

TOWN AND COUNTRY PLANNING ACT 1953

COUNTY OF WAIREWA

DISTRICT SCHEME

Operative — 14th June 1974

WAIREWA COUNTY DISTRICT SCHEME

TOWN AND COUNTRY PLANNING ACT 1953

WAIREWA COUNTY COUNCIL

DISTRICT SCHEME

It is hereby certified that this is a correct copy of the approved District Scheme for the County of Wairewa as approved by resolution of the Wairewa County Council on the 19th day of April 1974.

This volume contains the Scheme Statement, Code of Ordinances and the Planning Maps.

[Handwritten Signature]
.....

COUNTY CLERK

1. DOCUMENTS COMPRISING DISTRICT SCHEME

This scheme statement, the code of ordinances and the district planning map, comprise the Wairewa County District Scheme (hereinafter called the district scheme) of the scheme as defined by section 21 of the Town and Country Planning Act 1953 (1953 (1)) of the Statutes in force in New Zealand.

The Common seal of the Chairman, Councillors and Inhabitants of the County of Wairewa was hereto affixed on this 7th day of June, 1974 in the presence of



[Handwritten Signature] CHAIRMAN
.....

[Handwritten Signature] COUNTY CLERK
.....

NOTE: District Schemes are subject to periodic change and persons using the scheme should ensure that they are aware of any changes made subsequent to 14. 6. 1974.

ROYDS, SUTHERLAND & McLEAY
CONSULTING ENGINEERS CIVIL
307 DURHAM ST. STRUCTURAL
CHRISTCHURCH SURVEYING
NEW ZEALAND TOWN PLANNING

THE TOWN AND COUNTRY PLANNING ACT 1953

WAIREWA 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

1. DOCUMENTS COMPRISING DISTRICT SCHEME

This scheme statement, the code of ordinances, and the district planning map, comprise the Wairewa 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.

2. AREA INCLUDED WITHIN DISTRICT SCHEME

The district scheme provides for the future development of the County of Wairewa, being an area of 170 square miles as shown on the district planning map.

3. PLANNING PERIOD

The district scheme covers a term of 20 years (hereinafter called the planning period), being the years 1969 to 1989, both inclusive.

4. 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, OCCUPATION AND FUNCTIONS OF DISTRICT

1. PAST POPULATION CHANGES

The following table shows the population of the district since the 1926 census:

Census	Total Population
1926	942*
1936	1034
1945	895
1951	900
1956	915
1961	798
1966	756
1971	687

* 1926 Excludes Maoris

2. ESTIMATES OF FUTURE POPULATION

It has been estimated by the Ministry of Works that there will be a gradual decline in population to 640 by 1976 and stabilising about this figure thereafter.

3. PRESENT FUNCTIONS OF THE DISTRICT

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

- (a) Predominantly sheep farming
- (b) Little River is primarily a farming centre
- (c) Birdlings Flat is a holiday area, the beach being of interest to rock collectors
- (d) Banks Peninsula provides numerous bays and beaches although access is difficult

4. PRESENT OCCUPATIONAL STRUCTURES

No figures published.

5. POTENTIAL DEVELOPMENT OF DISTRICT

After a period of reduced soil fertility in the 1940's and 1950's when stock numbers declined to their lowest levels, the Wairewa County stock figures began in the 1960's to climb once more as a result of topdressing and oversowing.

From 1963 to 1966 there was an increase of 10½% in sheep numbers and 14% increase in beef cattle numbers. Dairying has declined to a more or less static figure. On the limited area available for cropping, good yields of barley and wheat are obtainable.

The future development of the county farming area is limited on some land by the wintering problem on the cold faces and tops and on the lower flats by flooding from Lakes Ellesmere and Forsyth.

With the expected continuance of topdressing and over-sowing it is anticipated that livestock numbers will continue to rise for some years at a steady rate, particularly in beef cattle. Should better control of Lakes Ellesmere and Forsyth be obtained or a reclamation scheme eventually be adopted for Lake Ellesmere, very much improved use could be made of several thousand acres of potentially fertile land.

PART III - USE ZONING

1. POLICY AS TO ZONING

(1) General Control - The County is to be zoned rural with the exception of the township of Little River and the holiday resort area of Birdlings Flat.

(2) 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 appropriate amenities and
- (e) To avoid the encroachment of urban uses upon land of high actual or potential value for the production of food.

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

(3) Consolidation of development - Urban development will be consolidated and confined so far as practicable to areas that are already urban in character in preference to permitting expansion beyond present urban limits.

2. RURAL ZONE

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

3. RESIDENTIAL ZONES

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.

It is intended to provide for the redevelopment of the Waikakahe Beach Associations' area by the creation of a special zone.

4. COMMERCIAL ZONES

Permitted uses - The commerical zones provide primarily for business or commercial development, and consist predominantly of areas for shops, offices and retail storage. The uses of land in 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.

While provision has been made in the Code of Ordinances for both "A" and "B" it has not been found necessary to provide more than one zone of this kind in the County, "B" Zoning has been chosen for this zone.

5. INDUSTRIAL ZONES

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.

It has not been found either necessary or practical at this point in time to provide for any industrial zoning. It is anticipated that should the need arise this can be done by Specified Departure, Change or Review.

PART IV - LAND SUBDIVISION

Standards for new subdivisions are specified in the code of ordinances.

PART V - RESERVES AND OPEN SPACES

It is proposed to designate an area at Tumbledown Bay as a reserve for archaeological and historic purposes, an area at Little River as an extension to the Domain and a small area at Birdlings Flat as an extension to the esplanade reserve.

PART VI - PUBLIC UTILITIES

Area served by public utilities are described in the Planning Data maps.

PART VII - SITING OF BUILDINGS

The position 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.

PART VIII - COMMUNICATIONS AND TRANSPORTATION

The present system is considered to be adequate.

Future widening of the S.H. through Little River has been indicated and most of the Railway land between Motukarara and Little River has been held against possible future highway realignment.

PART IX - AMENITIES

1. GENERAL INTENTIONS

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

2. CONTROL OF ADVERTISING

The display of advertising matter will be controlled in accordance with ordinance 19 of the code of ordinances.

3. MAINTENANCE OF BUILDING AND STRUCTURES

For the better preservation of amenities, the code of ordinances requires adequate maintenance of land and buildings.

4. OBJECTS AND PLACES OF SPECIAL INTEREST

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

PART X - PARKING AND LOADING OF VEHICLES

1. GENERAL INTENTIONS

The Council proposes to provide for the parking of vehicles 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 in their own land or premises, adequate space for the vehicles and operation.

APPENDIX I

OBJECTS AND PLACES OF HISTORICAL OR
SCIENTIFIC INTEREST OR NATURAL BEAUTY

Archaeological Sites

The following archaeological sites are located according to grid reference on N.Z.M.S. 1 Map S. 93 (Rakaia) and S. 94 (Akaroa).

<u>SITE NO.</u>	<u>GRID REFERENCE</u>	<u>DESCRIPTION</u>	<u>LOCATION</u>
S.93/6	789173 to 792173	Ovens, Midden	Ellesmere Spit
S.93/7	796174	Ovens	" "
S.93/8	818177	Burials	" "
S.93/9	812176 to 801174	Ovens	" "
S.93/10	815183	Midden	" "
S.93/11	837186 to 846188	Midden	" "
S.93/12	841179 to 848179	Ovens	" "
S.93/13	859185	Occupation	" "
S.94/14	045201	Ovens	" "
S.94/15	032216	Midden	" "
S.94/16	981213	Midden	" "
S.94/17	908187 to 943193	Ovens	" "
S.94/1	024244	Pits	Stony Point
S.94/2	032241	Pa	Above Greeds
S.94/3	046243	Pa	Te Puia
S.94/4	046233	Pa	Birdlings Valley
S.94/5	046232 to 045223	Pa	Waikakahi
S.94/6	052055 to 220223	Pits Burial	Devils Elbow
S.94/7	063205	Pa	Lake Forsyth
S.94/8	064209	Pits Burial	" "
S.94/9	066207	Pits	" "
S.94/10	067206	Cave	" "
S.94/31	066204	Pits, Ovens	" "
S.94/11	069206	Pa	" "
S.94/12	077207	Pits	Trig B.
S.94/13	082203	Midden	Ohahoa Bay
S.94/18		Rock Shelter	Overlooks Lake Forsyth
S.94/19		Canoe Hull	In Lake Forsyth
S.94/20		Canoes in Cave	Eastside Lake Forsyth
S.94/21	137251	Pa	Okuti Valley
S.94/22	141268	Midden	Little River
S.94/30	116169	Occupation	Tumbledown Bay

Places of Scientific Interest

Area shown on Planning Map No.1 on south edge of Lake Ellesmere
"Black Swan Nesting Area"

Area shown on Planning Map No.1 at Te Oka Bay as Wild Life Refuge
Gaz. 1970 P.2421

WAIREWA COUNTY COUNCIL
DISTRICT SCHEME
CODE OF ORDINANCES
TOWN AND COUNTRY PLANNING ACT 1953

1. (1) This code is arranged as follows:

<u>Number of Ordinance</u>	<u>Subject Matter</u>	<u>Page No.</u>
1 - 4	Preliminary	1 - 6
5 - 9	Zoning	6 - 18
10	Subdivisional standards	18 - 22
11	Proposed streets and reserves	22 - 23
12 - 15	Siting of buildings	23 - 25
16	Traffic and parking	26 - 28
17	Alterations	28
18 - 24	Provision and preservation of amenities	29 - 30

(2) This code of ordinances forms part of the Wairewa County District Scheme, and is for the administration and implementation of that scheme.

2. In this code of ordinances and in each document relating to this scheme, unless the context otherwise requires, ---

"Accessory building" in relation to any land, means a building the use of which is incidental to that of the main building on the land or to the use of that part of the land not built upon:

"The Act" means the Town and Country Planning Act 1953; and includes its amendments:

"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:

"Boarding house" 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 permanent boarders or lodgers, for reward or payment:

"Building" means any structure, whether temporary or permanent, movable or immovable; and includes any stack or heap of materials:

"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:

"Code" means the code of ordinances:

"Commercial garage" means a garage --

- (a) For three or more self propelled vehicles which are regularly used for any commercial or business purpose; or
- (b) In which two or more self-propelled vehicles, used as public conveyances for hire or reward, are housed or cared for; or
- (c) For any two or more self-propelled vehicles which are housed for reward; or
- (d) In which any self-propelled vehicle not belonging to the occupier of the premises or his family is serviced, overhauled or repaired:

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

- (a) The highest point of the parapet or coping in the case of a flat roof: or

- (b) The mean level between the eaves and the highest point of the roof in the case of a sloping roof, -- excluding in either case chimneys, ventilator shafts, water tanks, elevator lofts, steeples, towers, and such finials and similar parts of the building as constitute only decorative features:

Provided that, where the building is set back from the street line on a site which slopes up from or down from the road 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:

"Household Unit" means the self-contained home or residence of a single household:

"Household" includes every housekeeping unit, whether of one or more persons:

"Licensed Hotel" means a residential building in respect of which there is for the time being in force a publican's licence issued under the relevant Act.

"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:

"Lodginghouse" means a residential building in which lodging alone is provided for four or more lodgers:

"Motel" means land and one or more buildings principally for the day-to-day accommodation of travellers by road and their vehicles; and includes as necessary to the principle use any services or amenities provided on the site such as fuelling of vehicles, shops, restaurants, bathhouses, and swimming pools, playgrounds, and the like:

"Non-conforming" as applied 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:

"Predominant use", in relation to land in any zone, means any use specified in these ordinances as a predominant use, being a use that is permitted as of right:

"Private garage" means a garage other than a commercial garage as herein defined:

"Private hotel" means a residential building designed to accommodate four or more non-permanent guests and to provide service and accommodation equivalent to those provided in a licensed hotel:

"Residential building" means any building or part of a building used or intended to be used for human habitation:

"Residential institution" means a hostel, hospital (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 built side by side on separate sites and separated by a wall common to both that meets the requirements of the Council's by-laws for a party wall between dwelling houses:

"Shop" means any land, building, or part of a building on or in which goods are sold or exposed for sale by retail; and includes auctioneers' and land agents' premises:

"Site" means an area of land having frontage to a street or private street and permitted by the scheme to be occupied, --

(a) In the case of residential buildings, by one building and its accessory buildings:

(b) In the case of buildings other than residential, by one or more buildings comprised in the same premises and their accessory buildings, --
and includes in every case the curtilage of the building or buildings:

"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 situated in the rear of another site and not having the frontage for a front site required 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 either of the side boundaries

being not less than the required minimum frontage for a front site:

"Street" includes road:

"Terrace house" means one of a group of household units each of which is separated vertically from one neighbour 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:

Provided that the unit at each end of every such group shall be deemed to be a semi-detached house:

"Watercourse" includes every river, stream, passage and channel on or under the ground, whether natural or not, through which water flows, whether continuously or intermittently.

"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 and a line 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 a radius of 30 ft.:

"Side yard" means a yard between a side boundary of the site and a line parallel thereto, extending from the front yard (or the front boundary of the site if there be no front yard) to the rear yard (or, if there be no rear yard, the rear boundary of the site); or, if there be two or more front yards, extending from yard to yard.

3. The provisions of this code shall have effect notwithstanding any county 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 county by-law the provisions of this code shall prevail.

Notwithstanding the above compliance is necessary with any By-Laws of any other Local Authority having jurisdiction in the district.

4. (1) Subject to the provisions of the Act and all regulations made thereunder, no person shall use or permit the use of any land or building or undertake or permit any new work or any reconstruction, alteration, modification of any existing work if the use, new work, reconstruction, alteration, or modification does not conform with the scheme.
- (2) 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) 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.

ZONING

5. The zones constituted for the purposes of the scheme are shown on the district planning map as set out in the Second Schedule of the Town and Country Planning Regulations 1960 or the Key shown on the map as applicable.
6.
 - (1) Any land or any building or other structure thereon may be used for, or the use thereof may be changed to, any purpose prescribed by this code for the zone in which the land, building, or other structure is situated, but for or to no other purpose, and every such use shall be subject to every other ordinance that is applicable thereto.
 - (2) Any use that falls naturally within a general class of uses authorized in respect of any zone shall be deemed to be included in that class as if it had been expressly authorized; but in respect of any other use that is not expressly provided for within the district by ordinance 9 hereof the Council shall determine in which zone or zones it may be permitted, and in respect of that zone of each of those zones whether it shall be a predominant use or a conditional use or in what circumstances predominant and in what circumstances conditional, and (where it is conditional) what the conditions shall be.
 - (3) In any zone where a development is to proceed by stages, development in accordance with the uses prescribed for the zone may be permitted only in the first partition and, except with the consent (by resolution) of the Council, development shall not be permitted in the second and third partitions until the respective dates specified therefore on the district planning map. Until the respective dates so specified there shall be no predominant uses in the respective second or third partitions; and the uses prescribed as predominant for the zone shall, for the purposes of the second and third partitions, be deemed to be conditional uses, and the provisions of this code relating to conditional uses shall apply to these uses.

- (4) Where any public authority is authorised by statute or otherwise to determine the precise location within the district of the public utilities under its control without approval of the Council, every such public utility shall be deemed to be a predominant use in every zone; but every other public utility shall be deemed to be a conditional use in every zone.
- (5) 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.

7. The bulk of all buildings and other structures and the location of each in relation to the site shall conform with --

- (1) The provisions prescribing requirements as to yards, height, coverage and density, as set out in respect of the zone in which the site is located:
- (2) The requirements for off-street parking and loading as set out under ordinance 16.
- (3) All other ordinances applicable thereto.

8. (1) The use of any land or building or other structure for any purpose specified as a predominant use in relation to the zone in which it is situated is permitted without further consent of the Council under this code provided that the use for that purpose is in accordance with every requirement set forth in this code in respect of it as a predominant use; but any proposed reduction of standard below those requirements shall have effect to constitute that use a conditional use, and the provisions of this code to conditional uses in the zone shall apply as if that use had been specified as a conditional use within that zone.
- (2) The use of any land or building or other structure for any purpose specified as a conditional use in relation to the zone 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 location, 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.

The procedure for dealing with applications shall be as laid down by the Act and Regulations thereunder.

- (1.2) (3) Applications for consent to change of use or specified departure shall similarly be in accordance with the procedure laid down by the Act & Regulations thereunder.

- (a) 9. This ordinance specifies the types of zones within the district to which the scheme relates, the predominant and conditional uses of land within the zones, the conditions which apply in connection with conditional uses of land, and the bulk and location requirements for various uses within the zones.

(c)

(1) RURAL ZONES

(1.1) Predominant Uses

(d) The following shall be predominant uses in rural zones:

- (a) Farming of any kind, forestry, racing stables, veterinary hospitals and boarding kennels, excepting the housing or keeping of animals or birds in any building or enclosure within the clearance given in the bulk and location requirements.

(e) Provided however that the Council shall have the right to prohibit absolutely the housing or keeping of animals on any site where it considers that such uses would detract from the amenities of the neighbourhood or where satisfactory drainage and effluent disposal is not possible or 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.

(f) No person shall keep or continue to keep bees if, in the opinion of the Council, the keeping of such bees is or is likely to become a nuisance or an annoyance to any person, or dangerous or injurious to health:

(g) (b) Parks, playgrounds, recreation grounds, and scenic reserves:

(c) Churches:

(d) Buildings accessory to buildings or to use of land for any of the foregoing purposes, including dwelling-houses, except in any position in relation to any mill, factory, plant, or workings that would or might in the opinion of the Council prejudice the health or safety of the occupiers thereof.

(e) Notwithstanding the provisions of these ordinances any permitted use under this ordinance including dwelling-houses may be established in accordance with the provisions of these ordinances on lots of less than minimum standard area and frontage provided that the lot was held in a separate certificate of title prior to the 30.10.1972 being the date this scheme was first publicly notified. Further provided that in the event of such a lot being acquired by the adjoining owner then this provision would cease to apply to that Lot.

(1.2)

Conditional Uses

The following shall be conditional uses in rural zones:

- (a) Licensed and unlicensed hotels, camping grounds and motels, cabarets, restaurants, halls, and generally buildings for or connected with indoor or outdoor recreation:
- (b) Educational institutions, hospitals, nursing homes, convalescent homes, and charitable and philanthropic institutions, and boarding houses and hostels used in connection with those uses:
- (c) Butter factories, cheese factories, premises used for the manufacture of dried milk products, stockyards, and saleyards, or for any industry which is ancillary to farming of any kind, not being one of the industries listed in Appendix A hereto or any other noxious or dangerous industry:
- (d) Timber mills, sawmills, timber processing, and any under-taking which is ancillary to the forestry and timber industries, not being one of the industries listed in Appendix A hereto:
- (e) The winning and processing of materials occurring naturally in the vicinity:
- (f) Cemeteries and crematoria:
- (g) Country stores, petrol service stations, machinery workshops, and roadside shops for sale of the produce of the farm on which the shop is located.
- (h) Use of the site for residential purposes if the site is an independent economic unit for a farming purpose and has not less than the minimum area and frontage required for that farming use in the zone:
- (i) Buildings accessory to buildings or to use of land for any of the foregoing purposes.

(1.3)

Conditions Relating to Conditional Industrial Uses in Rural Zones

In addition to any other requirements which may be made, the following provisions shall apply in connection with conditional industrial uses in rural zones:

- (a) All tailings, sawdust, spoil, waste, and effluent shall be so disposed of as to minimize damage to property or disfigurement to the countryside:
- (b) 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 backfilling where possible and by the planting of grass or trees, and, on completion of work, by removal of plant and buildings.

- (1.4) Bulk and Location Requirements
- | | | | | |
|-------------------------------|----------------------------------------------------|---------|-------|-------|
| Residential Buildings | Front yards | minimum | depth | 25ft* |
| | Rear | " | " | 25ft |
| | Side | " | " | 15ft |
| (b) Other Buildings | Front yards | minimum | depth | 50ft |
| | Rear | " | " | 50ft |
| | Side | " | " | 40ft |
| (c) Housing or keeping of | 55 feet from any residential or | | | |
| (d) Animals (other than pigs) | occupied building 40 feet from any | | | |
| or birds. | boundary. | | | |
| (e) Pigs or Pigsty | 150 feet from any residential or | | | |
| | occupied building, public road, | | | |
| | milking shed, dairy, or place used | | | |
| | for the preparation, storage or sale | | | |
| | of food for human consumption or from | | | |
| | any boundary of any adjoining property. | | | |
| (f) Milking Shed | 132 feet from any public road. | | | |
| (g) | * Increased to 35ft when fronting a State Highway. | | | |

(2) RESIDENTIAL ZONES
(2.1) Predominant Uses

The following shall be predominant uses in residential zones:

- (a) Dwellinghouses:
- (b) Semi-detached houses:
- (c) Apartment houses containing not more than two household units:
- (d) Parks, playgrounds, recreation grounds, and scenic reserves:
 - (1) Provided that no land or buildings shall be used for pleasure or entertainment purposes involving any operation detrimental to the amenities of the neighbourhood.
- (e) Farming of any kind (subject to the requirements of any By-Law which may, from time to time, be in force) but excluding poultry farming, pig farming, and bee keeping.

Provided however, that the housing or keeping of animals shall be subject to the same restrictions and clearances as apply in a Rural Zone except that the keeping of not more than 24 fowls is permitted in buildings or enclosures sited not less than 30 feet from any residential or occupied building.

- (f) 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:
- (g) Buildings accessory to buildings or the use of land for any of the foregoing purposes.

(2.2)

Conditional Uses

The following shall be conditional uses in residential zones:

- (a) All residential uses not permitted as predominant uses:
- (b) Boarding houses, lodging houses, private hotels, and private residential clubs:
- (c) Churches and buildings used only for religious purposes:
- (d) Museums, art galleries, libraries, and educational institutions; including boardinghouses or hostels used in connection therewith:
- (e) Public and private hospitals (other than mental hospitals) health clinics, nursing homes, and convalescent homes, veterinary hospitals where animals are kept only for hospitalization and not boarding and where the council considers no undue annoyance will be suffered by neighbours:
- (f) Places of assembly, including gymnasiums, and training sheds:
- (g) Fire stations and electrical substations, transformers, drainage and pumping stations, omnibus and tramway passenger shelters, water reservoirs and water towers, and other structures of public utility:
- (h) Shops for the sale of groceries and dairy products, either alone or in conjunction with residential accomodation:
- (i) Apartment houses:
- (j) Terrace houses consisting of not more than six household units, with rear access either common or individual to each household unit:
- (k) Garages for hiring or for the housing of private vehicles:
- (l) Provision for public parking:
- (m) Motels and camping grounds:
- (n) A building not exceeding 600 square feet floor area situated on the same site with a residential building used for the storage only of plant and materials in connection with the business of a builder, painter, paperhanger, plumber, electrician, or person conducting any other business connected with the building trade, who is resident on the same site.
- (o) Buildings, accessory to use of buildings or land for any of the foregoing purposes:

(2.3)

Bulk and Location Requirements

The following shall be the normal bulk and location requirements for all uses in residential zones:

Front Yard Minimum Depth	15 ft.
Rear " " "	25 ft.
Side " " "	5 ft.

One side yard not to be less than 10 feet in depth except in the following cases:

- (1) Corner site:
- (2) Where the required garage accomodation is provided within the dwelling house in such a way that vehicular access to the side or rear of the building is not necessary.

Further provided that for other than single storey dwellings the minimum side yard shall be 5 feet + $\frac{2}{3}$ of the height over 15 feet.

(2A) WAIKAKAHE BEACH SPECIAL RESIDENTIAL ZONE

The purpose of this special zone is to control the redevelopment of the area of the Waikakaha Beach Association at Birdlings Flat as defined on Planning Map No 3.

(2A.1) Special Ordinances

- (a) The development shall be limited to 57 dwellings.
- (b) The site is recreational for holiday dwellings intended for temporary residence only until such time as a satisfactory water supply is available.
- (c) No building permit will be issued for extensions or alterations on the following sites and it will be the Associations policy to eventually have these buildings demolished and the owners resited and that it be a condition of the issue of a building permit that on completion of the new building the old building be demolished.
Nos. 3, 25, 35, 46, 44,
42, 32, 30, 12, 6.
- (d) No building permit will be issued for extensions or alterations to these sites with buildings enroaching on the legal road.
Nos. 58, 56, 54, 52, 50, 48,
40, 38, 36.
- (e) Where it is desired to alter an existing dwelling it must comply with the following yard requirements:

It must not be sited closer than 30 feet from any adjoining dwelling.

The side yards together shall total not less than 30 feet provided that no side yard shall be less than 9 feet.

Rear yard shall be 5 feet.

Front yard shall be 15 feet provided that where dwellings face each other across front or rear boundaries and/or common access-way or open space, the distance between any

two such dwellings shall be not less than 40 feet.

Accessory buildings may be erected on any rear yards if they do not occupy altogether more than 1/5 of the area of the rear yard, and garage accomodation for private cars may be erected on any side yard.

No detached garage shall be sited within 10 feet of any dwelling house unless constructed in fireproof materials.

No garage shall be sited within 2 feet of any side boundary unless provided with a fire wall and parapet in accordance with the building by-laws or within 15 feet of any road boundary.

- (f) The Association shall submit to the Council at the appropriate time a plan showing the proposed relocated sites and the minimum area for such sites shall be 20 perches with a frontage of 60 feet. Yard requirements shall be as under e above.
- (g) As a condition for the use of septic tanks, wells will not be permitted for water supply and it should be the Associations policy to support the Council in its efforts to ultimately provide a community domestic supply from a source clear of any possible pollution.
- (h) New dwellings must comply with the minimum requirements of the Building By-laws.
- (i) Numbered sites referred to above are shown on the 3 sheets of maps prepared by the Association, a copy of which is available for inspection at the Council Office, Little River.

3)

COMMERCIAL A ZONES

(3.1) Predominant Uses

The following shall be predominant uses in commercial A zone:

- (a) Retail shops used for dairy, milk bar, greengrocer, grocery, butcher, fishmonger, chemist, delicatessen, cake shop, confectioner, stationer, fancy goods, hairdresser, boot repairer, or shops or depots for other similar purposes in cases where --
 - (i) Dwelling accommodation to be used in conjunction with and situated mainly above or partly at the rear of the shop is permitted; and
 - (ii) There is not more than one dwelling unit per shop;
- (b) Buildings accessory to any of the foregoing purposes.

(3.2) Conditional Uses

The following shall be conditional uses in commercial A zones.

- (a) Retail shops not listed as predominant uses:
- (b) Professional and commercial offices:
- (c) Licensed Hotels:
- (d) Fire stations and electrical substations, transformers, drainage and pumping stations, omnibus and tramway shelters, water reservoirs and water towers, and similar structures of public utility:
- (e) Any uses permitted in residential zones, other than residential buildings:
- (f) Buildings accessory to any of the foregoing purposes.

(3.3) Bulk and Location Requirements

The following shall be the normal bulk and location requirements in commercial A zones.

Front yards	Minimum Depth	18 ft.
Rear	" " "	25 ft.
Side	" " "	15 ft. where adjoining a rural or residential zone.

Open Space. Where commercial and residential uses are combined the site shall have not less than 1200 square feet of open space about the building for each household unit.

The application of the requirements of the immediately preceding subclause of this ordinance 9 to sites within subdivisions existing when this ordinance first becomes imperative in respect of the site shall be modified where permanent structures have been erected on the land in the following respects:

- (a) Where, in a commercial A zone, land has been set aside for a front 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 this scheme, as much of the yard as has been dedicated will be regarded as part of the site:
- (b) Where land for a service lane or private way is provided by the owner at the rear or at the side of the site, the rear yard requirements shall be diminished correspondingly.

(4) COMMERCIAL B ZONES

(4.1) Predominant Uses

The following shall be predominant uses in commercial B zones.

- (a) Retail shops and storage for materials and articles for sale, auction rooms, and residential accomodation in conjunction with

retail shops as for commercial A zones:

- (b) Administrative buildings of the Central and Local Governments, professional and commercial offices, banks, and exchanges:
- (c) Libraries, exhibitions, museums, and art galleries:
- (d) Theatres and halls and places of public and private entertainment and public and private assembly:
- (e) Licenced hotels, private hotels, and residential clubs:
- (f) Living quarters for a caretaker or other person whose employment requires that he live on the premises:
- (g) Building accessory to buildings used for any of the foregoing purposes.

(4.2) Conditional Uses

The following shall be conditional uses in commercial B zones.

- (a) Petrol Service Stations, commercial garages and garages for running repairs, where access from the street is to the approval of the Council:
- (b) Fire Stations, electrical substations, transformers, draining and pumping stations, bus terminals and shelters and structures of public utility:
- (c) Car parking buildings:
- (d) Warehouses for the storage and distribution of goods of a light nature:
- (e) Any process of manufacture of goods for sale by retail on the premises:
- (f) Buildings accessory to buildings used for any of the foregoing purposes:
- (g) Use of a rear site for any use permitted in this zone.

(4.3) Bulk and Location Requirments

The following shall be the normal bulk and location requirements in commercial B zones:

Front yards on State Highway	18 ft.
Rear yards Minimum Depth	25 ft.
Side " " "	15 ft. where adjoining a rural or residential zone.

Open Space. Where commercial and residential uses are combined the site shall have not less than 1200 square feet of open space about the building for each household unit.

The application of the foregoing requirements to sites within subdivisions existing when this ordinance first becomes operative in respect of the site shall be modified where permanent structures have been erected on the land so that, where land for a service lane or private way is provided by the owner at the rear or at the side of the site, the rear yard requirements shall be diminished correspondingly.

(5) INDUSTRIAL B ZONES

(5.1) Predominant Uses

The following shall be predominant uses in industrial B zones:

- (a) Any industry other than those falling within Appendix A and Appendix B hereto except as otherwise determined by the Council pursuant to ordinance 6 (2):
- (b) Living quarters for a caretaker or other person whose employment requires that he lives on the premises:
- (c) Canteen, dining rooms, and ablutions, recreation, and other facilities for the convenience of those engaged in the zone.

(5.2) Conditional Uses

The following shall be conditional uses in industrial B zones:

Use of a rear site for any use permitted in this zone.

(5.3) Bulk and Location Requirements

The following shall be the normal bulk and location requirements in industrial B zones;

Rear yards	Minimum Depth	25 ft.
Side	" " "	15 ft. where adjoining a rural or residential zone

Open Space. Where industrial and residential uses are combined the site shall have not less than 1200 square feet of open space about the building for each household unit.

The application of the foregoing requirements to sites within subdivisions existing when this ordinance first becomes operative in respect of the site shall be modified where permanent structures have been erected on the land so that, where land for a service land or private way is provided by the owner at the rear of the site, the rear yard requirements shall be diminished correspondingly.

(6)

INDUSTRIAL C ZONES

HEAVY

(6.1) Predominant Uses

The following shall be predominant uses in industrial C zones.

- (a) Any industry except those falling within Appendix A hereto:
- (b) Living quarters for a caretaker or other person whose employment is such that he is required to live on the premises:
- (c) Canteens, diningrooms, and ablution, recreation, and other facilities for the convenience of those engaged in the zone.

(6.2) Conditional Uses

The following shall be conditional uses in industrial C zones.

- (a) Living quarters for persons required to be at call when off duty.
- (b) Any industry falling within Appendix A 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:
- (c) Use of a rear site for any use permitted in this zone.

10. (6.3) Bulk and Location Requirements

Shall be the normal bulk and location requirements in industrial B zones:

The application of the foregoing requirements to sites within subdivisions existing when this ordinance first becomes operative in respect of the site shall be modified where permanent structures have been erected on the land so that, where land for a service lane or private way is provided by the owner at the rear of the site, the rear yard requirements shall be diminished correspondingly.

(7)

INDUSTRIAL D ZONES

NOXIOUS

(7.1) Predominant Uses

The following shall be predominant uses in industrial D zones.

Any industry falling within Appendix A hereto.

(7.2) Conditional Uses

The following shall be conditional uses in industrial D zones.

- (a) Any industry specified in Appendix B hereto:
- (b) Living quarters for a caretaker or other person whose employment requires that he live on the site:
- (c) Canteens, dining rooms and ablution, recreation, and other facilities for the convenience of those engaged in the zone:
- (d) Use of a rear site for any use permitted in this zone.

(7.3) Bulk and Location Requirements

Shall be the normal bulk and location requirements in industrial B zones.

The application of the foregoing requirements to sites within subdivisions existing when this ordinance first becomes operative in respect of the site shall be modified where permanent structures have been erected on the land so that, where land for a service lane or private way is provided by the owner at the rear of the site, the rear yard requirements shall be diminished correspondingly.

SUBDIVISIONAL STANDARDS

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

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.

Every Subdivision of land which includes a stream, watercourse or drain or a part thereof, or abuts upon any part of a stream, watercourse or drain, shall be submitted to all local authorities having control of streams, watercourses or drains in the district, and any requirements of any such local authority relevant to such stream, watercourse or drain or to the leading of water into such stream, watercourse or drain shall be considered as conditions upon which the subdivision is granted by the Council and shall be complied with.

- (2) Land shall be so subdivided as to meet the requirements of sites for predominant or conditional uses, and as to the bulk and location of buildings, that apply in that zone and the minimum frontage and area requirements include those of the First Schedule to the Counties Amendment Act 1961 except for Rural Zones which are as shown hereunder.

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 frontage less than that specified in the fourth column, set opposite the particular use and zone.

Zone	Use	Minimum Area	Minimum Frontage
Rural Residential	Any permitted use	10 acres	264 ft.
"	(a) Any terrace house	10 perches	25 ft.
"	(b) Any semi-detached house	16 perches	40 ft.
"	(c) Any other residential building in non sewered area	32 perches	50 ft.
"	(d) Any other residential building in sewered area	20 perches	50 ft.
Waikakahe Beach Special residential	-	see Ordinance 9	(2A)
Commercial	Any permitted use	8 perches	20 ft.
Industrial	Any permitted use	8 perches	20 ft.

* Increased to 660 ft. where frontage is on a State Highway.

(3) Notwithstanding the provisions of subclause (2) of this ordinance, the Council may permit the subdivision of land in a rural zone so as to produce an allotment of less than the minimum area and frontage therein prescribed if the applicant satisfies the Council either that the lesser area can be used as an independent economic farming unit, or that the lesser area is appropriate to the proposed use and approval thereof is necessary to avoid undue hardship:

Provided that no such subdivision shall be permitted --

(a) If it is likely to cause demand to be made on the Council or any other local authority for an extension which is not in the economic interest of the region of any public service, or to cause existing or proposed public services to be uneconomically used; or

(b) If it is likely to lead to any obstruction to or other interference with the free movement of traffic on State Highways or main highways or important traffic routes.

(4) The requirements of this ordinance shall not apply to any subdivision if the Council is satisfied that the subdivision is intended solely for the adjustment of boundaries which will leave each of the adjoining allotments of substantially the same area as before or if the subdivision is for some purpose of public utility such as to provide a site for an electric or drainage substation and the other site or allotment for separate occupation complies so far as in the opinion of the Council is reasonable with those requirements.

(5) Notwithstanding any other provisions of these ordinances, any site or allotment 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 or allotments 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 the directions of the Council.

(6) In the case of a front site for a dwelling in a residential zone, 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 and minimum width prescribed in subclause (2) of this ordinance.

(7) No person shall erect any dwellinghouse on a rear site in a residential zone unless the site has an area of not less than 40 perches and has 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 feet wide and not more than 198 feet long that is not computed or included in the said minimum area provided that the area exclusive of the access strip may be reduced to 28 perches in a sewered area.

Provided further that two adjoining rear sites may be served by adjoining strips of land each not less than 10 ft. in width over which reciprocal rights of way shall be created.

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 three or more adjoining rear sites may be served by strips any of which may be less than 10 ft. in width. Subject to the further condition that except as provided in Section Section 25 of the Counties Amendment Act 1961 the aggregate width of all such strips shall not exceed 20 ft.

Provided further that the Council may in special cases approve a strip more than 198 ft. in length.

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

(a) 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: or

(b) Is a parcel resulting 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 (2) 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 the access strip.

Provided that in the case of an existing rear site served by a strip of land of width less than 20 ft. both new sites shall be served by strips of land each being not less than 5 ft in width over which reciprocal rights of way are created.

Provided further that the reductions in area in these special cases shall be subject to the conditions as to disposal of sewage and pollutants for front and rear sites as set out in subclause (9) below.

(9) In unsewered areas where the Medical Officer of Health of the district is of the opinion that the disposal of sewage and pollutants by any other means will not be detrimental to the health and convenience of the locality the minimum area for any other residential building may, with the consent of the Council, be reduced to not less than 20 perches for front sites and 28 perches for rear sites.

(10) Notwithstanding anything in subclause (7) of this clause, where, in the case of any other residential allotment a rear site has a common boundary of not less than 40 ft. with a permanently open space, the minimum area of the site exclusive of the area of the strip of land serving the site may with the consent of the Council be the same as for a front site.

(11) Subject to the requirements of any By-Laws on the subject, a copy of every subdivisional plan shall be supplied to the Council for its record.

(12) If a corner lot is included in any subdivision the corner must be rounded off to a radius of not less than 18 feet or cut back not less than 12 feet along each road line.

(13)

(a) Every subdivision of land shall be so planned and designed as to make adequate provision for drainage for each separate parcel of land within the subdivision. If the levels are not such that adequate provision for drainage can be provided the land shall be raised to the requirements of the drainage authority.

(b) "Drainage" within this clause shall mean the removal from land of water from any source likely to or capable of interfering with the use of that land for residential purposes, and without restricting the meaning of the term drainage in any way shall include the removal from land of rainwater, surface water, water, ground water, artesian water, or any other form of water usually referred to as storm water. "Public Drain" shall include any watercourse or stream or drain or river which is cleaned and maintained by any local authority whether as part of a drainage district or otherwise.

(c) Every subdivisional scheme plan shall show generally how each separate lot or parcel of land therein is to be drained, with sufficient supporting levels to indicate the fall or direction of flow and the plan shall show specifically what system of piped or open channels is proposed to be constructed as part of the subdivisional work and also into what public or

private drain the drainage from the subdivided area is to be directed. All proposals for drainage shall be submitted to the controlling authority for approval. All drainage work shall be carried out in accordance with approved plans and with materials and to standards approved by the controlling authority.

(d) Where any public drain existing within the general area of the subdivision is already loaded to capacity and so incapable of carrying the increased flow likely to result from the projected subdivision, the Council may require the subdivider to make a reasonable contribution towards the cost of enlarging such public drain to the extent necessary to contain such increased flow.

(e) Where a public drain as defined above runs through or alongside any land that is being subdivided or where there is a drain or watercourse which the controlling authority proposes for the purpose of the subdivision to take over as a public drain the following provisions shall be made to ensure the maintenance of such drain.

- (1) the right of the controlling authority to clean, to inspect or to maintain the public drain whenever necessary;
- (2) an easement in favour of the controlling authority permitting use of one bank or berm of the public drain for access, inspection, and maintenance and permitting deposition thereon of cleanings out of the public drain. The width of the strip of land to be covered by the easement will vary with the width of the public drain, but in no cases will exceed 20 links;
- (3) where the public drain is piped or enclosed, an easement shall be provided over the drain in favour of the controlling authority permitting access to the drain for inspection, maintenance or renewal, the width of the easement to be as reasonably required for these purposes by the controlling authority.

PROPOSED STREETS & RESERVES

11. (1) 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 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 or local authority.

- (2) Although a proposal involving the future use of this 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.
- (3) (a) 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 lane, reserve, or designated open space or public work is prohibited, except as an interim use expressly authorised by the Council with the consent of the Minister or any local authority responsible for the proposed permanent use.
(b) 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.
- (4) In accordance with subsection (5) of section (33) 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.

SITING OF BUILDINGS

12. Notwithstanding conformity with the zoning requirements of these ordinances, no building shall be erected or placed and no use shall be established or development commenced 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, to traffic likely to be generated by the proposed use and to safety health, and amenities.

The permitted uses, open spaces, and site area, in the respective zones shall be those set out in ordinances 5 to 9 of these ordinances:

Provided that ---

- (1) No person shall erect any building on any front yard,

rear yard, or side yard, and all such yards shall be left unoccupied and unobstructed from the general ground level upwards:

Provide also that 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; and that garage accomodation for private cars on residential sites may be erected on any side yard so long as the garage does not exceed 12 ft. in height:

Provide further that, where the physical features of the site are such that adherence to these requirements would be unreasonable, the Council may permit the erection of accessory buildings not exceeding 600 square feet in area on any part of the site:

- (2) No detached garage shall be sited within 10 ft. of any dwellinghouse, semi-detached house, terrace house or apartment house, unless constructed in fireproof materials.
- (3) No garage shall be sited within 2 ft. of any side boundary or within 15 ft. of any road boundary:
- (4) 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 square feet; or, on any larger site, that floor area plus one-third of the area by which the area of the site exceeds the minimum area permitted:
- (5) If in the opinion of the Council compliance in any particular case with the yard requirements of this scheme would seriously diminish the usefulness of the site for building purposes and subject to the written consent of the owners of the adjoining land on the side where yard space is to be diminished, which consent shall not be unreasonably withheld, the Council may, by resolution in respect of that site, vary or dispense with the provisions of this scheme 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:

- (6) In the case of a corner site, the owner may select either street boundary as the front boundary of the site:
- (7) In the case of a through site, the owner shall provide two rear yards at or near the middle of the site and 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.

13.

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 10 ft. or more from any boundary 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 at all times while the street lights are lit artificial light sufficient to illuminate properly the drive and footpaths.

14. (1) For the purpose of this ordinance, "place" means an open unoccupied space not less than 40 ft. in width and of the same frontage to a public street, and permanently set apart as the principal means of access to two or more sites.
- (2) In the case of sites for residential buildings grouped about a place --
- (a) Every site shall comply with the frontage and area requirements under this scheme for sites on which residential buildings may be erected as if the place were a street:
- (b) Every building shall comply with the provisions of this scheme for the zone in which it is situated as to space about buildings as if the place were a street:
- (c) Where independent street access to all 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:
- (d) The owners shall provide at all times while the street lights are lit artificial light sufficient to illuminate properly the means of vehicular and pedestrian access to each building site.
15. (1) No person shall so reduce or diminish any site or cause or permit any site to be so used, reduced, or diminished that the open spaces thereof shall be smaller than are prescribed by this scheme.
- (2) No portion of a yard or other open space required about any building shall be taken into account in computing the area of any yard or open space for any other building.
- (3) Notwithstanding the provisions of this ordinance, no person shall erect any building, or cause or permit any building to be erected, on any part of a site in such a manner that any part of such building is within 12 ft. of any open stream, open watercourse or open drain, except with the written approval of the Council and of any other local authority having control of streams, watercourses or drains in the District covered by the scheme.
- (4) No person shall erect any bridge or culvert or cause or permit any bridge or culvert to be erected in, on or over any stream, watercourse or drain except with the prior written approval of the Council and of any other Local Authority having control of streams, watercourses or drains in the district, and any such work shall be carried out in full compliance with any conditions laid down in the approval by the Council and by such other local authority.

TRAFFIC AND PARKING

16.

- (1) Every person who proposes to erect, re-erect, construct, or reconstruct a building on a site fronting a public highway or intended public highway shall provide within the site suitable and efficient accomodation for any loading, unloading, or fuelling of vehicles which is likely to arise from the use of the building.
- (2) 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.
- (3) Whenever in any zone any building or structure is being erected, reconstructed, altered, or modified, off-street parking spaces for motor vehicles shall be provided in accordance with the scheme.
- (4) 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 accomodation or off-street parking for cars as follows:
 - (a) In the case of one family or two family dwelling-houses, accomodation for two cars for each household.
 - (b) In the case of an apartment house or building containing service flats, accomodation for one car for each household.
 - (c) In the case of a boarding house, a lodginghouse, or a similar residential institution used for permanent residents, accomodation for cars in the proportion of not less than one car for every four persons or fractional part thereof whom the building is designed to accomodate.
- (5) 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 in accordance with the following schedule:

<u>Use of Site</u>	<u>Parking Space Required</u>
Hotels and premises licenced for the consumption of liquor.	1 for every 50 sq. ft. of public space plus 1 for every 2000 sq.ft. for staff members Plus 1 for each 2 guest rooms.
Hospitals	1 for every 2 patients' beds plus 1 for each resident or consulting doctor who might be in attendance at the time when the greatest number of such doctors are likely to be in attendance.

Churches, and mortuary chapels	1 to each 5 seats.
Halls	1 to each 100 sq. ft. of gross floor area.
Industrial uses	1 to each 500 sq. ft. of gross floor area.
Petrol stations and commercial garages	1 to each 500 sq. ft. of building plus 1 for each 500 sq. ft of uncovered site.
Motels	1 for each unit plus 1 for each four dining room seats in excess of the number of persons for whom accomodation is provided.
Retail shops, libraries, depots, professional and business offices	1 to each 400 sq. ft. of gross floor area.
Restaurants	1 to each 4 seats.
Warehouses, stores, or storage yards	1 to each 1000 sq. ft. of area so used.
Any other use	As considered necessary by the Council.

Provided that the Council may dispense with all or part of these requirement where, in its opinion, adequate off-street parking is already provided in the vicinity and would be available when required.

Further provided that the Council may take into consideration the additional on-street parking space made available for the site where it fronts onto a road of at least 150 links in width except in the case of a State Highway.

(6) The provision for parking required above may be made in any case as part of the yard space of any site.

(7) 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 is practicable.

(8) Every off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of usable shape and condition. There shall be adequate provision for ingress to and egress from a parking place.

(9) Nothing in these ordinances shall be construed to prevent two or more owners jointly making provision for off-street parking 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 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.

(10) Every parcel of land provided under these ordinances for off-street parking for use by the public shall be developed and maintained so as to attract traffic from the street.

(11) 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.

(12) Where a property owner has provided land for increasing the width of road fronting a commercial or industrial site, such extra road width shall be taken into consideration in assessing the area of land to be set aside for off-street parking.

(13) In rural areas all loading and unloading of stock, bulk produce, or other farm produce, fertilizer or similar goods or materials for rural use shall be carried out off the road reserve and no vehicles shall stand on any part of the road reserve while loading or unloading or cause any obstruction to visibility for traffic using the road. Ingress to an egress from any such platform or ramp or loading or unloading area shall be to the satisfaction of the Council.

(14) Access to an outlet from a corner site shall not be located nearer to the corner of a street than 30 feet unless the Council approves the design and location of the access or outlet, and the Council may refuse approval absolutely if access or outlet more distant from the corner could be provided.

ALTERATIONS AND MODIFICATIONS

17. An existing building which does not conform to any or all of the provisions of the scheme relating to the zone in which it is situated may be repaired, altered, or modified 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.

PROVISION AND PRESERVATION OF AMENITIES

18. (1) In respect of any object or place of historical or scientific interest or natural beauty which is specified in the statement as intended to be preserved, the Council shall enter particulars thereof in a register to be kept in 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) 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) 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.

19. (1) 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 erection 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) 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:

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) Signboards not exceeding 12 square feet in area erected in connection with a church, school, public museum, library, hospital, nursing home, or convalescent home:

(c) Any signboard not exceeding 6 square feet in area advertising the disposal of the land or premises on which it is situated:

(d) Signboards advertising an auction sale to be held on the premises on which the signboard is erected and so erected and displayed not more than seven days

before and after the auction:

(e) Any signboard not exceeding 2 square feet 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) 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.

(4) The number and designs of signboards which may be displayed on any building shall be subject to the approval of the Council.

20. Where the Council has designated any street in a commercial zone as a commercial street, every building fronting that street shall be provided with a verandah within such minimum and maximum heights as the Council may prescribe, but each so related to its neighbours as to provide continuity and each having a fascia within such limits of depths as the Council may prescribe. No such verandah shall be supported by posts on the street.

21. No building or other structure shall be so constructed or finished or left unfinished that its external appearance would disfigure the locality or tend to depreciate the value of adjoining properties.

22. No person shall erect any railway carriage or tramcar or similar structure on any site in any zone.

23. No person shall shift any secondhand building or part of such a building into the County or from one site to another within the County without the prior consent of the Council.

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

APPENDIX A

Industries to Which Appendix A Relates

Abattoirs.
Acids manufacture.
Ammunition manufacture.
Animal by-products manufacture.
Arsenic recovery works.
Artificial manure manufacture.
Boiling down works.
Bone crushing.
Candle manufacture.
Cement bag cleaning works.
Cement manufacture.
Distillation of coal, wood,
or bones.
Explosive manufacture or
storage.
Fat rendering.
Fell mongering.
Fertilizer manufacture.
Fireworks manufacture or
storage.
Fish curing and preserving.
Fuel oil refining and
storage.
Fur curing and tanning.
Gas (coal) manufacture.
Gelatine manufacture.
Glue manufacture.
Gunpowder manufacture.
Incinerator.
Knacker yards.
Leather tanning.
Lime manufacture.
Manure (artificial) manufacture.
Meat works - killing, freezing, and packing.
Oil distillation and refining.
Paper pulp manufacture.
Sausage casing manufacture.
Soap manufacture.
Stockyards: 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 to use to which
this appendix relates.
Tallow melting and refining.
Tanning and currying.
Tar manufacture, refining, mixing.
Turpentine manufacture.
Varnish manufacture.
Whaling Station.
Wool scouring.
Any industry that is or under any conditions may become noxious
or dangerous in relation to adjacent properties or
public places.

APPENDIX B

Industries to which Appendix B Relates

Acetyline gas manufacture.	Grain milling.
Aeroplane manufacture or assembly.	Grain threshing and crushing.
Agricultural machinery and implements manufacture.	Gravel, sand, or shingle pits.
Ammonia manufacture.	Graving dock.
Animal foods manufacture.	Gypsum manufacture.
Asbestos cement products manu.	Harbour facilities - wharfage, sheds, etc.
Asbestos manufacture	Hides, wool, and tallow warehouse.
Asphalt manufacture refin- ing, storage or mixing.	Hydro-electric power station.
Bags and sacks (textile) manufacture.	Ink manufacture.
Blacksmith's shop.	Iron Foundry.
Boat Building.	Iron mining.
Boiler works.	Iron smelting.
Bottle Factory.	Iron stove, range, and grate manufacture.
Brass foundry.	Junk yard, scrap metal, bottles.
Brewery.	Lineoleum manufacture etc.
Brick and tile manufacture.	Malting.
Briquette manufacture.	Margarine manufacture.
Burnt clay products.	Match manufacture.
Carpet manufacture.	Motor body building.
Casein manufacture.	Motor car wrecking.
Celluloid works.	Motor vehicle assembly.
Cement manufacture.	Nail manufacture.
Chemicals manufacture.	Oil cake manufacture.
Coal briquette manufacture.	Oil storage.
Cold storage.	Oils-essence or extract manufacture.
Concrete - central mixing plant.	Oils-vegetable manufacture.
Constructional Engineer's workshop or yard.	Oxygen gas manufacture.
Cooperage works.	Packing case works.
Creosote manufacture and treatment.	Paint manufacture.
Disinfectant manufacture.	Panel beating works.
Distillation of spirits.	Paper manufacture.
Drugs manufacture.	Patent fuel manufacture.
Dyes manufacture.	Petrol storage.
Electric Power generating station.	Pickles and sauce manufacture.
Engineer's (construction) workshop or yard.	Plaster of Paris manufacture.
Felt manufacture.	Plywood manufacture.
Fireclay products manufacture.	Polishes manufacture.
Flax milling.	Post splitting and sleeper and prop cutting.
Flock mills.	Pottery manufacture.
Flour milling.	Road contractor's workshop or yard.
Gas storage.	Pumice pit.
Glass manufacture.	Quarry - road metal, gravel, sand, shingle, marble, building stone.
Glass products manufacture.	Railway goods yards.
Glucose manufacture.	Railway trackage.
Gold mining.	Railway workshop.
Grain elevator.	Rolling mill.
	Rubber goods manufacture.

Rug manufacture.
 Sacks and Bags (textile) manufacture.
 Sash and door factory.
 Sauce and pickle manufacture.
 Sawmill.
 Scrap metal yard.
 Seed cake manufacture.
 Seed cleaning.
 Sheep dip manufacture.
 Sheet metal manufacture.
 Shell crushing.
 Ship building.
 Shoddy manufacture.
 Smelting metals.
 Stains manufacture.
 Starch manufacture.
 Steel Mill.
 Stone crushing.
 Stone cutting or dressing (except monumental masonry)
 Stone quarrying.
 Stove, range, and grate manufacture.

Sugar refining.
 Tar storage.
 Timber yard (wholesale)
 Tinplate manufacture.
 Tram repair shop.
 Varnish blending.
 Vehicle, motor assembly.
 Wood box manufacture.
 Jam, fruit and vegetable preserving.
 Veneer manufacture.
 Vinegar manufacture.
 Wallboards (other than fibrous plaster) manufacture.
 White lead manufacture.
 Wire manufacture.
 Wood shaving packing manufacture.
 Wool, hides, and tallow warehouse.
 Woollen mills.
 Wool packs, rugs, etc., manufacture.
 Yeast manufacture.

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NOTATIONS FOR DISTRICT PLANNING MAPS

<u>USE OR NAME</u>	<u>NOTATION</u>	<u>USE OR NAME</u>	<u>NOTATION</u>
<u>ZONES</u>		<u>BOUNDARIES</u>	
Rural	RUR.	District	— — — — —
Residential	RES.	Zone	—————
Commercial A	COM. A	Designated Area
Commercial B	COM. B		
Industrial B	IND. B	<u>ROADS</u>	
Industrial C	IND. C	Existing	—————
Industrial D	IND. D	Proposed	— — — — —
			— — — — —
<u>RECREATION AREAS & OPEN SPACES</u>		<u>SERVICE LANES</u>	
Publicly owned	REC.	Existing	=====
Privately owned	REC. PRIV.	Proposed	== == ==
Proposed	REC. (PROP.)		
(In each case stating use)		<u>ACCESSWAYS</u>	
<u>OTHER COMMUNITY USES OF LAND & BUILDINGS</u>		Existing	
Publicly owned	PUBL.	Proposed	
Privately owned	PRIV.		
Proposed	PUBL. (PROP.) PRIV.	<u>PROPOSED WIDENING</u>	
(In each case stating use)		(Of Road, Service Lane or Accessway)	————— —————
<u>OBJECTS & PLACES OF HISTORICAL OR SCIENTIFIC INTEREST OR NATURAL BEAUTY</u>		<u>PROPOSED NARROWING</u>	
	□	(Of Road, Service Lane or Accessway)	XXXXXXXXXX
	□	<u>PROPOSED CLOSING</u>	
	□	(Of Road, Service Lane or Accessway)	XXXXXX