant risks to life--safety and property damage from natural hazards;*
- iii. integrates with the existing residential settlement and maintains a consolidated urban form; and*
- iv. does not compromise the dominance of the landscape setting, and avoids ribbon residential development along the coastline, on prominent spurs, ridges and skylines.*

14.2.2 Objective – Short term residential recovery needs

a. Short-term residential recovery needs are met by providing opportunities for:

- i. an increase housing supply throughout the lower and medium density residential areas;*

14.2.2.1 Policy – Short term recovery housing

a. Provide for and incentivise a range of additional housing opportunities to meet short term residential recovery needs through redevelopment and additions to the existing housing stock and/or vacant land, that:

- i. are appropriately laid out and designed to meet the needs of current and future residents; and*
- ii. avoid significant adverse effects on the character or amenity of existing residential areas.*

The proposal is a redevelopment of the site as a result of the earthquakes which damaged the existing cottage. However, as its repair was deemed uneconomic, the applicant is replacing the existing cottage with a new building. The building on 28A Jacksons Road has been designed in a way to meet the needs of the applicant while avoiding adverse effects on the character and amenity of the surrounding residential area, as outlined above.

14.2.4 Objective - High quality residential environments

a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

Note: Policies 14.2.6.1, 14.2.6.2, 14.2.6.3, and 14.2.6.6 also implement Objective 14.2.4.

14.2.4.1 Policy - Neighbourhood character, amenity and safety

a. Facilitate the contribution of individual developments to high quality residential environments in all residential areas (as characterised in Table 14.2.1.1a), through design:

- i. reflecting the context, character, and scale of building anticipated in the neighbourhood;*
- ii. contributing to a high quality street scene;*
- iii. providing a high level of on-site amenity;*
- iv. minimising noise effects from traffic, railway activity, and other sources where necessary to protect residential amenity;*

Based on the assessment of effects provided earlier and a high level of compliance with the operative District Plan, the proposal is concluded to support a high quality residential environment consistent with that envisaged for the Residential Banks Peninsula Zone.



v. providing safe, efficient, and easily accessible movement for pedestrians, cyclists, and vehicles; and

vi. incorporating principles of crime prevention through environmental design.

14.2.4.7 Policy – Residential character areas in Christchurch City, Akaroa and Lyttelton

a. Maintain and enhance the identified special character values of residential areas arising from the following elements:

- i. the continuity or coherence of the character;
- ii. the pattern of subdivision, open space, buildings and streetscape;
- iii. the landforms or features that contribute to the qualities of the landscape and built form;
- iv. the scale, form and architectural values of buildings and their landscape setting;
- v. the qualities of the streetscape; and

b. Within the Lyttelton and Akaroa Character Areas:

- i. maintains and enhances the relationship to historic heritage;
- ii. retains buildings and settings of high character value;
- iii. retains important views from public places;
- iv. reflects the existing small scale of development and integration with the landscape.

Lyttelton's special character is not considered to be adversely affected by the demolition of the existing dwelling and the establishment of the new one. While the building on 33 Dublin Street cannot be reasonably retained, the adverse effects on the streetscape and wider township are limited due to its small scale and location. As described above, the proposed form, layout and architectural design of the new building contributes to the coherence of the character area, reflects the existing small scale of development and does not dominate important views.

82. For the reasons set out in **Table 3** and having regard to the assessment of effects, the proposal is concluded overall to be consistent with the relevant provisions of the operative District Plan.

PC13

83. The objectives and policies of PC13 also need to be considered. Of particular relevance is Policy 9.2.3.3.8 which the proposal is not considered to be inconsistent with, as detailed in **Table 4** below. There is no need to carry out a weighting exercise as the proposal is generally consistent with both the relevant operative and proposed provisions in the District Plan.

Table 4. Assessment of the relevant objectives and policies of PC13.

PC13 Objectives and Policies	Comment / Assessment
<p>9.3.2.2.5 Policy – Ongoing use of scheduled historic heritage</p> <p>a. Provide for the ongoing use and adaptive re-use of heritage items and heritage settings scheduled in Appendix 9.3.7.2 and defining buildings and contributory buildings in heritage areas scheduled in Appendix 9.3.7.3 (in accordance with Policy 9.3.2.2.3), including the following:</p> <ul style="list-style-type: none"> i. repairs and maintenance; ii. temporary activities; iii. specific exemptions to zone and transport rules to provide for the establishment of a wider range of activities; iv. alterations, restoration, reconstruction and heritage Building Code works to heritage items, including seismic, fire and access upgrades; 	<p>The proposal does not provide for the ongoing use of a contributory building in a heritage area. Policy 9.3.2.2.8 applies.</p>



- v. signs on heritage items and within heritage settings;
- vi. subdivision and new development which maintains or enhances access to heritage times, defining buildings and contributory buildings.

9.3.2.2.8 Policy – Demolition of scheduled historic heritage

a. When considering the appropriateness of the demolition of a heritage item scheduled in Appendix 9.3.7.2 or a defining building or contributory building in a heritage area scheduled in Appendix 9.3.7.3, have regard to the following matters:

- i. whether there is a threat to life and/or property for which interim protection measures would not remove that threat;
- ii. whether the extent of the work required to retain and/or repair the heritage item or building is of such a scale that the heritage values and integrity of the heritage time or building would be significantly compromised, and the heritage item would no longer meet the criteria for scheduling in Policy 9.3.2.2.1.
- iii. whether the costs to retain the heritage item or building (particularly as a result of damage) would be unreasonable;
- iv. the ability to retain the overall heritage values and significance of the heritage item or building through a reduced degree of demolition; and
- v. the level of significance of the heritage item.

On balance, the demolition of the existing building on 33 Dublin Street, which is proposed to be classified as a contributory building, is considered appropriate for the following reasons:

As confirmed by EQC (see **Appendix 3**), the building due to earthquake damage is deemed uneconomic to repair, and the demolition and construction of a new building on 28A Jacksons Road is considered to be more cost effective. Therefore, it would be unreasonable to require the repair and ongoing use of the building on 33 Dublin Street. As described in detail above, while the building is considered to support the heritage values of Lyttelton, its significance to the wider area is limited as the view of the building from locations throughout the township is limited. It is not classified as a defining building, i.e. of primary importance to the heritage values of the area. If the site was to be redeveloped, approval of a new building would be dependent on its contribution to the heritage area, ensuring that any new built form will not detract or otherwise adversely affect the heritage values of Lyttelton.

For completeness, it is noted that the building does not currently pose a threat to life or property (the applicant will continue to live in the building while the new building on 28A Jacksons Road is constructed). However, if the building was left in its current state, it will eventually become a threat to life or property, and the heritage values of the damaged building would diminish over time.

Overall, the proposal is not considered to be inconsistent with this policy.

84. For completeness, it is noted that PC14 has recently been notified. While the objectives and policies have legal effect from the date of notification, Policy 2 of the MDRS requires that the MDRS (including the objectives and policies) cannot be applied where a qualifying matter is relevant.

Relevant Other Matters

Consultation

85. No pre-application consultation has been undertaken.



Consideration of Alternatives

86. The preceding assessment of effects shows that the proposal will not have any significant adverse effects on the environment. Therefore, an assessment of alternatives is not required.

Part 2 Matters

87. Taking guidance from recent case law, the operative District Plan is considered to be the mechanism by which Part 2 is given effect to. The PC13 and 14 have recently been notified and have not been through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of sections 5-8 of the Act. Accordingly, further assessment against Part 2 has been provided below.

88. Part 2 of the Act sets out its purpose and principles which are “to promote the sustainable management of natural and physical resources”. This is defined to mean:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.”

89. The proposal will provide for the use and development of the site in a way that enables the applicant to provide for their wellbeing, without detracting from the wellbeing of the wider community. Importantly, the activity will not result in any adverse effects that would conflict with section 5(2)(a) – (c). Whether the purpose of the Act is being met also involves an assessment informed by reference to the matters set out in sections 6, 7 and 8.

90. Section 6 sets out matters of national importance, which include the protection of historic heritage from inappropriate subdivision, use and development (f) which is relevant to this application. For the reasons set out above, it is considered that the proposed redevelopment of the site is appropriate, given the financial constraints of ongoing use of the existing building, its limited significance to the heritage area and the sympathetic design and scale of the proposed building in relation to the residential development of the surrounding area.

91. Section 7 requires particular regard to be had to ‘other matters.’ Of relevance to this application are:

(c) The maintenance and enhancement of amenity values; and

(f) The maintenance and enhancement of the quality of the environment.

92. In respect of subsections (c) and (f), the proposal will deliver a development generally consistent with that anticipated and provided for by the Plan and, for the reasons outlined above, generally maintains the amenity and quality of the environment.



93. Section 8 requires the principles of the Treaty of Waitangi to be taken into account. The site is located within the *Ngā Tūranga Tūpuna* overlay. It is considered any actual or potential adverse effects on cultural values are limited considering the small scale of earthworks required for the redevelopment.
94. Overall, the proposal is consistent with the requirements of Part 2 and therefore it is considered that the purpose of the Act would be better achieved by the granting of consent.

Conclusion

95. In conclusion, the proposal is consistent with the purpose and principles of the Act in that it enables people to provide for their economic and social well-being, whilst maintaining and enhancing the quality and amenity of the local environment and avoiding adverse effects.
96. In terms of section 104, the proposal will be consistent with the relevant provisions of the District Plan and will have actual or potential effects on the environment which are acceptable and consistent with the environmental outcomes envisaged by the relevant statutory planning framework.
97. Accordingly, it is concluded that the Council should grant consent to the activity on a non-notified basis in accordance with sections 104 and 104C and Part 2 of the Act, subject to appropriate conditions.



Appendix 1

Certificates of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **635815**
Land Registration District **Canterbury**
Date Issued 11 February 2020

Prior References
CB21F/997

Estate Fee Simple
Area 251 square metres more or less
Legal Description Lot 1 Deposited Plan 470468
Registered Owners
Peter Ross Johns and Carol June Johns

Interests

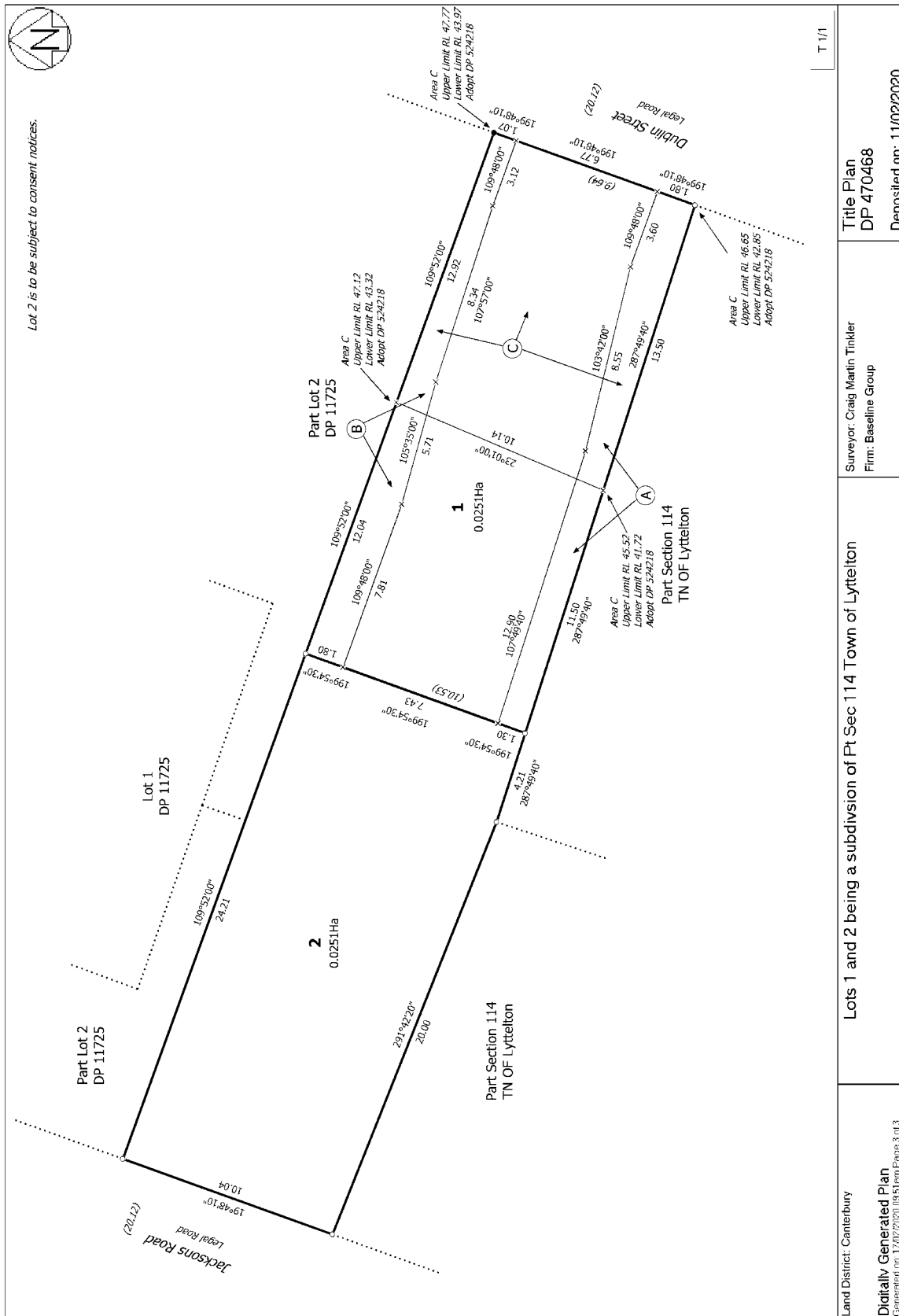
9132367.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Christchurch City Council - 23.7.2012 at 7:00 am

Appurtenant hereto is a right of support easement created by Easement Instrument 10225124.1 - 29.2.2016 at 2:20 pm
10765669.2 Mortgage to Mortgage Holding Trust Company Limited - 28.4.2017 at 11:25 am

Subject to a right (in gross) to support over part marked C on DP 470468 in favour of Christchurch City Council created by Easement Instrument 11583904.1 - 30.10.2019 at 11:37 am

Subject to a right to drain sewage over part marked A and a right to drain water over part marked B all on DP 470468 created by Easement Instrument 11668738.3 - 11.2.2020 at 3:16 pm

The easements created by Easement Instrument 11668738.3 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant (in gross) in favour of Earthquake Commission created by Covenant Instrument 12612390.1 - 24.11.2022 at 3:22 pm





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **635816**
Land Registration District **Canterbury**
Date Issued 11 February 2020

Prior References
CB21F/997

Estate Fee Simple
Area 251 square metres more or less
Legal Description Lot 2 Deposited Plan 470468
Registered Owners
Peter Ross Johns and Carol June Johns

Interests

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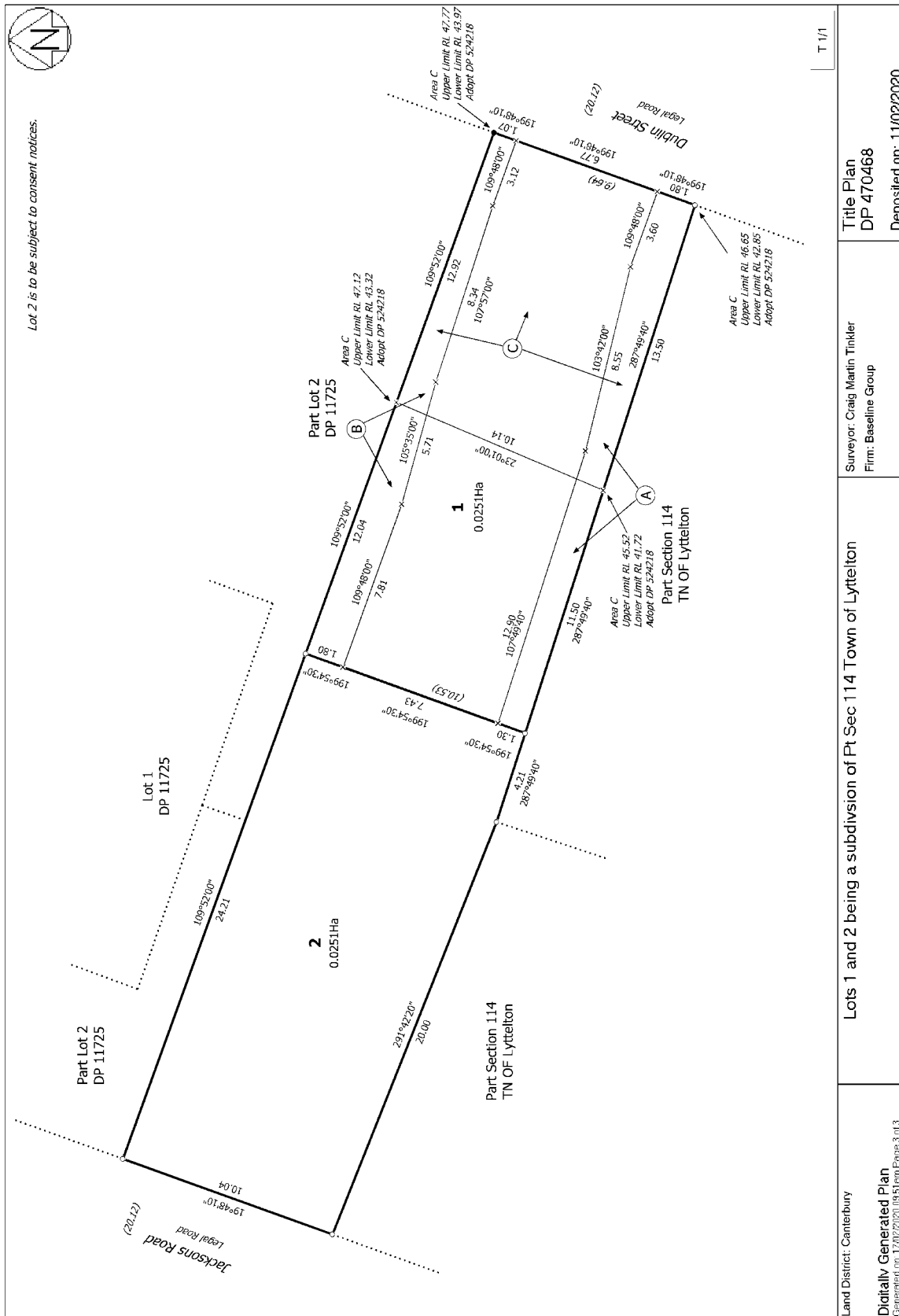
Appurtenant hereto is a right of support easement created by Easement Instrument 10225124.1 - 29.2.2016 at 2:20 pm

10765669.2 Mortgage to Mortgage Holding Trust Company Limited - 28.4.2017 at 11:25 am

11668738.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 11.2.2020 at 3:16 pm

Appurtenant hereto is a right to drain sewage and water created by Easement Instrument 11668738.3 - 11.2.2020 at 3:16 pm

The easements created by Easement Instrument 11668738.3 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant (in gross) in favour of Earthquake Commission created by Covenant Instrument 12612390.2 - 24.11.2022 at 3:22 pm





Appendix 2

Application Plans

FOR RESOURCE CONSENT

ARCHITECTURAL DRAWING REGISTER

RC.01	TITLE PAGE		☒
RC.02	SITE PLAN	1:200	☒
RC.03	PROPOSED FLOOR PLANS	1:100	☒
RC.04	PROPOSED NORTH + EAST ELEVATIONS	1:100	☒
RC.05	PROPOSED SOUTH + WEST ELEVATIONS	1:100	☒
RC.06	ARTIST'S IMPRESSION		☒
RC.07	ARTIST'S IMPRESSION		☒
RC.08	ARTIST'S IMPRESSION		☒



NEW DWELLING at for C + P JOHNS
28a JACKSONS RD _ CHRISTCHURCH
Lot No : 2, Deposited Plan : 470468

ARTISTIC IMPRESSION

COMMON

COMMON LTD

Architecture +
Interior Design Studio

339 St Asaph Street
Christchurch 8011
New Zealand

Studio 03 379 0111

common.nz
studio@common.nz

COMMON LTD

Architecture +
Interior Design Studio

339 St Asaph Street
Christchurch 8011
New Zealand

Studio 03 379 0111

common.nz
studio@common.nz



LOCATION PLAN
SCALE 1:1

LEGAL DESCRIPTION

Lot No : 2
Deposited Plan : 470468

SITE INFORMATION:

ADDRESS : 28a JACKSONS RD, CHRISTCHURCH
SITE AREA : 251m²
ZONE : RESIDENTIAL BANKS PENINSULA ZONE
CHARACTER AREA OVERLAY

HOUSE INFORMATION:

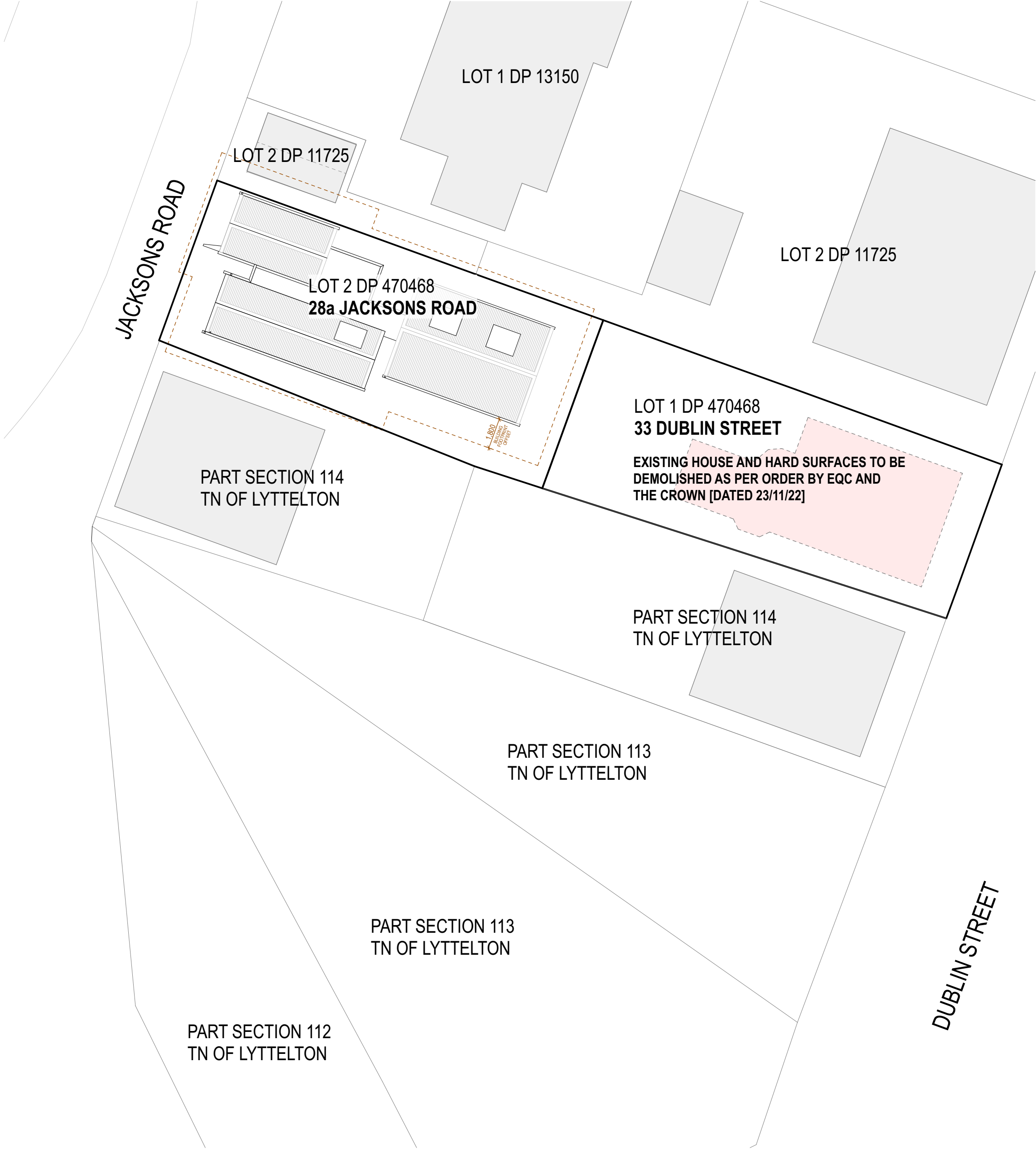
FLOOR AREA (EXCL. GARAGE) : 108.00m²
GARAGE AREA : 21.50m²
TOTAL AREA : 129.50m²
SITE COVERAGE : 120.80m²
48.1% PLOT RATIO (60% ALLOWABLE)

NOTE:
AREA CALCULATIONS EXCLUDE ALL EXTERNAL TERRACES AND DECK

EARTHWORKS:

CUT + FILL VOLUME
BUILDING FOOTPRINT ONLY : 85.5m³
CUT + FILL VOLUME
WITHIN 1,800mm OF BUILDING FOOTPRINT
EXCLUDING FOR BUILDING FOOTPRINT : 23.5m³
TOTAL CUT + FILL VOLUME
INCLUDING FOR BUILDING FOOTPRINT : 109m³

NOTE: ALL PROPOSED EARTHWORKS OCCUR WITHIN 1,800mm OF BUILDING FOOTPRINT. 1,800mm BUILDING FOOTPRINT OFFSET INDICATED ON SITE PLAN ABOVE.



RC.02

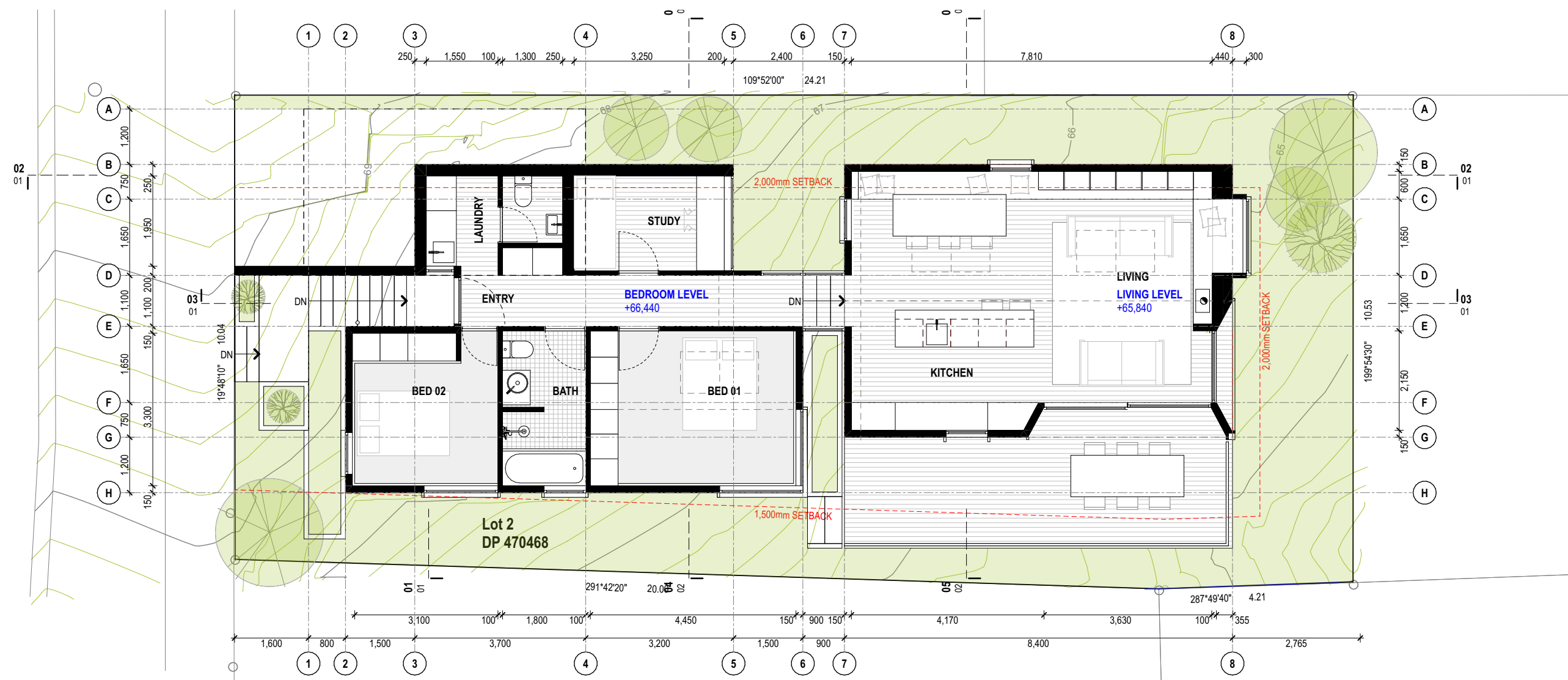
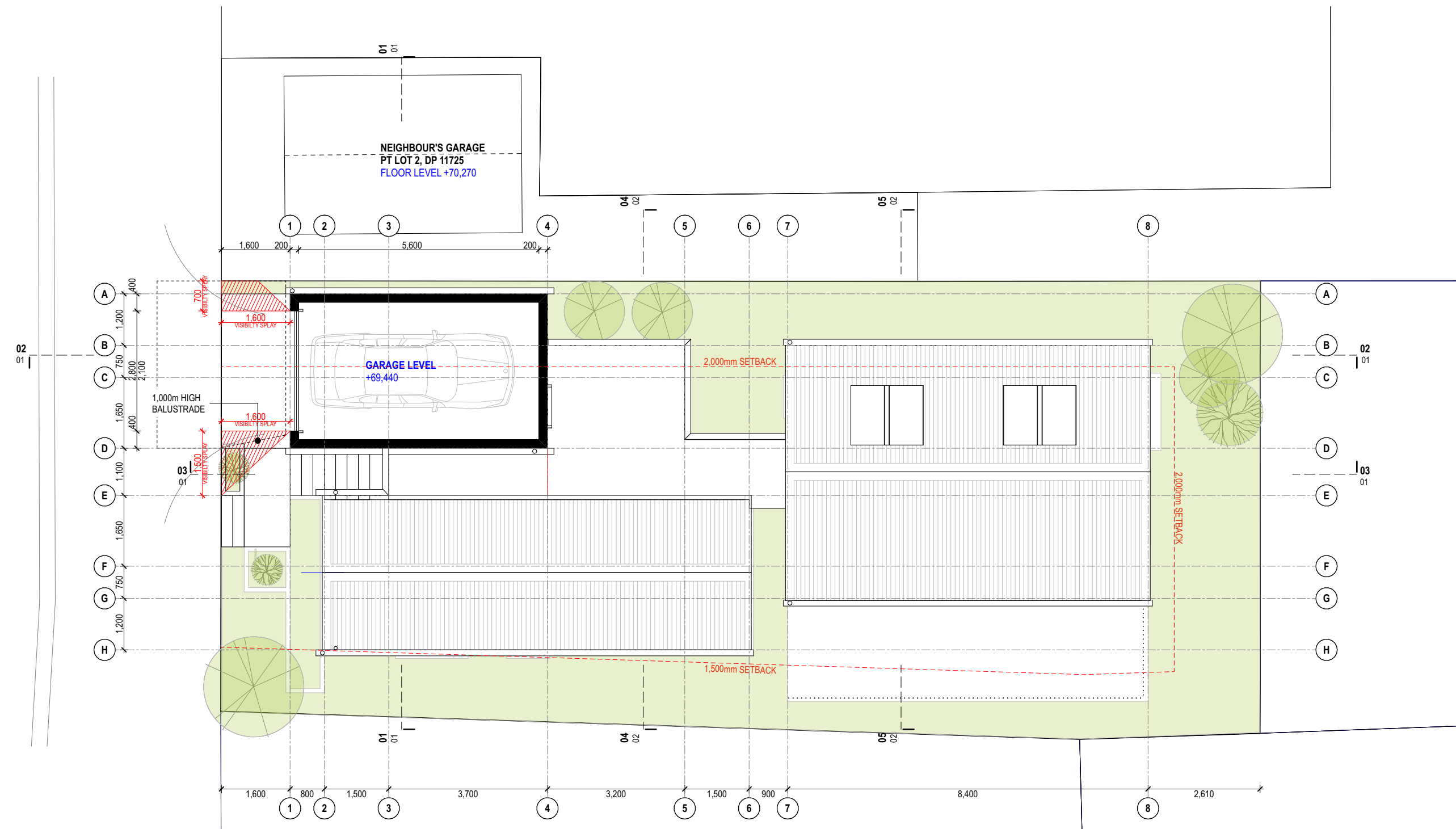
NOTE: ORIGINAL DRAWING SCALE 1:200 @ A2

NEW DWELLING at 28a JACKSONS RD, LYTTELTON

Monday, 26 June 2023
FOR RESOURCE CONSENT

#Pin

common.nz
studio@common.nz



RC.03

NOTE: ORIGINAL DRAWING SCALE 1:100 @ A2

PROPOSED FLOOR PLANS

NEW DWELLING at 28a JACKSONS RD, LYTTTELTON

Monday, 26 June 2023
FOR RESOURCE CONSENT

#Pin

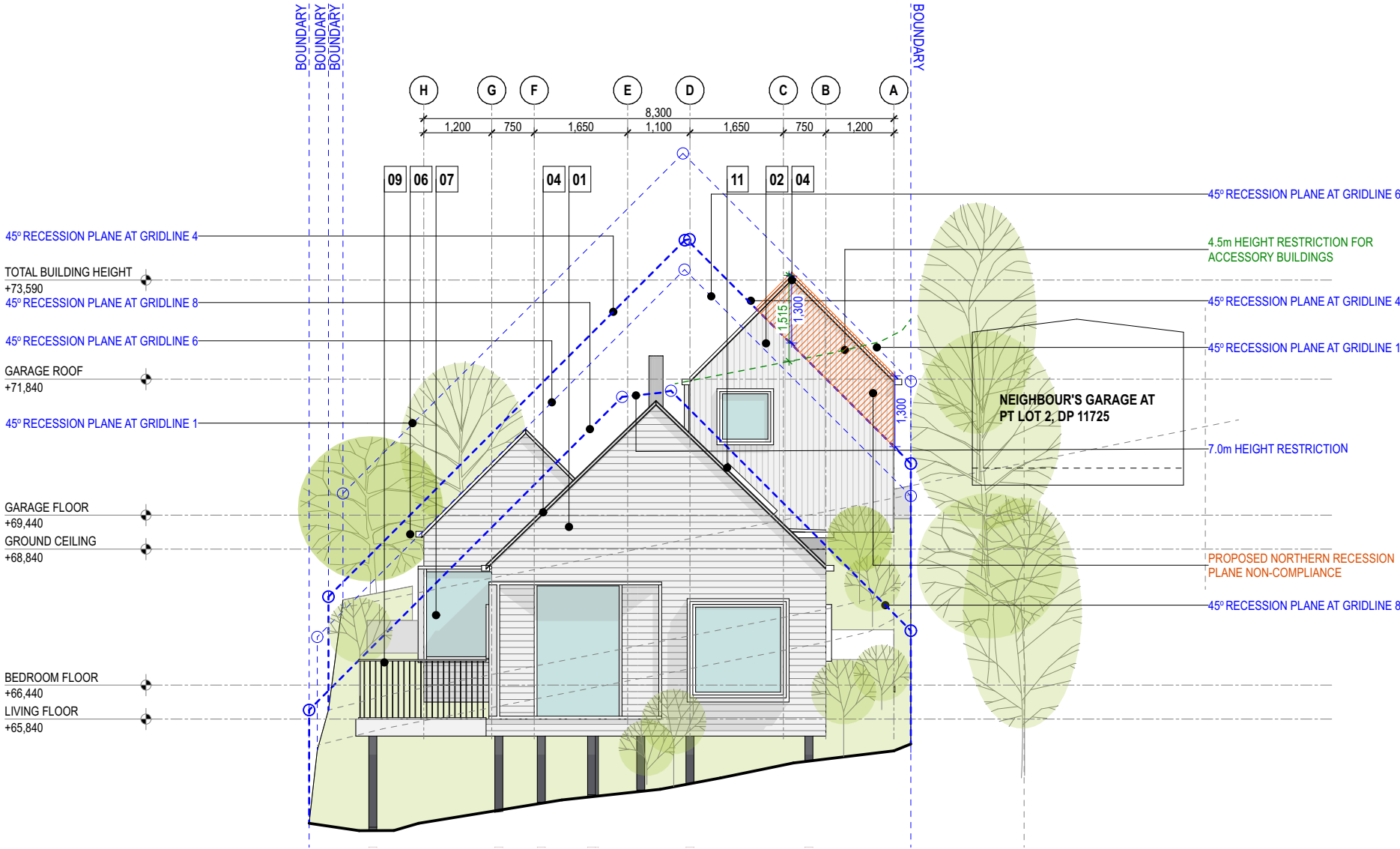
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Interior Design Studio

339 St Asaph Street
Christchurch 8011
New Zealand

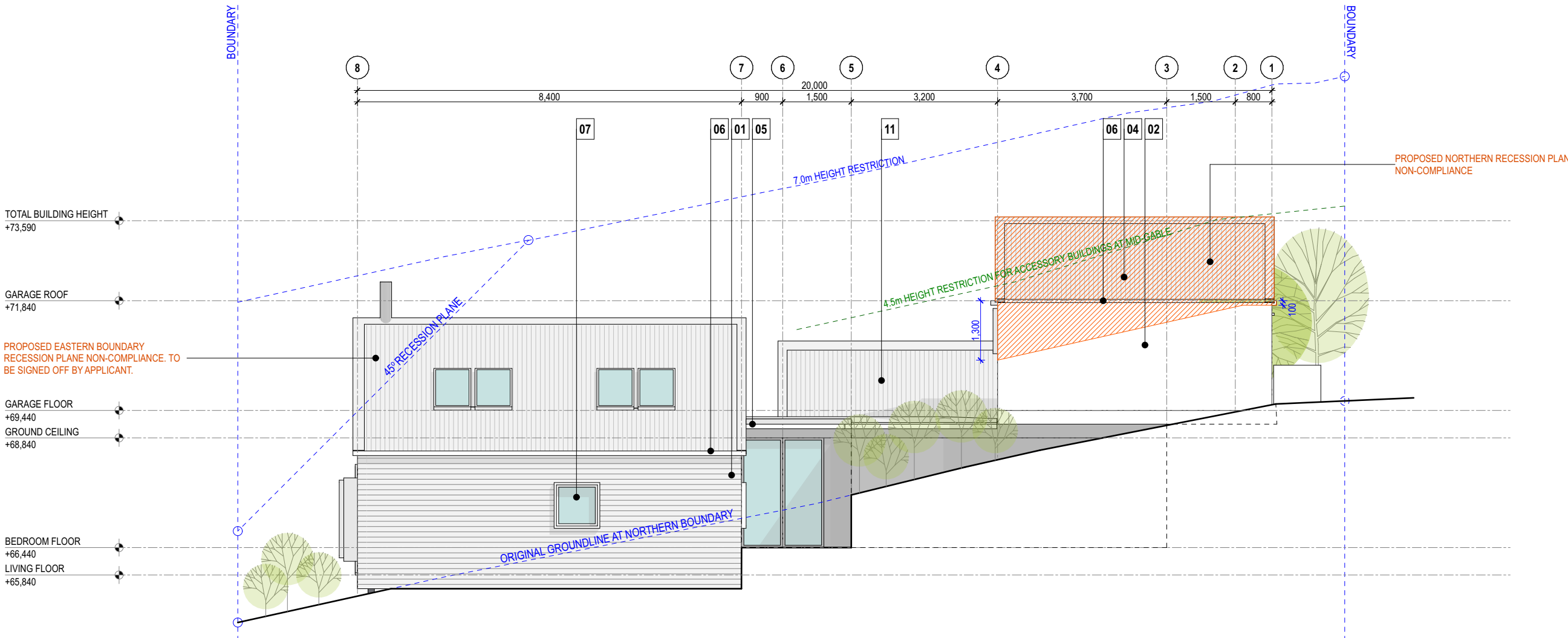
Studio 03 379 0111

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studio@common.nz



EAST ELEVATION

SCALE 1:100



NORTH ELEVATION

SCALE 1:100

MATERIALS KEY:

- 01

TIMBER WALL CLADDING
PRE-PRIMED HORIZONTAL RUSTICATED WEATHERBOARD OVER 20mm THICK VERTICAL CAVITY OVER 7mm ECOPLY BARRIER OVER 140mm THICK SG8 WALL FRAMING. COMPLETE WITH MATCHING TIMBER CORNER FACINGS/TRIMS. FINISH: SELECTED PAINT. COLOUR: RESENE 'TITANIA'
- 02

METAL WALL CLADDING
0.55mm PRE-PAINED STEEL CORRUGATE ROOFING OVER 20mm THICK HORIZONTAL CAVITY OVER 7mm ECOPLY BARRIER OVER 140mm THICK SG8 WALL FRAMING. FINISH: LOW SHEEN. COLOUR: TITANIA (TSR: 67%, LRV: 69%)
- 03

CONCRETE BLOCK WORK
20 CONCRETE BLOCK WORK WALL
FINISH: SELECTED PLASTER OR PAINT FINISH
- 04

METAL ROOFING
0.55mm PRE-PAINED STEEL CORRUGATE ROOFING OVER ROOFING UNDERLAY OVER PURLINS.
FINISH: LOW SHEEN. COLOUR: TITANIA (TSR: 67%, LRV: 69%)
- 05

MEMBRANE ROOFING
ARDEX TPO MEMBRANE OVER 19MM THICK H3.2 TREATED PLYWOOD
COLOUR: LIGHT GREY
- ELEMENTS KEY:

06

ROOF ACCESSORIES
120mm PRE-PAINTED STEEL 'CONTINUOUS SPOUTING ARCHIE 120' SPOUTING WITH MATCHING PRE-PAINTED STEEL ROUND-SECTION DOWNPIPES
FINISH: SELECTED LOW SHEEN, COLOUR TITANIA (TO MATCH ROOFING).

07

ALUMINUM JOINERY
SELECTED THERMALLY BROKEN SUITE DOUBLE GALZED ALUMINIUM WINDOW AND DOOR JOINERY COMPLETE WITH TIMBER BATTEN EXTERIOR TRIM.
FINISH: LOW SHEEN. COLOUR: TITANIA

08

GARAGE DOOR
SECTIONAL GARAGE DOOR COMPLETE WITH LOW HEADROOM KIT
FINISH: LOW SHEEN POWDER COAT. COLOUR: TITANIA

09

BALUSTRADE
1,100mm HIGH PROPRIETARY ALUMINIUM BALUSTRADE SYSTEM.
FINISH: LOW SHEEN. COLOUR: TITANIA

10

LANDSCAPE FEATURE / PLANTER
SELECTED PLANTER
COLOUR: TITANIA WHITE TO MATCH CLADDING.

11

ROOF WINDOW
SELECTED ALUMINIUM ROOF WINDOW
FINISH: LOW SHEEN. COLOUR: TITANIA

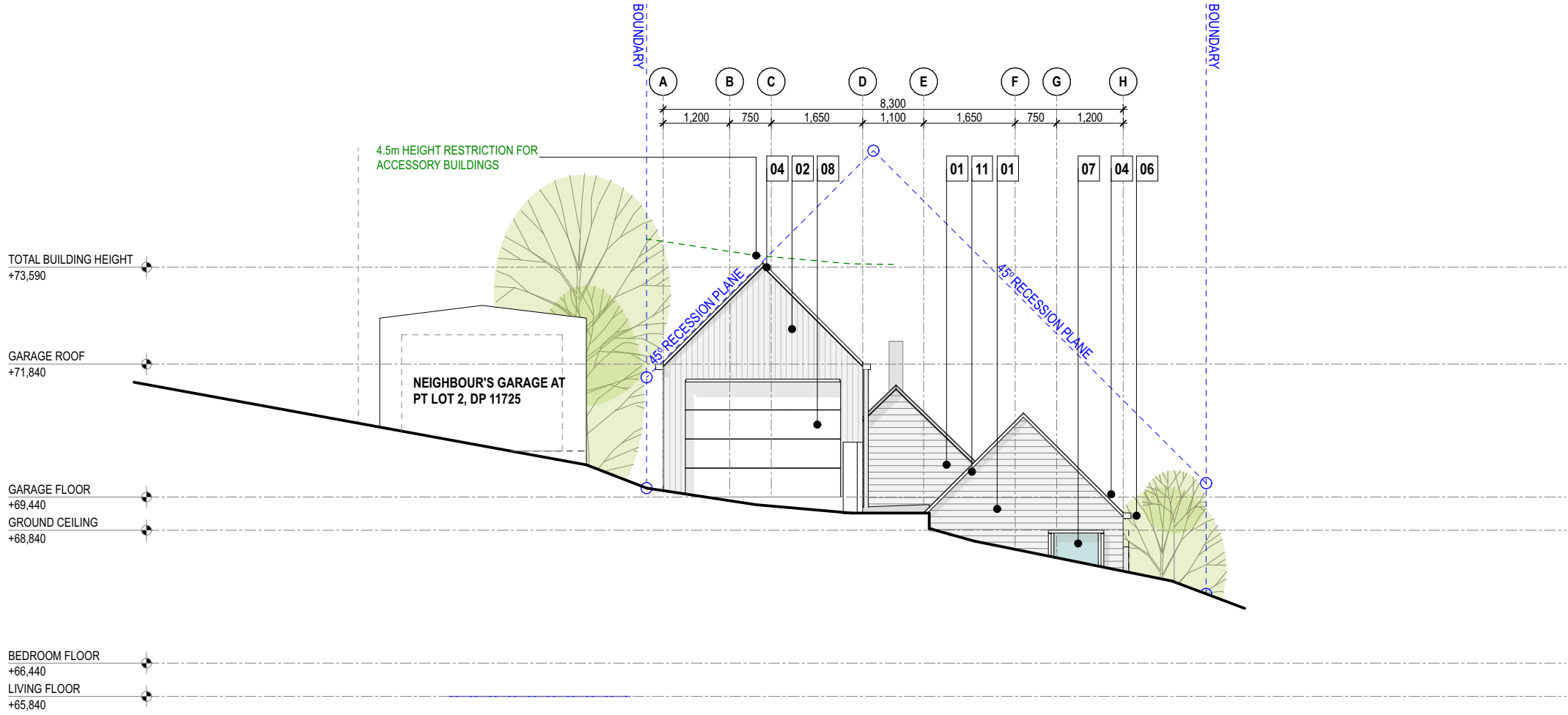
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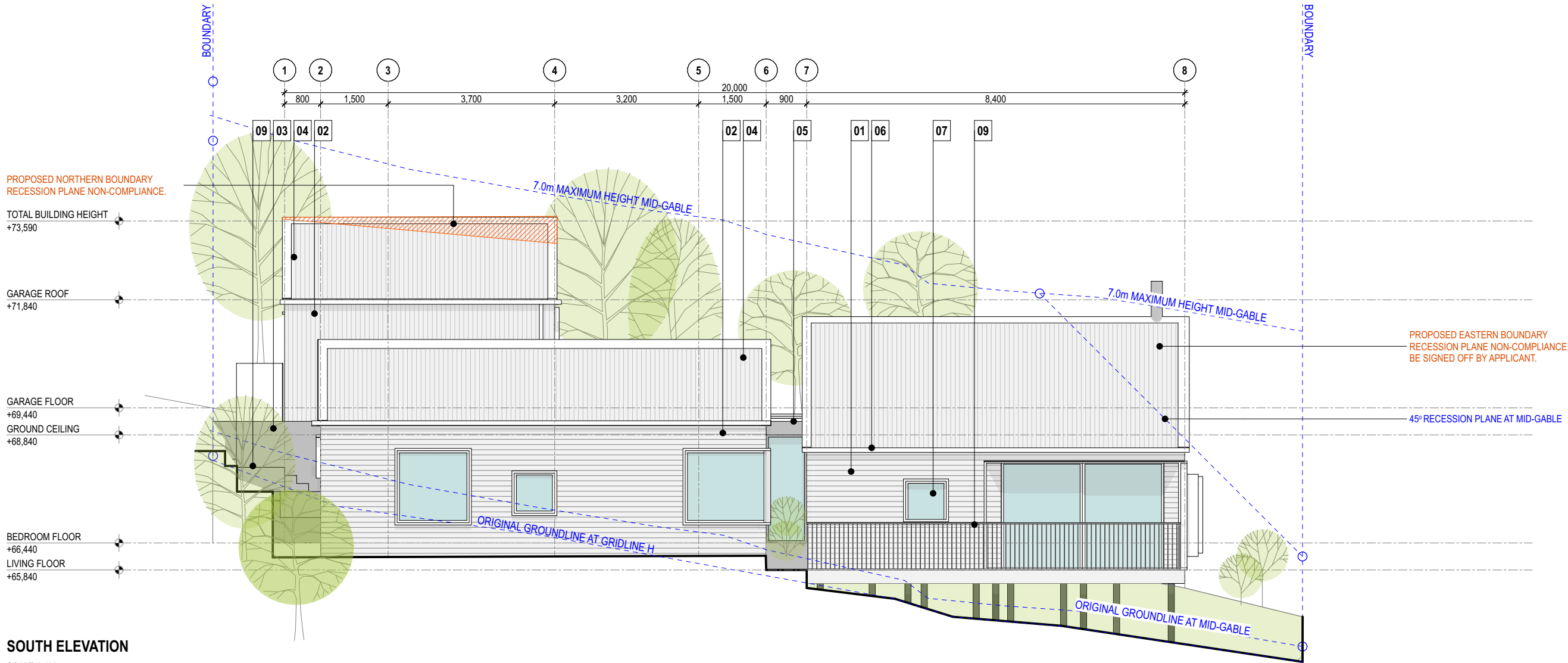
Studio 03 379 0111

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studio@common.nz



WEST ELEVATION

SCALE 1:100



SOUTH ELEVATION

SCALE 1:100

MATERIALS KEY:

- 01 TIMBER WALL CLADDING**
PRE-PRIMED HORIZONTAL RUSTICATED WEATHERBOARD OVER 20mm THICK VERTICAL CAVITY OVER 7mm ECOPLY BARRIER OVER 140mm THICK SG8 WALL FRAMING. COMPLETE WITH MATCHING TIMBER CORNER FACINGS/TRIMS. FINISH: SELECTED PAINT. COLOUR: RESENE 'TITANIA'
- 02 METAL WALL CLADDING**
0.55mm PRE-PAINED STEEL CORRUGATE ROOFING OVER 20mm THICK HORIZONTAL CAVITY OVER 7mm ECOPLY BARRIER OVER 140mm THICK SG8 WALL FRAMING. FINISH: LOW SHEEN. COLOUR: TITANIA (TSR: 67%, LRV: 69%)
- 03 CONCRETE BLOCK WORK**
20 CONCRETE BLOCK WORK WALL. FINISH: SELECTED PLASTER OR PAINT FINISH
- 04 METAL ROOFING**
0.55mm PRE-PAINED STEEL CORRUGATE ROOFING OVER ROOFING UNDERLAY OVER PURLINS. FINISH: LOW SHEEN. COLOUR: TITANIA (TSR: 67%, LRV: 69%)
- 05 MEMBRANE ROOFING**
ARDEX TPO MEMBRANE OVER 19MM THICK H3.2 TREATED PLYWOOD. COLOUR: LIGHT GREY

ELEMENTS KEY:

- 06 ROOF ACCESSORIES**
120mm PRE-PAINTED STEEL 'CONTINUOUS SPOUTING ARCHIE 120' SPOUTING WITH MATCHING PRE-PAINTED STEEL ROUND-SECTION DOWNPIPES. FINISH: SELECTED LOW SHEEN, COLOUR TITANIA (TO MATCH ROOFING).
- 07 ALUMINUM JOINERY**
SELECTED THERMALLY BROKEN SUITE DOUBLE GALZED ALUMINIUM WINDOW AND DOOR JOINERY COMPLETE WITH TIMBER BATTEN EXTERIOR TRIM. FINISH: LOW SHEEN. COLOUR: TITANIA
- 08 GARAGE DOOR**
SECTIONAL GARAGE DOOR COMPLETE WITH LOW HEADROOM KIT. FINISH: LOW SHEEN POWDER COAT. COLOUR: TITANIA
- 09 BALUSTRADE**
1,100mm HIGH PROPRIETARY ALUMINIUM BALUSTRADE SYSTEM. FINISH: LOW SHEEN. COLOUR: TITANIA
- 10 LANDSCAPE FEATURE / PLANTER**
SELECTED PLANTER. COLOUR: TITANIA WHITE TO MATCH CLADDING.
- 11 ROOF WINDOW**
SELECTED ALUMINIUM ROOF WINDOW. FINISH: LOW SHEEN. COLOUR: TITANIA

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ARTIST'S IMPRESSION : VIEW FROM JACKSONS ROAD

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ARTIST'S IMPRESSION : VIEW FROM EXETER STREET



Appendix 3

Statement from EQC



Jessica Short <jessica.c.johns@gmail.com>

Fwd: 33 Dublin Street, Lyttelton

1 message

Carol Johns <carol.johns@papprills.co.nz>
To: Jessica Short <jessica.c.johns@gmail.com>

6 June 2023 at 21:14

Hi Jessica

Here is the email from Allen Hurley.

Kind regards

Get [Outlook for Android](#)

From: Allen Hurley <AHurley2@eqc.govt.nz>
Sent: Tuesday, June 6, 2023 9:04:12 PM
To: Carol Johns <carol.johns@papprills.co.nz>
Subject: RE: [33 Dublin Street, Lyttelton](#)

Hi Carol

As requested

Re – 33 Dublin St - Uneconomic Repair

The repair scope quote supplied by the owners contractor is marginally less than a high level rebuild estimate supplied by an external QS.

Taking into consideration the variation risk factors the dwelling repairs were assessed as being uneconomic to repair and the owners are to do a new build on an adjoining section.

Part of the agreement is that the dwelling on [33 Dublin St](#) has to be demolished

Regards - Ngā Mihi

Allen Hurley

Mātanga Whakataunga / Settlement Specialist | OnSolds

Toka Tū Ake / EQC

Contact: - 0275 662 438

www.eqc.govt.nz

The foundation from which we
stand strong, together

Thinking of buying or selling your home? Check out www.settled.govt.nz to help you understand how it works and what to look for when you're researching a property.

While you're there, take a look at their information on [understanding the impact of natural hazards](#).

From: Carol Johns <carol.johns@papprills.co.nz>

Sent: Tuesday, June 6, 2023 8:56 PM

To: Allen Hurley <AHurley2@eqc.govt.nz>

Subject: 33 Dublin Street, Lyttelton

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Allen

The Planner at the Novo Group who is completing our resource consent application needs confirmation from EQC that Number 33 Dublin Street has been deemed uneconomic to repair so that this can be provided to the Council as part of our resource consent application. As we are unable to provide our settlement agreement to the planner because it is confidential can you please provide us with an email stating this or any other document.

The resource consent is required under the new plan change to the District Plan PC13. Under this plan change we are required to get a resource consent for the demolition of 33 Dublin Street. The planner is keen to get our consent application into the Council as soon as possible.

Thank you

Kind regards

Carol Johns

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IN CONFIDENCE-CUSTOMER



Appendix 4

Compliance Assessment of the Operative District Plan



Operative Christchurch District Plan

- Residential Banks Peninsula Zone
- Character Area Overlay
- Remainder of Port Hills and Banks Peninsula Slope Instability Management Area
- Banks Peninsula District Plan Coastal Hazards
- Ngā Tūranga Tūpuna

Chapter 5 Natural Hazards

5.6 Slope instability

5.6.1.1	Remainder of Port Hills and Banks Peninsula Slope Instability Management Area	N/A
	n. Any building or structure not listed in activities a. to m of Rule 5.6.1.1: Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area.	
	<i>Comment-</i> See Chapters 8 and 14.	

Chapter 7 Transport

7.4.3.1 Minimum number & dimensions of car parks required

i). Any car parks available to the general public. Car parking spaces shall be provided with the minimum dimensions in Table 7.5.1.3 in Appendix 7.5.1.	The car parks are not available to the general public.	N/A
ii). Any activity: A. where standard car parks are provided (except residential developments with less than 3 units), or B. containing buildings with a GFA of more than 2,500m ² At least the minimum number of mobility parking spaces in accordance with Table 7.5.1.2 in Appendix 7.5.1 shall be provided on the same site as the activity.	There is no mobility parking requirement for residential developments.	N/A

7.4.3.2 Minimum number of cycle parking facilities required

a). Any activity At least the minimum amount of cycle parking facilities in accordance with Appendix 7.5.2 shall be provided on the same site as the activity.	Cycle parking is not required where a garage is provided.	Complies
--	---	----------

7.4.3.3 Minimum number of loading spaces required

a). Any activity where standard car parks are provided. At least the minimum amount of loading spaces in accordance with Appendix 7.5.3 shall be provided on the same site as the activity.	No loading is required.	N/A
---	-------------------------	-----



7.4.3.4 Manoeuvring for parking & loading areas

a). Any activity with a vehicle access On-site manoeuvring area shall be provided in accordance with Appendix 7.5.6.	Complies	Complies
--	----------	----------

b). Any activity with a vehicle access to: i. a major or minor arterial road; or ii. a collector road where three or more car parking spaces are provided on site; or iii. six or more car parking spaces; or iv. a heavy vehicle bay required by Rule 7.4.3.3; or v. a local street or local distributor street within the Central City core; or vi. a main distributor street within the Central City where the vehicle access serves three or more parking spaces; or vii. a local street outside the Central City core and the vehicle access serves six or more parking spaces. On-site manoeuvring area shall be provided to ensure that a vehicle can manoeuvre in a forward gear on to and off a site.	Only one car parking space is provided with access to a local road therefore vehicles are permitted to reverse off the site.	N/A
---	--	-----

7.4.3.5 Gradient of parking and loading areas

a). All non-residential activities with vehicle access. Gradient of surfaces at 90 degrees to the angle of parking (i.e. parking stall width) - Gradient shall be $\leq 1:16$ (6.26%)	Not applicable, as the proposal is residential.	N/A
---	---	-----

b). All non-residential activities with vehicle access Gradient of surfaces parallel to the angle of parking (i.e. parking stall length). - Gradient shall be $\leq 1:20$ (5%)	Not applicable, as the proposal is residential.	N/A
--	---	-----

c). All non-residential activities with vehicle access Gradient of mobility car park spaces - Gradient shall be $\leq 1:50$ (2%)	Not applicable, as the proposal is residential.	N/A
--	---	-----

7.4.3.6 Design of parking and loading areas

a). All non-residential activities with parking and/or loading areas used during hours of darkness. Lighting of parking and loading areas shall be maintained at a minimum level of two lux, with high uniformity, during the hours of operation.	Not applicable, as the proposal is residential.	N/A
---	---	-----

b). Any urban activity, except: i. residential activities containing less than three car parking spaces; or ii. sites where access is obtained from an unsealed road; or iii. temporary activities. The surface of all car parking, loading, and associated access areas shall be formed, sealed and drained and car parking spaces permanently marked.	Not required as less than three car parking spaces are proposed.	N/A
--	--	-----



7.4.3.7 Access design

a). Any activity with vehicle access. Access shall be provided in accordance with Appendix 7.5.7.	The access complies with the 2.7m minimum - 4.5m maximum formed width (3.6m proposed). The visibility splays provided only measure 1.5m x 1.6m whereas 1.5m x 2m is required.	Does not comply
b). Any activity providing 4 or more car parking spaces or residential units. Queuing spaces shall be provided in accordance with Appendix 7.5.8.	Not required	N/A
c). Outside the Central City, any vehicle access: i. to an urban road serving more than 15 car parking spaces or more than 10 heavy vehicle movements per day; and/or ii. on a key pedestrian frontage Either an audio and visual method of warning pedestrians of the presence of vehicles or a visibility splay in accordance with Appendix 7.5.9 shall be provided. If any part of the access lies within 20 metres of a Residential Zone any audio method should not operate between 20:00 and 08:00 hours.	Not applicable	N/A

7.4.3.8 Vehicle crossings

a). Any activity with a vehicle access to any road or service lane. A vehicle crossing shall be provided constructed from the property boundary to the edge of the carriageway / service lane.	Complies	Complies
b). Any vehicle crossing on an arterial road or collector road with a speed limit 70 kilometres per hour or greater. Vehicle crossing shall be provided in accordance with Appendix 7.10.	Not applicable	N/A
c). Any vehicle crossing to a rural selling place. Vehicle crossing shall be provided in accordance with Figure 14 in Appendix 7.5.10.	Not applicable	N/A
d). Any vehicle crossing on a road with a speed limit 70 kilometres per hour or greater The minimum spacing to an adjacent vehicle crossing on the same side of the frontage road, shall be in accordance with Table 7.5.11.1 in Appendix 7.5.11.	Not applicable	N/A
e). Any activity with a vehicle crossing The maximum number of vehicle crossings shall be in accordance with Table 7.5.11.2 (outside the Central City) and Table 7.5.11.3 (within the Central City) in Appendix 7.5.11.	Complies (one vehicle crossing is proposed)	Complies
f). Any activity with a vehicle crossing The minimum distance between a vehicle crossing and an intersection shall be in accordance with the Table 7.5.11.4 (outside	Complies with the 20m separation from intersections on the same side of the road.	Complies



the Central City) and Table 7.5.11.5 (within the Central City) in Appendix 7.5.11.

g). Any vehicle crossing on a rural road The minimum sight lines to vehicle crossings shall be provided in accordance with Figure 18 in Appendix 7.5.11.	Not applicable	N/A
--	----------------	-----

7.4.3.9 Location of buildings and access in relation to road/rail level crossings

a). Any new road or access that crosses a railway line No new road or access shall cross a railway line.	Not applicable	N/A
--	----------------	-----

b). All new road intersections located less than 30 metres from a rail level crossing limit line The road intersection shall be designed to give priority to rail movements at the level crossing through road traffic signals.	Not applicable	N/A
---	----------------	-----

c). All new vehicle crossings located less than 30 metres from a rail level crossing limit line. No new vehicle crossing shall be located less than 30 metres from a rail level crossing limit line unless the boundaries of a site do not enable the vehicle crossing to be more than 30 metres from a rail level crossing limit line.	Not applicable	N/A
---	----------------	-----

d). Any building located close to a level crossing not controlled by automated warning devices (such as alarms and/or barrier arms). Buildings shall be located outside of the sight triangles in Appendix 7.5.13.	Not applicable	N/A
--	----------------	-----

7.4.3.10 High trip generators

Mixed use and other activities (not listed above), except where Rule 7.4.2.1 P11 applies Residential activities – 60 Units	The proposal does not exceed this threshold, so the proposal complies.	N/A
--	--	-----

Chapter 8: Subdivision, Development and Earthworks

8.9.2.1 P1 Earthworks	i. Earthworks shall not exceed the volumes in Table 9 over any 12 month time period.	N/A
a. not for the purpose of the repair of land used for residential purposes and damaged by earthquakes; and	ii. Earthworks in zones listed in Table 9 shall not exceed a maximum depth of 0.6m, other than in relation to farming activities, quarrying activities or permitted education activities.	
b. if in the Industrial General Zone (North Belfast), greater than 20 metres from:	iii. Earthworks shall not occur on land which has a gradient that is steeper than 1 in 6.	
i. the surveyed point of the spring identified on the Outline Development Plan in Appendix 16.8.5; or	iv. Earthworks involving soil compaction methods which create vibration shall comply with DIN 4150 1999-02 and compliance shall be certified through a statement of professional opinion provided to the Council from a suitably qualified and experienced chartered or registered engineer.	
ii. any spring not identified on the Outline Development Plan in Appendix 16.8.5, and which is within the area identified as	v. Earthworks involving mechanical or illuminating equipment shall not be undertaken outside the hours of 0700 – 1900 in a Residential Zone. Clarification: between 0700 and 1900 hours, the noise standards in Chapter 6 Rule 6.1.5.2 and the light spill standards at Chapter 6 Rule 6.3.6 both apply.	
	vi. Earthworks involving mechanical equipment, other than in residential zones, shall not occur outside the hours of 0700	



Stormwater Management Area 1 on the Outline Development Plan but not within Lots 5, 6 and 7 DP 71209, in which case the setback shall be measured from the head or heads of the spring where visible.

Clarification:

Chapter 5 contains additional requirements for earthworks within Flood Management Areas and Flood Ponding Management Areas.

Refer to P2 for earthworks for the purpose of the repair of land used for residential purposes and damaged by earthquakes

and 2200 except where compliant with NZS6803:1999. Clarification: between 0700 and 2200 hours, the noise standards in Chapter 6 Rule 6.1.5.2 apply except where NZS6803.1999 is complied with, and the light spill standards in Chapter 6 Rule 6.3.6 apply.

- vii. Fill shall consist of clean fill.
- viii. The activity standards listed in Rule 8.5A.2.1 P3, P4 and P5.
- ix. Earthworks shall not occur within 5 metres of a heritage item or within a heritage setting listed in Appendix 9.3.7.2, or within the dripline of a significant tree listed in Appendix 9.4.7.1.
- x. In the Industrial General Zone (North Belfast): Activity Standards in Rule 8.3.3.15.

Notes:

A. the Erosion and Sediment Control Guidelines (prepared by Environment Canterbury) may be of assistance in terms of the design and location of any filter.

B. The Natural Resources Regional Plan and Land and Water Regional Plan include provisions for earthworks in riparian margins and the Port Hills respectively and provisions in relation to dust control.

C. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies.

Notes:

Earthworks shall not adversely affect identified significant trees, including through changes to ground level.

Earthworks shall not involve the modification, alteration or removal of sand dunes and vegetation on sand dunes within the Coastal zone.

Comment – All earthworks required for the development are within 1.8m from the outer edge of the wall of the building. The applicant has confirmed that no works will occur until a building consent for the dwelling has been obtained. Therefore the works are exempt from the activity standards set out in Rule 8.9.2.1 P1.

Chapter 14: Residential Banks Peninsula Zone

14.8 Activity status tables

P1 Residential activity	<p>a. No more than one heavy vehicle shall be stored on the site of the residential activity.</p> <p>b. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site.</p> <p>Comment- Complies, residential activity is proposed.</p>	Permitted
14.8.1.3 RD6	<p>Buildings that do not meet Rule 14.8.2.2 - Building height.</p> <p>Comment- The garage exceeds 4.5m in height measured from the existing ground level.</p>	Restricted discretionary
14.8.1.3 RD7	<p>Buildings that do not meet Rule 14.8.2.5 - Daylight recession planes.</p> <p>Comment- The garage intrudes the north-western recession plane.</p>	Restricted discretionary
14.8.1.3 RD8	<p>Buildings that do not meet Rule 14.8.2.4 - Minimum building setback from side and rear internal boundaries and railway lines.</p>	Restricted discretionary



Comment- The building encroaches on the north-eastern 2m internal boundary setback and the deck/terrace on the south-western 1.5m internal boundary setback.

14.8.2 Built form standards

14.8.2.1 Site density	Refer to Rule 14.8.3.2.2 below.	N/A
14.8.2.2 Building height	<p>a. The maximum height of any building shall be 7m.</p> <p>b. The maximum height of any accessory buildings shall be 4.5m</p> <p>Comment- The garage exceeds 4.5m in height.</p>	Does not comply
14.8.2.3 Site coverage	Refer to Rule 14.8.3.2.3 below.	N/A
14.8.2.4 Minimum building setback from side and rear internal boundaries and railway lines	<p>a. The minimum building setback from side and rear internal boundaries shall be:</p> <p>i. Side internal boundaries: one of 1.5m and one of 2m</p> <p>ii. Rear internal boundaries: 2m</p> <p>b. There shall be no minimum setback from internal boundaries for accessory buildings where the length of any wall within the setbacks specified in a. is less than 6m.</p> <p>c. For the purposes of this rules this excludes guttering up to 200mm in width from the wall of a building.</p> <p>Comment- The building intrudes the side internal boundary setbacks.</p>	Does not comply
14.8.2.5 Daylight recession planes	<p>No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2 metres above ground level at any adjoining site boundary, that is not a road boundary.</p> <p>Comment- The garage intrudes the north-eastern recession plane.</p>	Does not comply
14.8.2.6 Building setbacks from road boundaries	Refer to Rule 14.8.3.2.5 below.	N/A
14.8.2.7 Water supply for fire fighting	<p>a. Sufficient water supply and access to water supplies for fire fighting shall be made available to all residential units via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).</p> <p>Comment- The reticulated water supply in this location is understood to comply with the requirements of this rule.</p>	Complies

14.8.3 Area-specific rules – Residential Banks Peninsula Zone

14.8.3.1.3 RD3	<p>Within the Lyttelton Character Area Overlay:</p> <p>i. external alterations or additions to, or demolition of existing buildings on a site, except for the demolition of accessory buildings; and/or</p> <p>ii. the erection of a building and accessory buildings, except for new buildings within the Lyttelton Port Influences Overlay Area; and/or</p> <p>iii. the relocation of a building onto the site.</p>	Restricted discretionary
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Comment- The proposal comprises the erection of a new building on 28A Jacksons Road and the demolition of an existing building on 33 Dublin Street.

14.8.3.2 Area-specific built form standards

14.8.3.2.2 Site density	Within the Character Area Overlay in Lyttelton, each residential unit (excluding residential units established under Rule 14.8.1.1 P4 and P18) shall be contained within its own separate site and the site shall have a minimum net site area of 250m ² .	Complies
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Comment- The site has a compliant net site area of 251m².

14.8.3.2.3 Site coverage	<p>a. Within the Character Area Overlay in Lyttelton the maximum percentage of the net site area covered by buildings shall be 60%.</p> <p>b. For the purpose of this rule this excludes:</p> <ul style="list-style-type: none"> i. fences, walls and retaining walls; ii. eaves and roof overhangs up to 600mm in width and guttering up to 200mm in width from the wall of a building; iii. uncovered swimming pools up to 800mm in height above ground level; and iv. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which: <ul style="list-style-type: none"> A. are no more than 800mm above ground level and are uncovered or unroofed; or B. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site. 	Complies
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Comment- Approximately 57.6m% (or 144.60m²) of the 251m² site is covered by buildings (including the areas of the deck/terrace which are more than 800mm above the existing ground level).

14.8.23.2.4 Minimum building setbacks from internal boundaries	Within the Character Area Overlay the minimum building setbacks from boundaries may be reduced to nil on one side internal boundary where written approval has been obtained from the owner and occupier of the site adjoining the boundary, otherwise Rule 14.8.2.4 shall apply.	N/A
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Comment- No written approvals have been obtained, therefore Rule 14.8.2.4 applies.

14.8.3.2.5 Minimum building setbacks from road boundaries	Within the Character Area Overlay the minimum building setbacks from road boundaries shall be nil.	Complies
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Comment- Complies.



Appendix 5

Compliance Assessment of PC13



Plan Change 13

Chapter 9: Heritage

14.8 Activity status tables

9.3.4.1.1 P13	In a Residential Heritage Area, new road boundary fences or walls of up to 1.5m in heights. Comment- <i>Complies, no road boundary fence along Jacksons Road is proposed.</i>	Permitted
9.3.4.1.3 RD6	<p>a. In a Residential Heritage Area</p> <p>i. new buildings and alteration to building exteriors</p> <p>ii. new road boundary fences and walls over 1.5m in height and alteration to road boundary fences and walls which are or will be over 1.5m in height.</p> <p>b. Where the building is a heritage item scheduled in Appendix 9.3.7.2, Rule 9.3.4.1.3 RD1 or RD2 will instead.</p> <p>c. This rules does not apply to:</p> <p>i. buildings that are located to the rear of the main residential units on the site and are less than 5m in height;</p> <p>ii. alteration to exteriors of neutral buildings or intrusive buildings where the alteration is not visible from the street;</p> <p>iii. fences and walls on side or rear boundaries;</p> <p>Advice note: New buildings in Residential Heritage Areas in RD6 a.i. including those located in heritage settings, are also subject to the Built Form Standards for Residential Heritage Areas in 14.5.3.2 and Rule 14.8.3.2.</p> <p>Comment- <i>A new building in the Lyttelton Residential Heritage Area is proposed.</i></p>	Restricted discretionary
9.3.4.1.3 RD7	<p>In a Residential Heritage Area</p> <p>Demolition or relocation of a defining building or contributory building, except where the building is also a heritage item scheduled in Appendix 9.3.7.2, in which case Rule 9.3.4.1.3 RD3, 9.3.4.1.4 D1, D2 or 9.3.4.1.5 NC1 will apply.</p> <p>Comment- <i>The demolition of the existing building on 33 Dublin Street which is classified as a contributory building is proposed.</i></p>	Restricted discretionary

Chapter 14: Residential

14.8.2 Built form standards

14.8.2.5 Daylight recession planes	<p>No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2m above ground level at any adjoining site boundary, that is not a road boundary. This rules shall not apply in the Lyttelton Character Area Overlay or in the Lyttelton Residential Heritage Area.</p> <p>Comment- <i>The site is located in the Lyttelton Character Area and Residential Heritage Area, therefore this rules does not apply.</i></p>	N/A
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14.8.3 Area-specific rules – Residential Banks Peninsula Zone



14.8.3.1.3 RD5	Residential units in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.2 – Site density. Comment- The site has a net site area of 251m ² whereas 450m ² is required.	Restricted discretionary
14.8.3.1.3 RD6	Residential units in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.3 – Height of buildings. Comment- The garage exceeds the 5m height limit for accessory buildings.	Restricted discretionary
14.8.3.1.3 RD7	Buildings in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rule 14.8.3.2.3 – Site coverage. Comment- Approximately 57.6m% (or 144.60m ²) of the 251m ² site is covered by buildings whereas a maximum of 50% is permitted.	Restricted discretionary
14.8.3.1.3 RD9	Activities in the Lyttelton Character Area Overlay and/or Residential Heritage Area that do not meet Rules 14.8.3.2.5 or 14.8.3.2.6 – Minimum building setbacks or Rule 14.8.3.2.9 – Outdoor living space per unit. Comment- The building encroaches on the north eastern 3m internal boundary setback and the deck/terrace on the south western 1.5m internal boundary setback. The garage is set back 1.6m from the road boundary and the building approximately 2.35m.	Restricted discretionary

14.8.3.2 Area-specific built form standards

14.8.3.2.2 Site density	<p>a. Within the Character Area Overlay and/or the Residential Heritage Area in Lyttelton, each residential unit (excluding residential units established under Rule 14.8.1.1 P4 and P18) shall be contained within its own separate site and the site shall have a minimum net site area of 450m².</p> <p>b. Within the Character Area Overlay and/or the Residential Heritage Area in Lyttelton, there must be no more than one residential unit plus one minor residential unit per site.</p> <p>Comment- The site has a net site area of 251m².</p>	Does not comply
14.8.3.2.3 Building height	<p>Within the Character Area Overlay and/or the Residential Heritage Area in Lyttelton, the maximum building height is 7m, except that any accessory building must not exceed 5m in height.</p> <p>Comment- The garage exceeds the 5m height limit for accessory buildings.</p>	Does not comply
14.8.3.2.4 Site coverage	<p>a. Within the Character Area Overlay and/or the Residential Heritage Area in Lyttelton the maximum percentage of the net site area covered by buildings shall be 50%.</p> <p>b. For the purpose of this rule this excludes:</p> <ul style="list-style-type: none"> v. fences, walls and retaining walls; vi. eaves and roof overhangs up to 600mm in width and guttering up to 200mm in width from the wall of a building; vii. uncovered swimming pools up to 800mm in height above ground level; and 	Does not comply



	<p>viii. decks, terraces, balconies, porches, verandahs, bay or box windows (supported or cantilevered) which:</p> <p>C. are no more than 800mm above ground level and are uncovered or unroofed; or</p> <p>D. where greater than 800mm above ground level and/or covered or roofed, are in total no more than 6m² in area for any one site.</p> <p>Comment- Approximately 57.6m% (or 144.60m²) of the 251m² site is covered by buildings (including the areas of the deck/terrace which are more than 800mm above the existing ground level).</p>	
14.8.23.2.5 Minimum building setbacks from internal boundaries	<p>Within the Character Area Overlay and/or Residential Heritage Area in Lyttelton, the minimum internal boundary setback shall be 1.5m on one side and 3m on the other, and the minimum rear boundary setback shall be 2m.</p> <p>Comment- The building encroaches on the north eastern 3m internal boundary setback and the deck/terrace on the south western 1.5m internal boundary setback.</p>	Restricted discretionary
14.8.3.2.6 Minimum building setbacks from road boundaries	<p>Within the Character Area Overlay and/or Residential Heritage Area in Lyttelton the minimum building setbacks from road boundaries shall be 3m.</p> <p>Comment- The garage is set back 1.6m from the road boundary and the building approximately 2.35m.</p>	Does not comply
14.8.3.2.9 Outdoor living space per unit	<p>b. Within the Lyttelton Residential Heritage Area, each residential unit shall be provided with an outdoor living space contained within the net site area with a minimum area of 50m².</p> <p>Comment- Approximately of 60m² of outdoor area (including the deck/terrace) are proposed.</p>	Complies

12 September 2023

Christchurch City Council

Attention: Ruth Markham-Short

Novo Group Limited
Level 1, 279 Montreal Street
PO Box 365, Christchurch 8140
0 - 03 365 5570
info@novogroup.co.nz

By email: Ruth.MarkhamShort@ccc.govt.nz

Dear Ruth,

RMA/2023/2046
33 DUBLIN STREET, LYTTTELTON
RFI RESPONSE

1. This letter sets out our response to your RFI as well as an updated assessment of the relevant objectives and policies and the actual and potential effects of the demolition on the heritage value of the Lyttelton Residential Heritage Area (RHA).
2. Before elaborating on the planning framework, I would like to reiterate the unfortunate situation that the applicants, Carol and Peter Johns, find themselves in as part of the on-sold EQC programme. The Johns' have prepared a letter detailing the process and outcome of the EQC procedure which is attached in **Appendix 1**.
3. In summary, Carol and Peter bought the property after the earthquake repairs had been seemingly completed and signed off on, before discovering that the repair works had been completed so poorly that the cladding had started to leak. It was also found that the foundation was not repaired properly. The building was therefore accepted into EQC's on-sold programme.
4. The EQC assessment was a year-long process where all possible options (repair or rebuild) were carefully considered. The residential structural assessment report prepared by BMC lists all the required repair works based on the visual inspections. Further works would be expected as outlined in detail in the attached letter in **Appendix 2**. The repair quote including the variation risk was estimated to result in a probable minimum repair value of \$840,000 which substantially exceeds the cost of a rebuild (valued at \$703,000).
5. The applicants' letter describes in more detail the settlement deed with EQC which includes the obligation to demolish the building on 33 Dublin Street. Covenants were registered on both records of title (33 Dublin Street and 28A Jackson Road) requiring the applicant to demolish and replace the existing building. The covenants are included in **Appendix 3**.
6. Before signing the deed, the applicants contacted the Council (via phone and email) to enquire about the process and any necessary consents required for the demolition of the existing building. The duty planner (via phone) and the BCO (via email) advised the applicants that no consents or permits would be required (which was incorrect, as a demolition within the Lyttelton Character Area is a restricted discretionary activity and requires resource consent). It was also not brought to their attention in late 2022 that a



plan change may potentially affect their ability to fulfil their obligations under the Settlement Deed.

7. EQC is not a private insurance company and an “as is where is” sale is not an alternative option. As Allen Hurley (EQC, OnSold Team) outlined the only options available for earthquake-damaged buildings (in the on-sold programme) are to repair, or demolish and rebuild (on the same property or somewhere else), to ensure that earthquake-damaged buildings are appropriately dealt with and not left in their current state.
8. All in all, due to the cost and the risk of repairing the existing dwelling, the applicants have no other option than to demolish the existing building on 33 Dublin Street and rebuild.

An assessment of the relevant provisions of the Operative District Plan and PC13

9. Heritage areas are defined in the District Plan as:

“an area of land that is identified in Appendix 9.3.7.3 Schedule of significant historic heritage areas because it comprises an inter-related group of historic places, buildings, structures and/or sites that make a significant contribution towards an understanding and appreciation of Christchurch District’s history and culture”.

In other words, it is the collective values of a group of buildings that make up the historic significance of a place, not an individual building, unless the building is also scheduled and listed in Appendix 9.3.7.2 (and/or registered on Heritage NZ’s Heritage List).

10. The District Plan sets out a clear hierarchy for historic heritage. Some *individual buildings* or places are considered to be of such significant heritage value that they are scheduled as significant historic heritage (as items or settings). Whereas RHA’s comprise *groups of buildings* within an area that represent important aspects of the District’s cultural and historic themes. Below RHA’s, character areas are neighbourhoods with a distinct character, development pattern and building design that warrants recognition in the District Plan. Character areas are not considered a matter of national importance in section 6 of the Act.
11. The activity status and process of obtaining resource consent to alter or demolish a building reflect this hierarchy. For example, the demolition of a highly significant or significant scheduled heritage item or setting is classified as a non-complying or discretionary activity, respectively. Whereas the demolition of a defining or contributory building within a heritage area is classified as a restricted discretionary activity, which, as also stated in the PC14 s42A report by Glenda Dixon, indicates that “demolition has a less onerous consent process in an RHA [in comparison to a demolition of a heritage item or setting]” (Paragraph 8.22.2).
12. The categorisation of buildings in the RHA into defining, contributory, neutral or intrusive describes the significance of each building to the overall collective value of the heritage value of the area. Contributory buildings are identified as of lesser importance to the heritage value of the area in comparison with defining buildings. Therefore, the process to obtain approval for their demolition is supposed to be less onerous than for defining buildings, which is further emphasised in a comment by Ms Dixon in her s42A report:

“However, it is likely that many people assume that needing a consent for demolition means that demolition will automatically be refused, which is not



necessarily the case, *particularly for contributory buildings* [emphasis added]" (p.64).

13. As stated in the s42A report, the differentiation between defining and contributory buildings is there "to provide the basis for a nuanced planning response to facilitate the ongoing protection of heritage values" (p.61).
14. All in all, contributory buildings in an RHA are not of significant or highly significant heritage value which would warrant protection similar to a scheduled heritage item or setting. Their values lie in their ability to support the heritage values and significance of a wider area, but are not defining buildings.
15. Although the updated PC13 provisions in the council's S42A reports do not have immediate legal effect, it is noted that in response to submissions, the Council has recommended amending the matters of discretion relating to new buildings, fences and walls within RHAs to clarify and highlight this primary function:

9.3.6.4 Residential Heritage Areas (excluding Akaroa Township Heritage Area) - new buildings, fences and walls, and exterior alterations to buildings

- a. Whether the proposal is consistent with maintaining or enhancing the heritage values of the building, fence or wall, and primarily the collective heritage values and significance of the heritage area, and secondarily the heritage values of the building, fence or wall, in particular having regard to the following matters of discretion where applicable:

Alternatives

16. Carol and Peter's only option other than to demolish the building as outlined in detail above, would be to leave the building in its current damaged state exposed to the elements and to let it deteriorate over time. This would essentially require them to walk away and lose their investment in the property as they cannot sell either property until the existing building is demolished and the rebuild is completed. Leaving it in its current state also means that Carol and Peter would be in breach of the above mentioned deed. There are no requirements in the District Plan to maintain and repair a building in the RHA and this would be a permitted activity. Over time, any remaining heritage fabric would further diminish, the dwelling would no longer be appropriate for people to live in or contribute to the collective heritage of Lyttelton. This outcome would be considered less desirable and have greater adverse effects on the heritage value in the long run than a rebuild.

Updated assessment of effects on heritage area

17. The building on 33 Dublin Street has been classified as contributory in the RHA. The reason for rating it contributory was "a modified colonial cottage that contributes to the area's historic, architectural and contextual values". The assessment of the significance of this building referred to the values of the area, not the building itself. Other than the colonial cottage style, there appears to be nothing special/of significance about the building. It is not a scheduled heritage item. Overall, based on the Council's assessment, the heritage value of the building itself is limited.
18. As described in detail in EQC's letter, the scope of the required repair works is significant. The timber crib wall to the front of the house would likely need replacing. A full reclad of



the dwelling will likely be required, including the replacement of the timber joinery. A full roof re-clad and re-frame would also be required as the roof cladding and framing would more than likely be damaged at the junction of the original and the new section of the house. Asbestos has also been found in the existing roof. Overall, most (if not all) exterior materials would need to be replaced.

19. The BMC Structural and Civil Engineers report also highlighted the risk that the building might not structurally be able to take a releve. It was recommended that a completely new foundation and subfloor be installed as the existing piles and subfloor are in a deteriorated condition.
20. The foundation replacement works could potentially undermine and damage the very poor stone retaining wall holding up the neighbouring property.
21. Overall, EQC emphasises that the actual scope of repair works is unknown, as the above assessment is solely based on a visual inspection. There is a significant risk that the scope of works could be even greater once the repair commences.
22. Aside from significant risks to the neighbouring property (in terms of structural integrity) and the financial burden, the repair would result essentially in a replica of the existing cottage containing no original heritage fabric. It would no longer be an original piece of heritage (noting, that the roof and exterior wall cladding, the street facing windows and the entire rear extension are already modified).
23. There is no cumulative effect from the demolition of one building. We are not aware of any other application for demolition in Lyttelton.
24. In addition, as described in the application, the building is located high above the street and essentially sandwiched between the two buildings on either side. It therefore is hardly visible from the street for passers-by. The building is also not prominent from streets further to the east, such as Exeter Street and Winchester Street. The demolition would not be very noticeable in the wider context of Lyttelton.
25. Overall, the demolition of 33 Dublin Street would not significantly affect the heritage value and distinct character of Lyttelton nor the assessment and identification of the wider RHA. The heritage and character of the neighbourhood would remain intact and coherent.

Conclusion

26. Overall, a large majority of the already limited existing heritage fabric would need to be removed. As EQC have stated, "there is a missive risk that even if repairs started that the building wouldn't take a lift [...] and not be able to take a releve and a repair". Therefore, the works required to repair the earthquake damaged building would compromise the heritage value of the building to such an extent that it would not contribute to the heritage value and significance of the wider area any more than a new building would (which would require consent as a restricted discretionary activity).
27. In terms s95, any adverse effects on heritage value are less than minor. No persons are considered affected.
28. Secondly, in terms s104, the economic effects can be taken into consideration which further strengthens the above conclusion that the effects are less than minor and acceptable, and consistent with Objective 9.3.2.1.1 which "recognises the condition of



buildings, particularly those that have suffered earthquake damage, and the effect of engineering and financial factors on the ability to retain, restore and continue using them; and acknowledges that in some situations demolition may be justified by reference to the matters in Policy 9.3.2.2.8" which have been addressed above and in the application.

29. I trust this sufficiently answers your request for further information and assists in the processing of this application. Please do not hesitate to contact me if you have any comments or questions.

Yours sincerely,

Novo Group Limited

Mona Neumann

Planner

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735013 MN



Attachment 1: Applicants' letter

To whom it may concern,

The purpose of this letter is to provide a timeframe and background information surrounding the decision making and our obligations with respect to the property at 33 Dublin Street and 28a Jacksons Road.

We bought the house at 33 Dublin Street in 2016 after earthquake repairs had been completed and signed off. Later, earthquake damage to the house foundation was observed by a builder at the property, as well as faulty repair work to the exterior stucco wall cladding which was extensively leaking.

The Earthquake Commission on-sold programme was established by the crown to reinstate properties that had been incorrectly scoped by EQC and subsequently sold to new owners unaware of the remaining earthquake damage. The purpose of the programme is to ensure that repairs or rebuilds are completed and damaged homes cannot be sold until they are fixed. The house at 33 Dublin Street was accepted into the on-sold programme following engineering inspections in 2021.

As part of the optioneering process for 33 Dublin Street, both a repair option and an equivalent rebuild option were priced. From this, repair to the existing dwelling was deemed not economical and a rebuild settlement was proposed which we accepted.

We signed a settlement deed with the Earthquake Commission (EQC) and The Sovereign in right of New Zealand acting by and through the Minister Responsible for the Earthquake Commission (the Crown). Our obligation under this deed is to demolish the existing residential building(s) and property including:

- The residential building (Approx. 80m2);and
- Hard surfaces - paths, patio(s)

The Settlement Deed also outlines that final payment cannot be received from the Crown until the dwelling at 33 Dublin Street is demolished. We must provide as a condition of the final tranche payment proof of demolition (a demolition certificate).

Prior to signing the Settlement Deed, as part of our due diligence to ensure we could meet our obligations, Peter called Christchurch City Council and spoke to a Duty Planner on 10th August 2022 to check if a permit was required to demolish the existing dwelling at 33 Dublin. The planner stated that no fees or permits were required to undertake this demolition.

Carol, on the same day, followed up this call with an email to Christchurch City Council. We received an email from Building Control Officer, Simi Kottekkadan, who confirmed that demolition of the existing dwelling was exempt from requiring a consent as it was a standalone dwelling less than 3 storeys (refer to email attached). They did not notify us of any pending plan changes that may prevent us from fulfilling our obligations under the Settlement Deed. The Settlement Deed was then signed on 21st November 2022.

To ensure that neither property is able to be sold until the rebuild is completed and the damaged building is demolished, the Crown registered a covenant on both 28a Jacksons Road and 33 Dublin Street (refer to Record of Titles attached). This was completed with agreement of the mortgage lender on the property.

Yours Sincerely,
Carol and Peter Johns.



Attachment 2: ECQ's response

Hello Mona

Please see the below answers in response to the queries from the CCC.

I have tried to answer as comprehensively as possible. Should you require any further information please contact me

Resource consent application RMA/2023/2046 – 33 Dublin St – Request for further information

Thank you for your application to demolish the dwelling at the above property.

Further information needed

As discussed this afternoon, I've assessed your application against the District Plan and found that some additional information is needed for me to continue processing it:

1. In order to understand the effects on the heritage values of the building, please provide an explanation of possible options / scopes of repair for the building, including the engineering report and geotechnical assessment to support scope of works, and a heritage assessment to determine the impact on heritage values of the building from the works (potentially by a heritage professional, (No Heritage assessment has been obtained) though Gareth Wright can also review the proposed repair works to understand the impact on the building's heritage values). Gareth is also interested to understand why demolition has been proposed, rather than an 'as is where is' sale of the property (as one potential option). As the OnSold policy objective is to repair EQ damage and also improve the housing stock in Canterbury there is no "As is Where is" option. Properties can be either repaired, demolished and rebuilt or demolished and purchase a new property. The owners have decided to demolish and rebuild on their adjoining section as doing a rebuild on the same site incurs the retaining wall risk which is too great and it is not a cost that is met by the OnSold programme.

Gareth has stated that you will need to demonstrate that the scope of repair would compromise the building's heritage values and significance to such a degree that the item would not meet the criteria for scheduling in order to avoid notification. The existing structure has lost a lot of heritage features, it has a modern day decramastic tile roof and on some elevations the exterior weatherboards have been plastered over. There is a massive risk that even if repairs started that the building wouldn't take a lift and as it has some original timber flooring and some slab on grade that it would hinge and not be able to take a releval and a repair. There is also a lot of risk that the existing retaining walls would be compromised posing a structural and stability risk to the dwelling. Of course anything can be done if people want to put enough money into the repair works. Unfortunately EQC nor the owners are such risk takers. The consideration of the reasonableness of the cost of repair can only be taken into account after notification, as it is a positive effect of demolition that the costs won't be incurred, and only adverse effects can be considered at notification.

The dwelling had some FEQR repairs and also some retaining wall repairs completed pre the current owners purchasing the property.

The property was accepted into the OnSold programme as it was identified that it had unrepaired EQ damage and out of level issues and had no insurer overcap cover.

Engineering report from BMC Structural and Civil Engineers. The report identified that the original structure had a kitchen and laundry alteration done circa 1994. There was an 86mm level differential that could be attributed in the main to the CES

The report references an RDA Geotechnical report and uses portions of the report in their conclusions.

BMC recommend relevening however note that a partial relevel is not recommended owing to the deteriorated condition of the existing piles, subfloor etc. A complete new foundation and subfloor is recommended. The report also identifies a lot of potential issues in doing a repair of the dwelling.

A contractors repair quote was received and following a technical and QS review it was finalised at \$525,395.38.

As below The technical review identified that there was a very real potential for variations totalling a further \$315,000

1. The house is approximately 6.5 m above the road and all construction materials will have to be craned to site. There is a power pole and wires directly in front of the house which would make any craning of materials to site impossible.
2. The timber crib wall to the front of the house appears to be in poor condition and may worsen during the foundation replacement. **Possible \$40k**
3. The right hand boundary is very close to the dwelling and would make any foundation works difficult to carry out and it has a very poor stone retaining wall holding up the neighbouring property (which could be damage during the foundation replacement). **Possible \$125k**
4. The plaster cladding system which in some places goes directly to the ground would more than likely be damage during the foundation replacement, which would mean a full re-clad, including the replacement of the most/all of the timber joinery to the house. **Possible \$105k**
5. The roof cladding and framing will more than likely be damaged especially at the junction of the original and new sections of the dwelling, so a full roof re-clad and re-frame is more than likely. Included
6. The above mentioned junction area (kitchen lounge wall) will more than likely be damaged due to the foundation replacement, so the kitchen cupboards will need to repaired/replaced along with the expected framing damage in this area. **Possible \$25k**
7. The condition of the framing of the dwelling is unknown (possibly under designed, rotten, borer infested, etc) so it is more than likely a fair amount of framing works will be required to make it compliant **Possible \$20k**
8. **The decramastic tile roof has also tested positive for asbestos**

EQC obtained a high level rebuild quote which came in at \$703,478.13 plus demolition of \$67,712.00

When the variation risk of \$315k was added to the repair quote of \$525k giving a probable minimum repair value of \$840,000 it was considered to be a high risk and itr was deemed to be an uneconomical repair.

To eliminate the high risk factors a settlement at the high level rebuild value of \$703k plus demolition of \$67k was offered to the owners which was accepted.

Current CV

\$620,000 being LV \$305,000 and improvements of \$315,000.

Even with a fully repaired dwelling a new valuation would be unlikely to exceed \$700,000

Attached

- BMC Structural Report – RDA Geotechnical report referenced in the BMC report is not in our files
- Contractors repair scope/quote
- Asbestos Tests

Allen Hurley – 0275-662-438

EQC – OnSold Team

Depending on the assessment following the information provided in item 1., we could then consider whether the costs of repair are unreasonable. To do this, we would request the costing of the scope of works, and then compare costs with an equivalent non-replica rebuild and also with the value of the property post-repair. The information requested at this later stage would be:

- A costed scope of works for repair;
- A costed scope of works for an equivalent new build;
- Valuation of property if repaired; and
- Ideally, the amount of the insurance payout (although we can't compel an owner to spend this on a repair).

If this information is readily to hand there is no reason not to submit it now, but we would not be able to take it into account for the notification decision.

Weighting

The above advice is on the basis that we would be giving reasonable weight to the PC13 provisions, given the immediate protection that s86B provides historic heritage, as well as the proposal being for demolition. I am mindful that there is some uncertainty as to the trajectory of PC13, and depending where we get to with a notification recommendation from Gareth, it may pay to wait until we are further into the PC13 hearings/decision process. Hearings are scheduled for October, but I understand decisions are not now expected until September next year. This may be impacted by the outcome of the general election, where PC14 might be amended/withdrawn, but it is hard to say how this would affect PC13 which I understand is following the Schedule 1 process. I'm happy to discuss this point with you further.

Your application has been placed on hold under section [92](#) of the Resource Management Act 1991 until all of the above information is received.

Please provide the further information within 15 working days, i.e. by **12 September**.

This response timeframe can be extended, so if you need more time please contact me before this date to let me know when you expect to be able to provide the information (section [92A](#)).

Note: The RMA requires us to continue processing and publicly notify applications if further information isn't provided within 15 working days or an agreed extended timeframe, so it's important that you let me know if you can't meet the above date.

Receipt of the information

When I've received the information and completed my assessment of your application I'll be able to confirm whether anyone is affected by the proposal. If there are any affected persons you will need to obtain written approval from them in order for the application to be processed on a non-notified basis (i.e. without submissions or a hearing). If that's the case I'll contact you again to let you know which written approvals are required.

If the further information you provide raises any new matters that need to be clarified, your application will stay on hold until there is enough information to continue processing.

If you're submitting amended plans as part of the additional information and you also have a current building consent application lodged with the Council, a copy of the amended plans should also be sent to the Building Consent Officer so that the building consent and resource consent plans match.

Please don't hesitate to contact me if you have any queries about the information requested.

RESIDENTIAL STRUCTURAL ASSESSMENT REPORT

33 Dublin Street, Lyttleton



Client Name: Pioneer Construction Ltd

BMC Reference: 2011-3163




Date Issued: 4/05/2021

Quality Statement and Document Control

This Residential Structural Assessment report has been prepared for [Pioneer Construction Ltd](#) by Batchelar McDougall Consulting Ltd. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other parties.

This disclaimer shall apply notwithstanding that the documents may be made available to other persons for an application for permission or approval to fulfil a legal requirement.

Issue Register:

Revision	Date	Description		
A	4/05/2021	RSA – 33 Dublin Street, Lyttleton		
		Prepared by	Reviewed by	Approved by
	Name	Hayden Whyte	Ed Hill	Mike Walker
	Signature	 BE(Hons), MEngNZ	 MEng(Hons), CPEng, CMEngNZ, IntPE(NZ)	 BE(Hons), CMEngNZ, CPEng(Mech)

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Revision History:

Rev. No	Date	Issue Description	Prepared by	Reviewed by
A	4/05/2021	Issue to Client	HW	EH

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1 Scope of Our Engagement

1.1 Scope of Work

As requested by Pioneer Construction Ltd, we have been engaged to provide a Residential Structural Assessment report in accordance with BMC Letter of Engagement, of the above noted address. We have been asked to identify structural earthquake damage and recommend an appropriate reinstatement strategy to the required standard (terms as defined in the BMC Letter of Engagement).

The assessment and repair recommendations have been based on BMC's engineers' judgment, on-site observations, information and reports provided to us. The MBIE guidelines "Repairing and rebuilding houses affected by the Canterbury earthquakes" have been referenced where appropriate.

This structural assessment includes:

- Undertaking interior and exterior inspections of exposed elements on-site;
- Reviewing levels recorded, damage and settlement patterns observed;
- Consideration of RDA Consulting's geotechnical engineering report on soil conditions and recommendations;
- Consideration of documents held on Christchurch City Council's property file;
- Consideration of pre- and post-Canterbury Earthquake Sequence (CES) building works, and;
- Assessment of a repair strategy for earthquake damage to a substantially 'when new' condition and provisional works schedule for pricing.

The assessment is made with regard to Clause B1 – Structure of the New Zealand Building Code. No other Building Code Clauses have been assessed by this report.

1.2 Limitations

This structural assessment is based on the visual evidence and indications present at the time of inspection. The findings of this report may be subject to revision pending further and more detailed investigation and/or deterioration of elements from subsequent aftershocks or ground settlement. This report does not address any hidden or latent defects that may have been incorporated in the original design and construction.

BMC engineers are not registered surveyors. Levels recorded on site are targeted to suit observed damage and potential repair methodologies and accuracy is expected to be +/- 4mm. Floor slope figures and allowances for floor coverings should not be used for direct comparison against those of other surveys. Should more accurate levels be required or comparison be required against a city-wide datum, a registered surveyor should be engaged.

BMC are not specialist geotechnical engineers and this is outside our area of expertise. We have therefore relied on the advice provided by RDA Consulting as specialist geotechnical engineers.

BMC have not assessed driveway paving, underground services or structures beside the house.

BMC are not legal specialists and rely on our brief to inform us of the required repair standard. The repair strategy also needs to comply with legal requirements such as guided by the NZ Building Act and NZ Building Code(s).

This is a scoping document only and under no circumstances shall the following recommendations and/or sketches be used for construction. They are for feasibility/pricing purposes only.

The earthquake repair work specified in this report is considered to be an alteration to a building in accordance with Section 112 (Alterations to existing buildings) of the Building Act. Therefore, undamaged sections of the building that are outside the scope of the repair have not had any additional design checks made and are deemed to continue to comply to the same extent as before the repairs.

2 Summary of Inspections Undertaken

BMC carried out a non-invasive inspection of the interior and exterior exposed elements on the 9th of December 2020, including within the roof-space. In attendance was Ed Hill, Mike Walker, Hayden Whyte and Emma Blatch. Levels were recorded and damage and settlement patterns observed. Access to the sub-floor was not possible due to low subfloor height, with timber bearers bearing on topsoil.

3 Documentation Received

BMC have been provided with the following documentation which has been considered and, where relevant and/or appropriate, referenced in our assessment.

Date	Title	Author
10 November 1993	Building Consent Application – Kitchen alteration	Banks Peninsula District Council
14 April 2011	Assessment Sketch of Damage	EQC
15 April 2011	Statement of Claim Checklist/Repair Strategy	EQC
15 April 2011	EQC File Note	EQC
11 July 2011	EQC Scope of Works (SoW)	EQC
11 February 2014	Electrical Assessment Checklist	Zorite
12 February 2014	Scope Change Summary (EQC Approval)	Fletcher
6 March 2014	Works Order	Fletcher
4 April 2014	Exempt Building Work File Record	Zorite
14 April 2014	Final Account Agreement	Fletcher
7 November 2014	Resource Consent Application – Retaining Wall Repairs	OPUS
8 April 2015	PS4 - Retaining Wall Strengthening Works	OPUS
31 May 2016	EQC Scope of Works (USoW) Variation	EQC

4 Site and Building Descriptions

4.1 Site Description

The dwelling is located on a sloping site, with a 1.2 m -1.5 m high timber crib retaining wall located to the front (east) of the dwelling. The steep timber crib wall is set back approximately 2 m from a ~4 m high retaining wall to the side of the roadway (Figures 1 and 2 below). There is a stepped retaining wall to the rear of the site, consisting of core-filled block and timber sleeper pile walls (Figure 3 overleaf), and an anchored shotcrete wall extending 7 m along the northern boundary (Figure 4 overleaf). The anchored shotcrete wall was installed in 2015, as the existing dry stack stone wall was damaged as a result of the Canterbury earthquakes. BMC understand the timber crib wall was also reconstructed post CES due to movement/rotation of the wall that occurred during the CES.



Figure 1 – 1.2 m -1.5 m timber crib retaining wall located at front of property.



Figure 2 – Photo of street side retaining wall to front of property. Timber crib retaining wall set back approximately 2 metres from stone-faced wall, with dwelling set back an additional 2.2 metres.



Figure 3 – Photo of stepped retaining walls at rear of dwelling



Figure 4 – Anchored shotcrete retaining wall along northern boundary installed in 2015 to replace existing stone wall

4.2 Dwelling

The dwelling at 33 Dublin Street is a single storey timber villa originally constructed in the late 1800's. The dwelling consists of decramastic tiles on top of a corrugated sheet roof, supported on timber framed walls with predominantly plaster 'stucco' cladding. The front elevation (east) is clad in timber weatherboards. The original building is founded on stone-piled foundations, though some timber bearers may be laid directly on ground. This corresponds to a predominantly Type A foundation in the MBIE guidance documents. The kitchen and laundry alterations located to the rear of the site were constructed circa 1994 and are founded on a Type C1 concrete slab-on-ground. A brick chimney was located along the north elevation of the original dwelling, however, this has been removed down to 'the gather' post CES.

BMC note that as earthquake repairs/cosmetic repair work has been undertaken to this dwelling, earthquake damage is likely to be masked to some extent.



Figure 5 - Photo from rear of site showing kitchen extension in the foreground.

5 Observations and Structural Damage

5.1 Levels and Verticality

Floor levels were recorded and results are displayed in Appendix A (results have been adjusted for differing floor coverings). The measurements taken showed:

- An overall floor level differential of 86 mm over the dwelling footprint.
- A floor level differential of 22 mm over the slab-on-ground portion of the dwelling.
- A floor level differential of 86 mm over the stone-piled portion of the dwelling.
- Floor slopes in excess of 1:200 in multiple locations across the stone-piled portion of the dwelling.



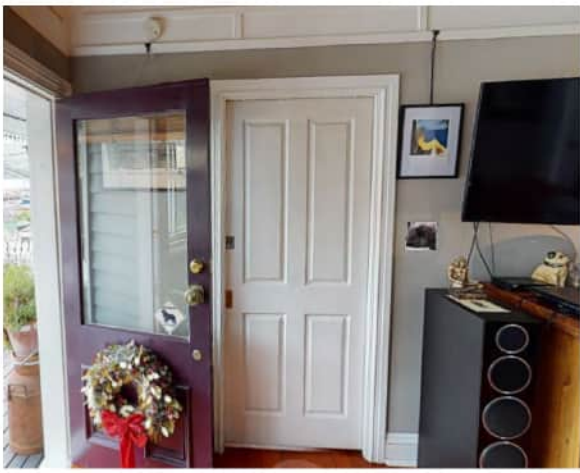
Levels were also recorded for window sills and other fixtures such as benches and mantelpieces. Wall verticality checks were carried out, using a self-levelling laser, at features such as the hinge ends of doors and internal corners of framed walls, to determine whether global trends of movement were observable as a result of earthquake shaking.




5.2 Observations and Damage




BMC inspected the property, including the roof space, on the 9th December 2020 and noted the following observations.

5.2.1 Dwelling

No#	Photo	Comments
1.		<p>Southern end of west elevation (bathroom):</p> <p>Stucco plaster lining extending down to ground level. Rising damp can be seen in the LHS of the photo. BMC are not weathertightness experts and recommend the cladding is assessed by an experienced builder or surveyor.</p>
2.		<p>Subfloor timber bearers were generally observed to be laid directly on ground. Moisture damage was observed to the timber subfloor members at the perimeter of the subfloor.</p> <p>Inspection of the subfloor framing was restricted as the external ground levels were generally higher than the internal subfloor ground levels, and there was minimal crawl space between bearers.</p>
3.		<p>North-east corner of subfloor framing:</p> <p>Several stone piles were observed supporting the subfloor timber framing around the perimeter of the dwelling.</p>
4.		<p>Degraded condition of timber bearer laid directly on ground.</p> <p>RDA noted that during their inspection "...the timber subfloor is very weak and rotten to the point it broke away by hand when carefully excavating adjacent to the foundation".</p>

No#	Photo	Comments
5.		<p>Doorway between kitchen and dining room:</p> <p>Signs of differential movement between the slab on grade extension and the original dwelling was observed via a gap opening up between cupboard and wall lining (viewed from kitchen).</p>
6.		<p>Split observed in door frame joint opening between the lounge and bedroom (viewed from the bedroom).</p>
7.		<p>Sliding door between front eastern bedroom and lounge. BMC were notified from the homeowner that the door has begun to close by itself following the CES.</p> <p>A tapered gap was observed to the base of the door; however the head of the door was relatively level.</p>

No#	Photo	Comments
8.		<p>Photo of bay window to the front east bedroom:</p> <p>Racking of window panels was observed and the southern end of the window (LHS of photo) appears to have dropped, correlating with the 'low' floor levels recorded to the southern corner of the bedroom.</p>
9.		<p>Wedge packers to front door:</p> <p>Tapered wedge to the top of the entry door appears to have been installed pre-CES. Taper height is ~15mm.</p>
10.		<p>Roof eave connection between existing building/kitchen alteration on south elevation:</p> <p>A gap was observed between the barge boards at the junction between the existing dwelling/alteration. Movement between the existing/new roofs is considered to align with the observed drop in floor levels to the south east corner of the dwelling (south corner in front bedroom).</p> <p>The wall cladding below has been repaired following the CES.</p>

No#	Photo	Comments
11.		<p>Chimney located along northern perimeter of Dining Room:</p> <p>Existing chimney flue has been demolished to 'the gable' approximately ~1 m above ground level, and capped. BMC consider partial demolition down to this level was suitable from a structural perspective.</p> <p>Photo indicates the close proximity of the northern wall of the dwelling to the adjacent stone piled retaining wall.</p>
12.		<p>A large split was identified in the ridge beam. The split appeared to have propagated from a large knot in the timber. The split may have been exacerbated by earthquake shaking and pounding from the brick chimney located along the northern gable.</p> <p>The original roof pitch appears to have been modified in the past (pre CES, likely decades ago) with new rafters installed at a shallower pitch above the existing rafters on the western side of the roof. Corrugated iron roofing visible from below indicate decramastic tiles have been added above this.</p>
13.		<p>Timber rafter on the western pitch was observed to have dropped at the connection to the ridge beam, pulling away from the battens above (nailed connections observed in photo). No apparent earthquake mechanism was identified to cause this movement. BMC consider it likely that the rafter connection to the ridge beam was inadequately constructed and may have historically dislodged, and movement of the rafter may have been increased by earthquake shaking.</p>

No#	Photo	Comments
14.		<p>Eastern end of northern boundary:</p> <p>Remaining low height dry stack stone wall along the front end of the northern boundary. No drainage for stormwater runoff was apparent along the northern boundary of the site.</p>
15.		<p>Apparent rotation of neighbouring property pavement and timber fence along northern boundary.</p>
16.		<p>Drainage outlet through timber crib retaining wall at the northern end of the wall. The homeowner reported that the timber crib wall has been predominantly rebuilt following the CES, and that the soil had settled behind the wall during the CES due to the wall's rotation.</p> <p>The EQC USoW (dated 2016) also noted slumped ground to the verandah patio corresponding with rotation of the retaining wall.</p>

6 Site and Geotechnical Considerations

6.1 Seismic Events

The building has experienced seismic loadings primarily as a result of the severe Christchurch Earthquake of 22 February 2011, which had an epicentre located 5 km south-east of the Christchurch CBD in the Port Hills, near Lyttelton. Other more-moderate earthquakes occurred on 4 September 2010 (Darfield Earthquake), 13 June 2011 (two events), 23 December 2011 (two events), 14 February 2016, and 14 November 2016.

6.2 Site Performance

The site is classified as 'Port Hills/Other' to the Canterbury Maps MBIE Technical Categories. The site is not located within one of the Class 1, 2, or 3 Mass Movement categories as per the Stage 1 GNS Report *Canterbury Earthquakes 2010/2011 Port Hills Slope Stability: Stage 1 report on the findings from investigations into areas of significant ground damage (mass movements)*.

6.3 Site Specific Geotechnical Information

RDA Consulting have provided a geotechnical investigation report, Ref: 51604 dated 11 February 2021. It is recommended the reader refer to this report in full as our comments are only intended as a summary for the purpose of identifying an appropriate structural repair strategy.

Table 2. Scala Penetrometer Testing Results

SCALA NUMBER	DEPTH TO 100 kPa* (m)	DEPTH TO 200 kPa** (m)	DEPTH TO 300 kPa*** (m)	DEPTH TO REFUSAL/BOUNCING (m)
1	1.01	1.08	1.12	1.82

* 100 kPa Ultimate Bearing Capacity is 1 blow per 100 mm based on Stockwell (1977)

** 200 kPa Ultimate Bearing Capacity is 2 blows per 100 mm based on Stockwell (1977)

*** 300 kPa Ultimate Bearing Capacity is 3 blows per 100 mm based on Stockwell (1977)

- Testing undertaken by RDA Consulting included one hand auger, one scala penetrometer test, and one hand dug test pit. Roughly ~0.1-0.2 m of topsoil was observed, underlain by silts/loess.
- The existing foundation bears ~0.1–0.2 m bgl onto topsoil/fill. There is an ultimate unfactored bearing capacity of 100 kPa at a depth of 1.0 m. An ultimate unfactored bearing capacity of 300 kPa was encountered at depth of 1.12 m. The groundwater table is estimated to be 8–10 m bgl.
- *"Nearby NZGD test locations, as discussed in Section 4.2, indicate that nearby properties have similar lithologies to that found during RDA's site investigation. Soil strengths found at properties north, south and west of 33 Dublin Street become firm at relatively shallow depths with only HA02 at 31 Dublin Street, near the south-east corner of 33 Dublin Street, showing similar soil strengths, being very weak until ~1.5 m bgl."*
- *"At the location of the test pit, it was found that the timber subfloor is very weak and rotten to the point it broke away by hand when carefully excavating adjacent to the foundation."*
- *"Jacking pad foundations need to be designed considering a geotechnical ultimate bearing capacity of 100kPa from 1.0m bgl."*
- *Low mobility grout or similar solutions may be acceptable for lifting the portion of the house on a slab-on-grade foundation."*
- *"It is suspected that surface stormwater runoff from the surrounding sites is influencing the high moisture content found in the site soils, reducing bearing capacities and making the site susceptible to induced differential settlement under the building load."*
- *"Surface stormwater runoff from neighbouring properties should be controlled and discharged to appropriate and approved outlets. An individual stormwater assessment may be required for this."*
- *"The timber crib retaining wall appears to be performing poorly. The gravel backfill is visibly falling through the wall, with areas of the wall showing minor displacement". (Refer Figure 6 overleaf)*



Deformation of timber crib retaining wall.

Figure 6 - Photo from RDA Geotechnical Report indicating movement of timber crib retaining wall.

7 Assessment of Damage and Repair Strategy

7.1 Homeowner's Comments

The dwelling and site were discussed with the homeowner during the site inspection. The homeowner was primarily concerned with the floor levels to the timber-framed floor portion of the dwelling, and noted the alignment of the wall between the lounge and front bedroom was causing the sliding door to close by itself.

The homeowner advised BMC that the 1.2-1.5 m high timber crib retaining wall to the front of the site had been reconstructed by the homeowner following the CES, as a result of 'earthquake' damage.

7.2 Review of Provided Documents

Assessment Sketch of Damage (Sketch Plan) – 14/04/2011:	<ul style="list-style-type: none"> • Collapsed Chimney. Complete rebuild required. • Cracking to Stucco external lining and weatherboards. • Movement of Verandah 150x150 timber post. • Cosmetic damage to internal wall and ceiling linings.
EQC File Note – 15/04/2011:	<ul style="list-style-type: none"> • Movement and cracking of land noted to eastern end of property (adjacent road) • Damage to retaining wall. Engineer assessment required.
EQC Scope of Works (SoW) – 11/07/2011:	<ul style="list-style-type: none"> • Reinstate tiles/wall framing adjacent collapsed chimney. • Grind out and epoxy fill cracks to external solid plaster. • Cosmetic repair to internal wall and ceiling linings. • Single pane of glazing to be replaced.
Fletchers Scope Change Summary (SCS)– 12/02/2014:	The scope of works provided by EQC was broken down into individual line items in the SCS to enable more accurate pricing. In addition, the reinstatement of the verandah timber post was also captured.
Resource Consent Application – Retaining Wall Repairs – 07/11/2014:	A consent application was submitted by Opus in November 2014 to repair the damaged ~4 m high dry-stacked stone retaining wall located along the northern boundary. The repairs included installing soil nails beneath the neighbouring property and providing a 200 mm thick reinforced shotcrete facing to the existing wall. The total extent of the repairs was ~7 lineal metres of shotcrete wall installed to the eastern end of the northern boundary.
EQC Additional Scope of Works (USoW) – 31/05/2016:	Slumped ground observed to front of dwelling to verandah patio

7.3 Structural Assessment

MBIE guidance provides indicator criteria related to the total dislevelment and localised floor slopes, to advise whether foundation relevening may be required (in response to earthquake damage). The indicator criteria of 50 mm dislevelment and 1:200 floor slopes have been assessed along with other structural indicators, such as foundation movement/damage and post-earthquake observations, to assess the likely cause of dislevelment. A total differential of 86 mm was observed across the footprint of the dwelling and local floor slopes >1:200 were evident in some locations (refer to Appendix A for BMC floor measurements). A settlement trend towards the front of the site (east) was evident through the original 'stone piled' foundation, with a local drop observed to the south east corner. Settlement trends to the rear 'concrete slab foundation' addition were less apparent.

7.3.1 Structural Considerations

Earthquake related cosmetic damage was recorded throughout the superstructure. The EQC SoW recorded cracking to external stucco plaster linings to all external elevations. The stucco is partially buried around the rear of the dwelling (bathroom/laundry), and is displaying signs of moisture ingress through the wall along the southern elevation of the bathroom. It appears the stucco was replaced post CES. BMC are not weathertightness experts and suggest this is assessed by a suitably qualified builder or registered surveyor.

Earthquake movement was further evidenced in the damage to window glazing noted in the EQC SoW. An allowance to replace one window pane to the front bedroom was also noted. BMC observed apparent 'racking' of the front bay window to the dining room corresponding to the damage noted in the SoW (refer photo 8 in Section 5.2). BMC consider this superstructure damage is predominantly 'shaking' related and there is evidence of historic level differentials being accounted for in previous alterations – such as the tapered wedge on the top of the front door (Photo 9 in Section 5.2) and the near-level door head of the sliding door between the front bedroom and lounge (Photo 7 in Section 5.2). However, the uneven gaps observed in the bay window on the eastern elevation of the bedroom do correlate with the internal floor level 'drop' toward the southeast.

This indicates a portion of the floor level differential along this elevation may be earthquake related, though it is likely in the order of 10-20 mm of the 86 mm recorded. The homeowner also reported that the internal sliding door between the bedroom/lounge now closes by itself but otherwise functions well. This is consistent with some, but not all, of the floor level differential being earthquake related. The geotechnical mechanism for this movement is rotation of the timber crib wall located along the front (east) boundary of the site, causing the backfill behind the wall to 'slump' as noted in the EQC USoW.

Whilst the cosmetic damage to the superstructure generally appears to be shaking related, there is evidence of settlement related damage to the original 'timber foundation' portion of the dwelling. The additional EQC USoW dated May 2016 noted movement damage to the verandah patio ground and recommended to "relevel and compact slumped ground". This is an indicator of movement of the 1.2–1.5 m high timber crib retaining wall located to the front of the site (east boundary). Rotation/displacement of this wall has likely resulted in the adjacent backfill to settle, influencing the dwelling which is located approximately 2 metres back from the wall.

Evidence of superstructure movement was also observed in the roof space during the BMC inspection. The separation of battens from a supporting rafter was observed, as well as splitting in the ridge beam (Photos 12 & 13 in Section 5.2 respectively). Whilst it cannot be confirmed that this observed damage to the roof framing is earthquake related, BMC consider it likely that the observed damage may have been exacerbated by earthquake shaking and pounding from the URM chimney. Localised replacement of roof tiles and fascia boards adjacent the chimney was scoped in the EQC SoW and the chimney has been demolished down to ~ 1m above ground level (refer Photo 11 in Section 5.2).

7.3.2 Retaining Considerations

As noted by the homeowner, the timber crib retaining wall was reconstructed by the homeowner in 2015 as a result of 'earthquake' damage. The RDA geotechnical report notes that the crib wall appears to be behaving poorly and may have contributed to slight horizontal movement of the wall during the CES (refer Figure 6 above).

BMC note that the full extent of damage to the retaining wall was likely masked during the RDA/BMC inspections due to the prior reconstruction. BMC consider the majority of the dwelling settlement caused by retaining wall movement occurred during the CES prior to the wall being reconstructed, as negligible damage was observed to internal/external wall linings in the lounge/front bedroom during the BMC inspection. This indicates the dwelling has not settled significantly following the EQC repairs, as the repairs occurred prior to the wall reconstruction.

The proximity of the site on the high side of retaining walls to the east (~4m wall to the road and 1.5m wall to pathway) results in the dwelling being founded on a layer of silt/loess backfill, overlaying the Port Hills Basalt. Whilst the property is located ~6.5m above the road level, the property sits lower than all neighbouring properties to the north, west and south. The RDA report suggests the lack of adequate drainage is causing the stormwater runoff from adjacent properties to be directed under the subfloor, resulting in a high moisture content of the silt/loess. The high moisture content is likely to reduce bearing capacity of the soils, making the site susceptible to differential settlements. The deterioration of subfloor timber framing suggests moisture has been present in the subfloor for a long time (Photo 4 Section 5.2) and may be a contributor to the floor level differential recorded.

7.3.3 Assessment Conclusions

With due consideration to the above structural and geotechnical indicators (including the indicators of historic settlement), BMC are of the opinion that the 'stone piled' foundation under the original portion of the dwelling is likely to have differentially settled and/or rotated as a result of the CES. This settlement triggers the requirement to relevel this area of the house to address earthquake damage. However, a partial relevel of the existing timber framed foundation is not recommended for this site due to the following considerations:

1. The deteriorated condition of timber subfloor bearers, as observed onsite and noted in the RDA report, does not lend itself to mechanical releveling as localised loads at jacking pad locations may crush/damage the degraded timber.
2. Jacking pad foundations are required to be designed considering a 100 kPa ultimate bearing capacity from a minimum depth of 1.0 m bgl, with greater bearing capacity up to 300 kPa achieved at ~1.1 m. The northern wall of the dwelling is in close proximity (~0.6 – 0.8 m) to the stone-pile retaining wall along the northern boundary. From the provided geotechnical advice, BMC consider it unlikely that jacking pads can be installed to the required depth along the northern boundary, without compromising the adjacent retaining wall.
3. The subfloor timber bearers are generally supported directly on the ground, with continuous support along the length of the beam. The introduction of localised support points beneath lifted timber bearers will provide concentrated loads onto the ground, potentially resulting in additional ground settlement of 'soft' silt/loess with high moisture content.

Due to the complexities noted above, BMC consider a partial rebuild of the original timber framed foundation is required, and a compliant subfloor provided to ensure adequate ventilation to the new timber foundations.

Site drainage issues will also need to be addressed to facilitate a partial foundation rebuild.

8 Reinstatement Methodology

BMC consider that the following recommendations are appropriate for structural repair of the earthquake damage to the house. 'Architectural' or standard MBIE repairs (where good trade practices are to be following) are not typically included.

As with all remedial work strategies there is an element of inherent risk associated with works to an existing building which may result in consequential effects during remedial work. To mitigate this risk, it is prudent to engage a competent contractor experienced in this type of work.

These items are intended for pricing purposes and not as specifications for construction.

Refer to the concept remediation plans in Appendix B.

REMEDIAL WORKS FOR EARTHQUAKE DAMAGE (STRUCTURAL)	
DESCRIPTION	REMEDIAL WORK
Replacement of timber foundations	<ul style="list-style-type: none"> • Provide temporary propping to the existing superstructure (walls and roof structure) for the original portion of the dwelling. • Remove the existing timber floor boards and timber bearers. Provide temporary lateral bracing at the base of walls as required prior to removing floor structure. • Excavate 450 mm subfloor from the existing ground level (refer NZS 3604:2011 6.14.4 – 450 mm clearance required from underside of joists). Locally excavate down to 1000 mm below existing ground level for the installation of concrete footings for timber piles. • Install 4x timber 'anchor' piles and 5x timber 'ordinary piles' (refer to Appendix B for details) • Install 2/240x45 F11 timber bearers and 150x45 F11 timber joists at 300 mm centres. • Install 140 core-filled blockwork subfloor perimeter wall with 150 mm deep x 300 mm wide strip footing.
Professional Fees	Allow for consultancy services including architectural and structural/civil/geotechnical engineering services.
Building Consent	Allow for Council fees.

8.1 Further Investigations or Information Required

Further geotechnical investigation will be required to confirm the appropriate founding depth for new timber piles and strip footings. This will be of particular importance adjacent the northern boundary of the property where the 'zone of influence' of the adjacent stone pile wall is likely to govern pile placement and required depth. Figure 7 overleaf indicates the structural intent of the rebuild. The retaining wall's zone of influence requires new specific engineering design (SED) timber bearers to cantilever along the northern perimeter of the dwelling

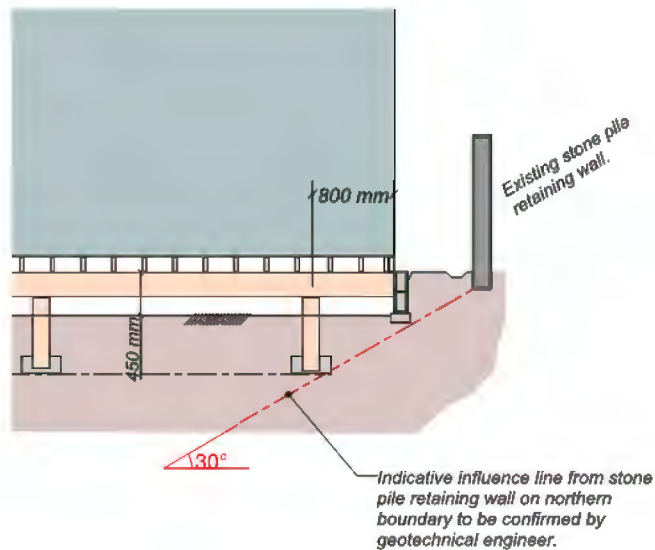


Figure 7 - Sketch indicating footings to be founded below the stone pile retaining wall's 'zone of influence'.

Non-structural remedial works will likely be required to address the following items. BMC recommend advice be sought from the suitably qualified experts noted below to assess required repair strategies and scopes:

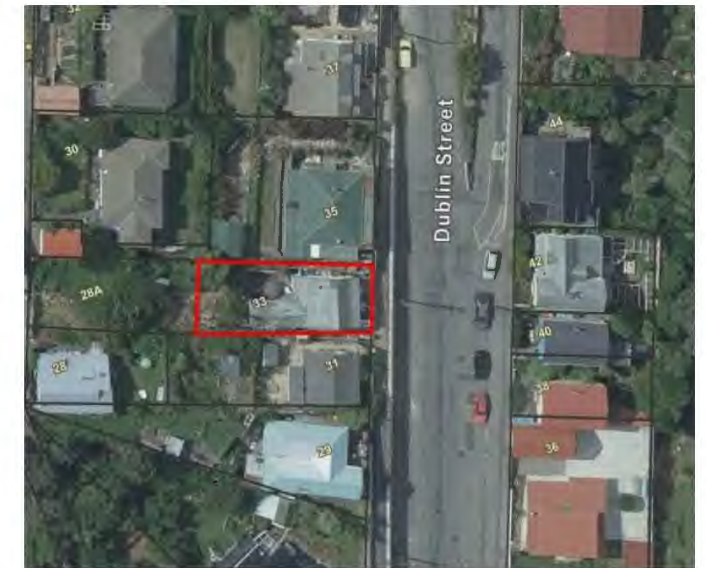
- Sub-floor drainage – Civil Engineer
- Roof Timber Repair – Qualified Builder
- Cladding Repair/Assessment following releve – Qualified Builder
- Crib Retaining Wall Assessment – Geotechnical Engineer
- Cosmetic repairs are required to be scoped by Architect/EQC/QS/Qualified Builder.

8.2 Further Engineering Design Input Required

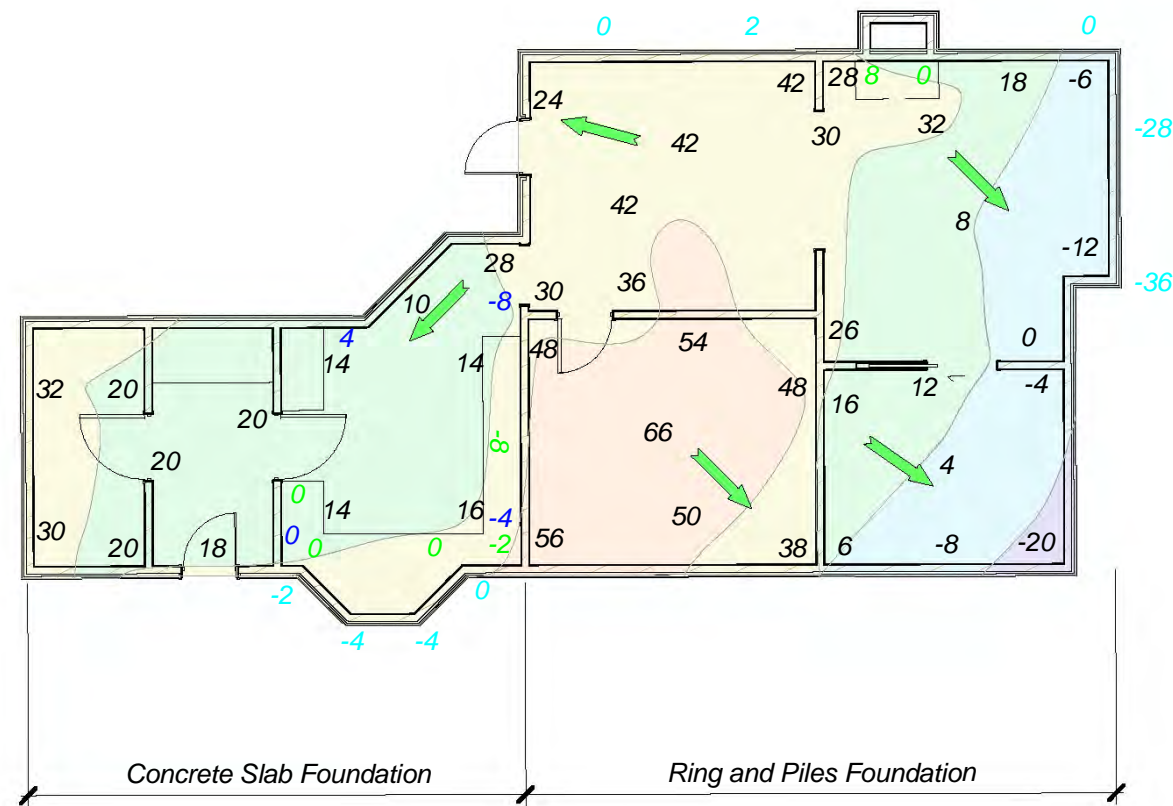
The next steps for this property are:

- Preparation of a Building Consent package for submission by others to the TA.
 - This may include Architectural, Structural, Geotechnical, and Civil Engineering services.
 - This will allow for more accurate costing by a qualified builder or QS.
- Monitoring the repair work and confirm SED items have been undertaken correctly with a PS4.

Appendix A: Floor Plans



2 Site Plan



1 Floor Levels Plan
Scale 1 : 100 @ A3

NOTES:

- Floor levels have been adjusted for floor coverings and steps.
- Contours have been measured from the highest recorded floor level.
- Layout is approximate only.
- Refer to BMC RSA Report for details.
- All measurements are in mm U.N.O.

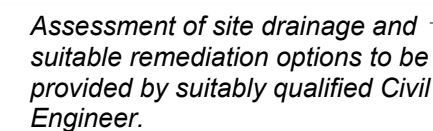
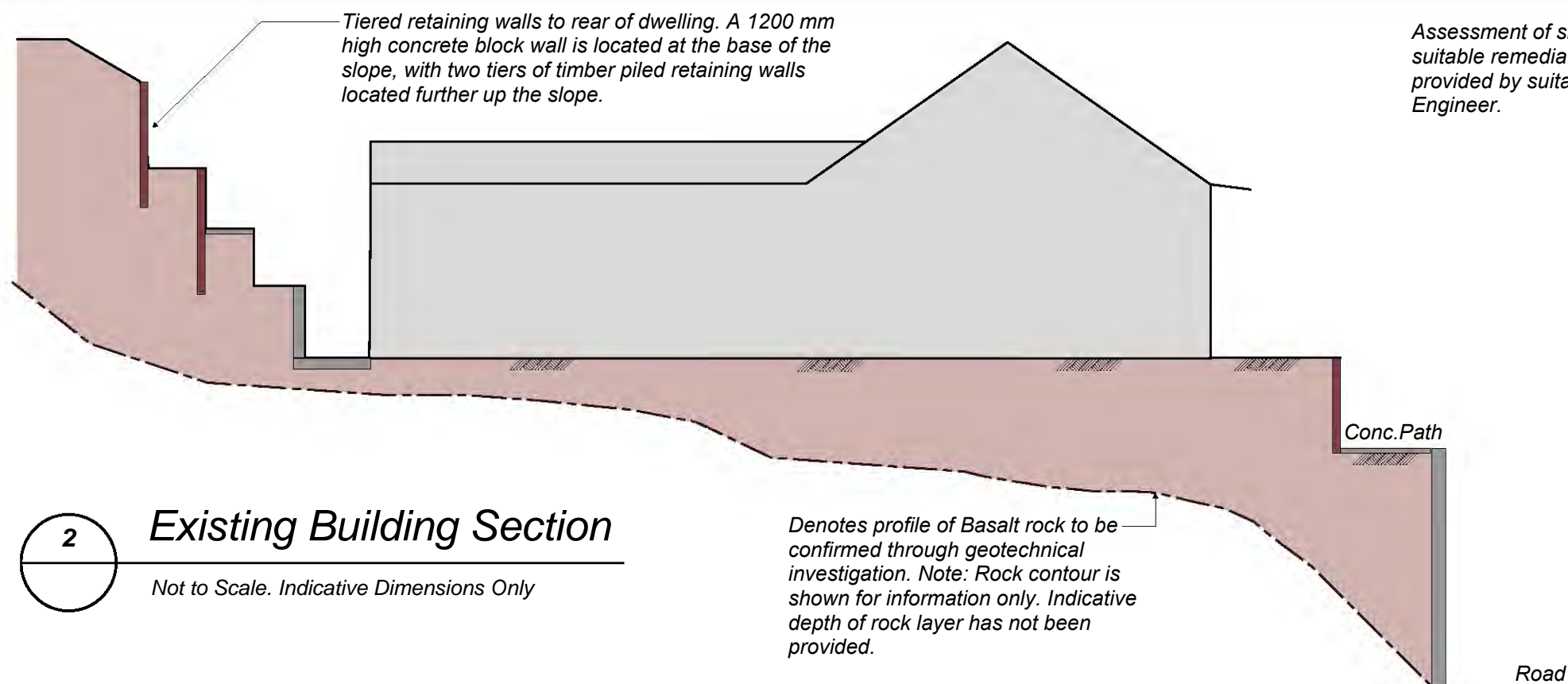
KEY:	
Floor Levels	20
Bench / Fixing levels	20
Window Sill Levels	20
Ceiling Levels	20
Slope > 1:200	→

Colour / Contour Key	
0-20 mm	
20-40 mm	
40-60 mm	
60-80 mm	
80-86 mm	

			Project Title	Drawing Name	<div><div><div>BMC</div><div>BATCHELAR MCDOUGALL CONSULTING</div><div>STRUCTURAL & CIVIL ENGINEERS</div><div>Level Three, 335 Lincoln Rd, Addington, Christchurch 8024, Tel : (03) 338 3351</div></div></div>	Drawn By		TC	
						Scale @ A3		1 : 100	
						Project Number		Sheet No.	Revision
P1	12/04/2021	For Information				2011-3163		R1	P1
Rev	Date	Amendment				The copyright of this drawing belongs to BMC Ltd			
33 Dublin St, Lyttelton			Floor Levels and Other Measurements						



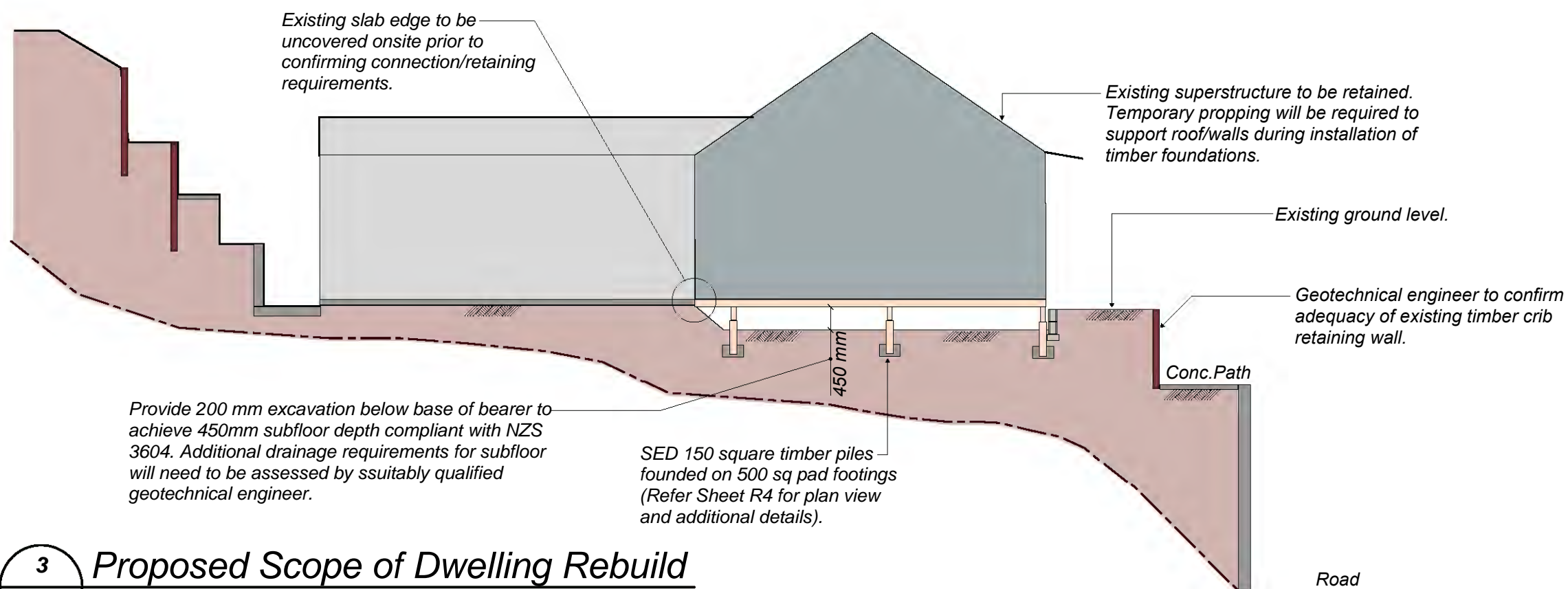
Appendix B: Concept Remediation Plan



1 *Site Plan*
Not to Scale.

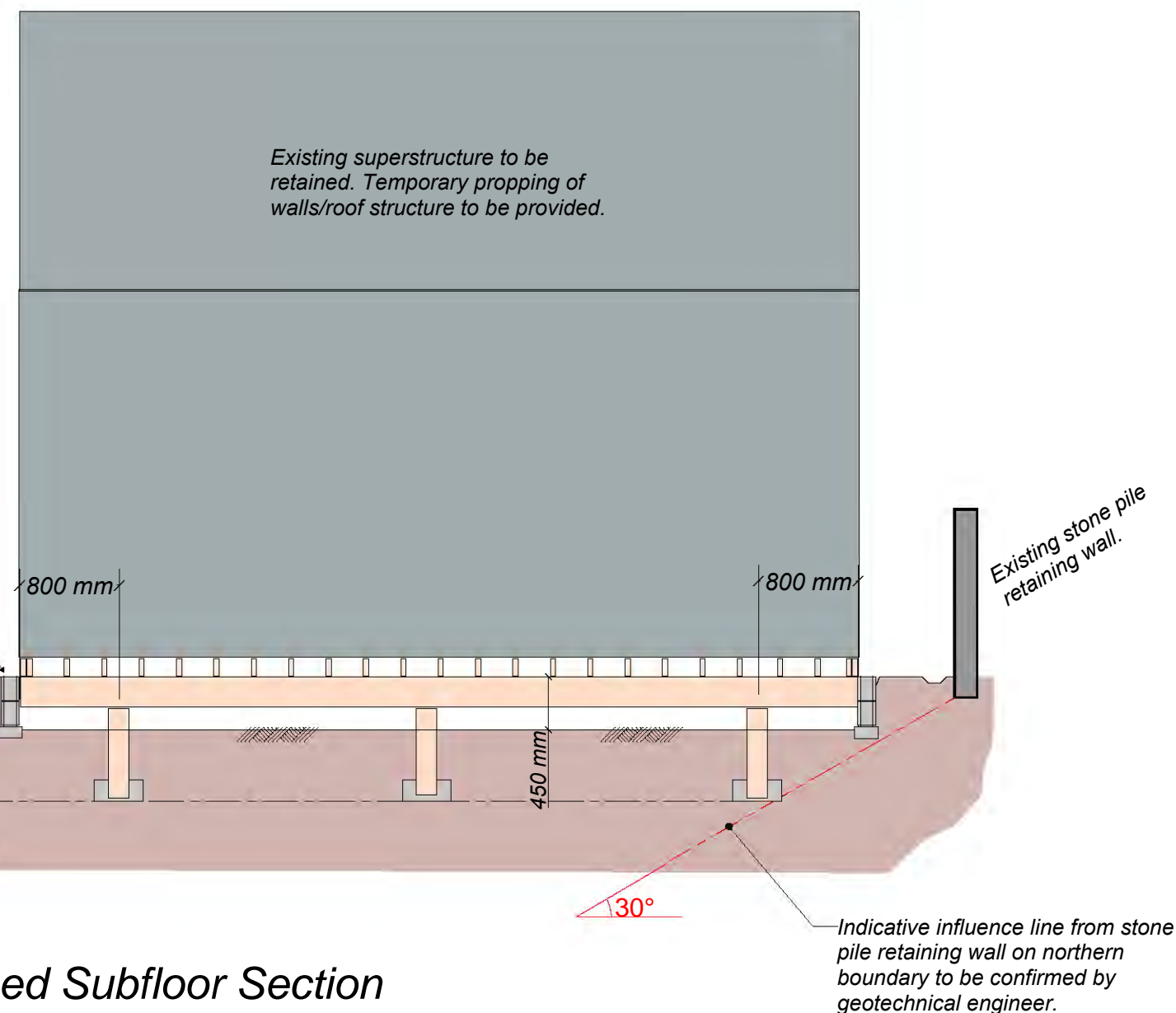
NOTES

- *This plan is for feasibility and pricing purposes only.*
- *Print this drawing in colour.*
- *Layout indicative only. All dimensions to be confirmed onsite.*
- *Refer also to BMC's Residential Structural Assessment Report.*



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			Project Title	Drawing Name	<div><div><div><div>BMC</div><div><div>BATCHELAR MCDUGALL CONSULTING</div><div>STRUCTURAL & CIVIL ENGINEERS</div></div></div><div><div>Level 2 Site Plan</div><div>Level 3 Site Plan</div><div>Level 4 Site Plan</div><div>Level 5 Site Plan</div><div>Level 6 Site Plan</div><div>Level 7 Site Plan</div><div>Level 8 Site Plan</div><div>Level 9 Site Plan</div><div>Level 10 Site Plan</div><div>Level 11 Site Plan</div><div>Level 12 Site Plan</div><div>Level 13 Site Plan</div><div>Level 14 Site Plan</div><div>Level 15 Site Plan</div><div>Level 16 Site Plan</div><div>Level 17 Site Plan</div><div>Level 18 Site Plan</div><div>Level 19 Site Plan</div><div>Level 20 Site Plan</div><div>Level 21 Site Plan</div><div>Level 22 Site Plan</div><div>Level 23 Site Plan</div><div>Level 24 Site Plan</div><div>Level 25 Site Plan</div><div>Level 26 Site Plan</div><div>Level 27 Site Plan</div><div>Level 28 Site Plan</div><div>Level 29 Site Plan</div><div>Level 30 Site Plan</div><div>Level 31 Site Plan</div><div>Level 32 Site Plan</div><div>Level 33 Site Plan</div><div>Level 34 Site Plan</div><div>Level 35 Site Plan</div><div>Level 36 Site Plan</div><div>Level 37 Site Plan</div><div>Level 38 Site Plan</div><div>Level 39 Site Plan</div><div>Level 40 Site Plan</div><div>Level 41 Site Plan</div><div>Level 42 Site Plan</div><div>Level 43 Site Plan</div><div>Level 44 Site Plan</div><div>Level 45 Site Plan</div><div>Level 46 Site Plan</div><div>Level 47 Site Plan</div><div>Level 48 Site Plan</div><div>Level 49 Site Plan</div><div>Level 50 Site Plan</div><div>Level 51 Site Plan</div><div>Level 52 Site Plan</div><div>Level 53 Site Plan</div><div>Level 54 Site Plan</div><div>Level 55 Site Plan</div><div>Level 56 Site Plan</div><div>Level 57 Site Plan</div><div>Level 58 Site Plan</div><div>Level 59 Site Plan</div><div>Level 60 Site Plan</div><div>Level 61 Site Plan</div><div>Level 62 Site Plan</div><div>Level 63 Site Plan</div><div>Level 64 Site Plan</div><div>Level 65 Site Plan</div><div>Level 66 Site Plan</div><div>Level 67 Site Plan</div><div>Level 68 Site Plan</div><div>Level 69 Site Plan</div><div>Level 70 Site Plan</div><div>Level 71 Site Plan</div><div>Level 72 Site Plan</div><div>Level 73 Site Plan</div><div>Level 74 Site Plan</div><div>Level 75 Site Plan</div><div>Level 76 Site Plan</div><div>Level 77 Site Plan</div><div>Level 78 Site Plan</div><div>Level 79 Site Plan</div><div>Level 80 Site Plan</div><div>Level 81 Site Plan</div><div>Level 82 Site Plan</div><div>Level 83 Site Plan</div><div>Level 84 Site Plan</div><div>Level 85 Site Plan</div><div>Level 86 Site Plan</div><div>Level 87 Site Plan</div><div>Level 88 Site Plan</div><div>Level 89 Site Plan</div><div>Level 90 Site Plan</div><div>Level 91 Site Plan</div><div>Level 92 Site Plan</div><div>Level 93 Site Plan</div><div>Level 94 Site Plan</div><div>Level 95 Site Plan</div><div>Level 96 Site Plan</div><div>Level 97 Site Plan</div><div>Level 98 Site Plan</div><div>Level 99 Site Plan</div><div>Level 100 Site Plan</div></div></div></div> <div>The copyright of this drawing belongs to BMC Ltd</div>			
			33 Dublin Street, Lyttelton	Building Sections		Drawn By	HW	
						Scale @ A3	N/A	
						Project Number	Sheet No.	Revision
P1	12.04.21	Preliminary Issue				2011-3163	R2	P1
Rev	Date	Amendment						





 *Proposed Subfloor Section*
1:50 A3


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			Project Title	Drawing Name	<div><div><div>BMC</div><div>BATCHELAR MCDUGALL CONSULTING</div><div>STRUCTURAL & CIVIL ENGINEERS</div></div><div>Level 2, 335/336 Pitt Street, Sydney NSW 2000 Tel: 02 438 4531 Fax: 02 438 3351</div></div>	Drawn By	HW				
			33 Dublin Street, Lyttelton	Timber Foundation Concept		Scale @ A3	N/A				
P1	12.04.21	Preliminary Issue				Project Number	2011-3163	Sheet No.	R3	Revision	P1
Rev	Date	Amendment				The copyright of this drawing belongs to BMC Ltd					


Wrightway Construction, Ltd. 1/954 Ferry Road CHRISTCHURCH 8022				GST Number 111-769-729		WRIGHTWAY CONSTRUCTION 		
Client: Carol & Pater JOHNS		Client Contact: johnsfamilynz@gmail.com		Hamish WRIGHT - 027-537-8636 - contact@wrightwaynz.co.nz Quote Sheet Date: 26 July 2022				
Repair Address: 33 Dublin St., Lyttelton				Owner: Contact #: Claim #:				
Repairs: Repairs as per site inspection & Engineer assessment		Sub Qte Fdn Sht Breakdn		PS Travel		Labour Rates: \$55.00 /Hr Scoped By: QS:		
Description		Qty	Unit	Rate	Lab	Mat'l	Sub Rate	Total
ACM & HAZMAT								
Sampling & Analysis - ACM								
Site Inspection & Survey		1.00	Ea	\$280.00			\$280.00	\$ 280.00
Remediation Plan & Report		1.00	Ea	\$728.00			\$728.00	\$ 728.00
Sample Taking & Analysis		12.00	Ea	\$123.20			\$123.20	\$ 1,478.40
<i>- No allowance for abatement, pending results</i>								
Lead Paint								
Test for lead Paint		1.00	Ea	\$313.60			\$313.60	\$ 313.60
FOUNDATION								
Foundation Works								
Relevel								
Foundation Repairs		1.00	Ea	\$69,944.00			\$69,944.00	\$ 69,944.00
Foundation Enabling Works								
Flooring								
Remove & Replace T & G Flooring		56.00	m²	\$257.60			\$257.60	\$ 14,425.60
Supply & Install solid blocking to fix new flooring		65.00	lm	\$20.16			\$20.16	\$ 1,310.40
Veranda								
Prop Veranda roof for works		8.00	m²	\$72.80			\$72.80	\$ 582.40
Paint Veranda timbers		45.00	lm	\$28.00			\$28.00	\$ 1,260.00
Demo & Replace Concrete Entry Steps / stoop		1.50	Ea	\$728.00			\$728.00	\$ 1,092.00
Pathways								
Remove & Replace concrete pathway, Plain, Incl Steps		1.00	PS	\$9,000.00			\$9,000.00	\$ 9,000.00
Remove & Replace concrete pathway, Stamped		18.00	m²	\$176.96			\$176.96	\$ 3,185.28
Remove & Replace concrete Steps		1.00	Ea	\$5,860.00			\$5,860.00	\$ 5,860.00
Decking								
Remove & Replace RP Deck, incl Framing		8.00	m²	\$392.00			\$392.00	\$ 3,136.00
Remove & Replace Decking boards to base, RP		4.00	m²	\$112.00			\$112.00	\$ 448.00
Stain Decking		12.00	m²	\$42.56			\$42.56	\$ 510.72
Landscaping								
Remove Plantings for Fdn Access		1.00	PS	\$1,500.00			\$1,500.00	\$ 1,500.00
Pavers								
Remove & Reinstate pavers, Incl dressing base (sand)		7.00	m²	\$151.20			\$151.20	\$ 1,058.40
Chimney								
Demolition								
Demolish (E) Chimney & Base		1.00	Ea	\$2,000.00			\$2,000.00	\$ 2,000.00


Wrightway Construction, Ltd. 1/954 Ferry Road CHRISTCHURCH 8022				GST Number 111-769-729				WRIGHTWAY CONSTRUCTION 			
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Repair Address: 33 Dublin St., Lyttelton				Owner: Contact #: Claim #:							
Repairs: Repairs as per site inspection & Engineer assessment				Sub Qte Fdn Sht Breakdn		PS Travel		Labour Rates: \$55.00 /Hr Scoped By: QS:			
Description				Qty	Unit	Rate	Lab	Mat'l	Sub Rate	Total	
Replacement of wall											
Supply & Install framing to infill chimney opening, including fixing				1.00	Ea	\$2,916.00			\$2,916.00	\$ 2,916.00	
Supply & Install substrate, wrap, strapping, Insul for cladding				16.00	m²	\$196.00			\$196.00	\$ 3,136.00	
Render included in cost for mesh & plaster											
Flashing for cladding transitions				18.00	lm	\$32.00			\$32.00	\$ 576.00	
Services											
Electrical											
Isolate Power				1.00	Ea	\$504.00			\$504.00	\$ 504.00	
Disconnect / Reconnect Overhead Mains for approach				2.00	Ea	\$504.00			\$504.00	\$ 1,008.00	
EDC Power shield for close approach works				1.00	Ea	\$784.00			\$784.00	\$ 784.00	
Disconnect / Reconnect Heat Pump				1.00	Ea	\$560.00			\$560.00	\$ 560.00	
Attend to disconnect / reconnect Fixtures, Plates, Switches				24.00	Hr		1.30		\$71.50	\$ 1,716.00	
Plumbing											
Disconnect / Reconnect Main supply for foundation works				1.00	Ea	\$784.00			\$784.00	\$ 784.00	
Attend to Disconnect / Reconnect Fixtures, Taps, Wastes				16.00	Hr		1.50		\$82.50	\$ 1,320.00	
Drainage											
Disconnect / Cap off & Reconnect Drainage - Type A/B				1.00	Ea	\$2,352.00			\$2,352.00	\$ 2,352.00	
Cam & Report on condition / quote for repair				1.00	Ea	\$1,008.00			\$1,008.00	\$ 1,008.00	
Quoted repairs to drainage				1.00	QTE	\$6,648.00			\$6,648.00	\$ 6,648.00	
Strip Drain to Patio				1.00	Ea	\$4,800.00			\$4,800.00	\$ 4,800.00	
EXTERIOR											
Cladding											
Weatherboard											
Remove & Replace weatherboards, access to connections				4.00	m²	\$190.40			\$190.40	\$ 761.60	
Gap Fill, Prep & Paint Weatherboards (as NON-Lead containing)				24.00	m²	\$50.40			\$50.40	\$ 1,209.60	
<i>- If lead test returns positive, variation required to strip and repaint weatherboards</i>											
Plaster											
Mesh & Plaster Repair				137.00	m²	\$225.00			\$225.00	\$ 30,825.00	
Carpentry											
Clean off, De-nail & Straighten Framing				4.00	m²	\$16.80			\$16.80	\$ 67.20	
Labour to check insulation				2.00	Hr		1.00		\$55.00	\$ 110.00	
Supply & Install Uni-Wrap & Strapping				4.00	m²	\$16.80			\$16.80	\$ 67.20	
Supply & Install Vent strip				8.00	lm	\$20.16			\$20.16	\$ 161.28	
Supply & Install Corner Flashings				6.00	lm	\$40.32			\$40.32	\$ 241.92	
Joinery											
Prep & Paint Window Exterior - all				1.00	Ea	\$3,000.00			\$3,000.00	\$ 3,000.00	


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Repairs: Repairs as per site inspection & Engineer assessment				Sub Qte	PS	Labour Rates: \$55.00 /Hr					
				Fdn Sht	Travel	Scoped By:			QS:		
				Breakdn							
Description				Qty	Unit	Rate	Lab	Mat'l	Sub Rate	Total	
Trims - Paint											
Prep & Paint Facings & Sills				80.00	lm	\$20.16			\$20.16	\$ 1,612.80	
Spouting, Fascias & Barges											
Prep & Paint Fascias & Barges				46.00	lm	\$22.40			\$22.40	\$ 1,030.40	
Remove & Replace downpipes				12.00	lm	\$110.00			\$110.00	\$ 1,320.00	
Roof Repairs											
Remove & Dispose ACM Positive Roof Covering				1.00	PS	\$15,000.00			\$15,000.00	\$ 15,000.00	
Demo & Dispose framing to front half of Decromastic Roof				1.00	PS	\$3,000.00			\$3,000.00	\$ 3,000.00	
Demo & Dispose Corrugated Steel underlying roof, incl frame				1.00	PS	\$4,000.00			\$4,000.00	\$ 4,000.00	
Supply & Install new roof framing to front section of dwelling				1.00	Ea	\$12,340.00			\$12,340.00	\$ 12,340.00	
Supply & Install purlins to roof				130.00	lm	\$21.00			\$21.00	\$ 2,730.00	
Flashings to roof				1.00	PS	\$850.00			\$850.00	\$ 850.00	
Supply & Install new roof, incl mesh, underlay				88.00	m²	\$95.00			\$95.00	\$ 8,360.00	
<i>- Steel tile roof, stone chip coated & acrylic finish, underlay</i>											
Access											
Scaffolding											
EDC				161.00	m²	\$32.48			\$32.48	\$ 5,229.28	
Hireage 10.00 Weeks				10.00	Wk	\$611.80			\$611.80	\$ 6,118.00	
Inspections				10.00	Ea	\$72.80			\$72.80	\$ 728.00	
Edge Protection											
Edge protection for roof works				46.00	lm	\$29.12			\$29.12	\$ 1,339.52	
Roof Wrap											
Structure and Wrapping for roof cover + hireage				1.00	PS	\$14,000.00			\$14,000.00	\$ 14,000.00	
Safety Nets											
Safety nets for roof works				88.00	m²	\$6.00			\$6.00	\$ 528.00	
Access Stack & Mobile											
Mobile scaffold set				1.00	Ea	\$504.00			\$504.00	\$ 504.00	
Access Stack for roof works				1.00	Ea	\$504.00			\$504.00	\$ 504.00	
Roof											
Roof Repairs											
Roof inspection				1.00	Ea	\$500.00			\$500.00	\$ 500.00	
Cladding Enabling Works											
Exterior											
Remove & Reinstall Fence panels / gates				6.00	lm	\$162.40			\$162.40	\$ 974.40	
Prep & Paint fence panel, B/S				21.60	m²	\$39.20			\$39.20	\$ 846.72	

Wrightway Construction, Ltd. 1/954 Ferry Road CHRISTCHURCH 8022				GST Number 111-769-729		WRIGHTWAY CONSTRUCTION				
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Repair Address: 33 Dublin St., Lyttelton				Owner: Contact #: Claim #:						
Repairs: Repairs as per site inspection & Engineer assessment				Sub Qte Fdn Sht Breakdn	PS Travel	Labour Rates: \$55.00 /Hr Scoped By: QS:				
Description				Qty	Unit	Rate	Lab	Mat'l	Sub Rate	Total
INTERIOR										
Interior, Generally										
No allowance for Curtains, Blinds, or rods to be removed or reinstated										
Remove & Replace Batt insulation				51.00	m²	\$28.00			\$28.00	\$ 1,428.00
<i>- Lounge, Dining, Bedroom 1, Bedroom 2</i>										
Lounge				4.00	3.80	3.10				
Ceiling										
Drop & Dispose Lining - as ACM Negative				16.00	m²	\$22.40			\$22.40	\$ 358.40
Supply & Install Rondo Grid; raking				16.00	m²	\$38.00			\$38.00	\$ 608.00
Supply & Install 13mm Gib STD, Stop to F4, Paint				16.00	m²	\$82.79			\$82.79	\$ 1,324.65
Supply & Install trims to corners, to match (E)				36.00	lm	\$20.00			\$20.00	\$ 720.00
Walls										
Drop & Dispose Lining - as ACM Negative				49.00	m²	\$22.40			\$22.40	\$ 1,097.60
Clean off, De-Nail, Straighten & Pack w- Ripped packers				49.00	m²	\$39.20			\$39.20	\$ 1,920.80
Supply & Install 10mm Gib STD, Stop to F4, Paint				49.00	m²	\$67.31			\$67.31	\$ 3,298.29
Trim										
Remove & Replace Skirting, 135 x 18, Rimu				16.00	lm	\$39.65			\$39.65	\$ 634.37
Prep & Paint Skirtings				16.00	lm	\$20.16			\$20.16	\$ 322.56
Remove & Replace Architraves, 135 x 18, Rimu				17.00	lm	\$39.65			\$39.65	\$ 674.02
Prep & Paint Architraves				17.00	lm	\$20.16			\$20.16	\$ 342.72
Floor Covering										
Sand & Poly T & G Flooring				16.00	m²	\$67.20			\$67.20	\$ 1,075.20
Joinery & Fixtures										
Door, Int, Ease & Paint, Panel & Surround				1.00	Ea	\$313.60			\$313.60	\$ 313.60
Door, Ext Ease & Paint, Panel & Surround				1.00	Ea	\$313.60			\$313.60	\$ 313.60
Window, Ease sash				4.00	Ea	\$162.40			\$162.40	\$ 649.60
Paint Int Window, X-Large				2.00	Ea	\$336.00			\$336.00	\$ 672.00
Dining Room				3.30	3.80	2.70				
Ceiling										
Drop & Dispose Lining - as ACM Negative				13.00	m²	\$22.40			\$22.40	\$ 291.20
Supply & Install Rondo Grid				13.00	m²	\$33.60			\$33.60	\$ 436.80
Supply & Install 13mm Gib STD, Stop to F4, Paint				13.00	m²	\$82.79			\$82.79	\$ 1,076.28
Walls										
Drop & Dispose Lining - as ACM Negative				39.00	m²	\$22.40			\$22.40	\$ 873.60
Clean off, De-Nail, Straighten & Pack w- Ripped packers				49.00	m²	\$39.20			\$39.20	\$ 1,920.80
Supply & Install 10mm Gib STD, Stop to F4, Paint				49.00	m²	\$67.31			\$67.31	\$ 3,298.29

Wrightway Construction, Ltd. 1/954 Ferry Road CHRISTCHURCH 8022				GST Number 111-769-729		WRIGHTWAY CONSTRUCTION				
Client: Carol & Pater JOHNS		Client Contact: johnsfamilynz@gmail.com		Hamish WRIGHT - 027-537-8636 - contact@wrightwaynz.co.nz Quote Sheet Date: 26 July 2022						
Repair Address: 33 Dublin St., Lyttelton				Owner: Contact #: Claim #:						
Repairs: Repairs as per site inspection & Engineer assessment				Sub Qte Fdn Sht Breakdn	PS Travel	Labour Rates: \$55.00 /Hr Scoped By: QS:				
Description				Qty	Unit	Rate	Lab	Mat'l	Sub Rate	Total
Trim										
Remove & Replace m8 timber cornice				15.00	lm	\$23.52			\$23.52	\$ 352.80
Prep & Paint Cornice				15.00	lm	\$17.92			\$17.92	\$ 268.80
Remove & Replace Skirting, 135 x 18, Rimu				15.00	lm	\$39.65			\$39.65	\$ 594.72
Prep & Paint Skirtings				15.00	lm	\$20.16			\$20.16	\$ 302.40
Remove & Replace Architraves, 135 x 18, Rimu				16.00	lm	\$39.65			\$39.65	\$ 634.37
Prep & Paint Architraves				16.00	lm	\$20.16			\$20.16	\$ 322.56
Floor Covering										
Sand & Poly T & G Flooring				13.00	m²	\$67.20			\$67.20	\$ 873.60
Joinery & Fixtures										
Door, Int, Ease & Paint, Panel & Surround				1.00	Ea	\$313.60			\$313.60	\$ 313.60
Door, Ext Ease & Paint, Panel & Surround				1.00	Ea	\$313.60			\$313.60	\$ 313.60
Window, Ease sash				1.00	Ea	\$162.40			\$162.40	\$ 162.40
Paint Int Window, Large				1.00	Ea	\$280.00			\$280.00	\$ 280.00
Bedroom 1 (SE) 2.60 3.20 3.10										
Ceiling										
Drop & Dispose Lining - as ACM Negative				9.00	m²	\$22.40			\$22.40	\$ 201.60
Supply & Install Rondo Grid				9.00	m²	\$33.60			\$33.60	\$ 302.40
Supply & Install 13mm Gib STD, Stop to F4, Paint				9.00	m²	\$82.79			\$82.79	\$ 745.11
Walls										
Drop & Dispose Lining - as ACM Negative				36.00	m²	\$22.40			\$22.40	\$ 806.40
Clean off, De-Nail, Straighten & Pack w- Ripped packers				49.00	m²	\$39.20			\$39.20	\$ 1,920.80
Supply & Install 10mm Gib STD, Stop to F4, Paint				49.00	m²	\$67.31			\$67.31	\$ 3,298.29
Trim										
Remove & Replace m8 timber cornice				12.00	lm	\$23.52			\$23.52	\$ 282.24
Prep & Paint Cornice				12.00	lm	\$17.92			\$17.92	\$ 215.04
Remove & Replace Skirting, 135 x 18, Rimu				12.00	lm	\$39.65			\$39.65	\$ 475.78
Prep & Paint Skirtings				12.00	lm	\$20.16			\$20.16	\$ 241.92
Remove & Replace Architraves, 135 x 18, Rimu				10.00	lm	\$39.65			\$39.65	\$ 396.48
Prep & Paint Architraves				10.00	lm	\$20.16			\$20.16	\$ 201.60
Remove & Replace Dado Rail				12.00	lm	\$31.36			\$31.36	\$ 376.32
Prep & Paint Dado Rail				12.00	lm	\$17.92			\$17.92	\$ 215.04
Floor Covering										
Sand & Poly T & G Flooring				9.00	m²	\$67.20			\$67.20	\$ 604.80

Wrightway Construction, Ltd. 1/954 Ferry Road CHRISTCHURCH 8022				GST Number 111-769-729				WRIGHTWAY CONSTRUCTION 			
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Description				Qty		Unit		Rate		Lab Mat'l Sub Rate Total	
Joinery & Fixtures											
Door, Int, Ease & Paint, Panel & Surround				1.00		Ea		\$313.60		\$313.60 \$ 313.60	
Window, Ease sash				1.00		Ea		\$162.40		\$162.40 \$ 162.40	
Paint Int Window, Large				1.00		Ea		\$280.00		\$280.00 \$ 280.00	
Bedroom 2 (SW) 3.30 3.80 3.10											
Ceiling											
Prep & Paint Timber Ceiling				13.00		m²		\$26.88		\$26.88 \$ -	
Drop & Dispose Lining - as ACM Negative				13.00		m²		\$44.80		\$44.80 \$ 582.40	
Supply & Install Rondo Grid				13.00		m²		\$33.60		\$33.60 \$ 436.80	
Supply & Install 13mm Gib STD, Stop to F4, Paint				13.00		m²		\$82.79		\$82.79 \$ 1,076.27	
Walls											
Drop & Dispose Lining - as ACM Negative				45.00		m²		\$22.40		\$22.40 \$ 1,008.00	
Clean off, De-Nail, Straighten & Pack w- Ripped packers				49.00		m²		\$39.20		\$39.20 \$ 1,920.80	
Supply & Install 10mm Gib STD, Stop to F4, Paint				49.00		m²		\$67.31		\$67.31 \$ 3,298.29	
Trim											
Remove & Replace m8 timber cornice				15.00		lm		\$23.52		\$23.52 \$ 352.80	
Prep & Paint Cornice				15.00		lm		\$17.92		\$17.92 \$ 268.80	
Remove & Replace Skirting, 135 x 18, Rimu				15.00		lm		\$39.65		\$39.65 \$ 594.72	
Prep & Paint Skirtings				15.00		lm		\$20.16		\$20.16 \$ 302.40	
Remove & Replace Architraves, 135 x 18, Rimu				10.00		lm		\$39.65		\$39.65 \$ 396.48	
Prep & Paint Architraves				10.00		lm		\$20.16		\$20.16 \$ 201.60	
Remove & Replace Dado Rail				15.00		lm		\$31.36		\$31.36 \$ 470.40	
Prep & Paint Dado Rail				15.00		lm		\$17.92		\$17.92 \$ 268.80	
Floor Covering											
Sand & Poly T & G Flooring				13.00		m²		\$67.20		\$67.20 \$ 873.60	
Joinery & Fixtures											
Door, Int, Ease & Paint, Panel & Surround				1.00		Ea		\$313.60		\$313.60 \$ 313.60	
Window, Ease sash				1.00		Ea		\$162.40		\$162.40 \$ 162.40	
Paint Int Window, Large				1.00		Ea		\$280.00		\$280.00 \$ 280.00	
Kitchen											
Ceiling											
Rake, Plaster & Paint Ceiling				13.00		m²		\$40.32		\$40.32 \$ 524.16	
Walls											
Rake, Plaster & Paint Walls				41.00		m²		\$35.84		\$35.84 \$ 1,469.44	

Wrightway Construction, Ltd. 1/954 Ferry Road CHRISTCHURCH 8022				GST Number 111-769-729				WRIGHTWAY CONSTRUCTION 			
Client: Carol & Pater JOHNS				Client Contact: johnsfamilynz@gmail.com				Hamish WRIGHT - 027-537-8636 - contact@wrightwaynz.co.nz Quote Sheet Date: 26 July 2022			
Repair Address: 33 Dublin St., Lyttelton								Owner: Contact #: Claim #:			
Repairs: Repairs as per site inspection & Engineer assessment				Sub Qte Fdn Sht Breakdn		PS Travel		Labour Rates: \$55.00 /Hr Scoped By: QS:			
Description				Qty	Unit	Rate	Lab	Mat'l	Sub Rate	Total	
Trims											
Prep & Paint Skirtings, Architraves				30.00	lm	\$20.16			\$20.16	\$ 604.80	
Floor Covering											
Protect Floor covering (Tiles)				13.00	m²	\$8.00			\$8.00	\$ 104.00	
Joinery & Fixtures											
Ease & Paint Ext door, Double				1.00	Ea	\$392.00			\$392.00	\$ 392.00	
Ease Interior door, Paint Panel & Surround				2.00	Ea	\$313.60			\$313.60	\$ 627.20	
Protect Kitchen Joinery				1.00	Ea	\$275.00			\$275.00	\$ 275.00	
Laundry 3.20 1.60 2.40											
Ceiling											
Rake, Plaster & Paint Ceiling				6.00	m²	\$40.32			\$40.32	\$ 241.92	
Walls											
Rake, Plaster & Paint Walls				24.00	m²	\$35.84			\$35.84	\$ 860.16	
Trims											
Prep & Paint Skirtings, Architraves				25.00	lm	\$20.16			\$20.16	\$ 504.00	
Floor Covering											
Protect Floor covering (Tiles)				6.00	m²	\$8.00			\$8.00	\$ 48.00	
Joinery & Fixtures											
Ease & Paint Ext door, Single				1.00	Ea	\$330.40			\$330.40	\$ 330.40	
Protect Laundry Joinery				1.00	Ea	\$75.00			\$75.00	\$ 75.00	
Bathroom 1.50 3.20 2.40											
Ceiling											
Rake, Plaster & Paint Ceiling				5.00	m²	\$40.32			\$40.32	\$ 201.60	
Walls											
Rake, Plaster & Paint Walls				23.00	m²	\$35.84			\$35.84	\$ 824.32	
Trims											
Prep & Paint Skirtings, Architraves				25.00	lm	\$20.16			\$20.16	\$ 504.00	
Floor Covering											
Protect Floor covering (Tiles)				5.00	m²	\$8.00			\$8.00	\$ 40.00	
Joinery & Fixtures											
Ease & Paint Ext door, Single				1.00	Ea	\$330.40			\$330.40	\$ 330.40	
Protect Bathroom Fixtures / Joinery				1.00	Ea	\$285.00			\$285.00	\$ 285.00	

Wrightway Construction, Ltd. 1/954 Ferry Road CHRISTCHURCH 8022				GST Number 111-769-729				WRIGHTWAY CONSTRUCTION 			
Client: Carol & Pater JOHNS				Client Contact: johnsfamilynz@gmail.com				Hamish WRIGHT - 027-537-8636 - contact@wrightwaynz.co.nz Quote Sheet Date: 26 July 2022			
Repair Address: 33 Dublin St., Lyttelton				Owner: Contact #: Claim #:							
Repairs: Repairs as per site inspection & Engineer assessment				Sub Qte Fdn Sht Breakdn		PS Travel		Labour Rates: \$55.00 /Hr Scoped By: QS:			
Description				Qty	Unit	Rate	Lab	Mat'l	Sub Rate	Total	
Additional works required for execution											
Cartage											
Labours to cart in materials / cart out waste; logistics				1.00	PS	\$12,000.00			\$12,000.00	\$ 12,000.00	
TMS											
Traffic Management Allowance for road closure & traffic direction				1.00	PS	\$10,000.00			\$10,000.00	\$ 10,000.00	
Professional Fees											
Engineering											
Design / PS1				1.00	Ea	\$3,000.00			\$3,000.00	\$ 3,000.00	
PS4 & Observations				1.00	Ea	\$2,500.00			\$2,500.00	\$ 2,500.00	
Geotech				1.00	Ea	\$7,500.00			\$7,500.00	\$ 7,500.00	
Additional works to Civil for subfloor drainage				1.00	Ea	\$5,000.00			\$5,000.00	\$ 5,000.00	
Architect											
Detail design for cladding / chimney works				1.00	Ea	\$6,000.00			\$6,000.00	\$ 6,000.00	
Surveyor											
Surveyor works & building location cert				1.00	Ea	\$3,360.00			\$3,360.00	\$ 3,360.00	
Council											
Full Consent				1.00	Ea	\$6,000.00			\$6,000.00	\$ 6,000.00	
Lodgement fees				1.00	Ea	\$600.00			\$600.00	\$ 600.00	
Additional Council fees for skip placement on pathway / road				1.00	PS	\$4,000.00			\$4,000.00	\$ 4,000.00	
P & G				8%	1.00	Ea	\$31,030.01		\$31,030.01	\$ 31,030.01	
Builders Margin				10%	1.00	Ea	\$41,533.23		\$41,533.23	\$ 41,533.23	
									Sub Total	\$ 456,865.54	
									GST	\$ 68,529.83	
									TOTAL REPAIR	\$ 525,395.38	

Verum Group

DETERMINATION OF ASBESTOS

Sampled Address: 33 Dublin Street

Sampling Date: 13/06/2022

Verum Group Ref: A22/8819-1

Applicant: Asbestos Survey Group

Report Date: 13/06/2022

RESULTS on samples as received:

Sample #	Sample Source	Sample Description	Asbestos Fibres	Other Fibres
A22/8819-01	Roof	Decramastic roof tile (~5.0g)	Chrysotile	
A22/8819-02	Kitchen walls	Jointing Compound (~2.0g)	No asbestos fibres detected	
A22/8819-03	Kitchen ceiling	Jointing Compound (~2.0g)	No asbestos fibres detected	
A22/8819-04	Lounge walls	Jointing Compound (~2.0g)	No asbestos fibres detected	
A22/8819-05	Dining ceiling	Jointing Compound (~2.0g)	No asbestos fibres detected	
A22/8819-06	Dining walls	Jointing Compound (~2.0g)	No asbestos fibres detected	SMF
A22/8819-07	Bedroom walls	Jointing Compound (~1.0g)	No asbestos fibres detected	
A22/8819-08	Bedroom walls	Jointing Compound (~2.0g)	No asbestos fibres detected	SMF

Samples were analysed according to AS4964 - 2004 including the use of polarised light microscroscopy and dispersion staining.

Any **chrysotile** (white asbestos), **amosite** (brown asbestos) or **crocidolite** (blue asbestos) found will be indicated in the report. The presence of **organic** fibres (eg vegetable matter or nylon) or **SMF** (synthetic mineral fibres, eg glass fibre) will also be noted. Other fibres are not conclusively indentifiable without additional analysis and will be indicated on the report as **UMF** (Mineral fibres of unknown type). The fibres may or may not be asbestos The reporting limit is 0.1g/kg.

Disclaimer: Samples of single materials are required for analysis wherever possible. Where composite materials are submitted for analysis the sample must adequately reflect the material to be analysed and must be accompanied by an appropriate description.



A handwritten signature in blue ink, appearing to read 'Mike Young'.

Reported By: Mike Young
Christchurch Laboratory Manager



Attachment 3: Covenants

View Instrument Details



Instrument No 12612390.1
Status Registered
Date & Time Lodged 24 November 2022 15:22
Lodged By Jackson, Emma Mary
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
635815	Canterbury

Annexure Schedule Contains 4 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Emma Mary Jackson as Covenantor Representative on 24/11/2022 02:55 PM

Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Emma Mary Jackson as Covenantee Representative on 24/11/2022 02:55 PM

*** End of Report ***

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Surname must be underlined

Peter Ross Johns and Carol June Johns

Covantee

Surname must be underlined

Earthquake Commission

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, grants to the Covantee (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure Schedule, if required

Purpose of Covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land covenant regarding settlement deed	Not applicable	635815	In gross

Covenant rights and powers (including terms, covenants and conditions)

Delete phrases in { } and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in the Annexure Schedule.



Annexure Schedule

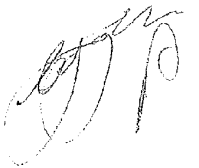
Insert instrument type

Land covenant

Continue in additional Annexure Schedule, if required

INTRODUCTION

- A. The Covenantor is the registered owner of the Burdened Land which was damaged in the Canterbury earthquake sequence in 2010 and 2011. The Covenantor also owns the property known as Lot 2 Deposited Plan 470468, 28a Jacksons Road, Lyttleton (the "Site").
- B. The Covenantee is a New Zealand Crown entity continued under the Earthquake Commission Act 1993.
- C. The Covenantor was in dispute with the Covenantee (the "Dispute") in respect of the Covenantee's response to claims regarding damage caused to the improvements on the Burdened Land by the Canterbury earthquake sequence in 2010 and 2011, including, but not limited to, the quality and/or sufficiency of repairs to the improvements on the Burdened Land following the damage, including remediation of any failed, inadequate or otherwise non-compliant previous repairs ("Original Repair Work").
- D. The Crown established a scheme ("Scheme") to provide for ex gratia payments to eligible owners of on-sold properties. The Covenantee as agent for the Crown determined that the Covenantor was eligible for an ex gratia payment under the Scheme ("Ex Gratia Payment").
- E. The Covenantor and the Covenantee agreed to fully and finally settle all matters relating to the Dispute on the terms set out in a deed between the Covenantor and the Covenantee ("Deed"), pursuant to which, among other things, the Covenantee paid the Ex Gratia Payment to the Covenantor and the Covenantor agreed to expend the Ex Gratia Payment on replacing the residential building(s) on the Site ("New Work").
- F. The parties have agreed to register this covenant regarding certain aspects of the Deed.



Annexure Schedule

Insert instrument type

Land covenant

Continue in additional Annexure Schedule, if required

COVENANTS

1. DEFINITIONS AND INTERPRETATION

1.1 **Definitions:** In this covenant, unless the context requires otherwise, terms defined in the introduction have the defined meaning throughout this covenant, and:

"Covenantee" includes a Covenantee's successors and assigns.

"Covenantor" means the Covenantor and its successors in title to the Burdened Land (or any part thereof).

1.2 **Joint and Several Obligations:** Where two or more persons are bound by a provision in this covenant that provision will bind those persons jointly and each of them severally.

2. COVENANT

2.1 The Covenantor hereby covenants, acknowledges and agrees with the Covenantee as a positive covenant for the benefit of the Covenantee and so as to bind the Burdened Land in perpetuity, that the Covenantor:

- (a) shall use the Ex Gratia Payment to undertake and complete the New Work; and
- (b) will not bring or continue any other claim, against the Covenantee, in respect of the Dispute or the Original Repair Work.



View Instrument Details



Instrument No	12612390.2
Status	Registered
Date & Time Lodged	24 November 2022 15:22
Lodged By	Jackson, Emma Mary
Instrument Type	Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
635816	Canterbury

Annexure Schedule Contains 4 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Emma Mary Jackson as Covenantor Representative on 24/11/2022 03:21 PM

Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Emma Mary Jackson as Covenantee Representative on 24/11/2022 03:22 PM

*** End of Report ***

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Surname must be underlined

Peter Ross Johns and Carol June Johns

Covenantee

Surname must be underlined

Earthquake Commission

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure Schedule, if required

Purpose of Covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land covenant regarding settlement deed	Not applicable	635816	In gross

Covenant rights and powers (including terms, covenants and conditions)
Delete phrases in { } and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in the Annexure Schedule.



Annexure Schedule

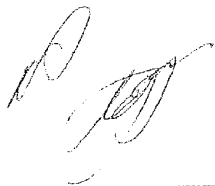
Insert instrument type

Land covenant

Continue in additional Annexure Schedule, if required

INTRODUCTION

- A. The Covenantor is the registered owner of the Burdened Land. The Covenantor also owns the property known as Lot 1 Deposited Plan 470468, 33 Dublin Street, Lyttelton (the **"Site"**) which was damaged in the Canterbury earthquake sequence in 2010 and 2011.
- B. The Covenantee is a New Zealand Crown entity continued under the Earthquake Commission Act 1993.
- C. The Covenantor was in dispute with the Covenantee (the **"Dispute"**) in respect of the Covenantee's response to claims regarding damage caused to the improvements on the Site by the Canterbury earthquake sequence in 2010 and 2011, including, but not limited to, the quality and/or sufficiency of repairs to the improvements on the Site following the damage, including remediation of any failed, inadequate or otherwise non-compliant previous repairs (**"Original Repair Work"**).
- D. The Crown established a scheme (**"Scheme"**) to provide for ex gratia payments to eligible owners of on-sold properties. The Covenantee as agent for the Crown determined that the Covenantor was eligible for an ex gratia payment under the Scheme (**"Ex Gratia Payment"**).
- E. The Covenantor and the Covenantee agreed to fully and finally settle all matters relating to the Dispute on the terms set out in a deed between the Covenantor and the Covenantee (**"Deed"**), pursuant to which, among other things, the Covenantee paid the Ex Gratia Payment to the Covenantor and the Covenantor agreed to expend the Ex Gratia Payment on replacing the residential building(s) on the Burdened Land (**"New Work"**).
- F. The parties have agreed to register this covenant regarding certain aspects of the Deed.



Annexure Schedule

Insert instrument type

Land covenant

Continue in additional Annexure Schedule, if required

COVENANTS

1. DEFINITIONS AND INTERPRETATION

1.1 **Definitions:** In this covenant, unless the context requires otherwise, terms defined in the introduction have the defined meaning throughout this covenant, and:

"Covenantee" includes a Covenantee's successors and assigns.

"Covenantor" means the Covenantor and its successors in title to the Burdened Land (or any part thereof).

1.2 **Joint and Several Obligations:** Where two or more persons are bound by a provision in this covenant that provision will bind those persons jointly and each of them severally.

2. COVENANT

2.1 The Covenantor hereby covenants, acknowledges and agrees with the Covenantee as a positive covenant for the benefit of the Covenantee and so as to bind the Burdened Land in perpetuity, that the Covenantor:

- (a) shall use the Ex Gratia Payment to undertake and complete the New Work; and
- (b) will not bring or continue any other claim, against the Covenantee, in respect of the Dispute or the Original Repair Work.



6 November 2023

Commissioner: Nathan O'Connell
c/o Christchurch City Council
Ruth Markham-Short

Novo Group Limited
Level 1, 279 Montreal Street
PO Box 365, Christchurch 8140
0 - 03 365 5570
info@novogroup.co.nz

By email: Ruth.MarkhamShort@ccc.govt.nz

Dear Nathan,

RMA/2023/2046 - 33 DUBLIN STREET APPLICATION TO DEMOLISH A CONTRIBUTORY BUILDING FURTHER INFORMATION

1. This letter provides additional information in response to the Council's heritage advice prepared by Mr Gareth Wright and subsequent discussions with the Council's Senior Planner Ms Ruth Markham-Short concerning the proposed demolition of the earthquake damaged building located at 33 Dublin Street, Lyttelton. It complements the assessment of effects (AEE) in the application dated 4 July 2023 and the RFI response submitted to the Council on 12 September 2023 which included an updated assessment of effects and the relevant objectives and policies. Those assessments should be read in full, alongside this letter.
2. By way of summarising the AEE and RFI response, the key points are as follows:
 - The demolition of a defining or contributory building is anticipated to a degree by the District Plan by virtue of the restricted discretionary activity status. This interpretation is shared by Council's Planning Expert for PC14 on Residential Heritage Areas (RHAs), Ms Glenda Dixon who stated in her s42A report that the "demolition has a less onerous consent process in an RHA [in comparison to a demolition of a heritage item or setting]" (Paragraph 8.22.2). Individual buildings in the RHAs are less significant than individually scheduled heritage items. Their significance lies in the contribution they make to the wider area's collective values.
 - Contributory buildings are defined as "support[ing] and consistent with the heritage values and significance of the heritage areas, but are not defining building". Whereas, defining buildings "are of primary importance to the heritage area and establish its heritage values and significance". In other words, contributory buildings are considered to be of lesser importance to the heritage value of the area in comparison to defining buildings, and as a result, the loss of one contributory building is less detrimental to the values and significance of the heritage area as a whole than a defining building.
 - The scope of the repair works to the dwelling would be significant and there is significant uncertainty as to whether the required repair works can be feasibly and physically undertaken without damaging the neighbouring property.



3. In addition, it is worth noting that the RHAs as proposed in PC13 and PC14 are highly contested. There are submissions seeking their deletion altogether and, if retained, significant changes to the policy and assessment matters. Inconsistencies and issues have been raised in various submissions and during expert heritage witness conferencing. For example, some submitters consider it problematic to apply the same policy test to demolitions with such differing activity statuses (the demolition of defining and contributory buildings is RD, significant heritage items D and highly significant heritage items NC). Ms Dixon has therefore clarified that the emphasis should be put on the effects of the collective heritage values of the area (as opposed to the heritage values of the individual building) and has recommended amended policies and matters of discretion accordingly (see **Attachment 1**). I acknowledge that the recommended changes to the heritage provisions do not yet have legal effect, but these highlight the importance of the building's contribution to the wider area (as opposed to its heritage values) as well as the provisional nature of the proposed wording which has not yet been tested or gone through the process of a hearing.
4. While I am not a heritage expert and cannot speak to the heritage values of the individual building or the wider area, I have read Mr Wright's assessment. I would like to highlight some inconsistencies and raise additional questions as they relate to planning matters.
5. Pursuant to Policy 9.3.2.2.8 and Clause 9.3.6.5 (as notified), the significance of the building both in isolation and the broader context of the RHA is one of the key considerations in evaluating the extent of the adverse effect on heritage values. Mr Wright's approach to the assessment is based on the premise that if a building can be repaired in a way that maintains or reinstates the heritage values of that building and therefore remains a contributory building, the effects of demolition would be unacceptable. I do not agree, noting this is not supported by the provisions in PC13 and PC14 as notified, or as recommended in Ms Dixon's s42a report.
6. The ongoing repair and maintenance of every contributory and defining building may be desirable and preferable from a heritage perspective generally. However, realistically this is not always possible or feasible. Although Mr Wright considers that "every demolished contributory building ultimately impacts the overall integrity and coherence of an RHA", the District Plan contemplates that in some circumstances demolitions are an acceptable outcome by virtue of the restricted discretionary status. Otherwise, demolitions would have been classified as non-complying or prohibited and supported with an 'avoidance' policy. The question, therefore, is which circumstances would justify the demolition of a contributory building in the context of the RHA? The answer to that question is not just whether the loss of some heritage value is inevitable (Mr Wright's approach) but rather, should focus on the significance and the prominence of the building within the RHA. In short, does the loss of heritage values that this building represents have a more than minor effect on the collective heritage values and significance of the heritage area as a whole?
7. With respect to the significance of the building, it is worth reiterating that the heritage value of the building is not derived from the significance of the individual building (otherwise it would warrant protection as a scheduled item) but from its ability to support the heritage values of the area, albeit to a lesser degree than a defining building. The reason for rating the building as contributory is stated on the Site Record Form as "a modified colonial cottage that contributes to the area's historic, architectural and contextual values" (refer to **Attachment 2**). To the extent that the record form evaluates the criteria for the assessment of significance of heritage values in Appendix 9.3.7.1 of the Plan, this is done generically



for the area with no particular features of significance attributed to the building¹. In fact, the description of significance is the same as any other building in the RHA no matter whether it is categorised as defining, contributory, neutral or intrusive. It is not exactly clear in the record form why this modified colonial cottage is considered to contribute to the heritage values of the area, nor is it clear from Mr Wright's assessment why its loss would diminish the heritage values of the area.

8. Notwithstanding the lack of explanation for its rating, a contributory building is considered to be of lesser significance to the collective values of the area than a defining building. Mr Wright's argument that it is harder to justify the demolition of a contributory building in comparison to a defining building despite its lesser significance is counterintuitive, does not appear conclusive, and is also not supported by Ms Dixon's evidence in the s42A report². We question whether Clause 9.3.6.5 b. should be interpreted this way. In my view, this matter of discretion (*whether the building is a defining building or contributory building*) means that defining buildings are attributed a higher significance and the threshold for demolition is therefore higher, whereas the threshold is lower for contributory buildings with an overall lesser significance. For example, I consider that demolition of a defining building in a prominent location within the RHA would be much less appropriate generally, and would expect it to face greater scrutiny through the consent process.
9. Mr Wright considers that the replacement of heritage fabric would not necessarily change the heritage significance of the building, including the undefined "significant intangible qualities". Mr Gareth does not specify if the building has significant intangible qualities, or what these might entail. There is nothing in the listing for the area or building that identifies significant social or spiritual history associated with a prominent person/family, for instance. If most (if not all) exterior materials need to be replaced (which is the case for this building according to the engineering report) and the result would essentially be a replica, then the outcome and its relationship to the RHA would be comparable to a new building established on the site in accordance with and subject to the resource consent requirements for new buildings within the RHA. Put another way, the heritage fabric of this building is not of any significance to the RHA, and therefore a new building that is designed in keeping with the RHA (as required by the rules) will still contribute to the RHA.
10. Turning to the effects on the collective values of the RHA, Lyttelton is characterised by a low number of contributory and defining buildings in comparison to other proposed RHAs in Christchurch. However, it comprises a relatively high number of individually scheduled heritage items to which more stringent rules in terms of alterations and demolition apply, which adds additional protection to the integrity of the RHA. Therefore, the loss of a single contributory building is unlikely to affect the collective heritage value of the RHA to a more than minor extent.
11. Regardless, Mr Wright's considers that the row of contributory buildings along Dublin Street which the application site is part of, has overall greater heritage value than the sum of their individual parts which I accept. However, due to the topography of the area and the very narrow sites and close proximity of the buildings, the building on 33 Dublin Street is not very prominent (if at all visible) between the buildings on 31 and 35 Dublin Street. It is worth noting that the property sits 6.5m above the road level, and photos of the row of buildings

¹ The criteria for heritage values are historical and social significance, cultural and spiritual significance, architectural and aesthetic value, technological and craftsmanship value, contextual value and archaeological and scientific significance.

² "It is likely that many people assume that needing a consent for demolition means that demolition will automatically be refused, which is not necessarily the case, *particularly for contributory buildings*" (Paragraph 8.22.2, emphasis added).



from various vantage points in Lyttelton are enclosed within the application document. The buildings on 31 and 35 Dublin Street which are also classified as contributory and much more dominant within the streetscape and somewhat shield and mitigate the loss of the building on 33 Dublin Street due to the limited visibility of the application site. Mr Wright's assessment has not accounted for this limited visibility, which I consider to be a significant omission, given that if a contributory building is not readily apparent or visible in an RHA, it is hard to see how its loss could have a more than minor effect on the overall heritage value of the RHA.

12. Notably, as the first application for demolition in the Lyttelton RHA, the proposal will not result in any cumulative effects. And, as a restricted discretionary activity that requires assessment on its individual merits, precedent and plan integrity issues do not arise.
13. In addition, I consider that Mr Wright failed to adequately take into account the uncertainty of whether the building would be able to withstand re-levelling and how much the works might compromise the stability of the neighbouring site. His statement on page 3 asserting that the repair work is not "impractical" is therefore not correct given the significant risk of such work. Further, I note that Mr Wright is not an engineer, architect or builder qualified to reach such a conclusion, whereas the applicant has gone through several rounds of the insurance process which involved engineers and concluded that it may potentially be not possible to re-level and repair the building. The recent demolition of the building on 29 Dublin Street further proves this point. In that instance, resource consent was obtained in 2022 for an alteration but within one week of commencing the repair works the builders had to stop and advised the owner and EQC that the internal walls were completely rotten and the house could no longer be repaired.
14. On this basis and considering the limited visibility and significance of the building, the loss of this particular contributory building, out of around 800 buildings/sites within the Lyttelton RHA is not considered to result in more than minor adverse effects on the collective heritage values of the area, including its overall integrity and coherence.
15. I trust that this additional information is useful for the consideration of this application. If you require any further information, please do not hesitate to contact me.

Yours sincerely,

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735013



Attachment 1: Ms Dixon's Summary Statement, including the proposed amendments to the heritage provisions

SUMMARY STATEMENT

1. My name is **Glenda Margaret Dixon**. I am a Senior Policy Planner in the City Planning Team, Infrastructure, Planning & Regulatory Services Group of the Christchurch City Council (**the Council**).
2. I have prepared a section 42A report and rebuttal evidence on Plan Change 14 (**PC14**) on behalf of the Council, in relation to the topic of Residential Heritage Areas (RHAs).
3. My section 42A report refers throughout to matters of relevance in the section 32A report for Plan Change 13 (**PC13**). I was the principal author of the section 32 report for PC13, with Suzanne Richmond, the Council planning witness for heritage items, being a contributing author. I was not the author of the section 32 report for heritage as a Qualifying Matter for PC14, but this document is compatible with the section 32 report for PC13 and I agree with the statements made in it.
4. There were a number of submitters on the topic of RHAs, including on the identification and assessment of RHAs and of the buildings within them, which is addressed in the evidence of Dr Ann McEwan. My evidence concentrates on the planning provisions for Residential Heritage Areas.
5. An overview of how RHAs and associated planning provisions were developed, is provided in sections 6.1 and 6.2 of my section 42A report. RHAs are essentially a new concept for Christchurch, and the protection of areas which have collective heritage values as distinctive and significant residential environments, has been of considerable public interest.
6. In paragraph 6.1.6 of that report, I provide a condensed version of the criteria adopted for identifying a heritage area.
7. Over 90 areas of Christchurch were considered through background historical research and "filtered" via a template, and then further property by property assessment was undertaken by Dr McEwan for the 11 areas which did meet the criteria. Many areas could not meet the criteria because they were not sufficiently intact following the earthquakes, post-earthquake demolition and new development, or because of housing modification.
8. I believe that the identification and assessment process for RHAs was rigorous, which means that the RHAs which were notified in PC14 are essentially the "best" potential RHAs. i.e. those specific residential environments which are of most heritage significance to Christchurch District.

9. Within the proposed RHAs, Dr McEwan has rated the properties as defining, contributory, neutral or intrusive based on their particular heritage values and features and their contribution to that RHA's heritage value overall. While there are relatively succinct definitions of these categories in Chapter 2 definitions through PC14, there are more detailed descriptions of the categories near the end of each of Dr McEwan's overall Heritage Area reports¹, found under the subtitle "Key for Contribution to Heritage Areas". There will be links to these overall Heritage Area reports and Site Record forms from the Chapter 9 Appendix 9.3.7.3 Schedule of Significant Historic Heritage Areas.
10. The categories of defining, contributory, neutral and intrusive provide the basis for the activity rules which apply. Essentially those properties rated as defining and contributory (to the heritage values of the area) are subject to demolition control via restricted discretionary consent, whereas demolition of the "lower" two categories is permitted. New buildings and alterations to building exteriors are restricted discretionary activities under Rule 9.3.4.1.3 RD6, with some exceptions eg for small buildings located behind the main residential unit on a site.
11. My evidence addresses the submissions made on RHAs, under topic subheadings, with those relating to the planning provisions from Issue 10 onwards. I address the RHA interface areas at Issue 14. These would apply only on sites zoned HRZ which share a boundary with an RHA. The interface areas are primarily around the Chester St East RHA, with a few sites around some of the other RHAs. Maps of these sites will be at Appendix 9.3.7.9 to Chapter 9.
12. In general, I have recommended that the RHA provisions as proposed be accepted, with minor amendments.
13. The changes to provisions that I have recommended as a response to submissions are as follows:
 - (a) Small alterations to the boundaries of the Chester Street East and Inner City West RHAs;
 - (b) Amending the Matters of Discretion for new buildings and alterations in RHAs to clarify that the focus is primarily on the area and only secondarily on the building; deleting two matters of discretion and

¹ Eg at page 13 of the Heritage Area Report for HA2 Chester Street East/Dawson Street, which forms part of the PC14 provisions (appended to sub-chapter 9.3).

amending another; and amending the road boundary setback wording for RHAs in the MRZ zone; and

- (c) Clarifying that RD1 (alterations to scheduled items) and RD6 (including alterations to RHA non-scheduled items) are mutually exclusive, and confining the application of P2 for repairs (for which there are activity standards) to defining and contributory buildings only.
14. In my section 42A report, I left my position on increasing the height limits in the various RHAs somewhat open. I would like to acknowledge that there is now an unintended discrepancy between the heights for the North St Albans, Piko/Shand and Englefield RHAs and the Character Area heights for the equivalent areas. Height limits of 5.5m have been recommended to be increased to 6.5m in these Character Areas in recognition of the existing heights in these areas, often resulting from typically high roof pitches, and I consider the same should be done for these RHAs.
 15. In my rebuttal evidence, I have recommended a further amendment which provides for alterations to neutral and intrusive buildings not to require consent, even if they are visible from the street, since it is a permitted activity to demolish them entirely.
 16. A final matter is that of the demolition policy which should apply in RHAs. The submissions and expert evidence of planners for Kāinga Ora, Carter Group and Christ's College did not support the wording of this policy in terms of how it would apply to RHAs. The proposed policy on demolition (Policy 9.3.2.2.8) does not vary between scheduled and unscheduled buildings, and I agree with the submitter evidence that there should be some distinction between these two in the policy.
 17. I have now drafted a revised version of the wording which I append to this summary. I note that there are differences between experts on how (or possibly even whether) discouragement of demolition should be reflected in the policy, and whether and how the matters of discretion should recognise the benefits of demolition. However, in my view, while the rules are based on RDA status, the aim is to keep these areas as intact as possible. If the Plan does not try to discourage demolition, the RHAs would lose their effectiveness. I agree that there will almost certainly be flow-on benefits which demolition will facilitate. However if we considered, for example, enhancing the development potential of the land, any RHA in a favourable location in terms of proximity to centres, core public transport routes etc

would be at significant risk of its heritage values being compromised, irrespective of the importance of those values.

18. I remain of the view that demolition and rebuilds should be assessed separately, to provide more rigour to each stage of the process. I also consider if it was too easy to demolish buildings, especially defining buildings, over time there would be a considerable decrease in the overall heritage quality of the area.
19. Some of these RHAs are already “fragile”. The average degree of intactness² – percentage of buildings classed as definitive or contributory – is only about 65%, and wholesale demolition of buildings as contemplated by the certificates of compliance held by Kāinga Ora and Christ's College, would significantly decrease the intactness of those areas. The cumulative effects of demolition elsewhere are likely to have a similar effect.
20. My view is that the RHA provisions proposed in PC14, with the amendments I have recommended:
 - (a) appropriately support the protection of historic heritage from inappropriate use, subdivision and development as a matter of national importance under s6(f) of the RMA;
 - (b) support the relevant Canterbury Regional Policy Statement and District Plan objectives and policies; and
 - (c) limit intensification only to the extent necessary to accommodate the RHA qualifying matter, i.e. represent an element of “density done well”.

Date: 1 November 2023

Glenda Dixon

² Levels of intactness are shown in Table 4 on p39 of the PC13 section 32 report

PROPOSED POLICY WORDING (from Updated PC14 provisions on IHP website)

9.3.2.2.8 Policy – Demolition of heritage items

- a. When considering the appropriateness of the demolition of a heritage item scheduled in Appendix 9.3.7.2 or a defining building or contributory building in a heritage area scheduled in Appendix 9.3.7.3, have regard to the following matters:
- whether there is a threat to life and/or property for which interim protection measures would not remove that threat;
 - whether the extent of the work required to retain and/or repair the heritage item or building is of such a scale that the heritage values and integrity of the heritage item or building would be significantly compromised, and the heritage item would no longer meet the criteria for scheduling in Policy 9.3.2.2.1;
 - whether the costs to retain the heritage item or building (particularly as a result of damage) would be unreasonable;
 - the ability to retain the overall heritage values and significance of the heritage item or building through a reduced degree of demolition; and
 - the level of significance of the heritage item.

POTENTIAL AMENDMENTS TO WORDING

9.3.2.2.8 Policy – Demolition of scheduled historic heritage

- a. When considering the appropriateness of the demolition of a heritage item scheduled in Appendix 9.3.7.2, or a defining building or contributory building in a heritage area scheduled in Appendix 9.3.7.3, have regard to the following matters:
- whether there is a threat to life and/or property for which interim protection measures would not remove that threat;
 - whether the extent of the work required to retain and/or repair the heritage item or building is of such a scale that the heritage values and integrity of the heritage item or building would be significantly compromised, and the heritage item would no longer meet the criteria for scheduling in Policy 9.3.2.2.1;
 - whether the costs to retain the heritage item or building (particularly as a result of damage) would be unreasonable;
 - the ability to retain the overall heritage values and significance of the heritage item or building through a reduced degree of demolition; and
 - the level of significance of the heritage item.
- b. i. Within Residential Heritage Areas, demolition of defining buildings is strongly discouraged and demolition of contributory buildings is discouraged.
- ii. In considering the appropriateness of the demolition of a defining or contributory building in a Residential Heritage Area scheduled in Appendix 9.3.7.3, regard must be had to b.i., and also to the following matters:
- A. The effect of the proposed demolition on the collective heritage values and significance of the heritage area, including its overall integrity and coherence; and

- B. Whether the building is a defining building or a contributory building, and the specific contribution the building makes to the significance of the area; and
- C. Whether options for retention and repair have been thoroughly considered, and have been shown to be feasible or otherwise, including whether the preferred option for repair could compromise the heritage values and contribution category of the building.

Matters of Discretion

9.3.6.5 Residential Heritage Areas (excluding Akaroa Township Heritage Area) – demolition or relocation of a defining building or contributory building

- a. As the primary consideration, the effect of the works on the heritage values of the building or site and the collective heritage values and significance of the heritage area, including the overall integrity and coherence of the heritage area.
- b. Whether the building is a defining building or a contributory building, and the specific contribution the building makes to the significance of the area.
- c. The extent to which the heritage fabric or heritage values physical features of the building or site have been damaged by natural events, weather and environmental and other factors. and the necessity and practicality of work to prevent further deterioration.
- d. Whether options for retention and repair have been thoroughly considered, including obtaining conservation advice where necessary, and the technical feasibility and likely costs of those options;
- e. Whether the costs to retain the building on site would be unreasonable
- f. Whether repair would compromise the contribution the building makes to the heritage values of the building area to the extent that the building would no longer meet the definition for its current contribution category. The ability to retain the overall heritage values of the building through an alternative proposal.
- g. The extent of photographic documentation that will occur prior to, during and on completion of the works.

RD7	<ul style="list-style-type: none"> a. <u>In a Residential Heritage Area Demolition or relocation of a defining building or contributory building, except where the building is also a heritage item scheduled in Appendix 9.3.7.2, in which case Rule 9.3.4.1.3 RD3, 9.3.4.1.4 D1, D2 or 9.3.4.1.5 NC1 will apply instead.</u> b. <u>Any application for demolition or relocation of a contributory building which is not a heritage item shall not be limited or publicly notified.</u> 	<ul style="list-style-type: none"> a. <u>Matters of discretion for demolition or relocation in Residential Heritage Areas (excluding Akaroa Township Heritage Area) - Rule 9.3.6.5.</u> b. <u>Where the site is also located in a Character Area, the Matters of discretion for Character Areas in Rule 14.15.27.</u>
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Attachment 2: Heritage Report and Site Record Form for 33 Dublin Street

**CHRISTCHURCH DISTRICT PLAN
LYTTTELTON RESIDENTIAL HERITAGE AREA
INDIVIDUAL SITE RECORD FORM**

ITEM NAME former Dossett house

ADDRESS 33 Dublin Street
Lyttelton

PHOTO



CHRISTCHURCH DISTRICT PLAN STATUS

N/A

HNZPT LIST ENTRY STATUS

N/A

ARCHITECT/DESIGNER

RT Dossett, owner/builder?

DATE OF CONSTRUCTION

c.1870?

STYLE

Colonial vernacular

PHYSICAL DESCRIPTION

A single-storey dwelling with an L-shaped footprint and saltbox roof; gabled wing at rear (west elevation). Roof extends to form veranda across principal, east-facing elevation; cast-iron lacework, central entry and bay window at north end. Casement and fanlight type fenestration.

CONTEXT/SETTING/LANDSCAPE FEATURES

The dwelling stands on the west side of Dublin Street and is elevated above the roadway. The boundary is marked by a picket fence over a concrete crib wall. A footpath passes in front of the property, which has pedestrian access only.

MATERIALS/STRUCTURE

Timber, decramastic tiles.

ALTERATIONS

Reroofed (1970s?). Rear extension (c.1990?). New window in south wall (date unknown).

RATING

Contributory

REASON FOR RATING

A modified colonial cottage that contributes to the area's historic, architectural and contextual values.

HISTORICAL AND SOCIAL SIGNIFICANCE

The houses in this area chronicle the history of residential development in Lyttelton from the mid-19th century until the present day. Title for this property was first issued to Bridget Catherine Dossett, the wife of Rowland Thomas Dossett, a carpenter, in 1900. It was transferred by the mortgagee Henry Bowker to John and Mary Janes Carter in 1906 and has since passed through other hands. The property was subdivided to its current extent in 2020.

CULTURAL AND SPIRITUAL SIGNIFICANCE

The area has cultural value as a demonstration of the way of life of past and present residents and for the esteem in which it is held by members of the community.

ARCHITECTURAL AND AESTHETIC SIGNIFICANCE

The dwellings in this area have architectural and aesthetic value related to their style and typology. Vernacular styles predominate and the typically modest size and scale of the houses creates a sense of consistency and is expressive of the social history of the township. Although the loss of a number of public, ecclesiastical and commercial buildings following the Canterbury earthquakes changed the appearance of the town centre, Lyttelton's historic houses have generally retained a high level of authenticity.

CONTEXTUAL SIGNIFICANCE

The contextual values of the area arise from the interaction between the colonial grid of the principal streets and the topography of the township on the southern flank of the Port Hills. The steeply sloping terrain creates a high level of visual connectivity between residential properties and their wider setting.

ARCHAEOLOGICAL SIGNIFICANCE

As development has occurred in the area since the mid-19th century, the area has potential archaeological values relating to its historic use and occupation.

TECHNOLOGICAL AND CRAFTSMANSHIP SIGNIFICANCE

The craftsmanship of the buildings in the area is generally typical of the period in which they were built.

REFERENCES

John Wilson 'Banks Peninsula Contextual Historical Overview and Thematic Framework' (CCC, June 2014).

Te Runanga o Ngāi Tahu *Kā Huru Manu* available at <https://www.kahurumanu.co.nz/atlas>
Heritage New Zealand Pouhere Taonga 'Lyttelton Township Historic Area' registration report, 2009.

REPORT COMPLETED

14 November 2022

AUTHOR

Dr Ann McEwan, Heritage Consultancy Services