

**HEATHCOTE COUNTY COUNCIL**

**DISTRICT PLANNING SCHEME**

**SCHEME STATEMENT  
AND  
CODE OF ORDINANCES**

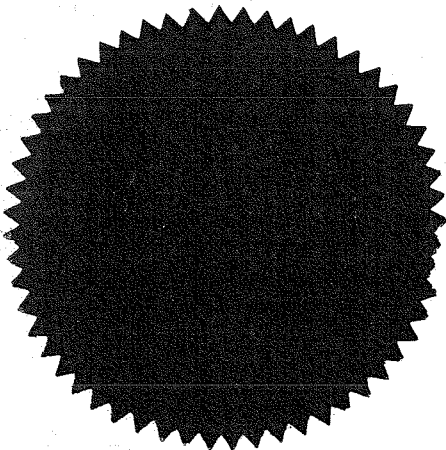
**Approved by Council: 30 October 1968**

**Operative date: 25 November 1968**

APPROVED DISTRICT SCHEME.

I hereby certify as correct the attached Scheme Statement and Code of ordinances; forming part of this Councils Approved District Scheme as approved on the 30th October, 1968.

The Common Seal of the Council of the County of Heathcote was hereunto affixed pursuant to a resolution of the Council in the presence of



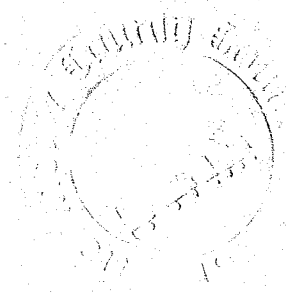
*[Signature]*  
..... County Chairman  
*[Signature]*  
..... County Clerk.

HEATHCOTE COUNTY DISTRICT SCHEME

APPROVED CHANGE NO. 4

This Change No. 4 shall come into operation on the first day of January 1976, being the date fixed at the meeting of the Heathcote County Council held on the twenty-eighth day of October 1975.

The Common Seal of the Chairman,  
Councillors and Inhabitants of  
the County of Heathcote was  
affixed this *twenty eighth* day  
of October 1975, in the presence  
of



*[Signature]*  
..... Chairman

*[Signature]*  
..... County Clerk

It is hereby certified that this is a correct copy of  
Change No. 4 to the Heathcote County District Scheme  
as approved by resolution of the Heathcote County  
Council on the twenty-eighth day of October 1975.

*[Signature]*  
.....  
County Clerk

The Town and Country Planning Act 1953

Heathcote County District Scheme

Change No. 4

Amendments to Ordinance III Clause 3 (7)

1. Reason for Change

Change No. 4 involves an amendment to Clause 3 (7) of Ordinance III relating to small residential subdivisions. This change is designed to give the Council the right to approve the subdivision of residential land into two lots in cases where one lot has an area or frontage that is less than the standard prescribed in Ordinance III Clause 2.

2. The Change

At its meeting held on the 26th September, 1974, the Heathcote County Council resolved that the following Change No. 4 be recommended for approval under Section 30A of the Town and Country Planning Act, 1953.

Change No. 4

That Clause 3 (7) of Ordinance III be amended to read as follows:

Clause 3 (7) Subdivision into two lots - In a residential zone, notwithstanding the requirements of these ordinances as to area and frontage, a site for a dwellinghouse may comprise the whole of a parcel of land which results from the subdivision into not more than two lots of an area occupied as a separate holding, if it is impracticable for each lot to satisfy the requirements of Clause (2) of this ordinance, and if each lot that is a front site contains not less than 20 perches (505.85 square metres) with street frontage of not less than 40 feet (12.192 metres) and each lot that is a rear site contains not less than 24 perches (607.02 square metres) exclusive of any land giving access from the street.

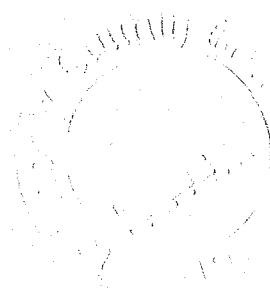
Provided that Council may permit the subdivision of land so as to produce an allotment of less than the minimum standard of area and frontage herein prescribed, if the applicant satisfies the Council that the substandard frontage or area is appropriate to the proposed use and approval thereof is necessary to avoid undue hardship.

HEATHCOTE COUNTY DISTRICT SCHEME

APPROVED CHANGE NO. 5

This Change No. 5 shall come into operation on the first day of January 1976, being the date fixed at the meeting of the Heathcote County Council held on the twenty-eighth day of October 1975.

The Common Seal of the Chairman,  
Councillors and Inhabitants of  
the County of Heathcote was  
affixed this ~~twenty~~eightth day  
of October 1975, in the  
presence of



*[Signature]*  
..... Chairman  
*[Signature]*  
..... County Clerk

It is hereby certified that this is a correct copy of Change No. 5 to the Heathcote County District Scheme as approved by resolution of the Heathcote County Council on the twenty-eighth day of October 1975.

*[Signature]*  
.....  
County Clerk

The Town and Country Planning Act, 1953  
Heathcote County District Scheme

Change No. 5

Deletion of Extension Dry Bush Road  
District Planning Maps Nos 19 and 20.

1. Description of Change:

This change relates to the extension of Dry Bush Road which is to be deleted from District Planning Maps No's. 19 and 20.

2. Reason for Change:

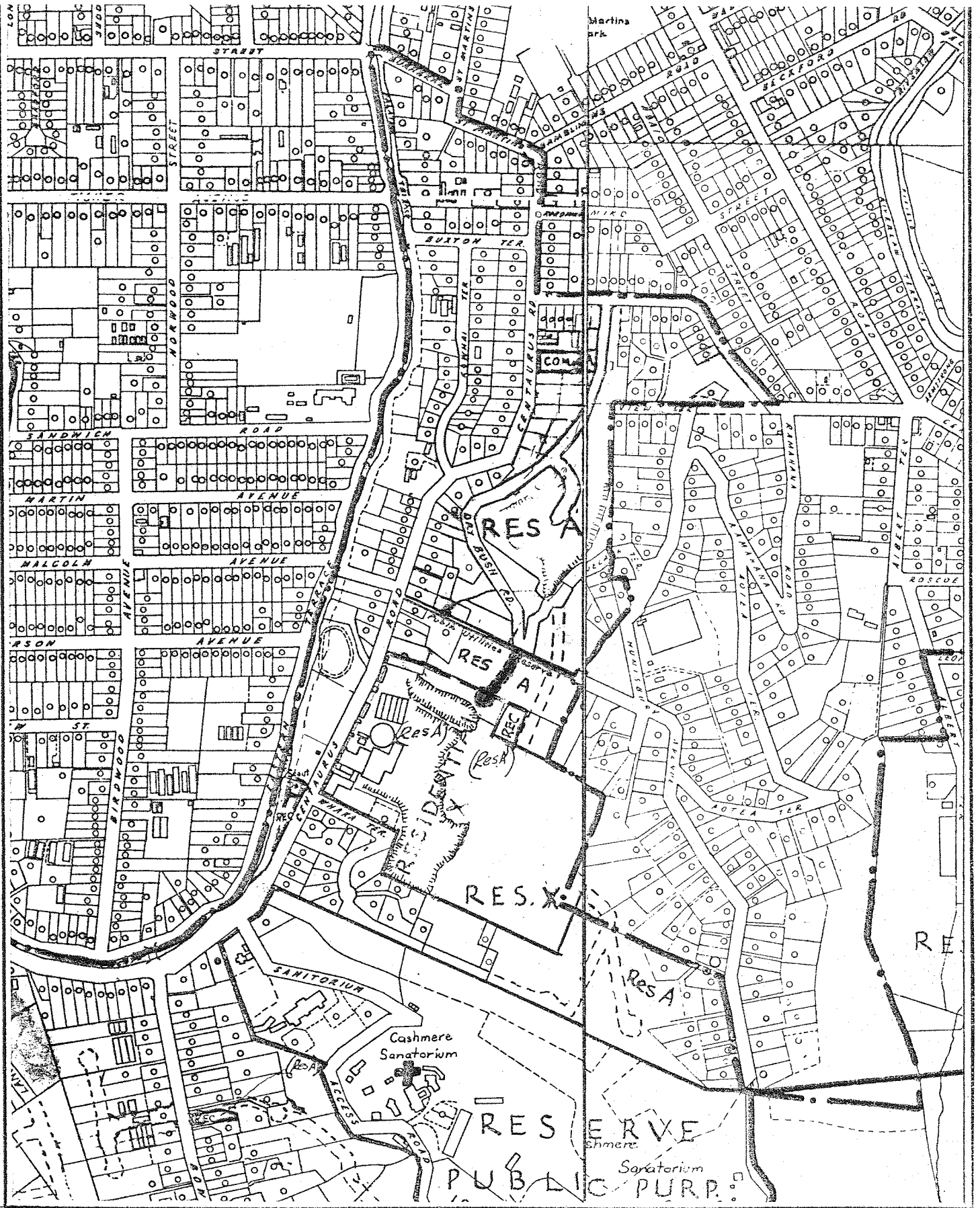
Detailed investigations have indicated that the proposed extension of Drybush Road would have been impractical due to the steepness of the topography.

3. The Change:

At its meeting held on 24th July, 1975, the Heathcote County Council resolved that the following Change No. 5 be recommended for approval under Section 30A of the Town and Country Planning Act, 1953.

Change No. 5

That the extension of Dry Bush Road as indicated on the attached plan be deleted from District Planning Maps No's. 19 and 20.



**HEATHCOTE COUNTY DISTRICT SCHEME**  
**SCHEME CHANGE No 5**  
**Deletion of Extension Dry Bush Road**

**DAVIE, LOVELL-SMITH & PARTNERS**  
 Registered Surveyors, Consulting Engineers, Town Planners  
 198 Hereford St - Phone 68-869 - Christchurch - PO Box 679

SCALE: 10 CHAINS TO 1 INCH  
 DATE: JULY 1975  
 NORTH POINT: Vertical

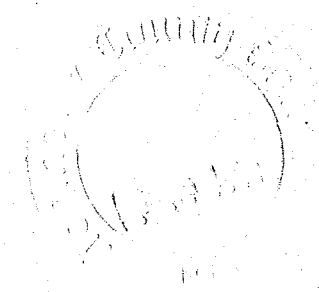
**6341**

HEATHCOTE COUNTY DISTRICT SCHEME

APPROVED CHANGE NO. 6

This Change No. 6 shall come into operation on the first day of January 1976, being the date fixed at the meeting of the Heathcote County Council held on the twenty-eighth day of October 1975.

The Common Seal of the Chairman,  
Councillors and Inhabitants of  
the County of Heathcote was  
affixed this *twentyeighth* day  
of October 1975, in the  
presence of



*[Signature]*  
..... Chairman  
*[Signature]*  
..... County Clerk

It is hereby certified that this is a correct copy of Change No. 6 to the Heathcote County District Scheme as approved by resolution of the Heathcote County Council on the twenty-eighth day of October 1975.

*[Signature]*  
.....  
County Clerk



The Town and Country Planning Act, 1953

Heathcote County District Scheme

Change No. 6

Rezoning from Commercial to Residential - Centaurus Road/  
Parklands Drive

1. Description of Change

Change No. 6 relates to an area of land between Parklands Drive and Centaurus Road as shown on the attached plan. It is proposed to rezone the area from commercial to residential.

2. Reason for Change

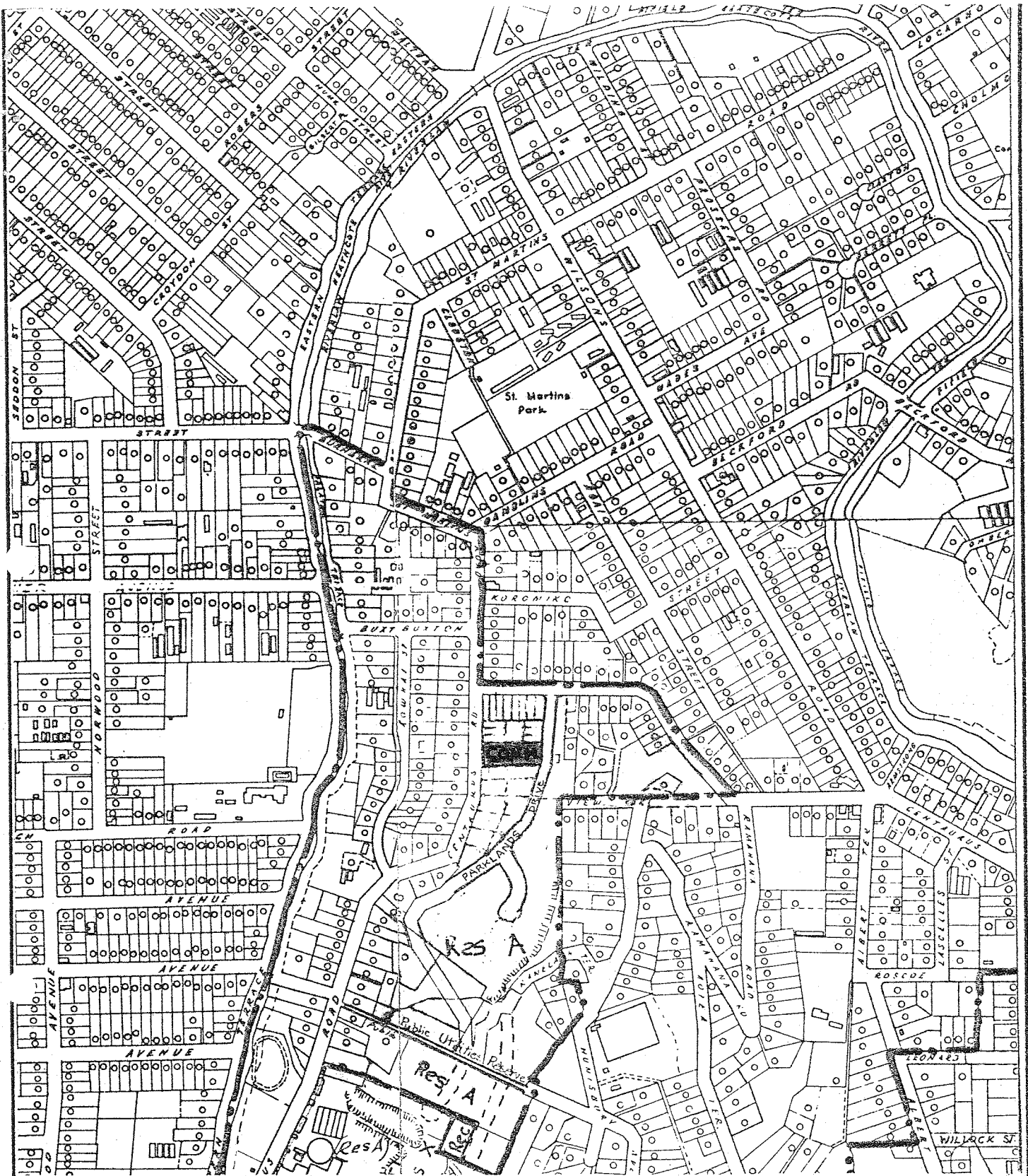
When the land was originally zoned for Commercial purposes some years ago, it was envisaged at the time that the space allocated would be sufficient for a small block of shops. However, it is now considered that the existing facilities in the locality are adequate and that the land in question could be better utilised for residential purposes.

3. The Change

At its meeting held on the 24th July, 1975 the Heathcote County Council resolved that the following Change No. 6 be recommended for approval under Section 30A of the Town and Country Planning Act 1953.

Change No. 6

1. That the land between Parklands Drive and Centaurus Road contained in Lot 4, D.P.25225, Pt.Rs 73 C/T 7A/653 be rezoned from Commercial to Residential A.
2. That the relevant parts of the Scheme Statement, Code of Ordinances and District Planning Maps be amended accordingly.



Proposed Residential

HEATHCOTE COUNTY DISTRICT SCHEME  
 SCHEME CHANGE NO 6  
 Change of Zoning

DAVIE, LOVELL-SMITH & PARTNERS  
 Registered Surveyors, Consulting Engineers, Town Planners  
 198 Hereford St - Phone 68-869 - Christchurch - PO Box 679

SCALE: 10 CHAINS TO 1 INCH  
 DATE: JULY 1975  
 NORTH POINT: Vertical

6341

The Town and Country Planning Act 1953

HEATHCOTE COUNTY DISTRICT SCHEME

SCHEME STATEMENT

Being a Description of the Particular Purposes of the District Scheme and Other Particulars necessary for its Proper Explanation.

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PART I - INTRODUCTORY

CLAUSE 1 - DOCUMENTS COMPRISING DISTRICT SCHEME

This Scheme Statement, the Code of Ordinances and the District Planning Map comprise the Heathcote 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.

CLAUSE 2 - AREA INCLUDED WITHIN DISTRICT SCHEME

The District Scheme provides for the future development of the County of Heathcote, being an area of approximately 13 square miles, as shown on the District Planning Map.

CLAUSE 3 - PLANNING PERIOD

The Operative District Scheme covers a term of 20 yrs. (hereinafter called the planning period), being the years 1962 to 1981, both inclusive.

CLAUSE 4 -

Notwithstanding any wording of the District Scheme which may indicate to the contrary the District Scheme shall, as required by Section 4 of the Town and Country Planning Act 1953, be interpreted in respect of all matters of regional significance in accordance with any operative Regional Planning Scheme.

CLAUSE 5 - INTERPRETATION

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

PART II - POPULATION AND OCCUPATIONAL STRUCTURES  
AND FUNCTIONS OF DISTRICT

CLAUSE I - PAST POPULATION CHANGES

The following table shows how the population of the district has changed since 1926 census.

Population Changes 1926 - 1962

<u>Census</u>	<u>Total Population</u>
1926	4,879
1936	5,923
1945	5,206
1951	7,092
1956	5,228
1961	6,074
Estimate, April 1962	6,400

Population decreases were caused by boundary changes with Christchurch City. Despite the last change at 1st April, 1961, the average annual percentage increase for 1956-61 was 4.70 compared with 2.58 for the Christchurch region, 1.53 for the South Island and 2.11 for New Zealand.

CLAUSE 2 - SEX AND AGE STRUCTURES OF POPULATION

At the two most recent censuses, the sex and age structures of the population were as follows:

(a) Sex Groupings:	<u>Males</u>	<u>Females</u>	<u>Totals</u>
1956 census	2463	2765	5228
1961 census	2778	3292	6070

(b) Age Groupings:

New Zealand averages (expressed as percentages) are given for comparative purposes.

Age Groups	Numbers		<u>District</u>		<u>N.Z.</u>	
			Percentage of Total Popula- tion in Each Age Group	Percentage of Total Populat- ion in Each Group		
	<u>1956</u>	<u>1961</u>	<u>1956</u>	<u>1961</u>	<u>1956</u>	<u>1961</u>
Pre-School age (under 5 yrs)	485	597	9.25	9.85	11.81	12.10
School Age (5 yrs & under 16 years)	953	1183	18.25	19.50	21.08	22.50
Working Age (16 yrs & under 65 yrs)	3108	3536	59.60	58.20	58.02	56.8
Over working age (65 yrs and over)	677	754	12.90	12.45	9.09	8.6
Total	5223	6070	100%	100%	100%	100%

CLAUSE 3 - ESTIMATES OF FUTURE POPULATION

The following table gives an estimate of population growth for the next 20 years:

These estimates are based on a continuation of fringe growth of the metropolitan area, and for the County on average annual percentage increases of 3.5 (1962-66), 2.9 (1966-76) and 1.9 (1971-81), as stated in "A Survey of New Zealand Population", Ministry of Works, 1961.

Population Estimates for the Next 20 Years

<u>Period</u>	<u>Year</u>	<u>Population</u>
Present	1962	6,400
In 5 Years	1967	7,400
In 10 Years	1972	8,450
At end of Planning Period	1981	10,000

CLAUSE 4 - PRESENT FUNCTIONS OF DISTRICT

In relation to the surrounding region the social and economic functions of the district are:

- Residential
- Agricultural
- Industrial
- Pastoral

Most of the residential areas are situated contiguous to Christchurch City residential areas and are dormitory for the metropolitan area. In the east of the district on sheltered northern and western slopes of the hills, market gardens and stone fruit orchards provide part of the regions requirements.

All burnt clay products manufactured in the region come from three separate factories at the foot of the hills. An important national industry (malting) is centred in the only rather separate urban development in the district. Some heavy industry is established in proximity to the railway.

The rural areas are predominantly hill farmed with sheep. Mixed farming is conducted on a small flat valley in the west and a low lying area in the north-east.

The interdependence of the district and metropolitan area makes an analysis of occupations of little significance in that the district has characteristics common to the region and is not an entity in itself, e.g. commercial development is negligible.

#### CLAUSE 5 - POTENTIAL DEVELOPMENT OF DISTRICT

It is anticipated that during the planning period the functions of the district will remain the same as at present, with consolidation and extension of residential areas and probable industrial development adjacent to the railway and motorway to the port at Lyttelton.

### PART III - USE ZONING

#### CLAUSE I - INFORMATION OF PARTICULAR RELEVANCE TO ZONING PROPOSALS

The district comprises steep hills up to 1,500' lying east and west and rising abruptly, except for six small valleys, from the Canterbury Plains. The district extends nowhere more than 1 mile into the flat land to the north, the bulk of which within the district is low lying. The hills generally are suited to residential development and the undeveloped flat land to industrial use.

Some valleys at this stage provide a useful garden produce contribution to the region.

The scenic road and adjacent reserves on top of the hills are a regional recreation amenity.

#### CLAUSE II - PRESENT DISTRIBUTION OF USES OF LAND

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

#### CLAUSE III - POLICY AS TO ZONING

- (1) General Control - The areas within the district that are zoned for rural, residential, commercial, and industrial purposes have been calculated to provide for all the needs of the district in those respects of the whole of the planning period.

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

- (a) To avoid the indiscriminate mixture of incompatible uses;
- (b) To economise in 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.

The 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.

- (2) Consolidation of development - Urban development will be consolidated and confined as far as practicable to areas that are already urban in character in preference to permitting expansion beyond present urban limits.
- (3) 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.
- (4) Identification of zones on District Planning Map - Each zone is shown on the District Planning Map by the notations set opposite its name in the key shown on that map.

#### CLAUSE 4 - RURAL ZONES

- 1. Permitted uses - Subject to the provisions of this Scheme, land within a rural zone is 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) Tend to promote close settlement
  - (b) Cause demand for extension of public services that is not in the economic interests of the region or locality
  - (c) Cause public services that already exist or are substantially committed to be uneconomically used.
  - (d) Cause an extension that is not in the economic interests of the region or locality of the subdivision into lots of less than 10 acres of land along existing highways.
  - (e) 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.
- 2. Area Zoned - The aggregate area, including roads and streets, zoned for rural purposes is 7,100 acres.



CLAUSE 5 - RESIDENTIAL ZONES

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 681 acres and 1,263 acres have been zoned for these uses to provide for the estimated population as at the end of the planning period.
3. Location - Provision is made for the following residential zones:-
  - (a) Cashmere - St. Martins
  - (b) St. Martins Valley
  - (c) Hillsborough
  - (d) Heathcote Valley
  - (e) Bridle Path Road

CLAUSE 6 - COMMERCIAL ZONES

1. Permitted uses - The commercial zones provide primarily for business or commercial development, and consist predominantly of areas for shops, offices and retail storage. The uses of land in the commercial zones shall as far as possible provide continuity of shop frontages without the intrusion at street level of any other use which would tend to affect detrimentally the business or goods of retailers or would tend to draw unnecessary or obstructive vehicular traffic into the streets fronting retail shopping premises.
2. Area zoned - The areas at present used and the aggregate areas and zones proposed are as follows:
  - (a) Aggregate area (excluding streets) at present used for commercial purposes, 3.50 acres, which includes 480 ft. of shop frontage and 22 shops.
  - (b) Aggregate areas (excluding streets) proposed for commercial uses:
    - Commercial zone 4.50 acres (providing 980ft frontage)

CLAUSE 7 - INDUSTRIAL ZONES

1. Permitted uses - The industrial zones are intended to minimise interference of industry with other uses, and within industrial areas to minimise interference of industries with one another. Industries will be grouped according to common characteristics and differences, distinguishing between groups in accordance with the classification set forth in the Code of Ordinances.

For the protection of residential property, and to ensure that sufficient areas zoned, serviced and roaded will be available for industry, residential uses shall, except as provided in the said Code of Ordinances, be excluded from industrial zones.

2. Areas zoned - The areas at present used, and the aggregate areas and zones proposed under the scheme for industrial uses, including wholesale storage, are as follows:

(a) Aggregate area (excluding streets) at present used by industries defined in the Code of Ordinances as -

	<u>Acres</u> (approx.)
Industrial A	-
Industrial B	3.3
Industrial C	32.8

(b) Aggregate areas (including present areas but excluding streets) of industrial zones proposed for purposes defined in the Code of Ordinances as -

	<u>Acres</u> (approx.)
Industrial B	84.7
Industrial C	121.7

#### PART IV - LAND SUBDIVISION

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

#### PART V - RESERVES & OPEN SPACES

#### CLAUSE I - RESERVES AND BUILDINGS

(1) For recreation and open spaces - For practical reasons reserves for the outdoor recreational needs of the community throughout the planning period must be provided in advance of subdivision. Other legislation requires a proportion of these areas to be provided be subdividers and these areas will be grouped for greater usefulness. This will be given effect by accepting in appropriate cases payment of money instead of land so required to be provided, and using the funds so obtained to purchase land in blocks and for the development of the Council's 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, and their areas are as follows:-

	<u>Existing</u>	<u>Proposed</u>
Active recreation areas	12.6 ac.	4.6 acres
Passive recreation areas	477.1 ac.	4.0 acres

(2) For national, civic, and other purposes - Land or buildings owned or proposed to be acquired by public authorities for national, civic, cultural, and community purposes have been shown as so reserved in accordance with the notations assigned to them on the District Planning Map. In this category are public schools, libraries, hospitals, civic buildings, public utilities.

- (3) Details of land and buildings to be acquired - Details of the land and buildings proposed to be acquired for reserves, open spaces, and other uses are set out in the programme of development and are listed in Appendix II hereto.

CLAUSE 2 - PRIVATE OPEN SPACES

- (1) Provision - Landowners will be encouraged to provide and maintain open spaces in appropriate locations for purposes of value to the community. Land used by sports clubs is in this category. Although not owned or intended to be owned by the Council nor by any public authority, these open spaces are important in the life of the community.
- (2) Designation - Land or buildings used for purposes of value to the community and not intended to be owned by the Council nor by any public authority are shown on the District Planning Map specifically for their particular uses and are so zoned. In this category are private schools, halls, clubrooms, car parks, bus depots, etc.,

PART VI - PUBLIC UTILITIES & OTHER WORKS

CLAUSE I - EXISTING SERVICES AND AREAS SERVED

Areas at present served by various public utilities are shown on the planning data map by the notation set opposite the name of the particular service in the key endorsed on that map.

CLAUSE 2 - CONSOLIDATION OF DEVELOPMENT

To ensure economic use of public utilities and other works, subdivision and building development is to be consolidated so far as is reasonably possible within areas already reticulated before expansion elsewhere is permitted.

CLAUSE 3 - PROPOSED EXTENSIONS

Extensions of services to meet the urban development provided for under this Scheme and works and reserves present and proposed for the maintenance and development of public utilities are listed in Appendix III hereto and are shown on the District Planning Map by the notation set opposite the name of the service on that map.

PART VII - BUILDINGS: SITING & HEIGHT

CLAUSE I - 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 requirements are more particularly specified in the Code of Ordinances which forms part of this Scheme.

- (2) Building line restrictions - No building or part of a building shall be erected or substantially reconstructed if any part of it as so erected or reconstructed would stand between the street named and the building line specified in respect of it in Appendix IV hereto.

CLAUSE 2 - HEIGHT

Buildings shall be limited to the maximum site coverage and heights set out in the said code. These are related both to the requirements of the particular zone and to the traffic capacity of adjacent streets.

CLAUSE 3 - 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 loading of vehicles to the extent authorised in the said code.

PART VIII - COMMUNICATIONS & TRANSPORTATION

CLAUSE 1 - EXISTING

The following are the principal items of existing communications and transportation.

- (1) In order to maintain the free flow of traffic along certain highways, by eliminating as far as possible the ill effects of vehicular traffic movement to or from property abutting on the roads listed in Appendix VI as Proposed Limited Access Roads it is intended that future subdivision and development shall be controlled in such a way that it assists and does not hinder the eventual declaration of the road as a Limited Access Road under the Public Works Amendment Act 1963. This will be achieved by the prohibition of subdivision unless alternative legal frontage and access is provided and also following declaration as a Limited Access Road by the control of access through the licensing of specified crossing points with the aim of eventually providing alternative access where this is practicable.
- (2) Road - as illustrated in Map No. T.P. 35 attached to this District Planning Scheme the primary road network comprises:-
- (a) Hackthorne Road supplemented by the Secondary route of Dyers Pass Road
  - (b) Christchurch-Lyttelton Tunnel Road running north and south and connecting Lyttelton Harbour to through routes to the metropolitan area.
  - (c) Cashmere Road - Centaurus Road - Port Hills Road lying against the foot of the hills and providing main east - west route and linking with Colombo Street south.
  - (d) The Summit Road provides an important recreational route.
- (3) Rail - The Christchurch-Lyttelton railway runs in a south-westerly direction across the district for a distance of  $2\frac{1}{4}$  miles and contains the Woolston and Heathcote stations.

CLAUSE 2 - PROPOSALS FOR FUTURE

- (1) Establishment of routes - The provision of traffic routing including public passenger transport routes, routing of arterial through traffic and of local through traffic routes for special industrial and commercial traffic, and all restrictions whether existing or proposed upon the normal use of any street for two-way traffic are shown in Appendix V hereto.
- (2) Roading Standards - Each proposed street is to be specifically designed both in layout and structural strength to cope with the frequencies and weights of traffic likely to use it. Through-traffic streets will be wider, straighter, and more heavily constructed than those for local traffic, and the traditional standard width of 66 ft. will not be universally applied. Motorways and State Highways will normally be wider than this, but streets in areas permanently zoned as residential and carrying little traffic may in some circumstances, with safety and economy be no wider than the minimum of 40 ft.
- (3) Specific Changes - The existing street system will be modified or varied in accordance with the particulars elaborated in Appendix VI hereto. Significant transport tunnels, subways, bridges, overhead bridges, and ramps for vehicular or other traffic, traffic roundabouts, breastworks, and reclamation work to be constructed or carried out, are mentioned in their appropriate paragraphs in Appendix VI hereto.
- (4) Adjustment of alignments of proposed streets, access ways, and service lanes - The proposed streets, access ways, and service lanes shown on the District Planning Map are subject to adjustment as to precise location by agreement with the owners of the land directly affected.
- (5) Proposed service lanes - To avoid confusion and inconvenience to traffic and pedestrians caused by the loading and unloading of bulk goods across footpaths and through the fronts of shops, access to the rear of commercial and industrial properties is to be provided wherever possible by means of properly dedicated service lanes.

PART IX - PARKING & LOADING OF VEHICLES

CLAUSE 1 - DEFINITIONS

For the purposes of this Scheme Statement, unless the context otherwise requires:

- (a) The terms 'parking' and 'loading', in relation to a vehicle, have the same meanings as in the Code of Ordinances
- (b) A loading bay shall be counted as one or more parking spaces according to the number of vehicles the bay is capable of accommodating conveniently while being used as a loading bay.

CLAUSE 2 - COUNCIL'S PROPOSALS

- (1) General Intentions - The Council proposes to provide for the parking of vehicles in the following ways:
  - (a) By off-street parking lots,
  - (b) By requiring adequate provision to be made by the owners or occupiers in or about new and existing buildings in certain cases

- (2) Obligations of property owners - Property owners who or whose tenants have goods to be loaded or unloaded onto or from vehicles are required to provide on their own land or premises adequate space for the vehicles and operations. This space will normally be provided by compliance with the requirements of the Code of Ordinances.

PART X - AMENITIES

CLAUSE 1 - GENERAL INTENTIONS

It is the general purpose of the scheme to promote and safeguard the amenities of every part of the district.

CLAUSE 2 - OBJECTS AND PLACES OF SPECIAL INTEREST

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

CLAUSE 3 - CONTROL OF ADVERTISING

The display of advertising matter will be controlled in accordance with Ordinance VII of the Code of Ordinances.

CLAUSE 4 - MAINTENANCE OF BUILDINGS AND STRUCTURES

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

APPENDIX I

Scheme Statement III 3 (1)

General Description of areas zoned

Areas zoned for Residential Purposes are generally described in Part III of this Statement.

Areas zoned for Commercial purposes are generally small and scattered through the Residential Zone.

Areas zoned for Industrial purposes are, in the main, located near the Lyttelton Railway in the Hillsborough-Heathcote area.

APPENDIX II

Scheme Statement V 1

Land proposed to be acquired for Reserves, Open Spaces and other Uses

River bank near Princess Margaret Hospital.

Recreational Area (Holliss Park) located in area being developed between Bowenvale Avenue and Rossmore Terrace.

APPENDIX III

Scheme Statement VI 3

Proposals relating to Public Utilities

The whole urban area to be reticulated with all public utilities as development proceeds.

APPENDIX IV

Scheme Statement VII 1(2)

Building Line Proposals

- (1) The following road shall be subject to special building line where the front yards shall be measured from 'ultimate widening lines.' These building lines are established in order to safeguard the siting of buildings where it can be foreseen that at some time beyond the planning period road improvements including the provision of divided carriageway will necessitate this widening.

Opawa Road (Curries Road to County Boundary)  
ultimate widening line north side 2 chains  
from present centre line.

- (2) Building lines to conform with the front yard requirements for the zone in which the site is located, as detailed in the Code.

APPENDIX V

Scheme Statement VIII 2(1)

Provision for Traffic Routing

Proposals in accordance with those put forward in Master Transportation Plan produced by the Christchurch Regional Planning Authority, dated August, 1964, and approved by the Heathcote County Council on 27/10/64. These important routes comprising the major networks

of roads are illustrated in Map No. T.P. 35 attached to this District Planning Scheme. This Plan includes the important regional roads, shown as primary and secondary roads and also the principal residential collector roads.

APPENDIX VI

Scheme Statement VIII 2(4)

Proposals affecting Motorways, Highways, Streets, Service Lanes and Access Ways

(1) Road Widening

- (a) Port Hills Road (from interchange to Curries Road) to be widened to 100 links from the original centre line on the north side and to 50 links from the original centre line on the south side.

- (b) Roads requiring widening so that, for their whole length, they will be 100 links wide, the widening, where required, is to be of sufficient width to make each side of each road 50 links from the original centre line of that particular road.

Martindale Road  
Bridle Path Road (Main Road to Tunnel Rd Portal)  
Chapmans Road  
Horotane Valley Road  
Scruttons Road  
Truscotts Road  
Port Hills Road (from Opawa Rd to Glenelg Spur)

- (c) Roads being riverbank road, to be widened. Widening, as required to be on the landward side of road and to be to 50 links from the original centre line.

Ernlea Terrace  
Hunter Terrace  
Palatine Terrace  
Sloan Terrace

- (d) Roads requiring widening so that, for their whole length, they will be 50 feet wide. The widening, where required, is to be of sufficient width to make each side of each road 25 feet from the original centre line of the particular road.

Flavell Street  
Marsden Street  
Rollin Street  
Valley Road

- (e) Roads requiring widening to 1 chain wide for portion of its length. Crichton Terrace from Council's reserve to Karitane Hospital  $\frac{1}{2}$  chain each side.

- (f) Roads requiring widening on one side only.

Flinders Rd to 50 ft. wide (widening on East side only)



(2) Road Deviations

- (a) Port Hills Road, opposite Curries Road (approx. 5 chains)
- (b) Port Hills Road, between Horotane Valley Road and Thompsons Corner (approximately 5 chains)
- (c) Rossmore Terrace - Intersection to Centaurus Rd (approximately 2 chains)
- (d) Truscotts Road, near Christchurch Drainage Board's Pumping Station (approximately 5 chains)

(3) Intersection Corner Splays

The standard splays for all intersections of local roads meeting primary or secondary roads shall be 20 feet in the urban zones and 50 ft in rural zones.

At major intersections larger splays may be required especially where topography dictates alterations to the intersection layout.

These intersections include:

Hackthorne/Cashmere Roads  
Hackthorne/Dyers Pass Roads  
Dyers Pass Road/Victoria Park/Takahe Drive  
Dyers Pass Road/Kidson Terrace  
Port Hills/Chapmans Roads  
Martindale/Port Hills Roads

(4) Alignment Splays

Local widening and corner easing by the provision of special splays will be required as follows:-

McMillan Avenue - (10 chains from Hackthorne Rd)  
Whaka Terrace - (5 chains from Centaurus Rd)  
Crichton Terrace - (5 chains from ~~Cashmere~~ Rd)  
St. Martins Road - (Opposite Gamblins Road)  
Hackthorne Road - (near Stambridge Place)

(5) New Roads Proposed in the Urban Area

Internal roads in the Port Hills Industrial Zone as shown on the plan as a requirement of subdivision.

Residential roads between Hackthorne Road and ~~Cashmere~~ Road south of Princess Margaret Hospital as a requirement of subdivision.

Residential roads between Dry Bush Road and Whaka Terrace as a requirement of subdivision.

Residential subdivision roads as extensions of Landsdowne Terrace, Rossmore Terrace and linking Whereora Terrace to Dyers Pass Road.

Residential subdivision roads to serve Murray Aynsley Hill with a district collector route from Port Hills Road ~~opposite~~ Brabourne Street.

A service road on the south side of Port Hills Road between Chapmans Road and near Curries Road.

(5) A New Roads Proposed in the Rural Area

A road between Bridle Path Road and Truscotts Rd bounding Ferrymead Reserve Development and inclusion of provision of a parking area.

- (6) Important Alterations in level or other engineering features - Channelisation and intersection reconstruction will be considered at :-

Hackthorne/Dyers Pass Roads  
Hackthorne/Cashmere Roads  
Cashmere Road/Colombo Street  
Cashmere Road/Barrington Street  
Port Hills/Martindale Roads  
Port Hills/Bridle Path Roads  
Bridle Path/Ferry Roads  
Port Hills/Opawa Roads

These being the most important intersections in the Regional Road Network, and on Map No. T.P. 35 attached to this Scheme.

- (7) Proposed Limited Access Road

Port Hills Road (Curries Road to the Tunnel Rd - with provision for a service road for access to frontages on the south side between Curries Road and Chapmans Road) Port Hills Road (Tunnel Road to Thompson's corner)

Be designated as a proposed limited access road. Development will be controlled, as detailed in the Code of Ordinances, so that their traffic efficiency is retained, where necessary at the time of declaration of the roads as limited access roads under the Public Works Amendment Act 1963. Licensing specified access points pending the provision of alternative access with future development and schemes of subdivision will only be permitted if alternative access is provided so that the new allotments do not rely on the road proposed as a limited access road for their ultimate access or legal frontage.

APPENDIX VIA

Procedure for the declaration of limited access roads in respect of roads other than State Highways

- (1) The Council may, from time to time, by resolution declare a proposed limited access road to be a limited access road.
- (a) Every such declaration shall refer to a plan showing:
- (i) The road or part thereof to which the declaration relates.
  - (ii) Any authorised crossing places indicating whether they are in daily use or in use generally not more than once a week.
  - (iii) The boundaries of all roads and street frontages to each parcel of land adjoining the road or part thereof to which the declaration relates.
  - (iv) The boundaries of all other types (if any) of legal access (whether rights-of-way, roadlines, private roads, or any other whatsoever), connecting the road or part thereof to any other parcel of land.
  - (v) The title reference to every parcel of land to which sub-paragraph (iii) or sub-paragraph (iv) of this paragraph applies.

- (b) Every such declaration shall indicate where the plan is held and may be inspected.
  - (c) The Council shall cause a copy of the declaration to be served on the owner and occupier of the land adjoining or having legal access to the road or part thereof to which the declaration relates so far as they can be ascertained.
  - (d) The Council shall cause a copy of the declaration as gazetted, together with a statement signed by the Clerk setting out sufficient description and title references all the said parcels of land, to be delivered to the District Land Registrar, who shall record it against the titles to all parcels of land therein described.
2. The Council may from time to time:
- (a) By notice to the owner of the parcel of land affected:
    - (i) Authorise, subject to such conditions (if any) as it may specify any specified crossing place at which vehicles may proceed to and from limited access road from and to any specified parcel of land;
    - (ii) Cancel any such authorisation if the parcel of land will still have reasonably practicable legal access to some other road or street or will still have some other such authorised crossing place;
    - (iii) Cancel or vary any such conditions or impose further conditions;
  - (b) Construct any access road that it may be expedient to construct to give access, whether additional or not, to any land adjoining or near the limited access road.
  - (c) In the same manner as it declares any road to be a limited access road, revoke any such declaration.

#### APPENDIX VIII

##### Scheme Statement X 2

#### Objects and Places of Historical or Scientific Interest, Natural Beauty or Utility

- (1) Ferrymead - Being the site of the original Ferrymead Station at the terminus of the first railway in New Zealand. An area of 9/10 acres to be developed as a recreational and historical area.
- (2) Summit Road - The Control of the development of all land declared to be protected land under the provisions of Section (6) (1) of the Summit Road (Canty) Protection Act 1963 shall be administered in accordance with the provisions of that Act.
- (3) Belt of trees on South West side of Andersons' Factory in Curries Road - Hillsborough.

The Town and Country Planning Act 1953  
HEATHCOTE COUNTY DISTRICT SCHEME

CODE OF ORDINANCES

Comprising Ordinances for the Administration and Implementation  
of the District Scheme

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ORDINANCE I - INTRODUCTORY

CLAUSE 1 - DOCUMENTS COMPRISING DISTRICT SCHEME

This Code of Ordinances, together with the scheme statement and the district planning map comprise the Heathcote 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.

CLAUSE 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.

CLAUSE 3 - INTERPRETATION

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.

"Accessory building" means a building the use of which is incidental to that of any other building or buildings on the site; and in relation to a site on which no building has been erected, incidental to a use then permitted on that site.

Provided that, in relation to a residential site, a garage (other than a private garage as herein defined) is not an accessory building.

"Apartment house" means any residential building which contains two or more household units, and includes a tenement house and a block of flats, but does not include a semi-detached house or terrace house.

"Boardinghouse" means a residential building, not being a licensed hotel, in which board and lodging is provided or is intended to be provided for four or more boarders or lodgers, for reward or payment; and includes a private or unlicensed hotel and a private residential club.

"Building" means any structure, whether temporary or permanent movable or immovable of not less than 4 ft. in height and includes any fence or wall of not less than 6 ft. in height.

"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.

"Close Settlement" means an enclave, by reason of their small size of subdivisions which are in any way enacted to contain a house or a substantial building in which one or more people work.

"Code" means this code of ordinances

"Commercial garage" means land or a building on or in which :-

(a) Self-propelled vehicles not belonging to the occupier of the premises or his family are serviced, overhauled, or repaired; or

(b) Three or more self-propelled vehicles which are regularly used for any commercial or business purpose are housed or cared for; or

(c) Two or more self-propelled vehicles, used as public conveyances for hire or reward, are housed or cared for; or

(d) Any three or more self-propelled vehicles are housed for reward.

"Conditional Use" in relation to land and to any 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 use or in respect of the particular site.

"Coverage" means that portion of a site which may be covered by buildings, including accessory buildings.

"Dairy" means a shop which has as its primary business the sale by retail of dairy produce and does not include any shop which has as its primary function the sale of foodstuffs generally even though dairy produce be sold.

"Dwellinghouse" means a detached residential building or group of residential buildings designed for or occupied exclusively as one household unit.

"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 on another position on the same site; and "erect" and "erected" have corresponding meanings.

"Existing" in relating to buildings 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 a 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

"Height" and "height-control line" have the meanings specified in Clause 3 of Ordinance V hereof.

"Household unit" means the self-contained home or residence of a single household.



- "Household" includes every housekeeping unit, whether of one or more persons.
- "Interim use" has the meaning specified in Clause 3 of Ordinance IV hereof.
- "Licensed hotel" means a building in respect of which there is for the time being in force a publican's licence issued under the Licensing Act 1908.
- "Licensed Premises" means premises in respect of which a license for the sale of liquor is for the time being in force under the Sale of Liquor Act 1962.
- "Limited Access Road" means any road or part of a road which has been declared a Limited Access Road by the controlling road authority, under the Public Works Amendment Act 1963.
- "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.
- "Motel" means land and one or more buildings principally for the day-to-day accomodation of travellers by road and their vehicles, and includes as accessory to the principal use any services or amenities provided on the site such as fuelling of vehicles, shops, restaurants, bathhouses and swimming pool, playgrounds, and the like.
- "Non-conforming" in relation to a site or a building or to the use of a site or building, means a site or a building or a use of either that does not conform with the provisions of this scheme.
- "Parking", in relation to a vehicle, includes the stopping or standing of the vehicle in the same place approximately, whether the driver is with it or not, whether the engine is running or not, and whether the vehicle is capable of moving under its own power or not, but a vehicle shall not be deemed to be parked on a street if the period of standing is not more than five minutes, or, being more than five minutes, is enforced by circumstances beyond the control of the licensed driver present in charge of the vehicle; and "park" in relation to a vehicle, has a corresponding meaning.
- "Permitted use" means every predominant use, whether or not a permit has been obtained, and every conditional use that is permitted by the Council in accordance with this scheme.
- "Petrol service station" means an establishment for the fuelling, lubrication, and minor servicing of motor vehicles, not including engine or body repairs or overhaul, or trimming or spray painting.
- "Place" has the meaning specified in Clause 1 of Ordinance V hereof.
- "Poster" has the meaning specified in Clause 2 of Ordinance VII hereof.

- "Predominant use", in relation to land in any zone, means any use specified in these ordinances as a predominant use.
- "Private garage" means a garage other than a commercial garage as herein defined, and includes a carport.
- "Proposed Limited Access Road" means any road or part of a road shown as a proposed limited access road in Appendix VI of the Statement which has not been declared to be a limited access road.
- "Residential building" means any building or part of a building used or intended to be used for residential purposes.
- "Residential institution" means a hostel, hospital (other than a mental hospital), convalescent home, boarding school, or charitable institution providing board and lodging and having accommodation for four or more persons other than management and staff.
- "Semi-detached house" 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 dwellinghouses.
- "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 any auctioneer's or land agent's premises, a lending library, a restaurant, a hairdresser's premises and a depot for receipt and delivery only of articles to be cleaned, laundered or dyed, but does not include premises used for the sale of fuel for motor vehicles, car sales yards or any similar type of sales yard.
- "Signboard" has the meaning specified in Clause 2 of Ordinance 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 the site is situated to each of two or more streets or private streets not less than 40 ft. 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 street or private street. "Rear site" means a site which is situated generally to the rear of another site and which has not the frontage required for a front site for that use in the zone. "Through site" means a front site having two frontages to a street or streets, such frontages not being contiguous and the average width of the site measured at right angles to the axis of the site being not less than the minimum frontage required for a front site.

"Street" included road.

"Terrace house" means one of a group of household units, whether of one or more storeys, each being the only household unit on its site and each (except the unit at each end) being joined to one unit on each side by a wall common to both that meets the requirements of the Council's by-laws for a party wall between dwellinghouses, and if an end unit being so joined on one side only.

"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.

"Front Yard" means a yard between the street line or lines in the case of a corner site and the line or lines parallel thereto and extending across the full width of the site.

"Rear Yard" means a yard between the rear boundary of the site and a line parallel thereto 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 centre and radius of 30 ft.

"Side Yard" means a yard between a side boundary of the site and a line parallel thereto, extending:-

- (a) From the front yard to the rear yard, or
- (b) If there be no front yard, from the front boundary of the site to the rear yard, or
- (c) If there be no rear yard, from the front yard or boundary as the case may be to the rear boundary of the site, or
- (d) If there be two or more front yards, from yard to yard

#### CLAUSE 4 - IMPLEMENTATION OF DISTRICT SCHEME

- (1) General Obligations - Subject to the provisions of the Act and all Regulations made thereunder and to Clause 4 of Ordinance V hereof, no person shall depart or permit or suffer any departure from the requirements and provisions of the Scheme nor shall any person use or permit the use of any land or building or undertake or permit any new 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.
- (2) Information to be supplied in application for permits - 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 accomodation for motor vehicles.

- (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.

ORDINANCE II - USE ZONING

CLAUSE 1 - GENERAL

- (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) Zone titles and notations - The zones constituted for the purpose 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, Residential, Commercial, and Industrial B and C.
- (3) Control of uses within zones -
- (a) Uses authorised - 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 authorised 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 authorised; but in respect of any other use that is not expressly provided for within the district by Ordinance V 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.
- (c) 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.

- (d) Designated open spaces in relation to zoning- For the purposes of this Scheme every designated open space, and (subject to the provisions of the Act and the prerogatives of the Crown) every reserve, is reserved for the particular purpose for which it is designated or reserved under the Scheme.

4. Regulation and procedure in respect of uses -

- (a) Predominant Uses - Subject to the provisions of these ordinances, consent of the Council shall not be required under these ordinances to the use of any land or building for any use specified and at that time permitted as a predominant use in the zone in which it is situated, if that use is in accordance with every requirement set forth in this code in respect of it as a predominant use; but any proposed departure from those requirements shall have effect to constitute that use a conditional use, and the provisions of this code as to conditional uses in that zone shall apply as if that use had been specified as a conditional use within that zone.
- (b) Conditional uses -
  - (i) General - Subject to the provisions of these ordinances, the use of any land or building for any use specified and permitted at that time as a conditional use in the zone and partition in which it is situated is permitted subject in each case to the consent by resolution of the Council and to such conditions, restrictions, and prohibitions as to locations, height, yards, position of buildings on sites, coverage, drainage, disposal of effluents, and preservation 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.
  - (ii) Notification of consents - Every person who has applied for consent to a conditional use of any land or building shall notify the proposal and any special conditions, restriction, and prohibitions proposed by the Council, by a statement published at the expense of the applicant in two issues of a newspaper circulating in the district, with an interval of one week, and shall concurrently serve a copy of the statement on such adjacent owners, occupiers, and other persons as, in the opinion of the Council, appear likely to be affected.
  - (iii) Right to object to proposal - Any such owner, occupier, or person affected may object to the proposed conditional use of the property by notice in writing delivered to the Council at any time within 14 days after the date of the first publishing of the statement. Every such notice shall state the grounds of the objection and whether the objector wishes to be heard in support of his objection.

- (iv) Hearing and determination of objections to proposed uses - The applicant and every objector who has in his objection signified his desire to be heard shall be entitled to be heard by the Council or a committee thereof appointed for the purpose either specially or as a standing committee, and after the application and all objections have been considered the Council may determine the conditions to which that use if permitted shall be subject.
- (v) The requirement to notify the proposal and publish in a newspaper as required in (ii) above may be dispensed with where the Council is of the opinion that the proposal will not adversely affect neighbours and will not be detrimental to the neighbourhood.

CLAUSE 2 - RURAL ZONING

(1) Rural Zone

- (a) Predominant uses - The predominant uses shall be:-
  - (i) Farming of any kind, forestry, racing stables, veterinary hospitals, and boarding kennels, excepting the housing or keeping of animals in any building or enclosure within 40 ft. from any residential building or the boundary of any residential zone.
  - (ii) Parks, playgrounds, recreation grounds and scenic reserves.
  - (iii) Churches and places of public and private worship.
  - (iv) Buildings accessory to use of buildings or land for any of the foregoing uses including dwellinghouses, except in any position in relation to any undertaking within or outside the zone that would or might in the opinion of the Council prejudice the health or safety of the occupiers of the dwellinghouses.
- (b) Conditional uses - The conditional uses shall be:-
  - (i) Rural industries such as butter factories, cheese factories, apiaries, premises used for the manufacture of dried-milk products, stockyards, or for any other industry which is ancillary to farming or any kind not being one of the industries listed in Appendix I hereto or any other industry with noxious or dangerous aspects.
  - (ii) Timber mills, sawmills, timber processing, or any other undertaking which is ancillary to the forestry and timber industries, 'In the vicinity of the source of the timber' not being one of the industries listed in Appendix I hereto or any other industry with noxious or dangerous aspects.
  - (iii) The quarrying, winning, and processing of materials occurring naturally in the vicinity
  - (iv) Educational establishments, residential institutions, hospitals, nursing homes, convalescent homes, and charitable and philanthropic institutions, and boardinghouses and hostels used in connection with those uses
  - (v) Licensed hotels, boardinghouses, motels, camping grounds, cabarets, tea rooms, restaurants, halls, and generally buildings for or connected with indoor or outdoor recreation.
  - (vi) Racecourses and showgrounds

- (vii) Cemeteries and crematoria
  - (viii) Country stores, commercial garages and machinery workshops, and roadside shops for the sale of the produce of the farm on which the shop is located
  - (ix) Depots, offices, and men's quarters, and the storage or maintenance of heavy plant and machinery for undertakings engaged on the construction and maintenance of structures, quarrying or excavation.
  - (x) Residential uses if the site is capable of being used as an independent economic unit for a farming use and has not less than the minimum area and frontage appropriate to that farming use in the zone, or if the site is a subdivision authorised under Ordinance III hereof.
  - (xi) Provision for public parking of vehicles.
  - (xii) Buildings accessory to use of buildings or land for any conditional use authorised by or under the District Scheme for that site at that time.
- (c) Conditions relating to certain conditional uses - The following conditions shall apply to conditional industrial uses in rural zones:-
- (i) All tailings, sawdust, spoil, waste, and effluent shall be so disposed of as to minimise damage to property or disfigurement of the countryside.
  - (ii) The sites of excavations, heaps, dumps, spoil or other materials at any workings or plant which cause or are likely to cause damage to property or disfigurement to the countryside shall be progressively restored to a reasonably natural state by levelling or back-filling where possible, and by the planting of grass or trees, and on completion of work by the removal of plant and buildings.
- (d) Subdivision of land - See Ordinance III
- (e) 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	Maximum Permitted height excluding chimneys, masts, etc.,
Residential Building	25ft	25ft	15 ft	35 ft
Other Buildings	50ft	50ft	30 ft	35 ft

For exceptions to normal yard requirements, see Ordinance V.2 (2).

Additionally - The Council may vary the tabulated requirements on a pre-existing site or a substandard allotment permitted under Ordinance III.3 (1).

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

### CLAUSE 3 - RESIDENTIAL ZONING

#### (1) Residential A Zone -

##### (a) Predominant uses - The predominant uses shall be:-

- (i) Dwellinghouses
- (ii) Semi-detached houses
- (iii) Apartment houses containing not more than two household units
- (iv) Parks, playgrounds, recreation grounds 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.
- (v) Professional offices situated in a dwelling permitted under this ordinance, so long as the predominant use of the premises as a whole is that of a dwellinghouse.
- (vi) Farming, including pastoral, agricultural or dairy farming, market gardens, and nursery gardens; excepting the housing or keeping of animals in any building or enclosure within 75 feet of any residential building and less than 30 feet from any boundary of the site. Provided, however, that the Council may at its discretion permit the keeping of animals within such distances respectively if the Council considers that no undue annoyance will be suffered by neighbours. Provided however that the keeping of not more than 24 fowls is permitted in buildings or enclosures sited not less than 30 feet from any residential building.
- (vii) Buildings accessory to use of building or land for any predominant use authorised by or under the District Scheme for that site at that time.

##### (b) Conditional uses - The conditional uses shall be:

- (i) All residential uses not permitted as predominant uses
- (ii) Boardinghouses, lodginghouses, licensed hotels, and private residential clubs.
- (iii) Churches and places of public or private worship
- (iv) Museums, art galleries, libraries, nurseries, play centres and educational establishments, including boarding houses and hostels used in connection with those uses.
- (v) Public and private hospitals (other than mental hospitals) health clinics, nursing homes, convalescent homes and veterinary surgeries (but not premises used for the boarding or keeping of animals)
- (vi) Places of assembly, including gymnasiums, and training sheds.



- (vii) (vii) Fire stations, electrical substations, transformers, drainage and pumping stations, bus and tramway passenger shelters, water reservoirs, water towers, and other structures of public utility.
  - (viii) Shops for the sale of groceries, green-groceries, and/or dairy products in conjunction with residential accomodation occupied by the shopkeeper.
  - (ix) Groups of garages or parking spaces for hiring.
  - (x) Provision for public parking
  - (xi) Metels and camping grounds
  - (xii) Tea rooms, restaurants, and reception rooms.
  - (xiii) A building not exceeding 480 sq. ft. floor area situated on the same site with a residential building and used for the storage only of plant and materials in connection with the business of the person who is resident on the same site.
  - (xiv) Buildings accessory to use of buildings or land for any of the uses specified in this paragraph except those specified in subparagraph of this paragraph.
- (c) Subdivision of land - See Ordinance III.
- (d) Bulk and location requirements -
- (i) For predominant uses - The normal bulk and location requirements for predominant uses shall be:-

Type of Use	Front	Rear	Side	Coverage	Max. Height
	Yards	Yards	Yards		
	Minim. Depth	Minim. Depth	Minim. Depth		
Dwellinghouse	15ft	25ft	(5ft on one side*	35%	35ft
Apartment house			(8ft on other side*		
Semi-detached house	15ft	25ft	8ft * **	35%	35ft
Other buildings (excluding accessory buildings)	15ft	25ft	10ft *	35%	35ft

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

\*\* Only one side yard required \* 10 ft each side yard required if height greater than 20 ft.

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

- (ii) For conditional uses - The normal bulk and location requirements for conditional uses shall be:-

Type of Use	Front Yards Minim. Depth	Rear Yards Minim. Depth	Side Yards Minim. Depth	Coverage	Min. Site Area per Household Unit
Apartment house designed & built as such	15ft	25ft	5ft on one side* 8ft on other side	45%	300 sq.ft. of site area per person provided for
Terrace house - (a) Inner Units	15ft	25ft	Nil	35%	8 pchs
(b) End Units	15ft	25ft	8ft ** *	35%	12 pchs
Other buildings excluding accessory buildings)	25ft	25ft	5ft on one side* 8ft on other side	45%	

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

\*\* Only one side yard required.

\* 10ft. side yards required if height greater than one storey but not greater than 30 ft, and where building exceeds 30 ft. in height, the side yard shall be increased by 1 ft. for each additional 2 ft. of height.

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

- (e) Parking and loading of vehicles - See Ordinance VI

(2) Residential X Zone -

- (a) Predominant Uses - The Predominant Uses shall be the same as those listed as predominant uses for Residential A Zones.
- (b) Conditional Uses - The Conditional Uses shall be:-
- (i) All those uses listed as conditional uses in Residential A Zones.
- ~~(ii)~~ (ii) The manufacture of bricks, tiles, and burnt clay products, and the winning of the materials associated therewith.
- (c) Subdivision of Land - The Subdivisional requirements shall be the same as those applicable to Residential A Zones.
- (d) Bulk and location requirements -
- (i) For Conditional uses the bulk and location requirements shall be the same as those applicable to Conditional Uses in the Residential A Zones; except that where the use is as listed in (b) (II) above, the requirements shall be the same as those applicable to Industrial C Zones, except for height which shall be limited to 35 feet.
- (e) Where the use is as listed in (b) (ii) above, special conditions shall be applied in each case, on its merits, for the proper restoration of the land for Residential purposes appropriate in a Residential Zone and for the preservation of stable conditions for adjoining land.
- (f) Parking and loading of vehicles - See Ordinance VI.

CLAUSE 4 - COMMERCIAL ZONING

(1) Commercial Zones

- (a) Predominant Uses - The predominant uses shall be:
- (i) Retail shops used for dairy, milk bar, grocer, greengrocer, butcher, fishmonger, chemist, delicatessen, cake shop, confectioner, stationer, fancy goods, hairdresser, boot repairer, or shops or depots for other similar purposes, including such shops where dwelling accommodation is incorporated in the same building if there is not more than one household unit per shop so designed that the dwelling quarters have independent fire-proofed access to the street.
  - (ii) Professional and commercial offices and banks.
  - (iii) 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
- (b) Conditional Uses - The following shall be conditional uses in commercial zones:-
- (i) Retail shops not provided for as predominant uses.
  - (ii) Fire stations, electrical substations, transformers, pumping stations, bus shelters, and similar structures of public utility.
  - (iii) Any uses permitted in residential zones, other than residential buildings.
  - (iv) Parking lots, parking buildings and motels.
  - (v) Petrol service stations, commercial garages, and garages for running repairs, in cases where the floor space to be used for the garaging and repairing of vehicles does not exceed 3,000 sq. ft. and access to and from the street is to the approval of the Council.
  - (vi) Any process of manufacture of goods most of which are for sale by retail on the premises.
  - (vii) Warehouses for the storage and distribution of goods of a light nature.
  - (viii) Buildings accessory to use of buildings or land for any conditional use authorised by or under the District Scheme for that site at that time.
  - (ix) Use of a rear site for any use that is permitted in this zone by this code.
  - (x) Canteens, dining rooms, ablutions and recreational and other facilities primarily for the convenience and medical and surgical treatment of those engaged in the zone.
  - (xi) Libraries, exhibitions, museums & art galleries
  - (xii) Theatres and halls and places of public or private assembly
  - (xiii) Licensed hotels, private hotels and residential and non-residential clubs.
  - (xiv) Living quarters for a caretaker or other person whose employment requires that he live on the premises.

- (c) Subdivision of land - See Ordinance III
- (d) Bulk and location requirements - The normal bulk and location requirements for predominant uses shall be:
  - (i) Front yards minimum depth 15 ft
  - (ii) Rear yards minimum depth 25 ft
  - (iii) Side yards minimum width 15 ft on each side which adjoins a rural or residential zone unless rear access to that site is provided.
  - (iv) Coverage 75 per cent for buildings other than residential but including those with caretaker's accomodation.  
50 per cent for buildings containing residential accomodation
  - (v) Minimum of open space: Where commercial and residential uses are combined, the site shall have not less than 600 sq. ft. of open space about the building for each household unit.
  - (vi) Maximum height. 30 ft. as of right, but increased height, if necessary, may be authorised by the Council subject to the written consents of other owners who might be affected.

For exceptions to normal requirements as to yards, see Ordinance V.2 (2)
- (e) Parking and Loading of vehicles - See Ordinance VI.

CLAUSE 5 - INDUSTRIAL ZONING

- (1) Industrial B Zones
  - (a) Predominant Uses - The predominant uses shall be:
    - (i) Any industry other than an industry falling within Appendix I or Appendix II hereto.
    - (ii) Living quarters for a caretaker or other person whose employment requires that he live on the premises.
    - (iii) Canteens, dining rooms, ablutions, and recreational and other facilities primarily for the convenience and medical and surgical treatment of those engaged in the zone.
  - (b) Conditional uses - The conditional uses shall be:
    - (i) Use of a rear site for any use that is permitted in this zone by this code.
    - (ii) Non-residential clubs.
    - (iii) Licensed premises
  - (c) Subdivision of land - See Ordinance III
  - (d) Bulk and location requirements - The normal bulk and location requirements shall be:
    - (i) Front yards minimum depth 15 ft.
    - (ii) Rear yards minimum depth 25 ft. if adjoining a residential zone
    - (iii) Side yards minimum width 25 ft. on each side which adjoins a residential zone
    - (iv) Coverage 75 per cent.
    - (v) Angle of height-control line 65° (for graph showing heights permitted for various distances from middle line of street) (see Appendix III of this code)
    - (vi) Maximum height 110 feet.

For exceptions to normal requirement as to yards, see Ordinance V.2 (2)

- (e) Parking and loading of vehicles - See Ordinance VI.

(2) Industrial C Zones

- (a) Predominant Uses - The following shall be predominant uses.
- (i) Any industry except those falling within Appendix I hereto.
  - (ii) Living quarters for a caretaker or other person whose employment is such that he is required to live on the premises.
  - (iii) Canteens, dining rooms, ablutions, and recreational and other facilities primarily for the convenience and medical and surgical treatment of those engaged in the zone.
- (b) Conditional Uses - The following shall be conditional uses in Industrial C zones
- (i) Living quarters for persons required to be at call when off duty
  - (ii) Any industry falling within Appendix I hereto if the process or operation is so modified as to preclude every element of noxiousness or danger in relation to adjacent properties and undertakings.
  - (iii) Use of a rear site for any use that is permitted in this zone by this code.
- (c) Subdivision of land - See Ordinance III.
- (d) Bulk and location requirements - The normal bulk and location requirements shall be:
- (i) Front yards minimum depth 15 ft.
  - (ii) Rear yards minimum depth 25 ft. if adjoining a residential zone
  - (iii) Side yards minimum width 25 ft. on each side which adjoins a residential zone
  - (iv) Coverage 75 per cent.
  - (v) Angle of height-control line 65° (for graph showing heights permitted for various distances from middle line of street see Appendix III of this code)
  - (vi) Maximum height 110 ft.
- (e) Parking and Loading of vehicles - See Ordinance VI

ORDINANCE III - SUBDIVISION OF LAND

CLAUSE 1 - SUBDIVISION TO CONFIRM WITH PLANNING PRINCIPLES

Notwithstanding that a scheme of subdivision may comply with the requirements of the District Scheme in respect of frontage and areas, 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.

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, to earthquake fault lines, and to liability to flooding, erosion and landslip, to stability of foundations, and to safety, health, and amenities.

CLAUSE 2 - STANDARD AREA AND FRONTAGE REQUIREMENTS

Subject to the other provisions of these ordinances, every subdivision of land shall be so designed as to provide sites that meet the requirements of these ordinances for predominant and conditional uses, and for the bulk and location of buildings, being requirements that apply in that zone.

Provided that no person shall in any case subdivide land in the zone named in the first column hereunder so as to produce for the use specified in the second column an allotment with an area less than that specified in the third column or fifth column (whichever is applicable) or frontage less than that specified in the fourth column, set opposite the particular zone and use.

Zone	Use	Min. Std. Area	Min. Std. Ftge.	Min. Area in district without Sanitary Sewers	Min. Depth	Area	Front	Non Sew
						Std	Std	Area Std
Rural	Any permitted use	10 a.	264ft	-	-	4.0469 ha	80.47 m	
Residential	Front sites -							
	(a) Any terrace house -							
	Inner units	8 p.	18ft	-	-	202m <sup>2</sup>	5.49 m	
	End units	12p.	26ft	-	-	303m <sup>2</sup>	7.92	
	(b) Any semi-detached house	12 p.	26ft	-	-	303m <sup>2</sup>	7.92	
	(c) Any other permitted bldg	20 p.	50ft	32 p.	-	506m <sup>2</sup>	15.24	
	Rear sites - Any permitted building	28 p.	10ft	400p.	-	708m <sup>2</sup>	3.05	1012m <sup>2</sup>
		exclusive of access		exclusive of access	24.38 80ft			
Commercial	Any permitted use	-	20ft	-	-		6.10	
Industrial	Any permitted use	1 a.	40ft	-	-	4.047 ha	12.19	

Provided that small associated industries may be permitted on rear sites of not less than 40 perches exclusive of access strip, which must be of at least 20 ft. width.

Provided also that where land having a frontage to a proposed limited access road is to be subdivided the scheme plan shall include provision for alternative legal access in accordance with this ordinance to a road other than a proposed or a Declared Limited Access Road.


CLAUSE 3 - EXCEPTIONS TO STANDARD REQUIREMENTS

- (1) Rural Zones - Economic units and areas appropriate to use - In a rural zone the Council may permit the subdivision of land so as to produce an allotment of less than the minimum standard of area and frontage herein prescribed, if the applicant satisfies the Council either that the substandard allotment can be an independent economic farming unit, or that the substandard frontage or area, as the case may be, is appropriate to the proposed use and approval thereof is necessary to avoid undue hardship.

Provided that no substandard allotment shall be permitted:-

- (a) If it tends to promote close settlement
- (b) If it is likely to cause demand to be made 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; or
- (c) If it is likely to lead to any obstruction to or other interference with the free movement of traffic on State Highways or important traffic routes.
- (d) If it has a frontage on no road other than a proposed Limited Access Road or Declared Limited Access Road.

- (2) Boundary adjustments - In any zone the requirements of this ordinance shall not apply to a subdivision if the Council is satisfied that the subdivision is intended solely for the adjustment of boundaries which will leave each of the adjusted allotments of substantially the same area as before.
- (3) Public utility sites - In any zone the requirements of this ordinance shall not apply to a site or allotment which is being or has been, reduced to not less than four-fifths of the standard in any one or more respects by the taking of part thereof under the Public Works Act 1928 or by the sale thereof with the approval of Council for a purpose of public utility, nor shall those requirements apply to the part so taken or sold.
- (4) Reduction of area in special circumstances - Notwithstanding other provisions of these ordinances, any site permitted in the zone for separate occupation as a site for a detached dwellinghouse may be reduced in area by not more than one-fifth of the area prescribed if the total number of sites for separate occupation which would have been obtained without that reduction is not thereby exceeded, and if any surplus land is dedicated to the Council for a public purpose or disposed of in accordance with directions of the Council.

- (5) Front site of irregular shape - In a residential zone, for a front site for a dwelling, being a site with side boundaries diverging from the street, the frontage may be reduced to 20 ft. if the width of the site at a distance of 30 ft. from the street boundary is not less than the frontage prescribed in Ordinance III.2 hereof.
- (6) Pre-existing front sites - In a residential zone, notwithstanding the requirements of these ordinances as to area and frontage, a site for a dwellinghouse may comprise the whole of a parcel of land which, being a front site, contains an area of not less than 12 perches, with street frontage of not less than 30 ft. 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.
- (7) Subdivision into two lots - In a residential zone, notwithstanding the requirements of these ordinances as to area and frontage, a site for a dwellinghouse may comprise the whole of a parcel of land which results from the subdivision into not more than two lots of an area occupied as a separate holding, if it is impracticable for each lot to satisfy the requirements of ~~subclause~~ (1) of this ordinance, and if each lot that is a front site contains not less than 20 perches with street frontage of not less than 40 ft. and each lot that is a rear site contains not less than 24 perches, exclusive of any land giving access from the street. 
- (8) Rear sites and access thereto - In a residential zone, every rear site for a dwellinghouse shall have an area of not less than 28 perches, and have as its access from a street a straight or nearly straight strip or piece of land in the same certificate of title at least 10 ft. wide and not more than 198 ft. long that is not computed or included in the said minimum area (except in special cases where the Council approves) Provided that, where four strips or fewer are side by side, the width of each may be reduced to 5 ft. if the total width of the strips does not exceed 20ft (measured at right angles to their course) and if each strip is subject to a right-of-way in favour of the owners of each of the other strips. Provided further that, subject to the consent of the Council and to the condition that reciprocal rights of way shall be created over all the strips, in exceptional cases more than four adjoining rear sites may be served by strips side by side any of which may be less than 10 ft. in width, subject to the further condition that, except as provided in Section 25 of the Counties Amendment Act 1961, the total width of the strips does not exceed 20 ft.
- (9) In residential zones, there shall not be more than one main residential building, and its accessory buildings on one site, provided however, that this requirement shall not apply to residential buildings used for religious or educational purposes.



- (10) Where land having a frontage to a proposed or a declared limited access road is to be subdivided and the Council in the case of roads other than State Highways, or the National Roads Board in the case of State Highways, is satisfied that there is no practicable alternative legal frontage for access and that the provision of a specified access to any of the proposed allotments from such a road will not prejudice its traffic efficiency, then the Council may permit the subdivision and authorise with conditions the specified crossing places.

CLAUSE 4 - PLAN OF SUBDIVISION FOR COUNCIL

Subject to the further requirements of any by-law on the subject, a copy of every subdivisional plan shall be supplied to the Council for its record.

ORDINANCE VV - RESERVATION OF LAND

CLAUSE 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 a Drainage Board, Electric Power Supply Authority, Hospital Board, Harbour Board, 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.

CLAUSE 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 1960. Owners and occupiers will be notified when the proposal is about to proceed, and arrangements for the land will be made at that time.

CLAUSE 3 - BUILDINGS NOT TO INTERFERE

- (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 the site of a proposed road, street, access way, or service land, 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.

- (2) Definition of 'interim use' - For the purposes 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.

#### CLAUSE 4 - CHANGING LOCATIONS OF PROPOSED STREETS AND RESERVES

In accordance with subsection (4) of Section 35 of the Act, the Council may, by agreement with the owners of the lands directly affected, vary the position of any proposed road, street, access way, or service lane, or the location or shape of any proposed reserve, so long as the intention of the District Scheme in that respect is secured.

#### ORDINANCE V - BUILDINGS: SITING, COVERAGE, HEIGHT AND ALTERATIONS

#### CLAUSE 1 - GENERAL AS TO USE OF SITES FOR BUILDINGS

- (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.
- (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 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.
- (3) Areas and coverage generally - The permitted minimum site areas 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.
- (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 not less than 10 ft. from any two boundaries of the site and not less than 20 ft. from the remaining two boundaries of the site; and in the case of a residential building other than a dwellinghouse

or a semi-detached house, the owners shall construct and maintain an adequate driveway 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) Residential buildings about a place -

(a) Definition of 'place' - For the purpose of this ordinance 'place' means an open unoccupied space not less than 40 ft. in width and of not less than that frontage to a public street, and permanently set apart as the principal means of access to two or more sites.

(b) Requirements for residential buildings about a place - In the case of sites for residential buildings grouped about a place.

- (i) Every site shall comply with the frontage and area requirements under Ordinances III and V hereof for sites on which residential buildings may be erected, as if the place were a street.
- (ii) Every building shall comply with the provisions of Ordinance V hereof for the zone in which it is situated as to height and space about buildings as if the place were a street.
- (iii) Where independent, street access to each of the building sites does not exist, the owner or owners thereof shall provide and maintain a paved driveway, of width, location, grade, and construction prescribed by the Council, to give vehicular and pedestrian access to each building site.
- (iv) The owners shall provide wherever reasonably necessary artificial light sufficient to illuminate properly the drive and footpaths to the same standard as the street.

(6) Rear sites in commercial and industrial zones -

On a rear site in a commercial or an industrial zone, the coverage shall not exceed 75% of the coverage permitted on a front site and the building shall be sited so as to facilitate fire fighting and to allow access and turning space for vehicles.

- (7) Maximum floor area for accessory buildings - No person shall erect in a residential zone accessory buildings the total floor area of which shall exceed on any site of the minimum area permitted there, 600 sq. ft; or on a site exceeding 20 perches in area, that floor area plus one-tenth of the area by which the area of the site exceeds 20 perches, with a maximum floor space of 1,000 sq. ft.

CLAUSE 2 - REQUIREMENTS AS TO YARDS

(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.

(2) Exceptions to general requirements as to yards

- (a) Variation 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 of the land, adjoining the yard which is to be diminished, 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.  
Provided that in no case shall the total area of yard space required by this scheme be reduced under this paragraph.
- (b) Where physical difficulties exist - Where the dimensions or the physical features of the site or the existence of other buildings make adherence to these requirements difficult, impracticable, or unreasonable, the Council may permit the erection of accessory buildings not exceeding 600 sq.ft. in area on any part of the site.
- (c) When dedicated for street widening - Where land has been or is required to be set aside for a yard to the extent required by this scheme, the Council may accept dedication of the whole or any part of the yard for the purpose of street widening; and notwithstanding the foregoing provisions of the scheme, for the purpose of computing yard space provided, and allowable coverage of the site, as much of the yard as has been dedicated will be regarded as part of the site.
- (d) When owner provides land for access way or service lane - Where land for a service lane or access way is provided at the rear or at the side of the site, the rear yard requirements or the side yard requirements, as the case may be, shall be diminished correspondingly.
- (e) Adjoining shop sites in residential zones - Where in a residential zone two shops adjoin each may have one side yard only.
- (f) Corner sites - In the case of a corner site, the owner may select either street boundary as the front boundary of the site, for determining the relative locations of side or rear yards.
- (g) Through sites - In the case of a through site, the owner shall provide a yard equivalent

to two rear yards at or near the middle of the site and a front yard on each frontage of the site, unless the Council by resolution declares which frontage of the site shall be deemed to be the rear boundary, in which case the provisions as to rear yards shall apply with respect to that frontage and the provisions as to front yards with respect to the other frontage.

(h) Use of yard space for accessory buildings - 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. But no accessory buildings are permitted.

(i) In the space between the main walls of the building and the side boundaries

(ii) In the space between the main walls of the building and the street boundary, such space to be extended to both side boundaries.

### CLAUSE 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) Height in commercial and industrial zones - In any commercial or industrial zone the height of every building (including its Parapet cornice, roof ridge, or other solid element) or other structure or part thereof, shall be restricted so that every part thereof shall be contained within the height-control line as herein defined.

(3) Definitions of 'height' and 'height-control line'

(a) "Height" in relation to a building, means the average difference between the level of the ground along the external wall nearest to the street and -

(i) The highest point of the parapet or coping in the case of a flat roof; or

(ii) The mean level between the eaves and the highest point of the roof in the case of a sloping roof -

excluding in either case the parts specified in sub clause (5) of this clause.

Provided that where the building is set back from the street line on a site which slopes up from the street level, then the height shall be measured from the mean level of the ground along the external wall on the higher side of the site.

(b) "Height-control line" in relation to a site, means a line directed over the site from the originating points hereinafter prescribed at an angle of 65 degrees from the horizontal. The direction of each height-control line shall be at right angles to the boundary of the site.

(4) Points of origin of height-control line -

(a) Street - in relation to any street boundary of a site the originating points shall be on the middle line of the street at street level, except that in the case of a corner site where the streets

are of different widths, the middle line of the narrower street for a distance of 100 ft from the corner or its whole length whichever is the less, shall be deemed to lie at the same distance from the site as the middle line of the wider street.

- (b) Extra wide streets - For the purpose of this ordinance any street wider than 100 ft shall be deemed to be 100 ft wide.
- (5) Exclusions from measurements - In determining whether any building or structure or part thereof is contained within the height-control line the following shall not be taken into account:
- (a) Lift wells, elevator and stair bulkheads, roof water-tanks, and cooling towers (together with their enclosures).  
Provided that the maximum dimension thereof parallel to the middle line of the street shall not exceed 30 ft.
- (b) Chimneys and flues:  
Provided that the maximum dimension thereof parallel to the street shall not exceed an aggregate of 15 ft for any 100 ft frontage.
- (c) Spires, flagpoles, aerials, and wire, chain, link or other open or transparent fences, and such finials and similar parts as constitute only decorative features.
- (d) A one-storey structure located in a rear yard when permitted by the use ordinance for the zone, including any of the following:
- (i) A basement or first floor used for accessory off-street parking spaces.
  - (ii) A ground floor used for retail or commercial purposes.
  - (iii) A one-storey detached accessory building.
- (e) A wall of reasonable dimensions along a boundary of a site.

#### CLAUSE 4 - ALTERATIONS OF EXISTING NON-CONFORMING BUILDINGS

An existing building which does not conform to any or all of the provisions of the District 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 cases of alterations or modifications, does not tend to delay the effective operation of this scheme.

#### ORDINANCE VI - VEHICLES: PARKING, LOADING AND CORNER-SITE ACCESS.

#### CLAUSE 1 - PUBLIC PARKING

- (1) Parking lots - As opportunity offers, areas will be provided, developed and maintained as car parks either by Council or by private enterprise, and private enterprise may be assisted, where the Council so resolves, by the Council providing suitable land for purchase or lease.
- (2) Parking buildings - These may be provided and maintained by private enterprise as commercial undertakings or by the Council either as a commercial undertaking, or in fulfilment of obligations created under section 35A of the Act, or as a combination of both.
- (3) Provision of land - For any of these purposes the Council may, from time to time as opportunity offers or necessity dictates, acquire at suitable places, by agreement or compulsorily, such areas of land as may be necessary, with or without buildings, and develop that land and apply it to that use with, so far as may be practicable, the co-operation of private enterprise.

CLAUSE 2 - PRIVATE PARKING

- (1) For residential sites - The site plan furnished in connection with an application for a permit to erect any residential building shall, in addition to the information otherwise required hereby, show in the general layout of the site provision for space for garage accommodation or off-street parking for cars, as follows:
- (a) In the case of a dwellinghouse, a semi-detached house or terrace house, or an apartment house containing not more than two household units, accommodation for one car for each household unit
  - (b) In the case of an apartment house or building containing service flats, accommodation for cars in the proportion of not less than one car to every household unit which the building is designed to accommodate.
  - (c) In the case of a boardinghouse, a lodginghouse or a similar residential institution used for permanent residents, accommodation for cars in the proportion of not less than one car for every two persons or fractional part thereof whom the building is designed to accommodate. Such parking provision to be made at the rear of the residential buildings unless physical conditions make this impracticable.

- (2) For other sites - Subject to the provisions of the Act, provision for off-street parking of vehicles in accordance with this ordinance shall be made in respect of every site to provide for vehicles normally required to park or load at the premises from time to time.

Whenever any building or structure is being erected, reconstructed, altered or modified or there is a change in use or increase in floor area, off-street parking spaces for motor vehicles shall be provided as follows:-

<u>Use of Site</u>	<u>Parking Spaces required</u>
Hotels	One car space for every 20 sq.ft. of gross bar floor area plus one for every 60 sq. ft. of gross beer garden or lounge bar floor area, plus one for every six guests whom the building is designed to accommodate.
Hospitals	1 for each 3 patients beds, plus provision for doctors and staff
Local Grocery, Food and Suburban Retail Stores, Banks Commercial Offices, Libraries, and Road- side restaurants	6 per 1000 sq.ft of gross floor area
Repair Garages and High Density area (over 50 employees per acre) Industrial uses	4 per 1000 sq. ft. of gross floor

<u>Use of Site</u>	<u>Parking Spaces Required</u>
Medium and Low Density (under 50 employees per acre) industrial uses, Warehouses and Unlicensed Hotels	2 per 1000 sq. ft. of gross floor area
Cinemas, churches & mortuary chapels	1 to each 10 seats
Halls	1 to each 100 sq.ft. of gross floor area

The off-street parking requirements may be varied by resolution of the Council, provided that the Council in making a decision concerning the provision to be made for off-street parking shall take into consideration:

1. the number of workers likely to be employed on the site
2. the number of calls likely to be made by visitors in cars to the site
3. the number of calls likely to be made by servicing and delivery vehicles to the site
4. the amount, if any, of public off-street parking that may be available in the neighbourhood
5. the amount, if any, of parking that adjacent streets can properly be expected to provide
6. any physical characteristics of the site or adjoining streets that may affect the ability of the site to provide off-street parking
7. the possibility of providing for some or all of the spaces required by diagonal parking along the frontage of the site in which case an additional depth of 15 feet shall be added to the normal front yard requirement, and the whole sealed to the satisfaction of the Council
8. any other relevant matters.

### CLAUSE 3 - GENERAL PROVISIONS AS TO PARKING SPACES

- (1) Counting of parking spaces - A loading bay shall be counted as parking space according to the number of vehicles the bay is capable of accomodating conveniently when in use as a loading bay.
- (2) Diminution of available land - The space that is available about a building to meet the requirements of this ordinance for off-street parking and loading shall not be diminished below those requirements.
- (3) Yard Space may be used - The provision for parking and loading required in respect of any site may be made in any case as part of the yard space of that site.
- (4) Location - Where there is vehicular access to the site, off-street parking facilities shall be located on the site, and where that is not practicable, and where vehicular access cannot be provided to the site, off-street parking facilities shall be provided as close to the site as practicable.



- (5) Off-street parking space shall be provided at a rate of 300 sq. ft. per car space, drives and aisles being included in this area, shall be of a suitable shape, the layout of parking bays and aisles being to the satisfaction of the Council.
- (6) Joint provision - Nothing in these ordinances shall be constructed to prevent two or more owners from jointly making provision for off-street parking or loading facilities for their buildings so long as the total provision so made is not less than the sum of the requirements of the various buildings or uses computed separately except where the vehicles are or will be attracted to each site regularly at times that seldom coincide with the times when vehicular traffic is attracted to the other or others of them, in which cases the requirements may be computed as for the sum of the uses which demand the greatest provision at any particular time.
- (7) Screening from residential zones - Parking areas in a commercial or industrial zone for more than 5 vehicles shall be effectively screened on any side which adjoins or faces a residential zone by a wall, evergreen hedge, or other planting maintained in good condition. Provided that where the Council is of the opinion that compliance with this requirement is impracticable or impossible dispensation may be granted from full compliance.

#### CLAUSE 4 - PROVISION FOR LOADING VEHICLES

- (1) General requirements in industrial and commercial zones - Every person who proposes to erect, re-erect, construct or reconstruct a building in a commercial or industrial zone shall provide within the site suitable and efficient accommodation for ~~the~~ loading or fuelling of vehicles which is likely to arise from the use of the building.
- (2) Rear access - Except where the Council by resolution determines that this provision need not apply, every owner or occupier of a building in a commercial or industrial zone, shall provide adequate vehicular access to the rear of the premises, either over his own land or by the dedication of a service lane or otherwise.

#### CLAUSE 5 - 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 as to loading and unloading for the new use or floor area, shall be complied with.

#### CLAUSE 6 - 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 50 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 the case of commercial or industrial uses fronting Primary or Secondary Regional Roads no service lane or vehicular footpath crossing, which in the Council's view would be in regular use throughout the day shall be located and provide access to such Primary or Secondary Roads within 100 feet of a minor intersection or 200 ft. of the intersection of two regional roads, as shown on Map No. T.P. 35 attached to this District Scheme.

CLAUSE 7 - VEHICULAR ACCESS TO LIMITED ACCESS ROADS

- (1) No person shall drive or move any vehicle or cattle, or permit any vehicle or cattle to be driven or moved onto or from any limited access road, except:
  - (a) At a motorway, road, street, or service lane from which vehicles might lawfully be driven or moved on to the road or part thereof, or
  - (b) At an authorised crossing place subject to such conditions as are for the time specified.
- (2) In the case of proposed Limited Access Roads, no new access points shall be created without the prior authority of the Council.

ORDINANCE VII - AMENITIESCLAUSE 1 - OBJECTS AND PLACES OF HISTORICAL OR SCIENTIFIC INTEREST  
NATURAL BEAUTY, OR UTILITY.

- (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.
- (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.
- (3) Cancellation of registration - The Council may at any time cancel such registration, and shall thereupon 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.

## CLAUSE 2 - CONTROL OF ADVERTISING

- (1) Definitions of terms "poster" and "signboard" - 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 on to any building or part thereof or other structure, and whether permanently or temporarily so affixed or incorporated or painted thereon.  
 "Signboard" means a board, hoarding, signboard, billboard, or other erection primarily intended or adapted for the display of posters; and includes any poster displayed on a signboard.
- (2) Residential and rural zones - No person shall erect or construct or display, or cause or permit to be erected or constructed or displayed, in any residential or rural zone any signboard or poster; and no signboard or poster shall be erected in any zone so as to be obtrusively visible from a residential or rural zone. Provided that this subclause shall not apply to -
  - (a) Any poster or signboard of reasonable size and serving only to direct traffic or to denote the name of the 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) Any signboard not exceeding 12 sq.ft. in area erected in connection with a church, school, public museum, library, hospital, nursing home, or convalescent home.
  - (c) Any signboard not exceeding 6 sq.ft. in area advertising the disposal of land or premises on which it is situated.
  - (d) Any signboard advertising an auction sale to be held on the premises on which the signboard is erected and so erected and displayed not more than seven days before and after the auction.
  - (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.
- (3) Numbers and designs subject to approval - The number and designs of signboards which may be displayed on any building shall be subject to the approval of the Council.

- (4) Council may prohibit - If at any time the Council, having regard to the amenities of or to the views from any neighbourhood, is of the opinion that the erection, construction, or display of any signboard or poster ought not to be permitted, the Council may by resolution prohibit the erection, construction, or display of any such signboard or poster.

CLAUSE 3 - EXTERNAL APPEARANCE OF BUILDINGS

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.

CLAUSE 4 - MAINTENANCE OF LAND AND BUILDINGS

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

## APPENDIX I

Industries requiring segregation because of  
Noxious or Dangerous Aspects

Abattoirs (including killing and dressing of poultry)	Gypsum processing
Acetylene-gas manufacture	Hydrochloric-acid works
Acids manufacture	Incinerator
Alkali-waste works	Iron works
Ammonia manufacture	Knacker yards
Ammunition manufacture	Lampblack manufacture
Animal by-products manufacture	Leather tanning
Arsenic-recovery works	Lead works
Artificial-manure manufacture	Linoleum manufacture
Bisulphide-of-carbon works	Lime manufacture
Boiling-down works	Manure (artificial) manufacture
Bone crushing	Meat works - killing, freezing and packing
Candle manufacture	Oil distillation and refining
Cement manufacture	Oxygen-gas manufacture
Chemical manufacture	Paint manufacture
Chlorine works	Paper-pulp manufacture
Coke manufacture	Pottery manufacture
Distillation of coal, wood, or bones	Pyridine works
Explosive manufacture or storage	Rubber-goods manufacture
Fat rendering	Sausage-casing manufacture
Fellmongering	Soap manufacture
Fertiliser manufacture	Smelting metals
Fireclay-products manufacture	Steel works
Fireworks manufacture or storage	Stock yards: Provided that for the purpose of ordinances relating to conditional uses in rural zones stockyards shall be deemed to be a use of land ancillary to farming, and not a use to which this Appendix relates.
Fish curing and preserving	
Fluorine works	
Fuel-oil refining and storage	
Fur curing and tanning	Sulphur-chloride manufacture
Gas (coal) manufacture	Sulphur-dioxide manufacture
Glue manufacture	Sulphuric-acid works
Gunpowder manufacture	Tallow melting and refining

Tanning	White-lead manufacture
Tar - manufacture, refining, mixing	Wool scouring
Turpentine manufacture	Zinc chloride
Varnish manufacture	Zinc works

Any industry that is, or under any conditions may become, noxious or dangerous in relation to adjacent properties or public places and any industry that is defined as noxious in the Health Act.

#### APPENDIX II

Industries requiring segregation because of:  
Noise, Smoke, Smell, Effluent, Vibration, Dust, Glare, or other like objectional aspects.

Aeroplane manufacture or assembly	Drugs manufacture
Agricultural machinery and implements manufacture	Dyes manufacture
Animal-foods manufacture	Engineers' (constructional) workshop or yard
Asbestos-cement products manuf.	Felt manufacture
Asbestor manufacture	Flax milling
Asphalt manuf.refining,storage or mixing	Flock mills
Bags and sacks (textile) manuf.	Gas storage
Blacksmith's shop	Glass manufacture
Boiler works	Glass-products manufacture
Brass foundry	Glucose manufacture
Brewery	Grain elevator
Brick & tile manufacture	Grain milling
Briquette manufacture	Grain threshing & crushing
Burnt-clay products	Gravel, sand, or shingle pits
Carpet manufacture	Hides, wool & tallow warehouse (excluding the storage of baled wool, and the classing, sorting binning and re-baling of shorn wool and offering the same for buyers inspection, and excluding the receiving of skins only, for reconsignment for processing)
Casein manufacture	Ink manufacture
Celluloid works	Iron foundry
Coal-briquette manufacture	Iron smelting
Concrete - central mixing plant	Jam, fruit & vegetable preserving
Constructural engineer's workshop or yard	Junk yard, scrap metal, bottles etc.,
Cresote manuf. and treatment	Malting
Disinfectant manufacture	Margarine manufacture
Distillation of spirits	Match manufacture

Motorcar wrecking	Shoddy manufacture
Nail manufacture	Stains manufacture
Oil Storage	Starch manufacture
Oils - essence or extract manuf.	Steel mill
Oils - vegetable manufacture	Stone crushing
Packing-case manufacture	Stone cutting or dressing
Panelbeating works	Stone quarrying
Paper manufacture	Stoving of enamelled ware
Patent fuel manufacture	Tar Storage
Petrol storage (bulk)	Tinplate manufacture
Pickles and sauce manufacture	Varnish blending
Plaster-of-Paris manufacture	Veneer manufacture
Plywood manufacture	Vinegar manufacture
Polishes manufacture	Wire manufacture
Quarry - road metal, gravel, sand, shingle, marble building stone	Wood-box manufacture
Railway goods yards	Wood-shaving packing manufacture
Railway trackage	Wool, hides & tallow warehouse (excluding the storage of baled wool, and the classing, sorting, binning and re-baling of shorn wool and offering the same for buyers inspection and excluding the receiving of skins only for reconsignment for processing)
Railway workshop	Wollen Mills
Roading Contractor's workshop or yard	Wool packs, rugs etc., manuf.
Rolling Mill	Yeast manufacture
Rug manufacture	
Sacks and bags (textile) manuf.	
Sandblasting	
Sauce and pickle manufacture	
Sawmill	
Scrap-metal yard	
Seed-cake manufacture	
Seed cleaning	
Sheep-dip manufacture	
Sheet-metal manufacture	
Sheel crushing	

APPENDIX III

PERMITTED HEIGHT RELATIVE TO DISTANCE FROM CENTRE LINE OF STREET WITH A RULING HEIGHT-CONTROL LINE AT AN ANGLE OF 65 DEGREES

