

TOWN AND COUNTRY PLANNING ACT

1953

AKAROA COUNTY COUNCIL

DISTRICT SCHEME

AKAROA COUNTY DISTRICT SCHEME

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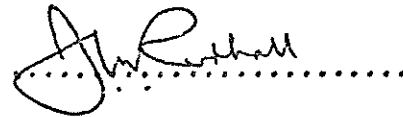
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ENDORSEMENT

Pursuant to Regulations 17 and 18 of the Town and Country Planning Regulations 1960 (as amended) it is hereby certified that this is a correct copy of the District Scheme as recommended by resolution of the Council on 1 December 1972, and that the scheme has been certified by the Minister of Works, and local authorities in accordance with these Regulations.



County Clerk
Akarcia County Council

S C H E M E S T A T E M E N T

PART 1

INTRODUCTION

CLAUSE 1 - DOCUMENTS COMPRISING DISTRICT SCHEME

This scheme statement, the code of ordinances, and the district planning maps comprise the Akaroa County Town District Scheme (hereinafter called the district scheme), as required by Section 21 of the Town and Country Planning Act 1953 and its subsequent amendments, and Regulation 15 (1) of the Town and Country Planning Regulations 1960. In addition there are provided, advisory statements of principle which can be referred to in making decisions.

CLAUSE 2 - AREA INCLUDED WITHIN DISTRICT SCHEME

The District Scheme provides for the future development of the County of Akaroa being an area of approximately 108,150 acres as shown on the Planning Maps. It includes the County Town of Akaroa being an area of 428 acres. Separate Code of Ordinances have been drawn up for the Town section.

CLAUSE 3 - PLANNING PERIOD

The District Scheme covers the term of 20 years (hereinafter called the planning period) being the Years 1972 to 1991 both inclusive.

CLAUSE 4 - INTERPRETATION

In this statement unless the context otherwise requires, words and phrases have the same meaning as in the Code of Ordinances.

CLAUSE 5 - RELATION TO BYLAWS AND STANDARDS

An endeavour has been made to relate the provisions of this code to those of the New Zealand Standard Specification 1900 and other by-laws for the time being in force in the District. Where the provisions of this code are inconsistent with the provisions of such by-laws the provisions of this code shall prevail.

PART II

POPULATION AND OCCUPATIONAL STRUCTURES AND FUNCTIONS OF THE DISTRICT

CLAUSE 1 - POPULATION GROWTH

The following table shows the population changes of the County since 1961, and the coinciding increase in the Christchurch Urban Area.

Year	Population of Akaroa Town	Population of remainder of County	Population of Christchurch Urban Area
1961	1,827 (Combined Total)		220,510
1966	573	1,047	247,248
1971	638	910	273,000
1976	700	800	303,000
1981	770	800	-
1986	850	800	369,000
1991	930	850	-

The following table shows the building permits issued for the construction of holiday homes and permanent dwellings. Since being built some holiday homes are now used as permanent residences, but at the same time many permanent dwellings particularly in Akaroa have become holiday homes.

Year	1966/67		1967/68		1968/69		1969/70	
	Town	County	Town	County	Town	County	Town	County
Holiday Homes Built	3	--	3	--	6	--	8	10
Permanent Residences Built	3	--	4	--	3	--	3	2

Year	1970/71		1971/72		1972/73		1973/74	
	Town	County	Town	County	Town	County	Town	County
Holiday Homes Built	11	12	7	20	13	24		
Permanent Residences Built	2	--	1	--	3	--		

The following table has been drawn up showing the estimated growth rate of the County including permanent and temporary residents as well as visitors

ASSUMPTIONS upon which estimates of future population are based are:-

- A. Continuance of decline in Rural areas as indicated in the 1971 census.
- B. Challenge of closely adjacent urban amenities with response of some depopulation.
- C. Mechanisation of farm labour.
- D. Lack of diversity in economic structure of rural country.
- E. Decline in family farming.
- F. Problems of competition, transport costs, marketing and low prices for farming products.
- G. Arrest of decline in areas of efficient food-producing needed to meet consumer demand of world population.
- H. Appeal of quiet healthful hill and seaside sites for persons in retirement or seeking weekend or holiday areas.
- I. The County Town will absorb most of the permanent population up until 1986, but after this the Bays will start to become more than just holiday and rural areas.

Year	1971	1976	1981	1986	1991
Akaroa Residents	638	700	770	850	930
Akaroa Temporary	772	1,050	1,460	1,760	1,800
Akaroa Visitors (Max. during Summer)	1,840	1,930	2,030	2,130	2,180
Remainder of County Residents	910	800	800	800	850
" Temporary	1,050	1,500	2,080	2,780	3,600
" Visitors (Max. during Summer)	1,190	1,320	1,450	1,630	1,840

It is expected that before the end of the planning period the majority of the undeveloped urban land in the Akaroa County Town will have been developed. This will approximately double the size of the Town in 1971. Following this, other areas of the Harbour should be developed rather than extending the town boundaries.

Estimation of visitors has been calculated using traffic tallies, allowing for four persons per car, assuming that the traffic flow of residents is the same all year round, and assuming that the owners of the holiday homes occupy only one car.

Rate of increase in visitors will be dependent on the growth of facilities to accommodate them. However as it will also be dependent on the growth of the Christchurch Metropolitan area this has been used as a guide.

CLAUSE 2 - AGE GROUPINGS

The total population at the 1966 Census fell into the following age groups:-

	<u>Per cent</u>	<u>Per cent N.Z.</u>
Pre-school age (under 5 years)	11	
School age (5 to 15 years)	20	
Youths (16 to 20 years)	5	
	—	
Minors	36%	40
Adults (21 to 64 years)	53	53
Over working age (65 years and over)	11	7
	—	
	<u>100%</u>	<u>100%</u>

CLAUSE 3 - PRESENT OCCUPATIONAL STRUCTURE

The following table gives an approximate indication of such structure and shows comparative figures for County Town and Balance of County.

	<u>County Town</u>	<u>Balance of</u>
	<u>%</u>	<u>County %</u>
(i) <u>Primary Industry</u>		
Farming	3	56
Forestry & Sawmilling	1	1
Fishing	24	2
(ii) Manufacturing Industry including dairy factors	-	3
(iii) Services (power, water etc)	4	4
(iv) Building & Construction	6	4
(v) Transport & Communications	10	10
(vi) Commerce, Professions etc	27	10
(vii) Others	5	5
(viii) Retired	20	5
	—	
	<u>100%</u>	<u>100%</u>

These figures are from a 1971 survey. Already the percentage of retired is increasing in both the Town and remainder of the County

CLAUSE 4 - POTENTIAL DEVELOPMENT OF THE DISTRICT

It is unlikely that any major rural development will occur during the planning period but it is expected that by application of progressive methods and advances in Farm Research and Development increased productivity

in relation to soil, pasture, flora and fauna will result and will bring benefit to local and national economy. The County has much natural attraction and charm and is rich in hills and bays including several with sunny northern aspects.

It is in the Urban Development of some of these Bays, that the real change is going to be experienced during the planning period. In the past, residential development has spread out over many acres of mainly coastal foreshore, but future development will be confined to specified residential zones which can be adequately serviced, and can accommodate an increase in population, especially during the summer months, without detracting from the charm of the areas.

Gradually these areas will attract persons seeking a pleasant environment in which to spend their retirement, and the County Population will start to increase again, as is already happening in the County Town.

PART III

AKAROA COUNTY TOWN - ENVIRONMENTAL PLAN

CLAUSE 1 - PRESENT CHARACTER OF AKAROA

The town contains 3 large parks in native bush, and a large recreation ground, all of which are at some considerable distance from other amenities, e.g. beaches, and one another.

The beach itself is heavily taxed during the summer vacation. Car parking is a severe limitation to the enjoyment of this facility, since roadside parking either extends well up the small side roads, or mars the visual tranquility of the seascape. If parking must continue up the side roads, then visual monotony of street frontage must be avoided in order to compensate for the separation of parking and amenity.

Many places of historical interest occur in the town, which, when coupled with the parks, give tranquil pleasures to those past their teens. The safety of environment is well suited to family groupings; however, teenagers appear to desire a more instant scene of provided entertainment.

Indoor recreation facilities offering some amenity during wet weather are almost non-existent, thus Akaroa has little to offer the majority of visitors on wet days.

Akaroa has a particular attraction for boating enthusiasts of all kinds, yet parking for boat trailers creates a special problem of space for manoeuvrability.

Because of the large areas of park bush, low site density and undisturbed shoreline, a unique opportunity exists to support bird life of seabirds and bush birds. This is a special amenity which should be preserved.

The colonial town was a diverse collection of places, streets and gardens all in perfect scale yet with an individuality and variety all in perfect harmony.

The colonists had come mostly, from the finest town building century in history, the 18th, and couldn't help but do well.

Up to the last war, Akaroa was the complete colonial environment, understanding and always rewarding. In the long balconies and corridors of the 'Glen' and the 'Bruce' visitors stayed for days and days. The narrow streets by the waterfront had one, two and three storied houses, with similar windows, verandahs, roof slopes and simple mouldings.

Around Rue Balguerie and behind the hotels towards Daly's wharf, the narrow streets were filled with verandahs, walls and bushes so that nothing was too obvious, only glimpsed through gaps. The streets running back into the little narrow wooded valleys, had big houses with rich gardens, and the extravagant growth the mild climate offers.

In the twenty five years since the second world war, the character of Akaroa has largely altered. The closely knit walls, fences, trees and buildings have begun to disappear, and in their place goes a smaller version of the suburban house which has been left behind in Christchurch. The need for quick holiday cottage building after the war came ahead of any time or ability to build in a real way to harmonise with the traditional colonial appearance of Akaroa.

Every year since the war this original rich tranquility is eroded, and the Town becomes like everywhere else.

CLAUSE 2 - BASIC OBJECTIVES

(a) GENERAL

It is the main purpose of the District Scheme and Environmental Plan to preserve and develop the unique quality of Akaroa, and to guide future progress and planning so that the environment of Akaroa is unique to its special locality and history.

(b) CONCEPTS UPON WHICH THE OBJECTIVES ARE BASED

The economic development of Akaroa, relative to other urban areas in New Zealand, is minimal, and the planning emphasis which occurs in many town planning schemes shall not apply in such magnitude to Akaroa. As a tourist resort, the Akaroa town plan shall be concerned more with its environmental problems than those of industrial development and future transportation problems.

It is this environmental problem which the Akaroa Civic Trust has been concerned with. The charm of Akaroa with its tiny, tightly-knit houses and its densely bushed and gardened areas, and its foreshore development, has taken a full century to develop to its present standard. With lack of foresight this can be completely and irrevocably destroyed as a result of what many people might term progress. We would wish to suggest that future subdivision of land would be more profitable to the developer if the plan was prepared with respect to existing trees, ridges, streams, views etc, than to strict compliance to minimum sized lots with no inherent amenities. People do prefer to live in a pleasant situation and it has been proved that people will pay more for this pleasure. Akaroa has so much potential for intelligent development and it is the aim of the Council that this fact be recognised.

It is intended that the Town Plan shall indicate guidelines for future development, and to offer encouragement to and participation from the local citizens. Akaroa, through the very existence of its present layout and individual properties, has created a surplus of amenity which makes its character unique amongst N.Z. settlements.

This bringing together of environment, buildings, trees, nature, water, roads etc. is the art of townscape - which is different from the art of architecture; the art of townscape requires visual sensitivity if it is to be good. Its aim is not to dictate the shape of the town environment through strict adherence to building ordinances, but to manipulate within the tolerances of the ordinances. To permit this tolerance within the existing legislation shall require greater use of Conditional Use procedures and modification and waiver provisions.

At an Akaroa County Council meeting in 1970 the Chairman, Mr P.de Latour, spoke about the declining individuality in appearance of Akaroa and said he did not want to see the town become "brassy". In response to this statement the Christchurch Civic Trust wrote offering its services in formulating a new type of environmental planning, which has since been generally accepted by the people of Akaroa.

The objectives of the Christchurch Civic Trust, as they apply to the City of Christchurch, are to promote and encourage public interest and care for the beauty and character of the city and its surroundings.

This includes the preservation of historic places and monuments, and the promotion of high standards in architecture and town planning. The Trust, established in 1966 has a wide membership of people in the related professions of architectural planning and engineering.

The Trust offered a new concept of Town Planning to meet Akaroa's needs. This is basically that the wishes of the local people are paramount. This is expressed in the concept that everything that is good for Akaroa, and enriches the lives and pleasures of its people, can become part of the Environmental Plan.

The Environmental Plan will develop Akaroa differently from any other town in New Zealand.

(c) ECONOMIC OBJECTIVES

To stimulate the economic life of the town in ways which do not detract from its unique tranquility. To increase Akaroa's accommodation for visitors who seek the pleasure of its unique environment. These activities will generate economic confidence in the future of Akaroa.

The conception of available economic housing may assist craftsmen and artists to come to Akaroa, and some old buildings may be renovated to offer workspace for such people at economic rents.

Around the general area are pockets of land suitable for orchards. The Agricultural Dept considers 20 acres of reasonably level sunny ground necessary for an orchard, and pockets of this land exist. However, before a subdivision of less than 50 acres outside the County Town can be considered it must be proven beyond all doubt that the area is to be used for farming purposes and is an economic unit in itself. (See Code of Ordinance 2.2.1)

Tree planting on the Peninsula is suggested by a private company and may deserve support. Several people have also mentioned the possibility of cottage industries, particularly in dairy products - every assistance should be given.

Many people indicate a need for more trades people in the Town and the difficulty of obtaining reasonable cost buildings or property is discussed.

If Akaroa is to develop while still retaining the present atmosphere, more will have to be spent on the extension and replacement of services, community projects, environmental projects, as well as essential maintenance of existing assets. To provide these, all avenues of funds will have to be explored, including government subsidies and grants, and donations from the general public.

A system of priorities will be established so that all capital expenditure is used most effectively, not only to satisfy short term needs, but also to influence very desirable private developments.

In the Environmental Exhibition there is a list of various excellent ideas which over the years have accumulated. They remain very desirable but have not been executed. Also are listed various suggestions made by the Civic Trust. Some these are selected as they lie within the objectives of the Environmental Plan. The list of projects will constantly alter and will be kept up to date. The list is important to keep in mind when revising priorities.

(d) SOCIAL OBJECTIVES

To concern itself with activities which shall attract a large number of new residents on a permanent basis of the type that will respect and love the quality of life in Akaroa.

Every section of the Environmental Plan affects all the other sections, and it will be seen that every effort to continue the unique atmosphere of the Town will attract retired people who prefer this kind of life, to live permanently in the Town. There is also a firm need to attract permanent working residents to the Town, particularly people who have specialised abilities in the arts and crafts and by whose industry the Town will attract

interested visitors and small cottage industries. Also there is a shortage of all types of Tradesmen.

Values of holiday properties have begun to rise steeply, making it difficult for interding permanent residents to rent, buy or build.

(e) VISUAL OBJECTIVES

To highlight and preserve the quaint, partly French visual character of the Town, and to encourage unification of the architectural styles of all future buildings, special attention will be given to harmonious colour schemes and other moves designed to safeguard the overall harmony of the visual attractions of the town.

The visual objectives are demonstrated continuously through the Environmental Exhibition. They are generally three dimensional solutions which must be seen to be understood. As stated in the preamble, unless the Town can develop more economic strength, the possibilities of maintaining the unique environment are made more difficult. The vexed question of more tourists flooding the Town, and by their physical presence and resulting commercialism destroying the tranquil atmosphere, frightens many people.

However some increase in tourists is inevitable and admitted by everyone. This economic increase must be used to strengthen the visual and aesthetic quality or atmosphere of the Town and not to destroy them. The Environmental Plan with its complete and detailed awareness of the Town's character is the only way to balance this fundamental conflict. By starting in 1972 before any flood of tourists has occurred, the whole subject can be carefully controlled.

(f) RECREATION OBJECTIVES

The creation of more things to do in Akaroa, with emphasis on the sea is necessary. These will include the greater use of the beaches at the end of Avlmers Valley Road and at the Glen, and the development of the filled refuse pit as a centre of boating activity and children's playing area.

The main recreation for many in Akaroa is walking, so to make this more enjoyable, an effort is being made to provide interesting walking places. The Plan provides for walking tracks along the foreshore, and streams, and from valley to valley through Reserves and Pedestrian Accessways. (See also part VI Reserve and Open Spaces)

The Environmental Exhibition shows the full list of priorities and objectives for recreational purposes, so that all decisions of the Council can be added to the Exhibition and comments or recommendations made.

Methods of realising these objectives are set out in the following sections of the scheme statement.

CLAUSE 3 - PUBLIC PARTICIPATION

The Environmental Plan sets out to allow the involvement of interested citizens freely discussing their real needs. The awakening of areas and individuals with real knowledge and decision making capacity. The loosening of centralised regulations allowing people to see fresh possibilities, and above all, to experience optimism. New economic and social possibilities are opening up in Akaroa as a result of publicity, open talk and statement of real problems. The Local Authority is finding new areas of co-operation and acceptable decision making.

Anybody wishing to develop or build, may by inspecting the Environmental Exhibition, direct his efforts in a manner whereby all the objectives of both himself and the Advisory Committee can be met. The Civic Trust as constituted is also able to assist individuals with special advice in their efforts to provide acceptable development in the Town.

CLAUSE 4 - ADVISORY COMMITTEE TO THE TOWN COMMITTEE

To assist the Town Committee in all planning and Building Permit applications, an Advisory Committee will be formed which will meet and give recommendations before Town Committee meetings. The County Engineer will convene the meetings at a time suitable to all, in the County Offices. The recommendations of the Advisory Committee will be tabled at the Town Committee meetings. No non-elected member will be present at the Town Committee meetings unless specially requested by the Town Committee.

The Advisory Committee will consist of :-

The Chairman of the Town Committee
 A member of the Town Committee
 The Chairman of the Civic Trust
 The County Engineer
 The Civic Trust Consultant and any other special consultants deemed necessary.

CLAUSE 5 - CIVIC TRUST - CONSTITUTION AND RULES

Civic Trust will continue in its present constitution and continue to improve and bring up to date the Environmental Exhibition. (See Appendix 1) In addition the Trust will:-

- (1) Continue to pick up information.
- (2) Gather in ideas for the Town, and consider them for the Exhibition.
- (3) Raises money for environmental improvements.
- (4) Records history.
- (5) Conducts surveys.
- (6) Prepares a brochure about this new kind of planning, and makes it available to organisations or individuals interested in Akaroa, or those contemplating building.
- (7) In all ways furthers the enlargement of the four objectives.
- (8) Carries out projects with the help of its members.
- (9) Keep the Environmental Exhibition up to date.

Advice By The Civic Trust:

Any property owner or person interested in any activity in Akaroa can approach the Civic Trust and ask for any advice in the following list:-

Colour schemes
 Signs or lettering
 Landscape or planting ideas
 Development suggestions
 Advice on reservation
 Any subject which leads to improvement of the environment.

PART IVUSE ZONINGAKAROA COUNTY OTHER THAN AKAROA COUNTY TOWNCLAUSE 1 - INFORMATION OF PARTICULAR RELEVANCE TO ZONING PROPOSALS IN THE COUNTY AREA.

Although the population of Akaroa County is not likely to increase significantly within the planning period, a considerable increase in residential subdivision and building is expected. Most of the homes built will be commenced as holiday homes, but as the owners retire some will become permanent homes, so must be built to a good standard.

Increasing pressure will come from the metropolitan area of Christchurch for recreational facilities, particularly those involving water sports. It will therefore be necessary to develop facilities to cater for this, and where this is not possible, to restrict the residential development and encourage the "day trippers" to adjacent more suitable areas.

The District is a sea girt county peninsula of hills and limited flat country naturally suited and mainly used for primary production. It is marked by a sufficiency of homesteads and farm houses used in relation to farms of moderate or large acreage. Some of these houses are of historic value as they are the original houses built from locally grown timber seventy to one hundred years ago. Unfortunately many have fallen into decay following the amalgamation of small farms, while others although not lived in are capable of being restored.

Council has a policy of allowing subdivision or other methods, to encourage the preservation of these old dwellings of character.

An indication of the present position and the proposed development aims for each of the residential areas is set out below.

(a) WAINUI

Holiday homes are spread along the foreshore and up the valley and Cemetery Road in small clusters, covering in total approx 25 acres. This ribbon development cannot be condoned as it spreads the need for services, creates dangerous areas for pedestrians as there are no footpaths, and clutters the foreshore.

Beyond the main beach a section 4 chain above the road has been zoned as a future reserve area, to be developed as a picnic and children's playing area. Inland from this 50 acres of gently rolling land have been zoned for residential development, and it is anticipated that this will be of sufficient area to cope with the demand for at least the first ten years of the planning period. Should the demand require it, the area adjacent to Warnerville could be later zoned residential and developed with full services as there is adequate water available.

The 50 acres zoned for residential development shall be subdivided into lots that provide a suitable building site on each one leaving sufficient area for planting and landscaping, not into bare minimum standard - size sections. Buildings on the site shall comply with Council's building Bylaws, but in addition shall blend into the land and seascape by using natural materials and colours.

Building on lots subdivided prior to the preparation of this scheme without full services will be approved provided the provisions of the Code of Ordinances, particularly Clause 3 Ordinance 3, are satisfied.

The Bay can accommodate an increase in both "day trippers" and home owners once the recreation areas are increased, and more facilities are provided for the safe mooring of boats and a more accessible slipway. Pleasure boat owners should be encouraged to form an Aquatic Club and accept some responsibility for the development of the water sport facilities.

(b) TIKAO

Tikao is a narrow bay with a very steep road leading to the beach,

Much of the early development has been on leasehold land with the holiday homes grouped too close together. This, however, has not detracted from the area as there is sufficient bush to screen the 13 acres already developed, but the disposal of sewerage is not particularly satisfactory. Every effort should be made to install a sewerage treatment plant and organise the private water supply on a more efficient basis. It is considered that with the development of 6 acres on the south side of the access road the total development could finance a scheme.

No development beyond this should be considered as the beach and bay are both small and should not become overcrowded as this would destroy the peaceful setting and natural charm of the bay.

All new subdividing and building shall be carried out in such a way that new houses will be screened by bush from the beach and access road while still producing satisfactory building sites. Subdivision and building requirements are as for Wainui.

(c) FRENCH FARM

It is not envisaged that there will be any great increase in the demand for residential development in French Farm before the first review. However, by the number of cottages set on leasehold land in the bay, there is some demand and the Foreshore area can accommodate further picnic development.

(d) DUVAUCHELLE

Duvauchelle is the second centre of permanent population in the Inner Harbour. It contains Post Office, Power Board, Council Yards, Garage and Hotel, as well as the normal shop, school, churches etc found in most townships. These, along with some residences serving the commercial area are situated in Pawson's Valley which is zoned rural. All building within this area will be treated as Conditional Uses or Specified Departures.

(e) DUVAUCHELLE/ROBINSONS BAY

The Peninsula between Duvauchelle and Robinsons Bay is all zoned for Residential Development. Present subdivision is concentrated at each end with just under half the area developed. The Duvauchelle side is mainly rolling country lying to the sun and subdivided into 32 to 40 perch sections while the Robinsons Bay end is steeper, bush covered, lying to the south and subdivided into approximately half acre sections. Future subdivision will follow the same pattern with smaller sections on the flatter sunny country and larger ones on the steeper colder faces.

Disposal of sullage from the existing small sections is unsatisfactory, due to the shallow depth of top-soil, the impervious clay sub-soil and little growth to take moisture. Every effort should therefore be made to have a reticulated water and sewerage scheme in operation as soon as possible. Buildings on lots subdivided prior to the preparation of this scheme must be positioned on the high side of the section allowing for adequate sullage drainage disposal, and extra attention be given to the laying of field tile lines.

A loop road will connect the two existing residential areas with a connection to the Highway in the vicinity of the Okains Bay intersection. Sections fronting the Highway will not be given access to it, but will connect to the internal roading system.

Two small areas have been zoned for future reserves to provide recreation areas for local residents. They will provide swimming and picnic places and relieve pressure on the area adjacent to the boat launching ramp.

A building line restriction of one to two chains above the Queen's chain will be imposed along the foreshore in order to protect the natural appearance of the Peninsula from the water and other Bays in the area. At the stage of considering a subdivisional proposal, Council will look into the possibility of taking this coastal land as a Recreational Reserve. The Duvauchelle side requires landscaping to reduce the harshness of the present development, so owners and subdividers should be encouraged to plant trees where ever possible.

(f) ROBINSONS BAY/TAKAMATUA

This peninsula is similar in land form to the Duvauchelle/Robinsons Bay one in that there are easy sunny slopes on the north side and steeper partly bush covered slopes on the south side. The area zoned for residential development at present is 25 acres of mainly easy rolling country suitable for subdividing into small sections where water and sewer reticulation are provided.

In order to relieve the pressure on Takamatua's limited beach area it is essential that the area shown as a reserve on the District Planning Map be

obtained and developed for the use of the general public. Part of the Beach will be developed for boating activity with a car parking area adjacent, and part for swimming with a childrens playing area beyond. An effort should also be made to develop the area adjacent to the Robinsons Bay wharf for recreational use.

The whole area requires more trees and landscaping, and the buildings proposed should be of natural materials and painted in strong positive colours which blend into the natural environment of sea and bush covered hills.

(g) TAKAMATUA

Early development of Takamatua producing three distinct urban areas: one in the Valley, one on the head of the bay and one on the foreshore on the south side of the bay, has made it difficult to plan for future development. The most suitable area for residential development is behind the existing houses on the south side of the bay. This, however, can only be extended slightly as the present strip of houses along the foreshore has restricted the full utilisation of the beach.

Disposal of sullage from the existing houses appears satisfactory, but when the subdivided land is completely developed there will be a pressing need for a sewerage scheme to serve the two areas on the foreshore and, perhaps, the valley areas as well. Buildings on lots subdivided prior to the preparation of this scheme must be positioned on the high side of the section allowing for adequate sullage drainage disposal, and extra attention be given to the laying of field tile lines.

The beach areas are small and allow very little parking of cars, so efforts will be made to obtain land beside the road above the beaches, for parking and to develop bush walks down to the beaches. It is intended that these be reserve areas mainly for the use of local residents.

A picnic area should be developed at the intersection of the Valley Road and State Highway 75 when the need arises.

(h) PIGEON BAY

This is one of the few residentially zoned areas of Banks Peninsula where attraction of sea and boating is not of prime consideration to residents. They seek the peace and quiet of the Country side, the bush, and the little streams which flow through the area. It is therefore necessary when considering subdivision that all native bush and natural features be retained and that privacy be of utmost consideration. To achieve this a variation in section sizes will be necessary and some additional planting will be required in places. Also natural looking buildings which blend into the landscape will be required to complete the environment.

The bush area west of the main stream and below the terrace will be taken as Reserve and developed as a wilderness area, while an area east of the stream and south of the house will be developed as a picnic area/childrens playing area.

Pigeon Bay has a strong Yacht Club made up of permanent residents and visitors from Christchurch, and a small Domain on the waterfront adjacent to the boat slip used as a camping ground during the summer. The combination of these two activities seriously congests the useable public land on the foreshore so an area behind the boat slip has been zoned as a future recreational reserve.

(i) LITTLE AKILOA

Approximately half of the thirty-three acres zoned residential has been developed for some years, leaving the central section relatively undeveloped. This land is on the south side of the main road rising gently so that the majority of the area will provide a view of the bay and a north facing outlook.

In order to save all traffic passing the beach and to reduce the number of

turning movements at the Church intersection, a through road will join the existing eastern subdivision to the main road at the western end of the residential area.

The area is not suitable for sullage disposal from septic tank, but could absorb sullage from grease traps and modified septic tanks as an interim measure until the Bay has a sewerage treatment plant; provided that the sections are large enough and the dwellings are placed on the high side of the section.

(j) OKAINI BAY

This is the largest of the Eastern Bays and has a developed township serving the needs of the rural community.

Residential growth has been slow and there appears to be no great demand for holiday cottages. Any application for a residence associated with the rural township shall be treated as a specified departure as there is no provision for a residential zone.

The Beach is very popular for both campers and picnickers, as it is one of the few good sandy beaches on the Peninsula.

(k) LE BONS BAY

Le Bons Bay had developed in two ways. The residential area accommodating the permanent residents has developed in the valley approx 3 miles from the beach where the school, Church, Library are situated.

The other at the Bay where a string of holiday cottages have been built along the foreshore. As both areas cater for a separate demand it is advisable to have the two residential areas within the valley. However, only the one at the beach will be zoned residential, while any residential development in the valley will be controlled by the specified departure procedure.

In the past insufficient attention has been paid to the external appearance of the buildings in the Beach Settlement. New buildings in the area shall be so designed and painted to blend into the land and sea scape. in addition to complying with the Councils Building Bylaws.

CLAUSE 2 - PRESENT DISTRIBUTION OF USES OF LAND

The distribution of uses is shown on the planning data map which is available for inspection at the Council's office.

CLAUSE 3 - POLICY AS TO COUNTY ZONING

(a) GENERAL CONTROL

The County District not including the County Town is to be zoned RURAL. There will be RESIDENTIAL zones at Wainui, Tikao, Duvauchelle, Robinsons Bay, Takamatua Bay, Pigeon Bay, Little Akaloa, and Le Bons Bay. In the present planning period no further categories of zones are deemed necessary.

The Scheme aims at simplicity of zoning with such fixity as helps certainty in development and yet by proper application gives such flexibility as permits appropriate adaptation to changing circumstances and wise development.

Factors for consideration include.

- (a) Avoidance of conflict with or prejudice to the true harmonious interrelation of County Town and County District by zoning for appropriate predominant use but granting conditional uses with regard to such harmonisation.

- (b) The desirability in the circumstances of only one type of Rural Zone with Predominant and Conditional uses.
- (c) Conservation of visual amenities.
- (d) Protection against creation or continuance of unsightliness.
- (e) Encouragement of respect for such design in relation to form and function as will protect against detracting from amenities and, where possible, enhance them.
- (f) Preservation of fair balance between the claims of Rural and Residential uses in the County.
- (g) Recognition of the desirability of making the natural healthful amenities available to persons seeking permanent residence in the County, temporary holiday or tourist residence or resort for recreational purposes especially those aquatic in nature.
- (h) The desirability of such compactness in residential development as makes for economy and efficiency in services and protects against premature or undue encroachment upon valuable farmlands.
- (i) The general functions of any District Scheme to develop the District in such a way as will most effectively tend to promote and safeguard health, safety and convenience and the economic and general welfare of its inhabitants and the amenities of every part of the area.

Future building and other development in the District will be so directed as -

- (a) To avoid the indiscriminate mixture of the district; compatible uses;
- (b) To economise the servicing of the district;
- (c) To maintain the stability of individual property values;
- (d) To maintain and provide amenities appropriate to every locality; and
- (e) So far as practicable to avoid the encroachment of urban uses upon land of high actual or potential value for the production of food,
- (f) To restrict development of certain areas on or adjacent to the foreshore so as to preserve environmental quality and protect against objectionable elements or detracting from natural seaside amenities.
- (g) To restrict the building of Holiday Homes in the rural area.

These objectives shall be secured as far as possible by allocating particular areas or zones for compatible uses of land and buildings, by grouping future building and other development in the appropriate zone, and in some cases by securing compatibility by imposing special conditions.

(b) CONSOLIDATION OF DEVELOPMENT

Rather than permit undue expansion beyond present limits urban development will be consolidated and confined so far as practicable to areas that are already urban in character or seem obviously destined to become so in the planning period.

(c) PREDOMINANT AND CONDITIONAL USES

The predominant and conditional uses permitted in each zone shall be as set out in the code of Ordinances which forms part of this District Scheme.

All holiday home development will be confined to the Residential zones, while permanent dwellings associated with Farming and Servicing occupations will be considered as Conditional Uses. Likewise, Commercial or Light Industry will be treated as Specified Departures in the Rural Zone.

(a) STAGE DEVELOPMENT AND PROTECTION OF COUNTY TOWN

- (1) During the last fifteen years an average of four acres per year have been taken up for the construction of dwellings. This is increasing each year with 24 houses being built during the 1972/73 year on slightly in excess of 7 acres of land. The area of 360 acres set aside for residential use is made up as follows:

Wainui Bay	50 acres
Tikao Bay	20 acres
Duvauchelle/Robinsons Bay	120 acres
Robinsons/Takamatua Bay	25 acres
Takamatua Bay	55 acres
Pigeon Bay	30 acres
Little Akaloa	30 acres
Le Bons Bay	30 acres

360 acres

Of this 110 acres is already developed, and it is expected that the accelerated rate of development will continue as shown in the population figures. Unless the increase is greater than predicted not all the residential land will be developed within the planning period. This has been done to enable the Residential Land Owners to develop the land when they consider the demand is there, and when their circumstances suit. Because the Water and Sewage Services are to be installed by the Developers, Council has no strong views on the order of the Residential Development. It is however considered that there is more demand for subdivision on the Inner Harbour so it will probably develop earlier than the Outer Bays.

- (2) Although the zones described in the Scheme are designed to meet requirements during the whole of the planning period, any changes therein, whether by way of Specified Departure or otherwise, are contemplated as being orderly with avoidance either of sporadic, inappropriate, or premature development, or development prejudicial to proper liaison in planning between the areas of the County Town and the Balance of the County.

(e) IDENTIFICATION OF USES ON DISTRICT PLANNING MAP

Each zone is shown on the District Planning Map by the notation set opposite its name in the Key, shown on that map.

CLAUSE 4 - RURAL ZONE(1) PERMITTED USES

Subject to the general law as to the use of land and to the provisions of the Town Planning Act and Regulations - land within a rural zone - intended primarily for any farming use but may also be used for certain other uses which are specified in the Code of Ordinances as being permitted in the rural zone if the use proposed does not:

- (a) Cause demand for extension of public services that is not in the economic interests of the region or locality:
- (b) Cause public services that already exist or are substantially committed to be uneconomically used:
- (c) Cause an extension that is not in the economic interests of the region and by developing rural land for residential purposes.
- (d) Cause an extension that is not in the economic interests of the region or locality of industrial or commercial development along existing roads or streets.

(e) Causes a change to the coastal landscape.

(2) AREA ZONED

The aggregate area, including roads and streets, zoned for RURAL purposes is 107,900 acres and is shown on the District Planning Map thus:-

<u>Name of Zone</u>	<u>Notation</u>
Rural	Rur.

CLAUSE 5 - RESIDENTIAL ZONE

This aims at provision of sufficient appropriate space for residential development giving choice of sites and with limitation of undue or undesirable traffic intrusion, consideration for beauty of view, access of light and air, anti-pollution and privacy while, at the same time, providing space for use by cultural, educational, healthful, recreational and similar facilities directed to attainment of better living in the zone.

(1) PERMITTED USES

Subject to the provisions of this scheme, land within a residential zone is intended primarily for the residential uses and related services specified in the code of Ordinances as permitted in that zone. Residential zoning protects residential uses against detriment arising out of mingling of incompatible uses; and provides for economic use of urban services.

(2) AREA ZONED

The aggregate area (including streets) now used for Residential purposes, is 110 acres and 250 acres have been zoned for this use to provide for the estimated population as at the end of the planning period.

(3) LOCATION

Provision is made for only one type of Residential zone and several zones of such type are defined on the District Planning Map thus:-

<u>Name of Zone</u>	<u>Notation</u>
Residential	Res.

CLAUSE 6 - USE ZONING - AKAROA COUNTY TOWN SECTION

(a) GENERAL

The traditional operation of zoning land in all planning schemes affects individuals in the most direct way. Zoning closely controls use of land through bulk and location ordinances and predominant or conditional use. Shape, position and relationship are controlled by measurements, and the degree of freedom for the individual in each zone is the same except by individual variations through the appeals system, both expensive and uncertain in a qualitative sense. Zoning has tended to create an environmental sameness and inflexibility everywhere. This is acceptable in a rapidly changing community with heightened progress, but in a closeknit sensitive environment like Akaroa, too fine a mesh of ordinances destroys character.

(b) ZONES

In Akaroa there are only three zones proposed, they are easily understood, and slightly flexible. The predominant uses cope with most foreseeable needs in Akaroa, and conditional use procedures will be needed only for extreme requirements. The statements covering each of the three zones are as follows:-

CLAUSE 7 - AKAROA COUNTY TOWN - TOWN CENTRE ZONE

This zone covers the following:

- (a) All that area of land lying between Beach Road, Bruce Terrace and Rue Jolie South.
- (b) The east side of Rue Jolie South for a depth of 1.4 chains between Beach Road and Selwyn Ave.
- (c) All that area of land lying between the foreshore and two chains north/east of Rue Lavaud from Woodhills Road to Rue Balguerrie.

This zone is to be used for more intensive housing development, and would carry all the public, commercial and industrial activity of Akaroa, except for local needs in the outer Residential Zone.

CLAUSE 8 - AKAROA COUNTY TOWN - RESTRICTED RESIDENTIAL ZONE

This zone covers the special green areas of Akaroa which are either already covered in bush or must be planted to sustain and retain the visual appearance of the Town and its abundant fauna and bird life. It caters for some residential development provided the bush cover is maintained.

CLAUSE 9 - AKAROA COUNTY TOWN - OUTER RESIDENTIAL ZONE

This area covers all the area of Akaroa Town not already in Public Utilities, Reserves, the Town Centre Zone or the Restricted Residential Zone. This zone encourages the development of the unique Akaroa Townscape, but emphasises purely residential activities. Provision is made for conditional uses other than residential to serve local needs.

PART VLAND SUBDIVISION

Standards for new subdivisions in each zone are specified in the Code of Ordinances.

The general nature of subdivisions including their location, size, levels, layout and general topography shall be such that erection of buildings thereon and access thereto shall be practicable and their development and use have due regard to promoting and safeguarding the health, safety, convenience and the economic and general welfare of inhabitants and the amenities of every part of the area.

All subdivision of land within the County Town three zones will have a minimum area requirement only, and each subdivision must further comply with the amenity and objective principles set out in the Scheme Statement. There must also be convenient access as defined in the ordinances. The general intention is to free the subdivisions from elaborate restriction in size and location of sections, so that subdivisions respect the contours, views, tree clad slopes, line of streams etc. which all make up the unique character of the town without detracting from the area or adversely affecting the adjacent properties. The Advisory Committee and the Council will decide whether the subdivision complies with the intention of the Scheme.

The Akaroa County will decide in each subdivision whether the environment is best served by a cash payment to the Reserve Contribution Fund to be used to develop reserves within the County, or to direct the subdivider to set aside a portion of his land as a reserve.

Generally the principle of laying out subdivisions and building sites to suit the landscape will be encouraged.

PART VIRESERVES AND OPEN SPACES

Increasing pressure will come from the metropolitan area of Christchurch for recreational facilities, particularly those involving water sports. It will therefore be necessary to develop facilities to cater for this, and where this is not possible, to restrict the residential development and encourage the "day trippers" to adjacent more suitable areas.

For practical reasons reserves for the outdoor recreational needs of the community throughout the planning period must be provided in advance of the need. Some recreation areas are already owned by the Council and others will be acquired as needs arise and opportunity offers. The particular lands already reserved or intended to be acquired and reserved are shown on the District Planning Map.

Other legislation requires a proportion of these areas to be provided by subdividers and these areas will, when desirable, be grouped for usefulness. This will be given effect to by accepting at the Council's option payment of money instead of land so required to be provided and by using the funds so obtained to purchase land in blocks and for the development of Council reserves. The particular lands proposed to be reserved for recreational purposes are shown on the District Planning Map in accordance with the notations thereon assigned to them.

CLAUSE 1 - DETAILS OF LAND NOT ASSOCIATED WITH RESIDENTIAL LAND TO BE ACQUIRED

Recreational Reserve	-	Wainui Waterfront
Recreational Reserve	-	Tikao Bay South
Historical Reserve	-	Cnawe Peninsula
Recreational Reserve	-	Peninsula between Robinsons Bay and Takamatua and adjacent small stream mouths.
Recreational Reserve	-	Pigeon Bay adjacent to the boat slip
Recreational Reserve	-	Raupo Bay
Recreational Reserve	-	Two small bays south of Chains Bay
Recreational Reserve	-	Long Bay

As these reserves are to be developed for the Canterbury region and are included in the Lands and Survey's Coastal Development Survey, it is considered that the Government and Region will assist with the purchase and development of these.

CLAUSE 2 - RESERVES FACILITIES AND DEVELOPMENT

Present facilities and development proposals for the various areas are as set out below:-

- (a) WAINUI Approximately half a mile of beach frontage through Wainui is roughly maintained for car parking between the beach and sealed roadway. However as there is only about 500 feet of sandy beach, only one end is used extensively. The whole beach frontage will be levelled and grassed as the need arises, and encouragement will be given to local groups to plant and maintain suitable trees.

The Scheme provides for the purchase of the only remaining flatish land inland from the Beach Road and adjacent to the sandy beach, to be developed as a picnic, parking, and children's playing area.

Existing recreational facilities consist of a Domain which includes a cricket wicket and tennis courts, administered by a Domain Board; a Community Hall, a wharf, and a ten feet wide boat launching ramp.

Anchorage Bay is the location of the boat mooring area and is the only sheltered water in the Bay in a southerly storm. It will be necessary in the near future to either widen the existing slipway to allow two cars to use it at one time or make a new one adjacent to the intersection of Beach Road and Cemetery Road. The Ratepayer's Association and Akaroa County will carry out this and other development projects in the Bay.

- (b) TIKAO The Tikao Boating Club effectively maintain and control the wharf, boating clubrooms, public toilet block, as most of the users of these facilities are home owners in the Bay.

As the beach is very small, the beach and foreshore adjacent to the disused Army depot will be acquired and developed as a recreational area for "day trippers" and perhaps as a camping ground if better access can be provided from the Barrys Bay - Wainui Road.

- (c) FRENCH FARM An area has been designated a future reserve but this will not be purchased until the foreshore area is fully developed with trees and picnic spots and is becoming congested. A toilet block has been built at the end of the Valley Road, and where possible the road adjacent to the wharf will be widened to facilitate the parking of cars and boat trailers.

The French Farm Aquatic Club administered the boating activity in the Bay and maintain the wharf and club house.

- (d) DUVAUCHELLE A large Reserve at the head of the Bay is leased to the Golf Club and the Horse Sports and Pastoral Association. The road frontage contains some magnificent trees and will be developed as a picnic area and possible Camping Ground in the future.

The Domain is the Tennis and Netball centre for the United Bays Clubs, and is administered by a Domain Board.

It is situated within 200 metres of the boat launching ramp and mooring area so will be used increasingly by "day trippers" and eventually as a full Camping Ground. Allowance has been made for an extension to almost double the size of the Domain. Planning for the whole Domain should include extensive planting development to screen the cars or tents from the road and harbour as well as provide shade.

The Power Boat Club and the Council have agreed to increase the width of the slipway and the access road to it, which should enable most manoeuvring to be done off Seaview Road.

- (e) ROBINSONS BAY/TAKAMATUA PENINSULA

The existing facilities of the two wharves, and the Takamatua boat slipway are in areas where no parking can be provided, so areas at the intersection of the State Highway and Valley Road, and on the point of the Peninsula have been zoned as Recreational Reserves.

The one on Valley Road will be developed as a picnic spot and children's playing area, while the other spots on the Peninsula will be developed around the use of the foreshore and harbour. Although development plans have been drawn up it is envisaged that a launching slip will be constructed on the Robinsons Bay side sheltered from the south, with a parking area adjacent. Also the small beaches between the point and Takamatua Beach settlement will be utilised as family picnic spots, with some form of access to them.

- (f) PIGEON BAY Very little flat land adjacent to the coast is available in Pigeon Bay for Public Use. The Domain Board administered a small Domain on the south side of the Bay, which is used extensively during the summer. There is also a large Yacht Club operating from the public slip and wharf. Unfortunately there is only the Crown Reserve above high water mark, part of which includes the wharf road, to use as a sail rigging and picnic area. A small portion of land behind the boat slip is ideally suited for this purpose and should be obtained as soon as possible.

- (g) LITTLE AKALOA The Residents Associations are investigating methods to provide more, and safer parking areas along the beach frontage and the Council, with the assistance of Residents, is developing the reclaimed portion over the stream from the beach. This will never be more than a parking spot, so a move will be made in the future to obtain a grassed area adjacent to the stream for development as a picnic spot. It is zoned recreational on the planning maps.

A thirteen acre reserve is to be purchased at Raupo Bay where there is a good wide sandy beach. Once this is developed, the pressure on the small Little Akaloa Beach will be considerably reduced.

The Domain contains Tennis Courts and the Hall is soon to be shifted onto the site where it will form the focus for Community Activities.

- (h) CKAINS BAY This Bay has one of the few good sandy beaches on Banks Peninsula. At the present time only a very small section is at all developed. It however, could be fully developed over a period of years making full use of the old wharf road and the small bays to the south/east of the main beach for picnickers; by improving the road, parking, camping facilities and tree

planting to stabilize the sand and provide shelter, the north end of the beach could be developed. This would allow for greater use of the whole beach.

The Domain Board are working on a Development Plan of the area, with the assistance of the Lands & Survey Department. When completed Government and Local Body assistance should be given to enable the projects to be completed as the need arises.

Various other small lots of land in the settlement are controlled by the Domain Board, but with the exception of the Tennis Courts are unused for recreational purposes at present.

- (i) LE BONS BAY Le Bons is the other large sandy beach on the Peninsula and hence caters for many picnickers. Additional car parking areas will be required which should be located in such a way as to screen the car from the beach and the residential area. Any work undertaken to cater for increased population will be done in such a way as to retain the natural beach and sand dune formation.

The Domain is used regularly by the local Cricket Club, and the tennis courts and general area are maintained by the Domain Board.

The area of the river mouth adjacent to the Domain is a safe fresh water area ideally suited for children's play. It should remain in its natural state with foot access through the Domain.

- (j) AKAROA COUNTY TOWN: Akaroa's three major reserves (Garden of Tane, Stanley Park, and L'Aube Hill) are at various stages of development, and should ultimately serve different functions. All add to the picturesque backdrop of Akaroa. The Garden of Tane is a fully developed bush reserve with many species of both native and imported trees. Stanley Park is completely undeveloped but by grazing the open area a fringe of the rural scene is brought right into the heart of Akaroa. It should remain much as it is at present with the steeper slopes well planted in native scrub and bush. L'Aube Hill will remain more open than the Garden of Tane but with the removal of stock and some planting, the native bush is regenerating. The purchase of the rocky top of the spur will provide a fine outlook over Akaroa and the Harbour.

All other reserves acquired will be associated with residential subdivisions, and will be mainly on the existing bush covered slopes or adjacent to the streams where they can be linked with the walking track through the town.

- (k) REFUSE PIT RECLAMATION AREA Because of the topography and development of Akaroa, it is impossible to develop a boat launching area with adequate car parking adjacent. The two launching areas at the foot of Rue Balguerie and Bruce Street cater for the demand at present, but as the demand grows it will be necessary to install a new boat slip from the reclamation area at the north end of the town.

Thus completion of the reclamation and the development and landscaping of the filled area is essential to provide parking for approximately 200 cars - provide a focus for sports and playground activities, as well as boat launching. It is envisaged that the area will cater for the "day trippers", so it should not be necessary for all traffic to pass right into the town.

A plan of the proposed development is included in the Environmental Exhibition.

CLAUSE 3 - PRIVATE OPEN SPACE AND CULTURAL BUILDINGS

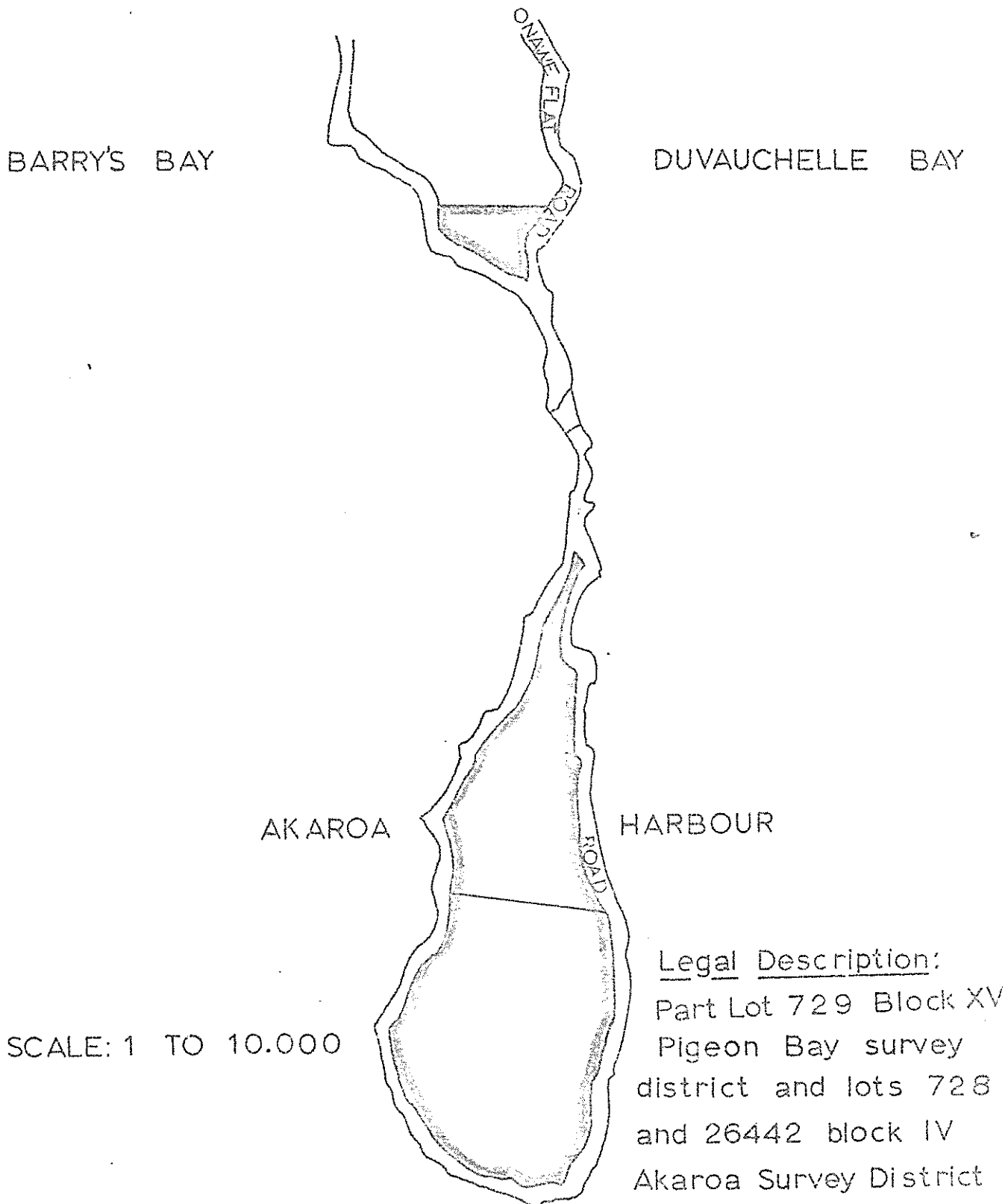
Landowners will be encouraged to provide and maintain open spaces or cultural buildings in appropriate locations for purposes of value to the community. Land used for buildings of recreational, sporting or cultural purposes including private libraries or museums are in this category. Although not owned or as yet intended to be owned by the Council nor by any public authority, these open spaces and cultural buildings are important in the life of the community.

Town and Country Planning Act 1953


AKAROA COUNTY DISTRICT SCHEME

Requirement of the Minister of Works and Development

Under Section 21 (7)



SCALE: 1 TO 10.000

Area to be designated as "Proposed Public Reserve (Recreation/Historic)" 

File No: T.P. 149/267

T.P. 14611
JUNE 1974

PART VIIPUBLIC UTILITIES AND OTHER WORKSCLAUSE 1 - COUNTY AREAS

Public Utilities including sewer, stormwater disposal, water supply, electric power, telephone, refuse disposal; their existence, establishment and limitations are factors of importance in relation to the feasibility and wisdom of residential development. Subdivision Developers will be required to install at the time of subdivision such services as Council considers are reasonably possible and desirable. In all cases this will include sewerage treatment and reticulation and water supply to each lot. At the present time there are no sewered areas outside the Akaroa County Town, and no official water supply systems. There are however, 15 private water supply lines supplying water of varying quality to residential properties.

Subdividers will be required to investigate the feasibility of either providing water treatment and reticulation, or improving the existing supply, for domestic use, when a scheme of subdivision is being prepared.

To ensure economic use of public utilities and other public works and services subdivision and building development will be encouraged as far as is reasonably possible within areas reticulated or serviced before expansion elsewhere is treated.

Only in very exceptional circumstances will Council consider a small subdivision without full services (see Code of Ordinances III Clause 3: (3)).

Insufficient investigation has been done at this stage to determine the type of treatment plants required, or their locations. This can be discussed with Council at an early stage in the development planning of each block.

CLAUSE 2 - AKAROA TOWNSHIP

- (a) WATER Three catchment areas behind Akaroa provided water to the two reservoirs with a combined capacity of 750,000 gallons. Present treatment consists of chlorination only, but a scheme to filter and fully treat one of the supplies is being considered at present. When completed, by closing one supply for part of the year, it will be possible to provide satisfactory domestic water throughout the year.

The town is fully reticulated, but some mains are undersized and corroded, (resulting in Water Restrictions in summer) so larger ones are being laid, and a ring main laid across the east of the town on a high level. This ring main is being installed as the higher areas are subdivided with contributions from subdividers.

A Loan is being sought to carry out the treatment improvements and some reticulation improvements. When completed it is anticipated that restrictions will only be necessary when there is insufficient water entering the reservoir.

- (b) SEWAGE A recently constructed treatment plant at Green's Point operating on the Imhoff System has proved a good social investment for the town. Adequate provision for expansion has been provided without restructuring the town sewer system.

As the concrete sewer reticulation was laid about the turn of the century, the poor grade concrete is corroding, resulting in the systematic replacement of the mains.

- (c) POWER & TELEPHONE The Central Canterbury Electric Power Board are at present investigating a route for a 11,000 K.V. transmission line to Akaroa to supplement the present supply. Where possible, power and telephone supply cables are laid underground, and all subdivisions involving roading have all services underground.

- (d) POLICE The town is well administered by its present policeman, although the summer influx of visitors at certain times is overtaxing and additional support from Christchurch at predicted times would avert some of the social disturbance experienced in the past.
- (e) REFUSE DISPOSAL Refuse is collected in multi-walled paper bags and disposed of in the pit which is situated on the foreshore at the entrance to the town. Although the sanitary land fill method of refuse disposal near the town is not desirable, it is filling a low tidal area to form a much needed recreation and parking area to the north of the town.

Council are investigating methods of treating the refuse, such as pulverisation, to remove some of the objectional elements of the present land fill operation.

- (f) OTHER SERVICES Such as banks, post office, grocery, butcher, draper etc have been adequately provided to serve the dominant community; however: it would seem that many businesses rely upon the summer season to carry them through the year. Some businesses which provide services particularly for the holiday-maker, are severely overtaxed during this summer period.
- (g) ACCOMMODATION The available guest accommodation in Akaroa has suffered considerably with the loss of two hotels by fire. The remaining two hotels show a steady patronage with capacity bookings over the summer period. Motel accommodation is increasing, and at present there are five motels providing 20 units.

Motel accommodation has recently been provided and would appear to be popular with visitors. (Additional motel accommodation is desirable).

A camping ground is situated well away from all amenity areas, and whilst satisfactory in fine weather, offers little attraction during periods of rain. Some form of indoor recreation space either in or near the camping grounds would be of considerable social value (and probably economic value).

PART VIII

BUILDINGS - SITING, COVERAGE, HEIGHT,

ALTERATIONS & BUILDING LINES

CLAUSE 1 - ENVIRONMENTAL ARCHITECTURE

Everyone who is interested in Akaroa is aware that a special character and design exists in many of the old buildings, which is entirely suitable to the place.

Some people prefer old buildings with low ceilings, wide verandahs and these people are buying the best old buildings and renovating them.

We would all like new buildings to have character and function, low cost and low maintenance and the best design. Most of us like these things, but they are very difficult to achieve.

Most New Zealanders would agree that every well known town has some special character, and given good economic and functional reasons they would like to maintain this character, in a new country we are still very interested in its development.

Standard building materials, advertising campaigns, standard schools, all contribute to a state of general confusion - it seems impossible to arrive at a local character in architecture which is both good looking and functional.

Akaroa has such a strong visual character it seems a very good place to begin exploring the idea of architectural excellence. Architects are professionally paid designers who for many centuries have designed special buildings for special patrons, today patrons are generally the Government or large institutions. The ordinary person who will build the environment of Akaroa cannot afford, and will not have the time or need to fully employ an architect to interpret the architectural character of Akaroa.

It may be that an entirely new type of environmental architecture is needed, within an entirely different fee structure.

Appendix 2 shows how a method of Environmental Architecture might work, and the Environmental exhibition shows how various new buildings and alterations have been erected in Akaroa using this system of design.

CLAUSE 2 - SITING

- (1) YARDS The positions of the buildings on each site are governed to some extent and in some cases by yard requirements designed to ensure that satisfactory access for all purposes is, if and where necessary, provided to the rear of each section and also that the needs of neighbouring properties in respect of ventilation, lighting and privacy are reasonably allowed for. These and general requirements as to use of sites are more particularly specified in the Code of Ordinances which forms part of the Scheme.

Within the Town Centre Zone a certain amount of flexibility is allowed to enable designers to produce buildings which complement the existing old restored ones. Each new building design and layout requiring minor deviations from the ordinances will be considered by the Advisory Committee to see that no detrimental elements will result.

CLAUSE 3 - BUILDING LINES HEIGHTS, COVERAGE RESTRICTIONS

Building lines will be imposed where necessary to protect the natural coast line from development.

Height and Coverage restrictions are governed by provisions specified in the Code of Ordinances in order that all buildings shall have adequate ventilation, lighting, and privacy etc.

CLAUSE 4 - USE OF UNCOVERED SPACE

The portions of sites not permitted to be covered by buildings are required primarily for the provision of adequate light, ventilation and amenities but may also be used for parking and movement of vehicles to the extent authorised by the Code.

CLAUSE 5 - SOIL STABILITY

Most of the Akaroa Peninsula is made up of loess deposits overlying volcanic soils and rock. On slopes with grass and scrub cover the soil is reasonably stable, but when distributed for roading and building purposes it is quite unstable. Where the surface is disturbed, retaining walls are necessary to contain the cut, and surface water; and "underrunners" must be drained away from the cut face.

In non sewered areas it is essential to consider the disposal of effluent before any excavation at all is undertaken.

PART IX

COMMUNICATION & TRANSPORTATION

CLAUSE 1 - EXISTING

The position as to existing communications and transportation is:-

- (1) ROAD Highway 75 links the Picton-Bluff Highway and Christchurch

Metropolitan area in particular to Akaroa and there is good road access to all settlements and main holdings of the District.

- (2) There is no RAIL access.
- (3) Apart from access for small ships to the Main Wharf of the County Town of Akaroa, any access by sea to the Bays is limited to small craft.
- (4) Limited access by air is possible though in the light of modern landing requirements, provision could be unnecessary or premature. Several agricultural landing strips for top dressing are in active use.
- (5) The permanent population growth of Akaroa is slow and the existing streets cope adequately with the normal traffic. The essential problem is holiday traffic which requires special treatment.

CLAUSE 2 - PROPOSALS FOR THE FUTURE

(1) COUNTY AREA

- (a) COUNTY ROADS The efficiency of the roading system of the area is a major factor contributing to the growth of the district. All major bays are served by sealed road, and the minor bays have metalled roads access. However, much of the productive farming country on the ridges between bays is not served by any roads so it is envisaged that roads will be formed along these ridges in the future.

(b) COUNTY ROADING STANDARDS FOR SUBDIVISIONS

	<u>Reserve Width</u>	<u>Metal Width</u>	<u>Seal Width</u>
Cul-de-sac serving 12 or less than 12 sections	40'	24'	16'
Cul-de-sac serving more than 12 sections	50'	30'	16'
Minor residential roads	50'	30'	16'
Primary residential roads	66'	32'	18'
Private Right-of-way serving 3 or more sections shall be formed and metalled			

(2) AKAROA COUNTY TOWN AREA

- (a) GENERAL The Traffic Plan forms part of the visual material on permanent exhibition. The Plan is not intended to be a fixed development plan for a specified planning period.

(b) DETAILS OF PROPOSALS

- (1) SPEED LIMIT Maximum speed in the town limits will be 20 m.p.h. Due to the intricacy, visual richness and tempo of the town, most people travel at this speed now. This rule will allow streets to remain unaltered, corners to remain obscured and interesting, trees to overhang and the streets to remain for pedestrians.

- (2) EUROPEAN SIGNS A special set of traffic signs for Akaroa in a blue and white design based on the French or European code will be erected.
- (3) STREET DESIGN A visual and written code of each road in Akaroa will be provided in the permanent exhibition and at the Council Office, and recommendations are set out for the suggested design, and all details needed for each situation.
- (4) PEDESTRIAN BOULEVARD It has been suggested that at the height of the summer season, Beach Road between the Church Street corner and a point to be decided near Rue Jolie be closed and the area of roading set out as a pedestrian boulevard.

A possible layout of this area can be seen in the Environmental Exhibition.

(c) AKAROA TOWNSHIP SUBDIVISIONAL ROADING STANDARDS

In general the road reserve widths will be as set out for the residential areas outside the Town, but this could be varied by the Council in cases where the Restricted Residential Zone effects the population density in the adjacent area.

Subdividers are required to respect the contours, and bush cover of the land while still providing satisfactorily for traffic movements, parking, and pedestrian movements.

Minimum standards will therefore be as follows:

Minimum width of sealed carriageway 18'

Metalled or sealed parking at least 6' outside the carriageway or in groups where the carriageway should not be wider.

Adequate provision for drainage which will involve kerbing and channelling along at least one side of the road.

A footpath either sealed or retalled at Council's discretion.

PART X

PARKING & LOADING OF VEHICLES

(1) PARKING

The demand for parking has increased with increased traffic density throughout the district. The parking requirements contained in this code are aimed at ensuring adequate parking is provided with all new development.

Parking requirements can be estimated either on floor area or the number of persons employed. The success of any development which attracts vehicle traffic is closely related to the availability of parking and the provision is the responsibility of the developer. Provision is also required for the location on the site of parking spaces and garages in residential areas.

The parking needs in Akaroa Township vary enormously depending on the time of the year, little in winter to a flood in the height of summer. This flood will be catered for to a certain extent by the newer developments providing parking. In addition to this the development of the reclamation area to the north of the town will provide parking for approximately 200 vehicles adjacent to children's playing areas and boating facilities.

It is essential that provision be made for parking, but as the Town is pedestrian orientated, cars must come second in priority and parks be camouflaged and fitted into essential environmental needs.

(2) LOADING AID ACCESS

In all commercial or industrial development provision shall be made on the site for the loading and unloading of all goods associated with the use of the site.

PART XIAMENITIES

It is the general purpose of the Scheme to promote and safeguard the amenities of every part of the District.

(1) GENERAL - AKAROA COUNTY TOWN

To define ordinances for the amenity and objective section of the Scheme Statement as that apply to the zones, is difficult, as many immeasurable and purely emotional attitudes exist. Nevertheless true functional design and environmental awareness will always come out of education and communication at all possible levels. To achieve this basic awareness, the creation of an Advisory Committee, a Civic Trust and Environmental Exhibition is a vital area of the Environmental Plan. The Appendices to the Scheme Statement detail the advisory facilities to help builders and developers. No development or building in any of the three zones, even if it complies with the bulk and location ordinances, can be erected if it does not comply with the amenity and objective principles. All permissions recommended by the Advisory Committee must be subsequently approved by the Council before being acted upon.

Each of the three zones has different levels of amenity and objective requirements. In the Town Centre Zone the requirements are more stringent regarding appearance and close harmony with the Akaroa Townscape is required. In the outer residential and residential area more freedom for the individual building is accepted. In the Restricted Residential Zone, freedom of individual building is acceptable, but landscape harmony with the basic character of Akaroa is required.

(2) OBJECTS AND PLACES OF SPECIAL INTEREST

The objects and places of historical or scientific interest or natural beauty listed in Appendix G to the Code of Ordinances and the Environmental Exhibition are to be registered, preserved or maintained so far as the powers of the Council or Local Authority from time to time permit.

(3) CONTROL OF ADVERTISING

For the purpose of controlling the amenities of the district as well as for safety reasons the control of outdoor advertising has been incorporated into the District Scheme. The policy of the Council includes consideration of visibility of signs from major roads.

(4) APPEARANCE AND MAINTENANCE OF LAND AND BUILDINGS

For the better preservation of amenities the Code of Ordinances requires adequate maintenance of land and buildings.

(a) PRESERVATION OF BUILDINGS - Much discussion about preservation has continued in Akaroa, and the slow economic progress of the Town has preserved by inertia many good old buildings, some of considerable historic interest.

These buildings either contribute to the unique character of AKAROA by their actual form or by their position as part of a group, or by just being part of a delightful little area full of charm and idiosyncrasy. Some of these buildings are being carefully maintained now, but some are in danger of demolition.

In these special areas any change requires careful maintenance and sympathetic change. There is never going to be sufficient money in the Akaroa Township for compensating owners or preserving buildings which have no economic use, therefore the only way in which any building can be preserved, or a hillside prevented from wrong development is by giving bonuses in land use, and economic return to the Owners.

They can then be asked to give a good environmental return in anything they do.

The Exhibition will contain a full visual photographic record of the best details, buildings and environments to preserve all through the Town. In each case current, suggestions and ideas of preservation will be provided.

In the outlying County area there are many charming disused houses. These have become redundant due to the amalgamation of farms and the reduction in the requirement for farm labour. Where these are capable of being restored without being almost rebuilt, Council may allow a subdivision of the land to sever the dwelling from the rural balance of the land, or allow building permits to improve facilities within the houses.

- (b) TREE PRESERVATION Throughout the County and more particularly the County Town there are many individual and clumps of trees which are vital to the landscape and must be preserved. A register of these will be included in the environmental exhibition.

All developers must show existing bush and trees on their scheme plans. Where it is necessary to break up a block of buildings on a steep slope or brow of a hill Council may require a developer to plant an area as part of the development.

APPENDIX I

OBJECTS AND PLACES OF HISTORICAL/SCIENTIFIC INTEREST OR NATURAL BEAUTY

HISTORICAL SITES

<u>Description</u>	<u>Location</u>
Site of early Maori Pa (Pa of Nga Toko One)	Fishermans Bay/Pawa Bay
Site of the last stand of Nga Tahu and the encounter with Te Rauparaha's forces	Cnawe Peninsula Akaroa Harbour
Memorial to Captain Stanley of the H.M.S. Britomart	Greens Point, Akaroa
Britomart Memorial	Park south of Main Wharf, Akaroa.
French Cemetery - First Cemetery	L'Aube Hill Reserve
L'Anglois-Eteveneaux House & Museum Early cottage built about 1840.	Corner Rue Lavaud and Rue Balruerie, Akaroa.
Private Maori and Colonial Museum	Chairs Bay. Old Dairy Factory.
Banks Peninsula War Memorial	Beach Road, Akaroa.

ARCHAEOLOGICAL SITES

<u>D.Z.A.A. Site No.</u>	<u>Grid Ref.</u>	<u>Description</u>	<u>Location</u>
S.84/28	231434	Four pits	Little Pigeon
S.84/27	237434	One pit	Little Pigeon
S.84/26	238434	Midden (on site of homestead)	Little Pigeon
S.84/25	243442	One Pit	Pigeon Point
S.84/24	226415	Two Pits	Pigeon Bay
S.84/13	230365	Midden at creek mouth	Pigeon Bay
S.84/43	243356	Pit(s)	Fern Hill
S.84/14	272434	Midden	White Head
S.84/15	282428	Stratified midden	Mamuka Bay
S.84/16	277410	Pit	Mackintosh
S.84/17	287415	Midden	"
S.84/18	288415	Pa (now levelled) pits, gardens	"
S.84/19	292413	Pit	"
S.84/20	292404	Cluster of eight pits	"
S.84/21	299413	Pit and midden	"
S.84/22	309424	Midden	Squally
S.84/23	313402	Midden & Koraka tree Decanter	

ARCHAEOLOGICAL SITES (CONT.)

<u>N.Z.L.A.</u> <u>Site No.</u>	<u>Grid Ref.</u>	<u>Description</u>	<u>Location</u>
S.84/44		Ovens north of Greendale homestead	Little Absloa
S.85/1	351408	Midden, rock shelters, karaka grove etc.	Long Lookout
S.85/2	351407	Pa; earthwork fortification and terracing	Long Lookout
S.85/3	350406	Stone lines (probably marking gardens)	Long Lookout
S.85/4	355395	Burial cave (now empty)	Raupo Bay
S.85/12	363-368 x 371-382	Midden, stone line, pits	Stony Bay
S.85/13	376-378 x 378-382	Midden, karaka groves	West Head
S.85/14	384355	Rock shelter	Okains
-		Unconfirmed reports of sites in bay	Okains
-		Unconfirmed report of pa on E. Head	Okains
-	415347	Pa site.	Pa Bay
-		Artifacts found in this area	Lavericks
-		Occupied cave; no details	Le Bons
-		Unconfirmed report of site in Bay	Le Bons
-		Artifacts found in this area	Hickory
S.85/15	402213	Extensive pa; no details	Goughs
-		Artifacts found in this area	Paua
-		Artifacts found in this area	Fishermans
S.85/5	397188	Pa; earthwork fortifications	Clay Point
S.85/6	393189	Midden (Shell Bay Fishermans)	Shell Bay
S/85/7	389185	Rock shelter (Little Fishermans)	Red Bay
S.85/8	389185	Midden (=Little Fisherman)	Red Bay
S/85/9	367183	Midden (=Long Bay 1)	Otanerito
S.85/10	366179	Pit	Otanerito
-	"	Pa reported (Parakekeriki)	Otanerito
S.85/11	369180	Cave	"
-	-	Unconfirmed report of stone lines etc	Sleepy
S.85/16	353163	Midden, Ovens	Stony
S.85/7	352167	Cave site	Stony
S.94/33	348163	Pit	Stony
-	-	Pa with stone in fortifications	Flea
-	-	Unconfirmed report of site in Bay	Darons
S.94/29	273208	Terraces, midden	Red House

ARCHAEOLOGICAL SITES (CONT)

<u>N.Z.A.A.</u> <u>Site No.</u>	<u>Grid Ref.</u>	<u>Description</u>	<u>Location</u>
S.94/36	281249	Midden now destroyed	Takaratus
S.94/37	260292	Midden	Duvauchelle
S.94/38	269287	Midden	Duvauchelle
S.94/39	287724	Oven	Robinsons
S.94/23	255266	Pa; earthwork fortification	Onave
S.94/40	246273	Midden in fore- shore	Barrys Bay
S.94/24	243278	Midden in fore- shore	Barrys Bay
S.94/25	240257-60	Midden in fore- shore	French Farm
S.94/41	239256	Midden in fore- shore	French Farm
S.94/42	245255	Midden	French Farm
S.94/27	248229	Midden	Tikao
S.94/32	248224	Midden	Chae
S.94/28	235213	Midden	Wainui
S.94/34	214116	Midden etc	Whakarua
-	-	Unconfirmed report of site	Island Bay

APPENDIX 2THE ENVIRONMENTAL EXHIBITION

This will consist of all the following listed material permanently displayed. The material will be brought up to date every six months by members of the Akaroa Civic Trust with the assistance of its Planning Consultant, and any other experts deemed necessary.

POSITION

The Exhibition is on display in the Information Centre adjacent to the Akaroa Main Wharf.

BASIC DATA:

1. The District Scheme
2. The historical and factual data covering all aspects of the Town.
3. The aims and objects of the Civic Trust and its Constitution.
4. A detailed visual and written code of the Environment in Akaroa, with the recommendations about trim and detail, which may be used as a guide.
5. Examples of all printed matter and brochures.
6. The paint and colour scheme exhibition.
7. The special list of historic places in Akaroa and their importance in a graded system.
8. History of the development of the Plan.

WORKING INFORMATION ACTUALLY BROUGHT UP TO DATE:

9. All new commendable buildings or alterations as examples of good environment.

APPENDIX 2 (Cont.)WORKING INFORMATION ACTUALLY BROUGHT UP TO DATE (Cont.)

10. A paper cutting folder in which all relevant Press material is kept.
11. The full list of suggested projects underway in the Town and their relationship to the four objectives.
12. The yearly report on the good things which have happened in Akaroa in the past year, and which contribute to, or enrich the environment.
Bad things will not be shown.
13. The priority list of works and expenditure.
14. Photographic display complete with informative captions. These photographs will show the existing character of the Town.
15. A visual and aesthetic analysis.
16. Environmental architecture.
17. A folder not on display with comments on Akaroa properties, available on request.
18. Display of material provided by the Advisory Committee or Council, showing permits granted, and approved schemes.

These two sections of the Exhibition:

No. 6 Paint and Colour Scheme Display
and

No. 12 Report on the good things which have happened
are in more detail to give a fuller conception of the exhibition.

COLOUR SCHEME DISPLAY

A special section of the Exhibition will deal with suggestions to assist anyone redecorating the exterior of his house. It gives a few simple suggestions for getting the best out of your house or building appearance, and improve the appearance of the Town also.

Before painting your building it is well to walk around the Town and find those colour schemes which are very successful and reinterpret in your way what you see.

Frames are best painted white and will sparkle against the dark opening. Walls are best painted white and soft or dark and strong, pastel colours are too insipid, and fade unevenly.

Relationship with adjoining buildings is best established by using a lighter or darker tone to your neighbour's colour, or using white or one of the good dark colours. Use only one colour, or a dark colour with white on walls. Rainwater pipes, railings, wires, thin lines are best painted black. Strong colours are best used for doors or flank walls, do not pick out too many features, the whole appearance of AKAROA is full of variety, it is best to not make each house too violently overemphasised.

The colour scheme display will be divided into three groups:-

- (1) The harsh sugary pastel colours which are not really suitable for AKAROA.
- (2) Good colours with strong intensity, useful for all doors and small areas of emphasis.
- (3) A range of colours suitable for larger walls.

Generally the Display will give a wide range of examples in use, all of which will have explanatory notes.

APPENDIX 2 (Cont.)Colour Scheme Display (Cont.)

Paint will be available in 1 gallon tins labelled "ALARCA PAINT" and be available in the normal range of finishes to a colour range chosen to suit ALARCA.

This paint will be available on the Peninsula at special discount rates, at the normal retail outlets on the Peninsula.

REPORT ON THE GOOD THINGS WHICH HAVE HAPPENED

Will be continually brought up to date by the Civic Trust. All the time numbers of things happen which are part of the Environmental Plan. Some things have occurred which could be considered detrimental to the Alarca environment. They are also listed.

A continuous analysis of this kind if kept up to date will be a strong influence upon the future of the Town.

- GOOD:
- (1) Excellent new street signs
 - (2) New Art Gallery, the old building exactly restored.
 - (3) Seven day opening in Summer - for the shops more life.
 - (4) Brasell's flats have been well restored, and painted white.
 - (5) The following buildings have been well repainted -
Chemist's shop, the old lettering is beautiful and must be maintained.
Coronation Library, Grandstand
 - (6) Pump Open sign removed.
 - (7) New motels in character with the Town on the Ilfracombe site.
 - (8) A block of flats on the corner of Rue Jolie and Beach Road are generally in character with the Town.
 - (10) Extension of L'Aube Hill reserve.

APPENDIX 3ENVIRONMENTAL ARCHITECTURE

One of the principal objectives of the Environment Plan is to preserve the colonial functional character of the Town, and to continue this natural scale and harmony for future Alarca buildings.

The Civic Trust wanted an opportunity to work out how to influence normal unprofessional building activity, and the opportunity presented itself.

Mr B. Woods bought the Ilfracombe site directly opposite the end of the wharf and proposed to build motels. His plans were not satisfactory to the County Engineer who asked the Civic Trust for help. There is a basic simple design for motels which had been proposed by a draughting service for the site. Unfortunately the basic appearance of this design, its position on the site, and the materials proposed were not suited to the environmental objectives of Alarca. As an experiment for a situation in which no money was available for a trained professional consultant, the Civic Trust consultant re-drew the siting, and sketched on one sheet suitable materials and an environmentally successful building shape which covered outgoing expenses.

Mr Wood's plan was altered, eliminating odd expensive pieces which would not improve the environment, and re-drew the site plan, sketching the verandah and new window shapes. The total time for a fully qualified architect was 9 hours at \$7 an hour, or a total bill of \$63.

The builder then re-priced our new sketch plans and discovered the environmental treatment had reduced the cost of the building by some hundreds of dollars. It becomes clear that the basic plan of what people want is generally correct - they know where they want things if it is within their experience. It is the exterior appearance and placing of buildings in relation to each other which is the principle environmental contribution.

APPENDIX 3 (Cont.)

Drawings have been done by the Civic Trust Consultants for various buildings in the Town. Some drawings have been built, and other drawings are only suggestions to guide and correct.

The Environmental Exhibition shows these drawings and schemes. Also exhibited is a comprehensive detailed survey of the principal visual environmental character of Akaroa. This display makes positive recommendations for all aspects of the three dimensional appearance of an Akaroa building.

CODE OF ORDINANCES

ORDINANCE 1

INTRODUCTION

1.1 DOCUMENTS COMPRISING DISTRICT SCHEME

This code of ordinances, together with the scheme statement, the district planning map, together with enlarged scale maps and diagrams showing detail where required, comprise the Akaroa County District Scheme (hereinafter called the District Scheme or The Scheme) as required by section 21 of the Town and Country Planning Act 1953 and regulation 15 (1) of the Town and Country Planning regulations 1960.

1.2 RELATIONSHIP OF CODE TO BY-LAWS

The provisions of this code shall have effect, notwithstanding any by-law for the time being in force in the district, and where the provisions of this code are inconsistent with the provisions of any by-law the provisions of this code shall prevail.

1.3 INTERPRETATION

1.3.1 Definitions

In this Code of Ordinances and in each document relating to this Scheme, unless the context otherwise requires:-

"The Act"	Means the Town and Country Planning Act 1953 and its amendments.
"Accessory Building"	In relation to any site means a building the use of which, in the opinion of the Council, is incidental to that of any other buildings on the site and in relation to a vacant site on which it is proposed to erect a building is a building which, in the opinion of the Council, is incidental to any permitted use of that site.
"Advisory Committee"	Part III Clause 4 Scheme Statement
"Agricultural"	Means the use of land for the purpose of horticulture fruit growing, seed growing, or dairy farming; the breeding and keeping of livestock for the production of food, wool, skins, or for use of land for farming; the use of land for grazing; its use as arable land, market gardens and nursely ground; and the use of land as woodlands where it is necessary or desirable in the interests of farming of the land or other land.
"Apartment Building"	Means any residential building which contains two or more household units and includes a block of flats but does not include a semi-attached dwelling, motels or a motor camp.
"Boarding House"	Means a residential building including a private hotel in which board and/or lodging is provided or intended to be provided for reward or payment for four or more boarders or lodgers (other than the members of the family of the occupier or person in charge or control of the building) but does not include a licensed hotel or building forming part of a motor camp or motel.

1.3 INTERPRETATION (Cont.)1.3.1. Definitions (cont.)

"Building"	Means any structure whether temporary or permanent, movable or immovable and includes a swimming pool with a capacity of 1,000 or more gallons and also a fence or boundary or retaining wall but does not include a fence or boundary wall of less than six feet in height or a retaining wall of less than four feet in height which are not used for advertising or for some purpose other than or in addition to its use as a fence, boundary or retaining wall.
"Camping Ground"	Means a camping ground within the meaning of the Camping Ground Regulations 1936 and includes every area of land that would be a camping ground within the meaning of those Regulations if the words "and includes any building whether permanent or temporary occupied either wholly or in part as a temporary living place for human habitation" were added to the definition of the term "living place" in Regulation 3 of those Regulations and includes a motor camp.
"Code"	Means the Code of Ordinances.
"Comprehensive Development"	Shall refer to all planning proposals in any zone where the developer brings together two or more adjoining properties, or the total area involved is more than 60 perches.
"Conditional Use"	In relation to any land or building in any zone, means, any use specified in these Ordinances as a use that is permitted only if the Council consents and only subject to such conditions as the Council may impose, whether generally or in respect of the particular site.
"Council"	Means the Akaroa County Council, or any Committee, Sub-Committee or person to whom the Council's powers, duties and discretions under this Act have been lawfully delegated pursuant to the provisions of the Act.
"Coverage"	Means that portion of a site, exclusive of any access strip in the case of a rear site, which may be covered by buildings, including accessory buildings, expressed as a percentage of the site.
"Commercial Services"	Means such activities as shoe repairs, tourist agencies, land agencies, banks, professional offices and hairdressers, which in the opinion of the Council are carried out in premises similar in character to shops in respect of their visual and physical affinity with the street activities.
"Craft Industries"	A Craft industry is defined as all those activities which can be conducted, using natural resources, and a majority of hand crafted work in the content of the finished article.

1.3 INTERPRETATION (cont.)1.3.1 Definitions (cont.)

"Dairy"	Means a shop selling food and beverages and deriving a substantial part of its trade from the retail sale of milk, bread, and other day to day food requirements.
"Development"	In relation to any land, means the carrying out of any building, engineering, mining, or other commercial or industrial operations in, on, over, or under the land.
"Dwellinghouse"	Means a detached residential building designed for or occupied exclusively as one household unit.
"Engineer"	Means the County Engineer, his deputy or assistant, or any person authorized by the County Engineer to perform, for the time being, any of the County Engineer's functions, or any officer or other person appointed by the Council to control any of the matters contained in this Code of Ordinances.
"Erection"	In relation to any building includes the re-erection or structural alteration of or the making of any addition to, the building or the placing of the building on a site, or the placing of the building from one position on a site to another position on the same site and "erect" and "erected" have corresponding meanings.
"Existing"	In relation to building and uses, means lawfully in existence at the time when the ordinance first became enforceable, and lawfully continuing in existence until the time of interpretation.
"Factory"	Means a building or part of a building or land used for the packaging, processing, assembling or manufacture of goods or materials for sale, gain or service.
"Garage"	Means a building or land used for the housing or care of self propelled vehicles (See also "Private Garage").
"Height"	In relation to a building, means the difference between the average level of the ground along the external wall nearest the street and the highest point of the building. Provided that in all cases for the purpose of calculating height account shall be taken of parapets but not of chimneys, ventilation shafts, water tanks, lift housing, steeples, towers and such finials and similar parts of buildings as constitute only decorative fixtures.
"Household"	Means any housekeeping unit, whether of one or more persons.
"Household Unit"	Means a room or rooms used or intended for habitation by one household only.

1.3 INTERPRETATION (cont.)1.3.1 Definitions (cont.)

"Institution"	Means land and buildings administered for the purposes of public health, education or culture.
"Interim Use"	Has the meaning specified in Clause 3 of Ordinance IV hereof.
"Licensed Hotel"	Means any land or building for which a hotel premises or tavern premises licence or tourist house premises licence has been issued or has been authorised in terms of the Sale of Liquor Act 1962 and its amendments.
"Loading"	In relation to a vehicle, includes the fuelling and unloading of it and the adjustment or covering or tying of its load and the loading, unloading, or adjustment of any part of its load; and load in relation to a vehicle, has a corresponding meaning.
"Minister"	Means the "Minister of Works".
"Medical Room"	Means professional or consulting rooms of registered medical and associated practitioners, dentists or opticians.
"Motel"	Means land and one or more buildings used principally for the day to day accommodation of travellers and their vehicles and may include caretakers' accommodation and services by way of shops, restaurants, swimming pools, playground facilities and the like, all restricted to use by patrons only but does not include a private hotel or motor camp.
"Motor Camp"	See "Camping Ground".
"Motor Repair Garage"	Means land or buildings used for the lubrication and repair of motor vehicles but does not include the sale, by retail, of petroleum products or the sale of motor vehicles.
"Non-Conforming"	In relation to a site or a building or to the use of a site or building, means a site or building, or a use of either that does not conform with the provisions of this Scheme.
"Permitted Use"	Means every predominant use, whether or not a permit has been obtained and every conditional use that is permitted by Council in accordance with this Scheme.
"Predominant Use"	In relation to land in any zone, means any use specified in these Ordinances as a predominant use, being a use that is permitted as of right subject to compliance with all requirements of this Code.
"Private Hotel"	See "Boarding House".
"Place"	Has the meaning specified in Clause 1 of Ordinance V hereof.

1.3 INTERPRETATION (cont.)1.3.1. Definitions (cont.)

"Places of Assembly"	Means land or buildings which are used in whole or in part for the assembly of persons for such purposes as deliberation, worship, entertainment, education, recreation, or similar purposes and includes such buildings associated with hotels, residential institutions, motels and camping grounds.
"Poster"	Has the meaning specified in Clause 2 of Ordinance VII hereof.
"Private Garage"	Means a building or part of a building used as a garage for private vehicles the use of such building being incidental to the use of a residential building and includes a carport.
"Private Hospital"	Means a building licensed as a private hospital under the Hospitals Act, 1957.
"Residential Building"	Means any building or part of a building used or intended to be used for human habitation.
"Residential Institution"	Means a hostel, hospital, convalescence home, boarding school, or charitable institution providing board and lodging and having accommodation for four or more persons other than management and staff but excludes hotels and camping grounds.
"Road"	Includes "Street".
"Proposed Road"	Includes a road reserve or any land shown on any scheme plan lodged with the Council, or shown as such on any planning map and any land which has been surveyed and in the opinion of the Council will be required for a future road.
"Semi-Attached Dwelling"	Means one of a pair of household units each being the only household unit on its site, the two being built side by side on adjoining sites and joined by a wall common to both that meets the requirements of the Council's By-Laws for a party wall between units.
"Service Industry"	Includes such uses as builders' yard, household appliances, repair workshops, laundries, bakeries, catering depots, cycle and motor cycle repair shops, lawnmower sharpening and repair workshops, steam cleaning and dry-cleaning depots, signwriting and signmaking, car rental firms, auction rooms, shoe repair and upholstery workshops, trademens' depots, recording studios duplicating services, printing works, jewellery manufacture, and any other use which in the opinion of the Council falls naturally into this group, and which will not detract from the amenities of the locality.
"Service Station"	Means any site used for the retail sale of motor spirits and lubricating oils for motor vehicles and the sale of kerosene, diesel fuel, tyres, batteries and other accessories normally associated with motor vehicles and shall include premises for the mechanical repair and servicing of motor vehicles provided that the repairs

1.3 INTERPRETATION (cont.)1.3.1 Definitions (cont.)

"Service
Station" (cont.)

undertaken on the premises shall be confined to the mechanical repair of motor vehicles (other than heavy diesel fuel vehicles) and domestic garden equipment and shall exclude panel beating, spray painting, heavy engineering such as engine reboring and crankshaft grinding and car sales (where these are not a predominant use in the zone).

"Shop"

Means any land, building or part of a building on or in which goods are sold or offered or exposed for sale by retail and includes a lending library, a restaurant, a hairdressers' premises, a depot for receipt and delivery of articles to be cleaned, laundered or dyed and premises which are required to be registered under the Health (Registration of Premises) Regulations 1966 but does not include premises for the sale of fuel for motor vehicles or car sales premises.

"Signboard"

Has the meaning specified in Clause 2 (a) of Ordinances VII hereof.

"Site"

Means an area of land permitted by the Scheme and by the general law to be used as a separate unit for one or more specified or ascertainable uses and includes all related buildings and curtilages.

"Corner Site"

Means a site having a frontage of not less than the minimum prescribed by this Scheme for front sites in the particular zone in which it is situated, to each of two or more roads or proposed or private roads not less than 40 feet in width if the frontages are contiguous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees.

"Front Site"

Means a site having one frontage of not less than the minimum prescribed by this Scheme for the particular zone in which the site is situated to a road, or proposed or private road.

"Rear Site"

Means a site situated substantially at the rear of another site facing the same street and which has included in the same Certificate of Title a strip or portion of land having a frontage, conforming to the provisions of the Scheme in regard to rear sites, to a road, or proposed or private road.

"Yard"

Means a part of a site which is required by this Scheme to be unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by this Scheme.

Provided that an encroachment over any yard by the eaves of a residential building to an extent not exceeding 2 feet shall not constitute an obstruction of the yard.

1.3 INTERPRETATION (cont.)1.3.1 Definition (cont.)

- "Front Yard" Means a yard between any road line or proposed or private road line and a line parallel thereto and extending across the full width of the site; provided that;
- (a) Where land required for road widening purposes has not been dedicated the road line referred to in this definition shall be the line of the future boundary of the road.
 - (b) A front yard in relation to accessory buildings means a yard between the road or proposed or private road line (subject to proviso (a)), and a line parallel thereto and extending across the full width of the site in line with the nearest point of the main building to the road, proposed road or private road line.
- "Rear Yard" Means a yard between the rear boundary of the site and a line parallel thereto and extending across the full width of the site;
- Provided that in the event of there being no rear boundary as in a triangular section, the boundaries of the rear yard shall be the converging side boundaries of the site and the arc of a circle drawn with the apex as the centre and a radius of 30 feet.
- "Side Yard" Means a yard between a side boundary of the site and a line parallel thereto extending from the front yard (or the front boundary of the site if there be no front yard) to the rear yard (or, if there be no rear yard the rear boundary of the site); or, if there be two or more front yards, extending from yard to yard

1.3.2 Interpretation of the District Planning Maps

All zones, designations, roading proposals and other matters dealt with in the District Scheme are shown by distinctive notations in the Planning Maps and unless otherwise specified or indicated on the face of each map, the following shall apply

- (a) Zone boundaries shown following the sides of roads, streams, drains or other physical features shall be deemed to follow the centre line of such roads, streams, drains, or physical features.
- (b) The underlying zone for any designated land shall be deemed to be that within which the designated land is situated.
- (c) The Council shall have the right to determine the exact locations of zone boundaries in the case of any errors or omissions or where such boundaries are in dispute.

1.4 IMPLEMENTATION OF DISTRICT SCHEME1.4.1 General Obligations

Subject to the provisions of the Act and all regulations made thereunder and Clause 4 of Ordinance 5 hereof, no person shall depart or permit or suffer any departure from the requirements and provisions of the scheme nor shall any

1.4 IMPLEMENTATION OF DISTRICT SCHEME (cont.)1.4.1 General Obligations (cont.)

person use or permit the use of any land or building or undertake or permit any new work or any reconstruction, alteration, or modification of any existing work if the use, new work, reconstruction, alteration, or modification does not conform with the district scheme or would tend to prevent or delay the effective operation of the district scheme. Refer also to Ordinance II (3) (e).

1.4.2 Applications For Permits or Approvals

In addition to the information required by any By-law, the applicant for a permit for a building, subdivision or other work when making his application shall:

In the County Town:

- (a) Supply such drawings and information in detail as may be necessary to indicate that the proposed building or other work will when erected, or carried out, comply in all respects with this scheme, and in particular that the objectives of the Environmental Plan have been considered. The proposal must show an awareness of the information contained in the Environmental Exhibition and that provision has been made for off-street parking, loading and access. If in the opinion of the Engineer, the proposals do not lie within the provisions of the Environmental Plan, they will be referred to the Advisory Committee. The Advisory Committee will report to the Town Committee and its recommendations taken into consideration when making its determination on the proposal. The developer will be provided with a copy of the Advisory Committee's report and may appear at the Town Committee Meeting to state his case, if a meeting appointment is made.
- (b) Supply where the application is for an approval for subdivisions: A scheme plan of subdivision, prepared by a registered surveyor on a scale approved by the Council, showing the allotments and their areas and dimensions, easements, street widening, streets, service lanes, accessways, reserves, contours and topographical data and any other relevant information as shall be required by the Council. A proposed subdivision into not more than two allotments need not be prepared by a registered surveyor.
- (c) Supply a legal description of the land concerned and the names of the owner or owners. In cases where the application is not made by the owner or on his or her behalf a statement that the applicant has a legal option to purchase the land must be supplied.
- (d) In the case of applications for approval of a building permit where the proposed building covers more than one saleable parcel the applicant or owner, as the case may be, shall prior to the issue of a permit have a plan compiled and deposited in the Land Transfer Office, showing the whole of the land as a single lot. Provided that if a fire resistant wall or walls complying with the relevant By-Laws is or are built adjoining or along the common boundary between such saleable parcels of land, a compiled Deposit Plan shall not be required.

1.4.3 Application of Requirements Where Uses or Areas Change

Every requirement of these ordinances as to the use of any building or land or part thereof, being a requirement which does not attach to the building or land while it continues to be used for the same or a similar purpose as when this ordinance first became enforceable, shall attach when the general character of the use of the building or site is changed, or when the area of the floor of the building is altered or when the curtilage of the building is altered.

1.4 IMPLEMENTATION OF DISTRICT SCHEME (cont.)1.4.4 Dispensing Power of the Council

Council approved dispensations shall be applied only in accordance with the provisions of section 21 (1a) of the Act which states:

(1a) The district scheme may provide for the circumstances under which, the manner in which, and the conditions subject to which, the Council may grant an application for the dispensation wholly or partly from or waiver of any provision of the district scheme relating to -

- (a) The subdivision of land zoned for any urban purpose;
- (b) The height, bulk density and location of buildings permitted on sites;
- (c) The provision of parking and loading spaces;
- (d) The design of buildings, verandahs, and signs; and
- (e) Such other matters as may be specified in that behalf by any regulations for the time being in force under this Act -

if, as a minimum requirement, the Council is satisfied that -

- (f) It is not reasonable or practicable to enforce the provision in respect of a particular site;
- (g) The dispensation or waiver will not detract from the amenities of the neighbourhood and will have little town and country planning significance beyond the immediate vicinity of the land in respect of which the dispensation or waiver is sought; and
- (h) The written consent has been obtained of every person the interests of whom in the Council's opinion might be prejudiced by granting the dispensation or waiver, unless in the Council's opinion it is unreasonable in the circumstances existing to require such consent to be obtained.

ORDINANCE 2USE ZONING2.1 GENERAL2.1.1 Method of Presentation

This ordinance specifies the types of zones within the district, the predominant and conditional uses of land and buildings within each zone, the conditions which, when the district scheme is being written, can be specified to apply to certain conditional uses of land, and the bulk and location requirements in respect of buildings for certain uses within each zone.

2.1.2 Zone Titles and Notations

The zones constituted for the purposes of the scheme are shown on the district planning map by the notations listed in the key shown on that map, and have the following titles namely:

Rural	}	County Section
Residential		
Restricted Residential	}	County Town Section
Cuter Residential		
Town Centre		

2.1 GENERAL (cont.)2.1.3 Control of Uses within Zones(a) Uses Permitted

Any land or any building thereon may be used for any use at that time permitted for that site under the Act, or the use thereof may be changed to any use at that time permitted under this code for that site, but in neither case for or to any other use; and every permitted use shall be subject to every ordinance that is applicable thereto.

(b) Uses not Expressly Mentioned

Any use not expressly mentioned in the district scheme that falls naturally within a general class of uses authorised in respect of any zone shall be deemed to be included in that class as if it had been expressly provided for but in respect of any other use that is not expressly provided for within the district, by Ordinance II hereof the Council shall determine in which zone or zones it may be permitted, and, in respect of that zone or each of those zones or partition of any zone, whether it shall be a predominant use or a conditional use or in what circumstances predominant and in what circumstances conditional and (where further conditions are required) what those conditions shall be, and when the prescribed zoning shall attach.

2.1.4 Public Utilities in Relation to Zoning

Every public utility that is not provided for in subsection (9) of Section 21 of the Act shall be deemed to be a conditional use in every zone and partition thereof.

2.1.5 Alterations of Existing Non-Conforming Buildings

An existing building which does not conform to any or all of the provisions of the Planning Scheme relating to the zone in which it is situated may be repaired, altered or modified (but not rebuilt) so long as the repair, alteration or modification does not increase the extent to which the building fails to conform to the provisions of this Scheme and does not tend to prevent, or in the case of alterations and modifications, delay the effective operation of the Scheme. If an existing building which does not conform to any or all of the provisions of the Plan in respect of bulk and location is wholly destroyed or damaged or partially destroyed to the extent that it is necessary to pull down a substantial part of the remaining portion thereof, before reconstruction, the Council may grant its consent to the erection of a building on the site subject to such conditions as to partial or complete conformity with the provisions of the Scheme, as it may think fit to impose.

2.1.6 Changing Location of Proposed Streets & Reserves

In accordance with Sub-Section (5) of Section 33 of the Act the Council may, with the agreement of the owners of the lands directly affected, vary the position shown on the Scheme of any proposed road or the location or shape shown in the Scheme of any proposed reserve, as long as the intention of the Scheme in that respect is secured.

2.1.7 Designated Uses(a) Uses Limited to Designated Use

Where any area is designated by symbols and description set out by way of notation on the District Planning Map, the use of any land or building within that area shall be limited to the use designated.

2.1 GENERAL (cont.)2.1.7 Designated Uses (cont.)(a) Uses Limited to Designated Use (cont.)

Provided that where any such land is designated and held for a public purpose within the meaning of the Public Works Act 1928, or for a public reserve within the meaning of the Reserves and Domains Act 1953, the Council may, if the land is not required for immediate use for such purpose, use the land or permit it to be used for any purpose which will not detract in any substantial way from the amenities of adjoining properties or the neighbourhood generally or prejudice its ultimate use for the designated purpose.

(b) Erection of Buildings Requires Consent of the Council

The erection or completion of any building or the carrying out of any work of a substantial nature on any land affected by this Sub-Clause is prohibited, unless expressly authorised by the Council with the consent of the Minister or any local authority responsible for the proposed designated use.

(c) Conditions May be Imposed by Council

Every use referred to in the foregoing sub-clause to which the Council has given consent shall be subject to such conditions, restrictions and prohibitions as to location, the time and duration of such use or development, height, yards, position of buildings on sites, coverage, drainage, disposal of effluents, preservation of amenities, off-street parking and such other matters as the Council shall think fit to impose in respect of such use.

(d) Designated Land No Longer Required for Designated Use

Where the Minister, local authority, or Council having responsibility for any existing or proposed public work requires that the land be no longer designated in the Scheme, the land shall be deemed to be zoned in accordance with underlying zoning as shown in the District Planning Map.

Regulations and Procedure in Respect of Uses2.1.8 Predominant Uses(a) When Permitted

The use of any land or building for any use specified as a Predominant Use in any zone in which such land or building is situated is permitted without further consent of the Council under this Code;

Provided that:-

Such use is in accordance with:-

- (1) The relevant bulk and location requirements set out in this Ordinance or modified or dispensed with in pursuance of Ordinance 1.4.4.
- (2) The relevant requirements for parking, loading and unloading set out in Ordinance 5.
- (3) All other Ordinances applicable thereto.

2.1 GENERAL (cont.)2.1.8 Predominant Uses (cont.)(b) When deemed to be Conditional Uses

Any such use which does not comply with the relevant bulk and location requirements set out in this Ordinance or modified or dispensed with in pursuance of Ordinance 1.4.4 shall be deemed to be a conditional use.

2.1.9 Conditional Uses(a) When Permitted

The use of any land or building for any use specified and permitted at that time as a conditional use in the zone in which it is situated (or is deemed to be a conditional use as provided in Sub-Clause 2.1.8.(b)) is permitted subject in each case to the consent by resolution of the Council and to such conditions, restrictions and prohibitions as to location, height, yards, position of buildings on sites, coverage, water supply, drainage, disposal of effluents and reservation of amenities as are stipulated in the Ordinance relating to the zone and to such special conditions, restrictions and prohibitions (whether in respect of the same matters or other matters) as the Council may think fit to impose.

(b) Procedure in Respect of Conditional Uses

The procedure for dealing with applications for consent to a conditional use shall be as set out in Section 28 (c) of the Act and Regulation 32 of the Regulations.

Section 28(c) of the Act States

- (1) Application to the Council for its consent to a conditional use shall be made in accordance with regulations made under this Act notwithstanding anything to the contrary regarding procedure in the Operative District Scheme.
- (2) The Minister and every person who, or body, which claims to be affected by the application shall have the right to object to the Council against the application being granted and to be heard by the Council when it considers the application.
- (3) After the application and all objections have been considered, the Council may allow or refuse the application: and in allowing the application may impose such conditions, restrictions and prohibitions as it thinks fit.
- (3A) In allowing or refusing the application, the Council shall have regard to:-
 - (i) The suitability of the site for the proposed use determined by reference to the provisions of the Operative District Scheme: and
 - (ii) The likely effect of the proposed use on the existing and foreseeable future amenities of the neighbourhood and on the health, safety, convenience and the economic and general welfare of the inhabitants of the district.
- (4) Any consent given under this section shall lapse after the expiration of a period of two years from the date when the consent was given, unless the applicant, within that period, has established the use of the land or buildings to which consent relates for the purpose for which the consent was given or, in the opinion of the Council, is continuing to make substantial progress towards establishing that use.

2.1 GENERAL (cont.)2.1.9 Conditional Uses (cont.)(b) Procedure in Respect of Conditional Uses (cont.)Regulation 32 States:-

- (1) Form of application - Applications for consent to change of use under Section 35A of the Act, applications for consent to a Specified Derarture under Section 35 of the Act and applications for consent to a conditional use under Section 28C of the Act shall be in form N set out in the First Schedule or to the like effect.
- (2) Service of application - The Council or any Committee or authorised officer thereof shall, within seven days of receipt of the application, direct the applicant to serve copies of the application, together with such plan as the Council or any Committee or authorised officer thereof may consider necessary to explain the application and the proposed public notice on such persons and bodies as the Council, Committee, or officer considers to have a greater interest in the application than the community generally has.
- (3) Particulars to be publicly notified - After lodging the application with the Council, the application shall publicly notify full particulars thereof, including any special conditions, restrictions and provisions proposed. The public notification shall be in Form O set out in the First Schedule hereto or to the like effect.
- (4) Period for objections - The public notification shall require the Minister and any person or body objecting to the application to submit to the Council by a date to be specified in the notification, which date shall be not less than 21 days after the date of the completion of the public notification.
- (4A) Service of Copies of objections - As soon as possible after submitting an objection to the Council, the objector shall serve on the applicant a copy of the objection.
- (5) Distribution of copies of application - The applicant shall, not later than the date of the completion of the public notice, serve a copy of the public notice on the Council and a copy of the notice and of the application on the Commissioner of Works, the District Commissioner of Works, the Regional Planning Authority (if any) and on the persons and bodies directed to be served pursuant to sub-clause (2) of this Regulation.
- (6) Statutory declaration required - Before the application is considered by the Council, the applicant shall, within three months of the date of the completion of the public notification, submit to the Council a statutory declaration to the effect that the provisions of sub-clause (3) and (5) of this regulation have been complied with and setting out such details as to service of the public notice and of the application as the Council may require.
- (7) Consideration by Council - The Council shall, as soon as conveniently may be after receiving the statutory declaration required by sub-clause (6) of this Regulation, consider the application.

2.1 GENERAL (cont.)2.1.9 Conditional Uses (cont.)(b) Procedure in Respect of Conditional Uses (cont.)Regulation 32 States (cont.)

- (8) Procedure for hearing - The provisions of Regulations 21 and 22 hereof, relating to the hearing of objections and to witnesses, shall apply to the hearing of objections to any application under this Regulation and the Council shall advise the applicant of the time and place of the hearing. The Council shall give the applicant and each objector not less than 7 days' notice of the hearing of objections. The Council or any Committee appointed by the Council shall at the hearing of any objection under this Regulation, have power to summon witnesses and to hear evidence in oath.
- (9) Distribution of decision - As soon as the Council has considered the application and any objections thereto, it shall serve notice of its decision on the applicant, the owner, the occupier, the District Commissioner of Works, the Regional Planning Authority (if any) and each objector:-
"Provided that, where any person or body has been represented in respect of the application by a solicitor or agent, notice of the decision may be served on that solicitor or agent alone."
- (10) Time of decision - The application shall be deemed to be granted or refused, as the case may be, for the purpose of an appeal by any person when notice of the decision is served on or sent to that person.
- (11) Cost - The reasonable cost of or incidental to any application under this Regulation and to the public notification and distribution of the consent and copies, shall be payable by the applicant.

2.2 RURAL ZONE (County Area)2.2.1 Predominant Uses

- (a) Farming of any kind (but being so that it is compatible with the conservation of the soil) forestry, racing stables, veterinary hospitals and boarding kennels, excepting (a) the housing or keeping of animals, birds, or bees in any building or enclosure within 100 feet of any residential building or less than 40 feet from any boundary of the site and (b) the housing or keeping of pigs or poultry for commercial purposes within 300 feet from the boundary of a rural zone.
- (b) Parks, playgrounds, recreation grounds, scenic reserves.
- (c) Dwelling houses erected on any parcel of land held in a separate certificate of title containing less than half an acre in area, provided the title existed before the 10/12/73, and the site is suitable for residential purposes.
- (d) Buildings accessory to buildings, or to the use of land for any of the foregoing purposes except where by-laws relating to sub clause (a) of this clause prohibit such buildings.
- (e) No dwelling houses can be erected in the rural area on sites greater than half an acre, unless they are associated with a farming purpose which can be proven to be an independent economic unit.

2.2 RURAL ZONE (County Area) (cont.)2.2.2 Conditional Uses

The conditional uses set out below shall not apply to areas in the Rural Zone, which have sole frontage and access to a State Highway: such cases shall be treated as Specified Departures.

The Conditional Uses shall be:

- (a) Rural industries, such as butter factories, cheese factories, apiaries, premises used for the manufacture of dried-milk products, stockyards, and saleyards, or for any industry which is ancillary to farming of any kind except any industry with noxious or dangerous aspects.
- (b) Timber mills, sawmills and timber processing and any undertaking which is ancillary to the forestry and timber industries.
- (c) The quarrying, winning and processing of materials occurring naturally in the vicinity.
- (d) Educational establishments, residential institutions, hospitals, nursing homes, convalescent homes and charitable and philanthropic institutions, and boarding houses and hostels and in connection with those uses.
- (e) Churches and places of public and private worship.
- (f) Licensed hotels, taverns, boarding houses, motels, camping grounds, cabarets, restaurants, halls and generally buildings and land for or connected with indoor or outdoor recreation.
- (g) Racecourses, showgrounds and recreation grounds,
- (h) Cemeteries and crematoria.
- (i) Country stores, petrol service stations, commercial garages and machinery workshops.
- (j) Depots, offices and workers' accommodation and the storage or maintenance of vehicles, plant and machinery for undertakings engaged on the construction and maintenance of structures, quarrying excavation or cartage.
- (k) Residential uses associated with any approved conditional use or existing community or business use.
- (l) Fire stations, electrical substations, transformers, drainage and pumping stations, bus and utility not deemed to be predominant uses by virtue of Section 21(9) of the Act.
- (m) Buildings accessory to use of buildings or land for any use within this zone authorised by or under the district scheme for that site at that time.
- (n) Provision for public parking of vehicles.

2.2.3 Condition Relating to Certain Conditional Uses

The following conditions shall apply to conditional industrial uses in rural zones:

- (a) All tailings, sawdust, spoil, waste and effluent shall be so disposed of as to minimise damage to property disfigurement of the countryside, or risk of pollution of any land, or water.
- (b) The sites of excavations, heaps, dumps, spoil or other materials at any workings or plant which cause damage to property or disfigurement to the countryside shall be progressively restored to a reasonably natural state by levelling or back-filling where

2.2 RURAL ZONE (County Area) (cont.)2.2.3 Condition Relating to Certain Conditional Uses (cont.)

(b) cont.

possible, and by the planting of grass or trees, and on completion of work by removal of plant and buildings.

(c) Such other conditions as the Council may require, having regard to the nature and locality of the undertaking.

2.2.4 Bulk and Location Requirements

(i) For predominant uses - the following shall be the normal bulk and location requirements for predominant uses:

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on each side	Coverage	Maximum Permitted Height ex- cluding chimneys, masts etc.
Residential Buildings	20ft	20ft	15ft	25%	35ft
Other Buildings	50ft	50ft	40ft	25%	35ft

Front and rear yard requirements on sections with frontage to the coastline shall be at the discretion of the Engineer. For exceptions to normal yard requirements, see Ordinance V (Clause 1 (2)).

(ii) For conditional uses - the normal bulk and location requirements for conditional uses shall collectively provide the same general standards as for predominant uses.

2.2.5 Predominant and Conditional Uses

Predominant and Conditional Uses shall comply with any applicable requirements of The Soil Conservation and River Control Act 1941.

2.2.6 Stalls for the Sale of Farm and Garden Produce

Road-side stalls for the sale of farm or garden produce shall be treated as specified departures.

2.3 RESIDENTIAL ZONE (County Area)2.3.1 Predominant Uses

The predominant uses shall be:

- (a) Dwelling houses
- (b) Semi-detached houses
- (c) Parks and scenic reserves

Provided that no land or buildings shall be used for pleasure or entertainment purposes involving any operation detrimental to the amenities of the neighbourhood.

2.3 RESIDENTIAL ZONE (County Area) (cont.)2.3.1 Predominant Uses (cont.)

- (d) Farming, including pastoral and agricultural and dairy farming (but excluding the keeping of pigs, birds or bees), provided that no buildings or enclosure in which animals are housed or kept shall be erected or maintained within 100ft of any boundary of the site, except in the case of fowl-houses or fowl runs containing not more than 12 fowls which may be erected and maintained not less than 6 ft from a boundary or 30ft from a dwelling-house.
- (e) Buildings accessory to use of buildings or land for any predominant use authorised by or under the district scheme for that site at that time.

2.3.2 Conditional Uses

The conditional uses shall be:

- (a) All residential uses not permitted as predominant uses;
- (b) Boarding houses, lodging houses, private hotels and private residential clubs;
- (c) Churches and places used only for public or private worship;
- (d) Museums, art galleries, libraries, nurseries, play centres and educational establishments, including boarding houses and hostels used in connection with those uses;
- (e) Public and private hospitals (other than mental hospitals), health clinics, nursing homes and convalescent homes, but not premises used for the treatment of animals.
- (f) Playgrounds, recreation grounds, halls, rooms and buildings used for arts and recreation but excluding buildings required by Section 326 of the Counties Act 1956 to be licensed, other than buildings used exclusively for purposes of public worship.
- (g) Shops for the sale of groceries and dairy products, and tearooms either alone or in conjunction with residential accommodation.
- (h) Groups of garages or parking spaces for hiring.
- (i) Provision for public parking.
- (j) Hotels and camping grounds.
- (k) Farming other than that allowed as predominant uses, complying with the provisions of the by-laws from time to time in force.
- (l) Buildings accessory to use of buildings or land for any of the uses specified in this paragraph.

2.3.3 Conditions Relating to Certain Uses

As Council considers fair and reasonable.

2.3.4 Bulk and Location Requirements

- (a) For predominant uses - the normal bulk and location requirements for predominant uses shall be:

2.3 RESIDENTIAL ZONE (County Area) (cont.)2.3.4 Bulk and Location Requirements (cont.)

(a) (cont.)

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on Sides	Total Coverage	Maximum Height
Dwelling House	15ft	15ft	5ft & 10ft	30%	30ft
Semi-detached House	15ft	15ft	5 ft & 10ft	30%	30ft

In all cases eaves may encroach on side yards by not more than 2 feet.

For exception to normal requirements as to yards, see Ordinance V Clause 2 (2).

(b) For Conditional Uses - the normal bulk and location requirements for conditional uses shall be:

Type of use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on each side	Coverage	Minimum site area per House- hold
Terrace house					
(a) Inner units	15ft	25ft	Nil	35%	10p
(b) End units	15ft	25ft	5ft* & 10ft	35%	12p
Apartment house designed and built as such	15ft	25ft	5ft	30%	440sq. ft of site area per person provided for

In all cases eaves may encroach on side yards by not more than 2 feet

* Only one side yard required

+ 10ft side yards required if height greater than 20 ft but not greater than 30 ft and where building exceeds 30ft in height the side yards shall be increased by 1 ft for each additional 2ft of height.

For exceptions to normal requirements as to yards see Ordinance V Clause 2 (2).

2.3 RESIDENTIAL ZONE (County Area) (cont.)2.3.5 Parking and Loading of Vehicles

See Ordinance VI

2.4 RESTRICTED RESIDENTIAL ZONE (County Town Area)2.4.1 Predominant Uses

- (a) Agricultural uses.
- (b) Parks, recreation grounds and scenic reserves.
- (c) Afforestation.
- (d) Dwelling houses on site approved under Ordinance 3 Clause 2
- (e) Workrooms and studios for the production of art and craft goods, but only in association with a dwelling house and limited to a floor area of 1,000 sq. ft.
- (f) Buildings accessory to use of buildings or land for any of the foregoing purposes.

2.4.2 Conditional Uses

- (a) Shops for the sale of agricultural produce grown on the site and shops for the sale of art and craft goods produced on the site.
- (b) Where the bulk and location only does not conform in all respects, the use shall be deemed to be a conditional use.

2.4.3 Conditions Relating to Certain Uses

As Council considers fair and reasonable.

2.4.4 Bulk and Location Requirements

No building in a restricted residential zone shall cover more than 5% of the site.

Maximum height	25' - 0"
Minimum yards all round.	25' - 0"

2.5 CUTER RESIDENTIAL ZONE (County Town Area)2.5.1 Predominant Uses

- (a) Dwelling houses
- (b) Semi-attached houses.
- (c) Apartment houses consisting of not more than two household units.
- (d) Agricultural uses excluding the keeping of animals.
- (e) Parks recreation grounds and scenic reserves.
- (f) Buildings accessory to use of buildings or land for any of the foregoing purposes.

2.5.2 Conditional Uses

- (a) Dairies, shops for the sale of agricultural produce grown on the site and shops for the sale of art and craft goods produced

2.5 OUTER RESIDENTIAL ZONE (County Town Area)2.5.2 Conditional Uses (cont.)

(a)(cont.)

on the site; all such shops to be in association with a residential use of the site, and Terrace Houses.

- (b) Workrooms and studios for the production of art and craft goods but only in association with a residential use of the site and limited to a floor area of 1,000 sq. ft.
- (c) Professional offices but only in association with a residential use of the site.
- (d) Buildings limited to a floor area of 500 sq. ft for the storage of plant and materials in connection with a trade conducted by a person resident on the site.
- (e) Apartment houses.
- (f) Homes for the aged.
- (g) Churches, institutions, public and private hospitals.
- (h) Places of public and private assembly.
- (i) Camping Grounds.
- (j) Buildings accessory to use of buildings or land for any of the foregoing purposes.

2.5.3 Conditions Relating to Certain Uses

As Council considers fair and reasonable.

2.5.4 Bulk and Location Requirements

For predominant uses the following shall be the normal bulk and location requirements:

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on Sides	Total Coverage	Maximum Permitted Height
Dwelling houses and semi-attached dwellings	15ft	15ft	5ft & 10ft	35%	25ft & 2 stories

2.6 TOWN CENTRE ZONE (County Town Area)2.6.1 Predominant Uses

- (a) Dwelling houses.
- (b) Semi-attached dwellings.
- (c) Terrace houses.

2.6 TOWN CENTRE ZONE (Courtly Town Area) (cont.)2.6.1 Predominant Uses (cont.)

- (d) Apartment houses.
- (e) Travellers' accommodation.
- (f) Private hotels, hostels, and boarding houses.
- (g) Licensed hotels and taverns
- (h) Professional commercial and administrative offices.
- (i) Retail shops.
- (j) Theatres, halls, places of entertainment or of public and private assembly.
- (k) Churches, institutions and other public buildings.
- (l) Residential accommodation in association with any of the uses permitted in this zone.
- (m) Parks and recreation grounds.

2.6.2 Conditional Uses

- (a) Service industries.
- (b) Workrooms for the manufacture of goods but excluding industries in Appendices A & B.
- (c) Warehouses and auction rooms.
- (d) Commercial garages and car parks.
- (e) Building accessory to use of buildings or land for any of the foregoing purposes.

2.6.3 Conditions Relating to Certain Uses

As Council considers fair and reasonable.

2.6.4 Bulk and Location Requirements

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on Sides	Total coverage	Maximum Permitted Height
All Predominant Uses	5ft	5ft	5ft	66 $\frac{2}{3}$ %	30ft or 2 $\frac{1}{2}$ stories which ever is the lower

The rear and side yards may be reduced to nothing provided the adjoining owners agree in writing to anything closer than 5 feet, and a wall with a four hour fire rating is constructed on that side.

2.6 TOWN CENTRE ZONE (County Town Area) (cont.)2.6.4 Bulk and Location Requirements (cont.)

The front yard may also be reduced if the aims and objectives of the scheme are satisfied by the proposed construction.

In the case of a living unit, a living court is required of not less than the ground area of the living unit. There must also be access to the rear of all buildings.

ORDINANCE 3SUBDIVISION OF LAND3.1 Subdivision to Conform with Planning Principles

Notwithstanding that a scheme of subdivision may comply with the requirements of the district scheme in respect of frontage and area, the Council shall not approve the scheme of subdivision if the site is not suitable or if the use proposed or the arrangement of sites or shape of any proposed site is not in conformity with the principles of town and country planning and the intention of the scheme statement.

Provided that in determining whether a site is suitable regard shall be had to the best use of the land and its economic servicing and development, liability to flooding, erosion and landslip, to stability of foundations, and to safety, health and amenities.

3.2 Standard Area and Frontage Requirements

Every subdivision of land shall comply with the following requirements as to area and frontage.

3.2.1 Rural Zones

Minimum Frontage	660ft
Minimum Area	50 acres

3.2.2 Residential Zones (County Area)Front Lots

Minimum Frontage	40 ft
Minimum Area	20 perches

If a subdivision is approved in a non sewered area the following shall apply:

Minimum Frontage	60 ft
Minimum Area	32 perches

Rear Lots

Minimum Frontage	12 ft
Minimum Area	20 perches + access

If a subdivision is approved in a non sewered area the following shall apply:

Minimum Frontage	12 ft
Minimum Area	32 perches + access

3.3 Restricted Residential Zones (County Town Area)

No land shall be subdivided unless the subdivision is necessary to improve the utilisation of land for the predominant uses specified.

Council may approve subdivision of land into not less than 2 acres with a frontage size and minimum width as approved. Each subdivision plan will be studied and recommended by the Advisory Committee.

3.4 Outer Residential Zone (County Town Area)

<u>Front Lots:</u>	Area average	20 perches
	Frontage average	50 ft
	Area minimum	16 perches
	Frontage minimum	40 ft
<u>Rear Lots</u>	Frontage minimum	12 ft - 1 lot 16 ft - 2 lots 20 ft - 3 or more lots
	Area average	20 perches + R.O.W.
	Area minimum	16 perches + R.O.W.

3.5 Town Centre Zone (County Town Area)

No land shall be subdivided unless the subdivision is necessary to improve the utilisation of the land for the predominant uses specified.

<u>Front Lots</u>	Minimum area	12 perches
	Minimum frontage	30 ft
<u>Rear Lots</u>	Minimum area	12 perches + R.O.W.
	Minimum frontage	10 ft

3.6 General

3.6.1 Design of Lots within County Town

The various positions and sizes of lots may be so designed in shape and position to comply with the "Methods of Realising the Environmental and Objectives Clause". Each subdivision plan will be studied and recommended by the Advisory Committee.

3.6.2 Rights of Way

- (i) Where in the opinion of the County Engineer, it would not be practical or economical to require a new road to be constructed, the Council may allow a subdivision with more than 3 lots on one mutual right of way and/or allow a right of way to exceed 200 feet in length subject to conditions as to formation and provision of services as considered necessary by the County Engineer in any particular case.
- (iii) A right of way may be reduced in width below the normal requirements where in the opinion of the County Engineer, such reduction is warranted because of existing buildings or physical features and sufficient widths for passing places have been provided.

3.6.3 Separate Titles for Terrace Houses

The Council may approve subdivisions making provision for separate titles for terrace houses, provided that both subdivisional and building plans are submitted together. The common fire walls between proposed units shall be divided equally by the lot lines. Adequate provision must be made for practical access, entrances and service access. The detailed planning must be studied and recommended upon by the Advisory Committee.

3.6 General (cont.)

3.6.4 Comprehensive Developments

This applies to the Town Centre Zone only

A comprehensive development shall have a minimum size of 60 perches or be an amalgamation of not less than two titles. It must be for at least in part housing units. Development of a comprehensive area must comply with the Methods of Realising the Environmental Plan and its detailed planning must be studied and recommended upon by the Advisory Committee.

3.7 Exceptions to Standard Requirements

All exceptions to standard requirements for subdivision shall be referred to the Council for a decision.

3.7.1 Access to Foreshore of Coastline

Council may require subdivisions to provide reasonable and practical public access to the foreshore, and in all cases an esplanade reserve of one chain in width from mean high water mark may be required where it does not already exist.

Where an esplanade reserve exists, the yard requirement shall be 20 feet from the reserve, except that where physical difficulties exist, the Council may permit the erection of a building at a distance from the esplanade reserve boundary as the Engineer thinks fit.

Where no esplanade reserve exists the yard requirements shall preserve the public's practical access along the shore-line and make provision for future reserve requirements.

3.7.2 Existing Buildings

Where any building is situated on the land proposed to be subdivided the Council may refuse its consent to such subdivision if the open spaces around such building and within the new site will, in the opinion of the Council, be inadequate having regard to the use of that building and of the new site and to the standards of open space most appropriate to such use.

3.7.3 Sewage Disposal not Practical

In the case of any residential area where sewage reticulation and treatment is not practical the Council may approve the subdivision if it is satisfied that

- (a) At no stage would sewerage disposal be possible because of Engineering reasons.
- (b) The lots are large enough and the site suitable for the disposal of septic tank effluent on each lot without creating public health problems.

3.7.4 Subdivision Contrary to Scheme

Notwithstanding anything to the contrary hereincontained, the Council may consent to a subdivision which does not comply with the requirements of this ordinance:

- (a) if such subdivision is an adjustment of boundaries and the consent to the subdivision is made subject to a provision requiring the issue of one Certificate of Title on a boundary adjustment; or
- (b) if such subdivision is a disposal of land for the purpose of a public work within the meaning of the Public Works Act 1928: or

3.7 Exceptions to Standard Requirements (cont.)3.7.4 Subdivision Contrary to Scheme (cont.)

- (c) in a rural zone, if the Council, having regard to all of the relevant circumstances, is satisfied that:
 - (i) the lesser area is likely to be used as an independent economic farming unit or for a use appropriate to a rural zone;
 - (ii) the subdivision would not tend to promote close settlement; and
 - (iii) the subdivision is unlikely to cause demand to be made on the Council or any other local authority for an extension which is not in the economic interests of the region or locality of any public service or to cause existing or proposed public services to be uneconomically used; and
 - (iv) the subdivision is unlikely to lead to any obstruction or to any other interference with the free movement of traffic on state highways or main highways or other important traffic routes; and
 - (v) the subdivision is unlikely to cause an extension or creation of any development not appropriate to a rural zone.
- (d) in a residential zone, if the Council, having regard to all of the relevant circumstances, is satisfied that the proposed subdivision would result in the most practicable use of the land, where in the opinion of the Engineer the dispensation is a minor one which does not conflict with the spirit or intent of the code.

ORDINANCE 4RESERVATION OF LAND4.1 Proposals

Proposals for use of land for public purposes are shown on the district planning map and described or referred to in the scheme statement. These proposed works are not necessarily all included in the responsibilities of the Council. They may be undertakings for which the Government or an Electric Power Supply Authority or other local authority is responsible both for acquiring the land when needed and for initiating and carrying out the work. Except in the case of objections to or appeals against the inclusion of the proposal in the district scheme, any person affected shall conduct all negotiations and correspondence with the responsible Government Department or local authority.

Although an intention to take land for street or road widening is not able to be shown on the plan of the district planning scheme for practical reasons, where any road or street is under 66 feet in width, the Council has the right to land for widening to give the total width of 66 feet, to be part of any subdivision fronted by that road.

4.2 Continuation of Use

Although a proposal involving the future use of his land for some public purpose is included in the district scheme, ownership and occupation of the land are not thereby affected, and the owner and occupier are entitled to continue with their use of the land subject to the provisions of the district scheme, the Act, and the Town and Country Planning Regulations 1965. Owners and occupiers will be notified when the proposal is about to proceed and arrangements for the land will be made at that time.

4.3 Buildings Not to Interfere

4.3.1 Prohibition

The erection or completion of any building or the carrying out of any work of a substantial nature on any land forming part of a proposed road, street, accessway, or service lane, reserve, or designated open space or public work is prohibited, except as an interim use expressly authorised by the Council with the consent of the Minister or any local authority responsible for the proposed permanent use.

4.3.2 Definition of "interim use"

For the purpose of this Ordinance, an "interim use" means a use that does not conflict with the present amenities of the neighbourhood in which it is located, and which may reasonably be established at that time and be continued until the date or occasion fixed in or under the district scheme by the Council for the prohibition of that use on that site, or for a different use of that site, to become enforceable.

ORDINANCE 5

BUILDINGS: SITING, COVERAGE, HEIGHT & ALTERATIONS

5.1 General as to Use of Sites for Buildings

5.1.1 Land to be suitable for proposed use

Notwithstanding conformity with the zoning requirements of these ordinances, no building shall be erected or placed and no use shall be established on any land which is not suitable for the use proposed; and for the purpose of determining whether any land is suitable for any particular use, regard shall be had to the best use of the land and its economic servicing and development, to earthquake fault lines, to liability to flooding, erosion, or landslip, to stability of foundations and to safety, health and amenities.

5.1.2 Buildings to be set back from street

Notwithstanding the provisions of this ordinance, where the scheme prescribes a building line on any site, whether by reference to any street boundary or otherwise, except as an interim use as defined in Ordinance IV, 3 (2) hereof no building or accessory building or part of either shall at any time be erected on that part of the site between the building line and the street or boundary to which it is related.

5.1.3 Areas and coverage generally

The permitted minimum site area and yard areas and the proportionate part of the land which is permitted to be covered by buildings shall be those specified in these ordinances, and no person shall so reduce or diminish any site, or cause or permit any site to be so used, reduced, or diminished, that the areas thereof that are not built over will be smaller than are prescribed by these ordinances.

5.1.4 Residential buildings on rear sites

No person shall erect any residential building, or cause or permit any residential building to be erected on a rear site, unless every part of the building is 5 ft or more from any boundary of the site provided however that the building must be so erected as to permit vehicular access through a side yard of the site. In the case of a residential building other than a dwelling house or a semi-detached house, the owners shall construct and maintain an adequate driveway

5.1 General as to Use of Sites for Buildings (cont.)5.1.4 Residential buildings on rear sites (cont.)

or footpath or both giving access to the site and the buildings thereon, and the owners shall provide wherever reasonably necessary artificial light sufficient to illuminate the drive and footpaths to the same standard as the street.

5.1.5 Minimum Residential Building Sites

Notwithstanding the requirements of these Ordinances as to area and frontage, a dwellinghouse may be erected in a residential zone on a site comprising a whole parcel of land which:-

Being a front site, contains an area of not less than 12 perches with a street frontage of not less than 30 feet if it is held in a separate certificate of title or conveyance issued or executed pursuant to a subdivision approved by the Council before this scheme was recommended by the Council and is not in the same ownership as any adjoining land.

5.1.6 Information to be Supplied with Application for Permit

In addition to the information required by any By-Law, the applicant for a permit for a building, subdivision or other work shall, when making his application, supply such drawings and information in detail as may be necessary to indicate that the proposed building, subdivision, or other work will, when erected or carried out, comply in all respects with this scheme and in particular that the prescribed provision has been made for off-street parking and loading and garage accommodation for motor vehicles.

5.2 Requirements as to Yards5.2.1 Normal requirements

- (a) Yards to be provided - except as expressly provided in or under this scheme, front, side and rear yards shall be provided on each site in each zone, as required by this code. The normal requirements for each zone are specified in ordinance II under the heading "bulk and location requirements" for that zone.
- (b) Yards to remain unoccupied and unobstructed - except as expressly authorised under this scheme, no person shall erect any building on any front yard, rear yard, or side yard.
- (c) Yards provided are to relate to one site only - No portion of a yard or other space provided to meet requirements in respect of one site shall be taken into account in computing the area of any yard or space provided to meet requirements in respect of any other site.

5.2.2 Exceptions to General Requirements as to Yards(a) Variations by Council

If, in the opinion of the Council in any particular case, compliance with the yard requirements of these ordinances would seriously diminish the usefulness of the site for building purposes and subject to the written consent of the owners or occupiers of the land adjoining the yard which is to be diminished, or where in the opinion of the Engineer, for reasons of traffic safety or visibility at an intersection of roads, or along important traffic routes, a front yard requirement in excess of 20 feet is warranted, the Council may, by resolution in respect of that site, vary or dispense with the provisions of these ordinances relating to one or more of the yard requirements.

5.2 Requirements as to Yards (cont.)5.2.2 Exceptions to General Requirements as to Yards (cont.)

(a)(cont.)

Provided that in no case shall the total area of yard space required by this scheme be reduced under this paragraph.

(b) Use of Yard Space for Accessory Buildings and Garages

(i) Accessory buildings may be erected on any rear yard if they do not occupy altogether more than one-fifth of the area of the rear yard:

(ii) Private garages on residential sites may be erected on any side or rear yard so long as the private garage does not exceed 10ft in height and is not within 5ft of a side or rear boundary except as provided in the following subparagraphs:

(a) A private garage may be erected on or within 5ft of the common side boundary, but only with the prior consent in writing, of the adjoining owner or occupier and so long as the said private garage is not less than 10ft from any residential building on the adjoining site:

(b) In any case where the side wall of a private garage to which the provisions of this sub-clause apply is erected on or within 5ft of a side boundary the side wall shall be erected in brick, stone, concrete or other approved fire resisting material:

(c) In any case where a private garage is erected on or near a common side boundary, stormwater from the roof shall not be disposed of on to the adjoining site.

(d) Where a garage faces the street, it must be positioned a minimum of 15ft back from the street boundary.

5.2.3 Heights of Buildings(1) Normal requirements

The normal requirements for each zone are specified in ordinance II hereof, but those requirements are subject to the following provisions of this clause.

(2) Definitions of "height"

"Height" in relation to a building means the vertical distance between the highest point of the building and the rear ground level provided that:-

(i) except where otherwise expressly provided the rear ground level shall be the average level of the ground at the external foundations of the building, and

(ii) in all cases for the purposes of calculating height account shall be taken of parapets but not of chimneys, ornamental towers, turrets or any other such projection.

5.2.4 Existing UsesProvision as to repair etc:

An existing building which does not conform to any or all of the provisions of the scheme relating to the zone in which it is situated may be repaired, altered or modified so long as the repair, alteration

5.2 Requirements as to Yards (cont.)

5.2.4 Existing Uses (cont.)

or modification does not increase the extent to which the building fails to conform to the provisions of this scheme and does not tend to prevent or, in the case of alterations or modifications, does not tend to delay the effective operation of this scheme.

Provided that in the case of the site of an existing dwelling house in a rural zone which does not conform to the provisions of this code of ordinances in respect of the site area and or frontage requirements of the zone in which it is situated, it shall be lawful for such non-conforming site to continue to be used as the site of the dwelling house and buildings accessory thereto and for a new dwelling house to be erected thereon from time to time in place of a dwelling house that has been partially or wholly destroyed by fire or natural forces such as earthquake, wind etc. if such erection is commenced within 6 months after the happening of such destruction or demolition and any such dwelling house may from time to time be repaired, altered or enlarged, and completed within 12 months of the commencement of erection.

5.2.5 Building Commencement and Completion Time

Any permit issued for building construction shall be deemed to expire and be void if work is not commenced thereunder within the period of six calendar months from the date of issue thereof.

Once a residential building is commenced it must be completed within eighteen months.

An accessory building may be erected on a site before the dwelling, provided the dwelling is commenced within six months of the commencement of the accessory building.

ORDINANCE 6

VEHICLES: PARKING - LOADING AND ACCESS

6.1 General

This Ordinance sets out the obligation of every owner or occupier who constructs or who substantially reconstructs, alters or adds to any building on any site or who changes the use of any land or building with respect to the provision of off-street parking, loading facilities and access to the property from the road onto which it fronts. No building permit will be issued until the engineer is satisfied, either from the plan submitted or from legal undertakings, that the applicant will comply fully with this Ordinance, or will be able to comply when requested to do so and will also comply with all other relevant Ordinances, Statutes and By-Laws.

Car parks are essential in any urban area, and more particularly commercial area. However they must be positioned and set out so that the environmental impact of their presence is kept to a minimum. This is particularly important in the Akaroa Town Centre Zone.

In recognition of this Council may either unconditionally, or, subject to such terms and conditions as it shall think fit, modify or waive the provisions of this ordinance or any of them where it is of the opinion that the application of the same to or in respect of any particular site would be impracticable, unreasonable or unnecessary.

6.2 Number of Loading Spaces or Parking Spaces Required to be Provided

The provisions so to be made in respect of any particular site shall consist of:

6.2 Number of Loading Spaces or Parking Spaces Required to be provided (cont.)

- 6.2.1 The number of loading spaces considered by the Council to be reasonable and practicable in all circumstances of the case; and
- 6.2.2 The number of parking spaces related to the use of the site and determined as follows:

- | | | |
|--|---|--|
| (i) | Dwelling houses, semi-detached house, apartment houses & residential accommodation in conjunction with commercial or industrial uses. | 2 to each household unit. |
| (ii) | Hotels | 1 to each room used or intended to be used as a bedroom plus 1 for each 4 dining room seats of service buildings. |
| (iii) | Licensed Hotels, Taverns | 1 to every 5 guests whom the building is designed to accommodate; plus 1 to every 50 square feet of bar space. |
| (iv) | Hospitals | 1 to every 2 patients' beds. |
| (v) | All other residential buildings | 1 to every 2 persons whom the building is designed to accommodate. |
| (vi) | Theatres, Cinemas, Halls and non-residential clubs. | 1 to every 5 persons whom the building is designed to accommodate. |
| (vii) | Churches | 1 to every 5 persons whom the building is designed to accommodate. |
| <p><u>Provided that:</u> Where a church and a hall are erected on the same site the maximum requirements applicable to that site in pursuance of this sub-clause shall be the maximum requirements as aforesaid in respect of such church or such hall whichever is the greater.</p> | | |
| (viii) | Schools | 1 to each member of the teaching staff and 1 for every 60 pupils in the case of secondary schools. |
| (ix) | Premises for the sale of fuel and accessories for motor vehicles and premises for assembly, repair or sale of motor vehicles. | 1 for each 500 sq. ft of open space used for such purposes and 1 to each 500 sq. ft of gross floor area; <u>or</u> 1 to every 5 persons to be employed whichever requirement is the greater. |
| (x) | Industries not otherwise provided for | 1 to each 500 sq. ft of open space used for such purposes and 1 to each 500 sq. ft of gross floor area; <u>or</u> 1 to every 5 persons to be employed whichever is the greater. |

6.2 Number of Loading Spaces or Parking Spaces Required to be Provided (cont.)

6.2.2 (cont.)

- | | | |
|--------|--|--|
| (xi) | Warehouses, stores, storage yards, and carriers' depots including incidental offices on premises used for such purposes. | 1 to each 1,000 sq. ft. of open space used for such purpose and 1 to each 1,000 sq. ft. of gross floor area: <u>or</u> 1 to every 3 persons to be employed whichever requirement is the greater. |
| (xii) | Shops (excluding restaurants) | 1 to each 200 sq. ft. of gross floor area. |
| (xiii) | Restaurants | 1 to every 4 persons whom the building is designed to accommodate. |
| (xiv) | Professional offices situated in a residential building | 3 to each such office. |
| (xv) | Administrative, professional and commercial offices (other than those covered by sub-clause (xiv)) | 1 to each 400 sq. ft. of gross floor area. |

6.3 Assessment of Floor Area

The area of required space or spaces and of access drives and aisles provided within a building shall be excluded from the assessment of gross floor area of that building for the purpose of ascertaining the total number of spaces required.

6.4 Physical Details

- 6.4.1 Every parking space shall be of a useable shape and shall have an area of not less than 180 sq. ft exclusive of access drives and aisles.
- 6.4.2 Every loading space shall have adequate access to the street and the building which it is intended to serve and shall be of useable shape and when located within a building shall comply with the by-laws applicable thereto. The Council may consent to the loading space or spaces being wholly or partly located on the whole or part of any parking spaces.
- 6.4.3 Every required space shall be provided with such access drives and aisles as are necessary for ingress and egress of motor vehicles from and to the street and for the manoeuvring of motor vehicles within the site.
- 6.4.4 Except in respect of a site used or to be used for a dwelling house or semi-detached house, the whole of the required space or spaces and access drives and aisles shall, before the commencement of the use to which such requirement relates, be so formed and surfaced as to be available for use in all weathers and shall at all times thereafter be maintained in the like order and condition.

Provided that:

The Council may, subject to such conditions as it thinks fit consent to the completion of such work after the commencement of such use as aforesaid.

6.5 Information Required

With an application for -

- (a) a permit for a building other than a dwelling house or semi-detached house, or
- (b) to change the use of a site,

6.5 Information Required (cont.)

adequate information as to -

- (i) the proposed location of the parking and loading spaces and access drives and aisles, and
- (ii) the forming and surfacing of such spaces, drives and aisles shall be submitted in addition to any other information required by this code or by any by-law.

6.6 Altered Buildings

Wherever in any building there is a change of use or increase in floor area, the requirements of this ordinance as to off-street parking, and so to loading and unloading for the new use of floor area, shall be complied with.

6.7 Vehicular Access to Corner Sites

Access to or outlet from a corner site shall not be located nearer to the corner of a street than 40 ft unless the Council approves the design and location of that access or outlet; and the Council may refuse approval absolutely if access or outlet more distant from the corner could be provided in all cases where visibility is an element the proposed access shall be submitted to the Engineer for his approval.

6.8 Rural Requirements6.8.1 Vehicular Access

In all cases where vehicular access crosses an existing watertable provision shall be made for the laying of a 12" minimum diameter pipe.

6.8.2 Position of Stock Yards etc

Except in the case of minor 'No Exit' roads, stock yards shall not be permitted within twenty five feet of the carriageway where the loading is at right angles to the road or within the road reserves where the loading is parallel to the boundary.

ORDINANCE 7AMERITIES7.1 Objects and Places of Historical or Scientific Interest or Natural Beauty7.1.1 Designation and Registration

In respect of any object or place of historical or scientific interest or natural beauty which is specified in the scheme statement as intended to be preserved, the Council shall enter particulars thereof in a register to be kept at the office of the Council, and shall forthwith notify the owner and occupier of land upon which any such object or place is situated that it has been registered and is required under the scheme to be preserved. The register shall be open at all reasonable times for inspection by persons interested.

7.1.2 Preservation

No person shall, without the written consent of the Council wilfully destroy, remove or damage any object or place registered by the Council as aforesaid.

7.1.3 Cancellation of Registration

The Council may at any time cancel such registration, and shall there-

7.1 Objects and Places of Historical or Scientific Interest or Natural Beauty (cont.)7.1.3 Cancellation of Registration (cont.)

upon make an appropriate alteration in the register and notify accordingly the owner or occupier of the land upon which the object or place is situated.

7.2 Control of Advertising7.2.1 General

Without in any way derogating from or limiting the generality of application of any By-Law of the Council, it is expressly declared that this part of the Code of Ordinances is complementary to and not in substitution for the By-Laws of the Council relating to the control and licensing of signs and advertising.

All signwriting in the Town must be designed to comply with 'Methods of Realising the Environmental Objectives Clauses', and attention is drawn to the Environmental Exhibition for examples.

For the purpose of this Ordinance:-

"Poster" includes any poster, placard, handbill, writing, picture, painting, engraving, carving, illuminated sign, or other device for attracting attention of passers-by, whether affixed to or incorporated with or painted onto any building or part thereof or other erection and whether permanently or temporarily so affixed or incorporated or painted thereon.

"Signboard" means a board, boarding, signboard, billboard or other erection primarily intended or adapted for the display of posters; and includes any poster displayed on a signboard.

7.2.2 Rural and Residential Zones

No person shall without the consent of the Council erect or construct or display or cause or permit to be erected, or constructed or displayed any signboard or poster in any rural or residential zone.

Provided that this sub-clause shall not apply to:-

- (a) Any poster or signboard of reasonable size and serving only to direct traffic on any site or to denote the name of any street, the number of any premises, the name of any residential building, or the name, character or purpose of any premises or the location or timetable or other details of any public utility or facility.
- (b) Signboards not exceeding 12 square feet in area erected in connection with a church, school, public museum, community hall, library, hospital, nursing home or convalescent home.
- (c) Any signboard not exceeding 6 square feet in area (or such greater size as the Council may permit in any particular case) advertising the disposal of the land or premises on which it is situated and displayed not more than 21 days before and 3 days after such disposal.
- (d) Signboards advertising an auction sale to be held on the premises on which the signboard is erected and so erected and displayed not more than 21 days before and 3 days after the auction.

7.2 Control of Advertising (cont.)7.2.2 Rural and Residential Zones (cont.)

- (e) Any signboard not exceeding 2 sq. ft in area attached to a residential building used for professional or business purposes and bearing only the name, occupation and hours of attendance or business of a person so using the building.
- (f) Any roster or signboard which has been approved by resolution of the Council under the provisions of the By-Laws.
- (g) Temporary posters or signboards relating to elections.
- (h) One signboard of an approved "emblem" type on the site of each petrol service station.

7.2.3 Commercial Areas

- (a) The number and designs of signboards which may be displayed on any building, premises or site in any Commercial area shall be subject to the approval of the Council.
- (b) No signboard or poster shall be erected or displayed in any Commercial Area so as to be obtrusively visible from any Residential Zone.

7.2.4 Council May Prohibit

- (a) If at any time the Council, having regard to consideration of traffic safety or the requirement of traffic control or to the amenities of the area, is of the opinion that the erection, construction or display of any sign ought not to be permitted, the Council may, by resolution, prohibit the erection, construction or display of any such sign. No flashing directional illuminated signs which could confuse a vehicle driver and affect the traffic safety shall be permitted.

7.3 Harmony in Design and External Appearance of Buildings

- 7.3.1 No building shall be so constructed or finished or left unfinished that its external appearance would disfigure the neighbourhood or tend to depreciate the value of adjoining properties.

No structure, sign, excavation or other work shall be sited, or made or finished (notwithstanding that the design and materials may comply with the Council's Building By-Laws) or shall be left unfinished or allowed to fall into such a condition, or remain in such a condition that it would in the opinion of the Council be visually inappropriate to the neighbourhood, or would otherwise interfere with the amenities of the neighbourhood or would tend to depreciate private or public values therein.

Where the Council is of the opinion that any building, structure or other work contravenes the provisions of this sub-clause, the Council will take action under Section 34A of the Act in order to require the owner of such building, structure or other work to remove the objectionable element.

- 7.3.2 If, in the opinion of the Council, the design and appearance of a proposed building will materially detract from the amenities, it shall refuse permission for such development as being in conflict with this Ordinance.

7.4 Preservation of Amenities

- 7.4.1. All land and buildings shall be so maintained as to preserve the amenities of the locality in which they are situated.

7.4 Preservation of Amenities (cont.)

7.4.2 Except for the areas developed for buildings, for paved pedestrian and vehicular access and for parking, any site shall be grassed and planted and maintained as an amenity to the site and its vicinity to the satisfaction of the County Engineer.

7.5 Environmental Objectives

No building permit will be issued if in the opinion of the County Council it does not comply in design quality with the "Methods of Realizing the Environmental Objectives Clauses" In this case the Advisory Committee will make suggestions to the Owner which must be complied with in principle before a permit is issued.

This will apply particularly within the Town Centre Zone and where the Architectural character of Akaroa is strongest.

7.6 Historical Buildings

The Environmental Exhibition shows the position of all good historic buildings which contain environmental quality, the character of Akaroa. These buildings must not be altered or demolished unless it can be proven to the Advisory Committee that it is not practical to maintain the building as it exists. If this is proven to the Committee and Council, a permit will be issued subject to conditions.