

Town and Country Planning Act 1977

MOUNT HERBERT COUNTY

DISTRICT SCHEME

REVIEW No 1

Operative - 1st April, 1979

**ROYDS SUTHERLAND & McLEAY
CONSULTING ENGINEERS TOWN PLANNERS SURVEYORS
CHRISTCHURCH**

The Town and Country Planning Act 1977

MOUNT HERBERT COUNTY DISTRICT SCHEME

REVIEW NO.1

SCHEME STATEMENT

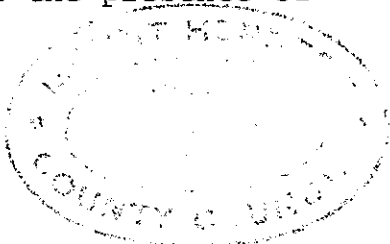
CODE OF ORDINANCES

and

DISTRICT PLANNING MAPS

As approved by resolution of the Council on the *twenty-sixth*... day of *February*...1979. The Scheme shall come into operation on the *first*... day of *April*..... 1979...

The Common Seal of the Mount Herbert County Council was hereto affixed on this *26th* day of *February* 1979 in the presence of



J. Brooking Chairman.
[Signature] County Clerk.

Note that District Schemes are subject to periodic change and persons using the scheme should ensure that they are aware of any changes made subsequent to this Review. Attention is also drawn to the need to check as to whether any section of the Canterbury Regional Planning Scheme is operative in the County at the time.

ROYDS, SUTHERLAND & McLEAY
CONSULTING ENGINEERS CIVIL
LOMBARD HOUSE STRUCTURAL
71 ARMAGH ST. TOWN PLANNING
CHRISTCHURCH, N.Z. SURVEYING

MOUNT HERBERT COUNTY COUNCIL

PLANNING SCHEME STATEMENT

PART I - INTRODUCTORY

1. Documents Comprising District Scheme

This Statement together with the Code of Ordinances and the District Planning Maps comprise the Mt Herbert County District Scheme as required by Section 38 of the Town and Country Planning Act 1977, and the Town and Country Planning Regulations 1978.

2. Area

The purpose of the scheme is to provide for the future development of the County of Mount Herbert being an area of 17,150 ha as shown on the district planning map.

3. Review of District Scheme

The County is required by Section 59 of the Act to review the District Scheme every 5 years. The District Scheme became operative on 21st day of October 1966, and this is the first review. The review enables the Council to adjust the scheme to make allowance for social and economic changes in the intervening period.

4. Planning Period

The reviewed district scheme covers a term of 20 years (hereinafter called the planning period, being the years 1972 to 1992 both inclusive).

5. Interpretation

In this statement, unless the context requires otherwise, words and phrases have the same meanings as in the Code of Ordinances. Full interpretation and definitions are contained in Ordinance 2.

PART II - PRESENT SITUATION

6. Population

At the time of the 1971 Census, the population of the County was 683, distributed as follows:

2.

Rapaki	72
Governors Bay	325
Allandale	53
Teddington	53
Quail Island	1
Charteris Bay	38
Church Bay	24
Purau	49
Camp Bay	8
Port Levy	60

The County population estimated at 700 in 1972 has not varied much for 20 years and the Ministry of Works, Town and Country Planning Division, forecasts that the population will be 1000 permanent in 1991.

The total County population is misleading as many of the houses are weekend homes only, and the owners and their families would not be included in the Census for the County.

The present County population of the Harbour Basin within the existing Residential Zoning based on a count of houses is estimated to be 1,300.

7. Planning Data Maps

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

8. Present Character of the County

The County is largely rural in nature with pockets of urban development located around some of the bays of Lyttelton Harbour and Port Levy. The main residential area is at Governors Bay, but holiday and more substantial homes are established in several other areas.

Land use is predominantly farming with some quarrying of sandstone for building purposes and other stone for road making. Increasing pressure will come from the adjacent metropolitan area of Christchurch for recreational facilities, particularly those involving water sports.

The terrain is very hilly, making roading difficult and costly and the problem of access has also contributed to the lack of population growth. This has however, had the effect of introducing into the district an atmosphere of peace and tranquility, unusual perhaps for a settlement so close to a large metropolitan area. It is this atmosphere which the Scheme will endeavour to preserve.

PART III - PLANNING OBJECTIVES AND POLICIES9. General

Future building and other development in the district will be directed and controlled so as to avoid the indiscriminate mixture of uses, with the object of economizing in the servicing of the district maintaining the stability of the rural zone and consolidating the existing urban communities. This objective will be secured as far as possible by allocating particular areas or zones for compatible uses of land and buildings, which shall be grouped in the appropriate zone as future building and other development proceeds, and in some cases, securing compatibility by imposing special conditions.

The areas within the district that are zoned for residential and commercial purposes, allow for the planned increase in population during the planning period.

The predominant and conditional uses in each zone are set out in the Code of Ordinances which forms part of this Scheme.

The Harbour Basin, that is that part of the Lyttelton Harbour which lies within the County, is to be preserved largely as a limited residential, farming and recreational area. It will be the Council's objective to encourage controlled development centred on existing settlements of a special residential kind.

Whilst farming uses will not greatly affect the visual amenity of the Harbour Basin, in some instances, such as commercial forestry and other conditional uses, the Council will take this aspect into consideration when examining applications for conditional uses in the rural zones.

The Council supports the Government's policy of identifying and designating those areas of native bush which merit preservation and this together with the protection of coastal areas, will be a consideration in any environmental planning in the Harbour Basin.

10. Rural Areas

While it is intended to protect land for farming or potential agricultural uses and to avoid fragmentation of rural land, the Ordinances are also designed to protect the present open character and rural nature of the rural zone and to prevent development that could give rise to any spread of residential use in the rural zone. In particular, residential dwellings will only be allowed if ancillary to a permitted use.

In planning the rural area, one objective shall be to protect and maintain rural lands for farming and to this end, policies shall include:

- (i) restricting predominant uses permitted in rural areas to farming,

- (ii) restricting further land subdivision and the issuing of building permits for dwelling houses only where it can be shown that these are necessary for the utilisation of rural land for farming purposes,
- (iii) preventing sporadic urban development within rural areas.

A second objective shall be to preserve and maintain the open landscape and the scenic character and amenities of the rural area by:

- (i) restricting uses permitted in rural areas to farming,
- (ii) ensuring that buildings accessory to farming are not sited so as to detract from the scenic character and amenities of rural land,
- (iii) preventing sporadic urban development within rural areas,
- (iv) designating and registering where appropriate, existing and proposed public reserves and objects of historical and scientific significance and natural beauty,
- (v) prohibiting hoardings and other advertising signs within rural areas.

A third objective shall be to provide for other necessary rural activities while as far as is practicable, conserving farm lands and the scenic character of the rural areas. Policies shall include:

- (i) providing for these activities, which may include commercial forestry and quarrying, to be considered as conditional uses,
- (ii) by requiring each conditional use application for these activities to be supported by a detailed statement of the likely effect of the proposed development on farming activities and the scenic character and amenities of the area.

11. Urban Areas

A first and major objective of the Council shall be to consolidate future urban expansion within and around the existing settlements of Rapaki, Governors Bay, Charteris/Church Bays, Purau and Port Levy. In this way, the rural and scenic character of the County will be maintained and farming lands better conserved. It will also economise the provision of community facilities and services, assist with the proper control of traffic especially along major traffic roads and generally reduce the conflict between urban and rural uses and provide stronger urban centres for the County.

It is considered that additional settlements outside of those now existing are unnecessary within the immediate planning period of 5 years as adequate land is available within the urban boundaries of the existing settlements to provide for any foreseeable growth within this period.

It is estimated that there are sufficient vacant residential lots and undeveloped residential land within the County to provide for some 2,350 additional people.

In addition to these areas, there is sufficient undeveloped residential land within parts of the Lyttelton Borough at Cass Bay and Diamond Harbour immediately adjoining the County, to provide for an additional 1500 people.

A second objective shall be to recognise and provide for the different needs of each of the existing settlements by:

- (i) maintaining the quiet and semi-rural nature of Governors Bay by providing for limited expansion of the township of a low density character,
- (ii) providing for the wider residential and recreational needs of the Christchurch region by planning for the controlled expansion of Charteris/Church Bays,
- (iii) recognising the historical significance of Rapaki and maintaining and providing for limited growth of the existing community,
- (iv) planning for the limited growth only of the settlements at Purau and Port Levy.

A third objective shall be to ensure that development within each settlement takes place in a form that will best tend to create a pleasant, convenient and interesting community appropriate to each locality. Policies shall be directed towards:

- (i) avoiding the indiscriminate mixing of incompatible uses,
- (ii) maintaining and providing amenities appropriate to each area by protecting objects of historical and scientific interest and natural beauty, controlling advertising and the siting, appearance and maintenance of buildings, providing areas suitable for tree planting and providing verandahs on commercial buildings,
- (iii) providing for the efficient movement of traffic and for proper off-street parking, access and loading facilities.
- (iv) providing proper controls over the bulk, location and siting of buildings to ensure sunlight, air, privacy and open space, some protection against fire and noise and to maintain the general amenities of the area,
- (v) providing standards for the control of land subdivisions appropriate to the locality and the intended uses of the land,
- (vi) encouraging good design and variety of housing types, and layouts,

- (vii) providing for the recreational needs of the community by ensuring sufficient land is set aside as reserves for children's play areas, active recreation and general amenity,
- (viii) providing for the consolidation of commercial activities and continuity of shop frontages without the intrusion at street level of other uses and vehicular traffic which could affect or obstruct the convenient use of the commercial facilities. Three commercial areas, at Governors Bay, Church Bay and Purau are provided for.
- (ix) minimising the interference of industrial uses with other uses, by grouping such uses together and providing a buffer between these areas and adjoining uses, especially residential. Only a small area for light industrial activity at Church Bay is provided for,
- (x) to economise in the provision of services.

PART IV - THE ALLANDALE DEVELOPMENT ZONE

12. The Environmental Plan

The environmental plan, is a Land Use Proposal for the Allandale area comprising a relatively new approach to land use based upon respect for the environment and the recognition that the landscape represents the interaction and interdependence of many natural processes. The basic planning concept has as its prime objective, the conservation of the landscape and its processes rather than obtaining the maximum number of residential sections. The plan has evolved from the synthesis of the basic data (1) collected. The environmental factors have had primary relevance in distinguishing the capacity of each area for development, the susceptibility to despoilation and identifying the restraints and opportunities inherent in the landscape.

Three important environmental considerations have influenced the siting of a residential development at Allandale. These are soil suitability, winter sunshine and landscape setting. Although not singled out, the vegetation, agriculture and the like play a very significant part in the overall decisions for land use and more particularly in the management of the area to ensure a healthy and viable environment. All the inputs in this study (1) have contributed to the planning concept. Although no specific social input has been made the Mount Herbert Civic Trust were consulted on aspects of their feelings towards the overall landscape and their immediate environment. The planning, design and implementation phases will require a strong social input to successfully relate the concept and ideals of man and nature.

(1) Refer "Environmental Study of Governors Bay"
- The Environmental Planning Group, Christchurch,
March, 1974.

Within the soil suitability for residential use a major constraint is slope and stability, particularly in regard to tunnel gully erosion. On this basis the alluvial deposits in the Allandale Valley and the easy rolling (3-5°) loess slopes are considered as the "best" areas for residential development. The areas classified as suitable include the loess deposits on hillsides of moderate slopes of 6-12°. This area is quite extensive and includes a large portion of the study area below the 400 foot (120 metre) contour.

From a development point of view the most suitable slopes lie within the 0 - 12° range (flat to 1 in 5). Slopes in excess of 12° should only be considered for low density residential development. Slopes in excess of 18° (1 in 3) should not be developed under any circumstances.

Winter sunshine is an important consideration in the location of residential development. The Allandale Valley scores highly as a warm and sheltered location.

The landscape setting of the lower Allandale Valley makes it very suitable for residential development. The setting is strongly contained within one identity area which is well defined by the Manson's Point ridge and by the "Bush Road" ridge. The Allandale area is also sufficiently far enough away from Governors Bay to keep the two development areas separated. The area between Allandale and Governors Bay must be consciously maintained as rural if the two communities are to succeed as individual rural based communities.

The highlights of the proposal in summary were the creation of a special development area situated in the Allandale Valley. Within the Allandale development area there are the following sub-areas -

Area B - Low density residential development of 1 - 5 acre lots with a total overall average of 2 - 2½ acres. Total area is approximately 117 acres.

Area C - Medium density (15 persons per acre) residential development based on comprehensive development maintaining an average of 4 - 5 units per acre. Total area is approximately 40 acres.

Area D - Village centre, community facilities and recreation area. Total area is approximately 10 acres.

The setting and character of the proposed Allandale community should be rural. Manson's Point and the tussock covered slope above Smarts Road are to be retained as farmland and to the southwest the development area is contained within a strong rural setting. As the Allandale development falls within one landscape identity area it is well defined and contained. The boundaries of the development have been very carefully set and are based on the environmental considerations developed in the environmental study.

The setting and containment of this development area is critical and at no stage can or should it be extended without a detrimental impact on the concept.

The Environmental plan as far as it relates to Areas B, C and D has provided a general basis for sub-zones ARR, AR and AC respectively. The particular policies for these sub-zones are discussed in the following paragraphs.

13. Character of Residential Development

In the rural/residential scene Council is seeking a combination of three things:

- (i) The landscape setting.
- (ii) The buildings themselves.
- (iii) The relationship between the buildings and the landscape.

The closer the view the more important the buildings become, but the emphasis changes with distance and in general the landscape and the siting of the buildings is what matters most. The design concept in the rural/residential development concept is not primarily motivated by siting houses so that they can look at the landscape but rather to settle them so that they become part of the landscape. It is critical that the rural fingers of Manson's Point and the "Bush Road" finger be retained as rural and therefore contain the Allandale development. The development of Allandale must be organically related to the landscape and the buildings must individually and collectively appear to belong. The total development is to be no more than an incident in a broad rural scene.

14. Sub-zone AR

(Special Development Area C)

The Allandale Stream is to be the focal point of the residential development. The development should be planned and designed to utilise this landscape feature whilst at the same time protecting it as a natural drainage corridor.

The development should not depend on private wells but should be co-ordinated with the extension of a public water supply system.

The development should not depend on individual sewage disposal systems but should be co-ordinated with the provision of sanitary sewerage facilities.

Utility services should have due regard for the landscape and should wherever possible be located underground.

Before any development occurs an overall master development plan for the Allandale region should be prepared, approved and adopted.

The style and character of all development is to be in keeping with the rural character of the area. Major earthworks are to be avoided and tree planting is to be handled with restraint. Total boundary definition is not to be permitted as effective planning and design should allow for privacy within the development. In the context of the proposal there are no boundaries as each is part of the total.

15. Sub-zone ARR

(Special Development Area B)

The same criteria apply as for Special Development Area C.

The careful subdivision of land is more important in this area than in Area C. A 20 acre area may be in 6 titles however the six residential units would be planned as a comprehensive development and may occupy no more than 2 or 3 acres. Subdivision of land must be carefully undertaken on the site and must relate to landform and features. The subdivision must never be apparent as a visual intrusion. Specific design criteria and constraints will need to be worked out for each subdivision.

16. Sub-zone AC

(Special Development Area D)

Commercial development, recreation and community development, including the school, must be planned as a total entity. This area is to be the focal point of the Allandale development area. The entire community area should be very strongly pedestrian orientated and relate physically and visually to areas B, C and E.

PART V - LAND SUBDIVISION

17. Land Subdivision

The ordinances controlling urban subdivisions are designed to reflect the Council's policies and the locality, and to enable proper provision to be made for the disposal of effluent. For these reasons, the minimum area of lots within Governors Bay and Rapaki in particular, are larger than elsewhere in the County.

All subdivisional plans shall be prepared in accordance with the requirements of the Ordinances and shall conform to the roading layout where shown on the planning maps or as subsequently adopted by the Council.

To preserve the existing environment, subdividers are required to give due attention to size and shape of sections, sewage disposal, underground wiring, protection of existing trees and provision for new planting and other landscaping, and consider the visual effect, particularly on the view from the Summit Road.

Land within the rural zone shall be subdivided so as to meet the site requirements of a predominant use or an approved conditional use.

PART VI - RECREATION RESERVES AND OPEN SPACES

18. Introduction

Because of the County's proximity to a major centre, Christchurch, which is expected to have a population of 500,000 by the turn of the century, there is a considerable recreational potential.

The harbour area is to be considered as recreational as well as for farming and residential use and the Council will take full advantage of Government funds for the purpose of purchasing land of regional recreational potential along coastal areas.

It is also the Council's policy to provide parking and toilet facilities where possible at public reserves and to co-operate with the Lyttelton Harbour Board in the further provision of mooring and launching facilities for public use.

19. Existing Reserves

Existing Reserves and open spaces, both public and private, have been shown on the planning maps.

An important recreational facility is the Summit Road which is protected both by the areas designated on the planning maps and more specifically by the Summit Road Protection Act 1963. The Council's policy is to control development in the harbour basin so that views from and to this, and those other existing and planned roads of significant amenity value, are safeguarded.

20. Proposed Reserves

Areas proposed for future reserves have been so designated on the planning maps and there will be a need from time to time to consider the provision of reserves as part of residential development.

Schedule of Proposed Reserves

Moepuku	-	Proposed Recreational Reserve
Hays Bay	-	Proposed Recreational Reserve
Wreck and Shelley Bays	-	Proposed Recreational Reserve
Church Bay Gully	-	Proposed Reserve, Scenic
Mansons Peninsula	-	Proposed Recreational Reserve

PART VII - PUBLIC UTILITIES

21. The provision of effluent disposal and a piped water supply system does raise a number of practical difficulties and, if provided, may tend to encourage development of a character that was not consistent with the Council's overall policy of maintaining the essentially rural character of the County.

It is, however, the policy of the Council to provide, for the settlements of Governors Bay, Rapaki, Church Bay and Charteris Bay, reticulated water supply and sewage disposal systems whenever practicable. The time of such provisions will depend on the ability of the population in each settlement to support the construction and maintenance costs involved. It is not practicable presently to designate or zone sites for reservoirs, treatment works and pumping stations as the position of these will depend upon matters of detail design which cannot take place in the absence of specific proposals. The Council, will, however, keep these questions under consideration.

The settlements at Governors Bay and Rapaki have a character which is predominantly semi-rural. It is the Council's policy to preserve that character, and for this reason

- (i) until sewage disposal systems are available lot sizes in new subdivisions will be such as will enable effluent to be disposed of within the site (and building permits will be withheld unless satisfactory provision is made for such disposal) and
- (ii) even after water supply and sewage disposal systems are available larger lot sizes than are provided for other settlements will obtain.

PART VIII - SITING OF BUILDINGS22. Position and Bulk of Buildings

The position of the buildings on each section is governed within limits 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, privacy and amenity are reasonably allowed for. These requirements are more particularly specified in the Code of Ordinances which forms part of this scheme.

Buildings are limited to the heights and floor areas 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. Maximum heights of and maximum site coverage by buildings permitted in each zone are set out in the said Code. 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 IX - COMMUNICATIONS AND TRANSPORTATION

23. Roads

Each proposed road is to be specifically designed both in layout and structural strength to cope with the frequencies and weights of traffic that seems likely to use it from time to time during the planning period. Through traffic roads will be wider, straighter and more heavily constructed than those for local traffic, and the traditional standard width of 20 metres will not be universally applied. Roads in areas permanently zoned as residential and carrying little traffic will normally be not less than 15 metres wide.

24. 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, common access to the rear of commercial and industrial properties is to be provided wherever possible by means of properly dedicated service lanes.

25. Off-Street Parking and Loading

To reduce congestion of vehicular traffic in and about areas devoted to industry, commerce or recreation, caused by the parking of private and commercial vehicles on the carriageways of streets which should be available for moving traffic, property owners who, or whose tenants have regular or frequent or numerous visits from vehicular traffic are required to provide on their own land or premises, adequate parking and loading space for such traffic in accordance with the Code of Ordinances which forms part of this Scheme.

26. Roading Network

(i) Existing

Apart from the many local access and "No Exit" roads serving properties in the County, the major traffic routes comprise:

Governors Bay	-	Lyttelton, known as Governors Bay Road
Governors Bay	-	Dyers Pass
Governors Bay	-	Teddington - Purau
Teddington	-	Gebbies Pass
Purau	-	Port Levy Road
Summit Road		

These roads are all two-lane roads and while being subject to an incremental programme of improvements and sealing, are predominantly rural highways of modest cross section and alignment not presently suited to heavy recreation or urban traffic. It is the policy of the Council to contain the urban areas and prevent ribbon development from extending along this primary road system.

(ii) Present Traffic

Traffic counts and regional transport studies show that while typical weekday flows do not presently exceed about 500 vehicles per day on any road in the County, weekend and recreation traffic can double and in some places, treble these flows.

The base traffic flows are related to occupied residences in the County. It appears that the daily traffic in and out of the County is close to one trip per resident. Surveys on Dyers Pass Road show that on a typical weekday in 1969 about 250 trips travelled each way between 7 a.m. and 7 p.m. as follows

To and from Governors Bay	300 veh. trips
To and from Diamond Harbour etc.	180 veh. trips
To and from Little River and Akaroa etc.	20 veh. trips
	<hr/> 500 veh. trips <hr/>

The average car occupancy was 1.6 persons. The purposes of travel were -

Home to or from Shops & Recreation in Christchurch	47%
Home to or from work in Christchurch	22%
Other Non Home-based trips by car	15%
Goods Vehicle Trips	16%
	<hr/> 100% <hr/>

Traffic flows in and out of the harbour basin (chiefly to Christchurch) and within the basin is expected to increase in direct relationship to population increase.

(iii) The Future

Future road improvements are related directly to the Council's capacity to undertake these works and some could be very costly. Within the planning period, minor improvements and widening of the existing primary road system is generally considered adequate. Such improvements will be adequate to meet a weekend travel situation of no more than two to three times present flows.

In wider context of improved access to the harbour basin the County considers that the improvement of the Gebbies Pass Road to link with the planned arterial roads and State Highway through Wairewa, Ellesmere and Papanui Counties is the most appropriate future provision.

In order to protect some existing rural lengths of the primary road system and provide for future improvements the Council will, following the completion of regional studies currently underway, consider and bring down any necessary changes to its Scheme, including proposed limited access roads and road widening or relocation designations that seem appropriate.

PART X - AMENITIES

27. General Intentions

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

28. Control of Advertising

The display of advertising matter will be controlled in accordance with Ordinance 22 of the Code of Ordinances.

29. Siting, Design and Maintenance of Buildings and Structures

The Code of Ordinances requires all buildings to be sited, designed and maintained so as not to detract from the scenic character and the amenities of the County in general and the neighbourhood in particular.

30. Preservation of Objects and Places of Historical Interest or Natural Beauty

The places and objects listed in the register referred to in Clause 21 of the Code of Ordinances are to be preserved and maintained so far as the powers of the Council from time to time permit.

31. Cultural and Sporting

The Council's objective is to strengthen the community and encourage social and sporting activities as part of the policies outlined above.

SUMMARY

The basic concept of the Scheme is to preserve the amenities of the Harbour Basin by:

- (i) the retention of the dominantly rural character of the area,
- (ii) the planned location of identifiable and attractive harbourside communities,
- (iii) the extension of the area's recreational potential more especially by the acquisition of coastal and other reserves.

APPENDIX I

Objects and Places of Historical or Scientific Interest or Natural Beauty.

Geological Interest

N.Z.M.S. 1 - S84/046351

Remarkable Dykes

N.Z.M.S. 1 - S84/022416

Black Quartz Rhyolite

DISTRICT PLANNING BOARD

of Ordinance under the Town and Country Planning Act 1971.

EXPLANATION

1. NUMBER OF ORDINANCES

2. THIS CODE IS ARRANGED AS FOLLOWS

General Matters

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CODE OF ORDINANCES

1. General Matters
2. Administrative
3. Control of Buildings
4. Control of Advertising Signs
5. Control of Land Use
6. Control of Planning
7. Control of Pollution
8. Control of Traffic
9. Control of Trees
10. Control of Vehicles
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13. Control of Other Matters

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EXPLANATION

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MOUNT HERBERT COUNTY COUNCILDISTRICT PLANNING SCHEME

Code of Ordinances under the "Town and Country Planning Act, 1977".

Preliminary1. ARRANGEMENT OF CODE

(1) This Code is arranged as follows:

<u>Number of Ordinance</u>	<u>Page Number</u>	<u>Subject Matter</u>
1 - 4	16	Preliminary
5 - 9	23	Zoning
10	41	Subdivisional Standards
11	46	Proposed Streets and Reserves
12	46	Information to be supplied with applications for permits.
13 - 17	47	Siting of Buildings
18	50	Angle of Controlling Height
19	51	Traffic: Loading and Parking
20	54	Alterations, etc.
21 - 25	54	Provision and Preservation of Amenities

(2) This Code of Ordinances forms part of the Mount Herbert County District Scheme and is for the administration and implementation of that scheme.

2. INTERPRETATION

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, 1977" and includes its amendments.

"Allandale Development Zone" Where there is any conflict between the Ordinances relating to the Allandale Development Zone and the general Ordinances in this Scheme then those of the Allandale Development Zone take precedence.

"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 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, and includes any stack or heap of materials over 2 metres 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 space" in Regulation 3 of those Regulations.

"Caravan Park" see under Motor Camps hereof.

"Code" means this 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 vehicles 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 the operative District Scheme 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.

"Council" means the Mount Herbert County Council.

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

"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 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.

"Forestry" Commercial forestry means the planting, replanting, cultivation and management of exotic and indigenous trees in forest or tree plantations including the extraction of timber therefrom for commercial gain.

Conservation, domestic and amenity forestry means the planting, re-planting, cultivation and management of trees for river protection, erosion control and soil stabilisation purposes and for the provision of shelter, domestic purposes and general amenity.

"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 building in respect of which there is for the time being in force a licence for the sale of liquor issued under Section 54(1) of the Sale of Liquor Act 1962.

"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 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, provided they are for the use of patrons only.

"Motor Camp" means land and one or more temporary or permanent buildings used for temporary living accommodation and land for the parking of caravans or other vehicles which are used for temporary living accommodation, but shall exclude tents or similar fabric structures, and may include any services or amenities provided on the site, such as fuelling of vehicles, shops, restaurants, bath houses and swimming pools, playgrounds and the like, provided they are for the use of campers only.

"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.

"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, and includes a car-port.

"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 residential purposes but does not include a motel.

"Residential Institution" means a hostel, 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 both of substantially similar design: 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 dwelling houses.

"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 auctioneers' and land agents' 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.

"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 12 metres 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 the axis of the site 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 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. Provided that in the case of residential buildings the eaves may encroach over the side yards to an extent not exceeding 0.5 metres.

Front Yard means a yard between the street line and a line parallel thereto and extending across the full width of the site: provided that where land required for road widening purposes has not been dedicated as road, the street line referred to in this definition shall be the line of the future boundary of the road.

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 10 metres.

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. SCHEME TO PREVAIL

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.

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

4. SCHEME TO BE COMPLIED WITH

- (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 or 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 accommodation 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.

Zoning5. CLASSIFICATION OF ZONES

The zones constituted for the purposes of the Scheme are shown on the District Planning Maps as indicated by the Key on the map. A schedule of the District Planning Maps is set out in Appendix "B" hereto.

6. CONTROL OF USE

- (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 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 9 hereof the Council shall determine in which zone or zones it may be permitted, and in respect of the zone or 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) 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.

7. CONTROL OF BULK AND LOCATION OF BUILDINGS ON SITE

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

- (a) The provisions prescribing requirements as to yards, height, coverage, density, and angle controlling height hereinafter set out in respect of the zone in which the site is located.
- (b) The requirements for off-street parking and loading as set out under Ordinance 19.
- (c) All other Ordinances applicable thereto.

8. REGULATIONS AND PROCEEDINGS IN RESPECT OF USES

- (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 as to conditional uses in that 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 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 preservations 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.

- (3) Applications for specified departure shall similarly be in accordance with the procedure laid down by the Act and Regulations thereunder.

9. USE WITHIN ZONES

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.

Rural Zones

- (1) Predominant Uses

The following shall be predominant uses in rural zones:

- (a) Farming of any kind, but excluding vineyards as defined in the Agricultural Chemical Regulations 1968, 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.

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.

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.

- (b) Conservation, Domestic and Amenity Forestry.
- (c) Buildings accessory to use of buildings or land for any of the foregoing purposes including dwelling houses, 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 dwellinghouses or detract from the scenic character and visual amenities of the rural environment.

(2) Conditional Uses

The following shall be conditional uses in rural zones:

- (a) Camping grounds, caravan parks and motor camps.
- (b) Commercial Forestry.
- (c) The quarrying, winning and processing of materials occurring naturally in the vicinity, but excluding the removal or covering of topsoil which, in the opinion of the Council, has agricultural potential.
- (d) Cemeteries and crematoria.
- (e) Roadside shops for sale of the produce of the farm on which the shop is located.
- (f) Use of the site for residential purposes if the site is an independent economic unit for farming purposes and has not less than the minimum area and frontage required for that farming use in the zone, or on a site of a lesser area and/or frontage which was purchased as a separate holding prior to the date of the Council's original District Scheme being first publicly notified. That only one such building permit shall be granted in such circumstances to any one such registered proprietor, and 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.
- (g) Buildings accessory to buildings or to use of land for any of the foregoing purposes.

(3) Conditions Relating to Conditional Uses in Rural Zones

All applications for conditional uses in rural zones shall be supported by a statement of the effect of the proposal on the farming activities of the area and on the rural environment.

The following provisions shall apply to conditional uses in addition to any conditions set by the Council on any particular application:

- (a) All buildings shall be so sited, designed and maintained so as not to detract from the scenic character and visual amenities of the rural environment.
- (b) All tailings, sawdust, spoil, waste and effluent shall be so disposed of as to minimize damage to property or disfigurement to the countryside.
- (c) The sites of excavation, 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.
- (d) Sale of Farm Produce
 - (i) One joint entry and exit lane 6 metres wide and at right angles to the road centre line to a distance of 6 metres within the property and a parking area for at least six cars with an adequate turning area is to be constructed with an all weather surface to the satisfaction of the Council.
 - (ii) No produce is to be displayed for sale within 45 metres of the front boundary of the site.
 - (iii) A building may be used for the sale of produce where it is situated within 45 metres of the legal road frontage:

Provided that no produce displayed for sale shall be visible from the road and the required parking area is constructed behind or alongside the building to the satisfaction of the Council.
 - (iv) The retail floor area on any approved site is not to exceed 15 square metres.
 - (v) Advertising is to be confined to one signboard as defined in Ordinance 22 and to include the words "Please Drive In".
 - (vi) No such use shall rely on direct access from a major traffic route.

- (e) The use of any land or building shall not be permitted where that use would:
- (i) Tend to promote closer settlement.
 - (ii) Cause demand for extension of the public services that is not in the economic interests of the region or locality.
 - (iii) Cause public services that already exist or are substantially committed to be uneconomically used.
 - (iv) Lead to any obstruction or other interference with the free flow of traffic on any major traffic route.
 - (v) Be a subdivision of land likely within the foreseeable future to be re-zoned for urban purposes and the subdivision is likely to prejudice the future economic use of the said land.
- (f) Provided that the Council may decline any application for a Conditional use which, in its view, conflicts with any environmental type plan prepared from time to time.

(4) Bulk and Location Requirements

The following shall be the normal bulk and location requirements for predominant uses in rural zones:

<u>Type of Use</u>	<u>Maximum Permitted Height</u>	<u>Front Yards</u>	<u>Rear Yards</u>	<u>Side Yards</u>
	Excluding Chimneys	Minimum Depth	Minimum Depth	Minimum Depth
Residential Buildings	10 m	7.5 m	7.5 m	4.5 m
Other than Residential Buildings	11 m	15 m	15 m	12 m
Housing or keeping of animals (other than pigs or birds).	16 metres from any residential or occupied building, 12 metres from any boundary.			
Pigs or Pigsty	45 metres 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.			
Milking Shed	40 metres from any public road.			

The normal bulk and location requirements for conditional uses in rural zones shall collectively provide the same general standards as for predominant uses in those zones.

Residential Zone(5) Predominant Uses

The Predominant uses shall be:

- (a) Dwellinghouses.
- (b) 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.
- (c) 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 10 metres from any residential or occupied building.

- (d) 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.

(6) Conditional Uses

The conditional uses shall be:

- (a) All residential uses not permitted as predominant uses.
- (b) Boardinghouses, private hotels and private residential clubs.
- (c) Churches and places of public or private worship.
- (d) Museums, art galleries, libraries, nurseries, play centres and educational establishments, including boarding houses and hostels used in connection with those uses.
- (e) Residential institutions including hostels, public and private hospitals, health clinics, nursing homes and convalescent homes, but not premises used for the accommodation or treatment of animals.
- (f) Playgrounds, recreation grounds, and places of assembly, including gymnasiums and training sheds.
- (g) Shops for the sale of groceries and dairy products, either alone or in conjunction with residential accommodation, provided such use does not rely on direct access to a major traffic route.
- (h) Groups of garages or parking spaces for hiring.
- (i) Provision for public parking.
- (j) Motels and camping grounds.

- (k) A building not exceeding 30 square metres 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 a builder, painter, paperhanger, plumber, electrician, or person conducting any other business connected with the building trade, who is resident on the same site.
- (l) Buildings accessory to use of buildings or land for any of the uses specified in this paragraph except those specified in sub-paragraph (k) of this paragraph.

(7) Bulk and Location Requirements

For predominant uses - The normal bulk and location requirements for predominant uses shall be:

	<u>Front Yards Minimum Depth</u>	<u>Rear Yards Minimum Depth</u>	<u>Side Yards Minimum Width on Each Side</u>	<u>Yards Rear Sites</u>	<u>Coverage</u>	<u>Maximum Height</u>
Governors Bay and Rapaki	7.5 m	7.5 m	3 m & 4.5 m	1 of 3 m 3 of 4.5m	25%	7 m
Other Settlements	4.5 m	7.5 m	1.5 m*	1 of 1.5 m* 3 of 3 m	35%	7 m

* 3 m side yards required if height greater than 6 metres.

In all cases eaves may encroach on side yards by not more than 0.5 metres.

For conditional uses - The bulk and location requirements for conditional uses shall be as set by Council and shall be appropriate to the proposed use but generally shall not be less than:

	<u>Front Yards Minimum Depth</u>	<u>Rear Yards Minimum Depth</u>	<u>Side Yards Minimum Width on Each Side</u>	<u>Coverage</u>	<u>Minimum Site Area per Household Unit</u>	<u>Maximum Height</u>
Governors Bay and Rapaki	7.5 m	7.5 m	4.5 m	35%	750 m ²	7 m
Other Settlements	4.5 m	7.5 m	4.5 m	45%	300 m ²	7 m

In all cases eaves may encroach on side yards by not more than 0.5 metres.

Commercial Zone(8) Predominant Use

The following shall be predominant uses in commercial zones:

- (a) Retail shops and storage for materials and articles for sale, auction rooms, including such retail shops where dwelling accommodation is incorporated in the same building if there is not more than one dwelling unit per shop, so designed that the dwelling quarters have direct street access.
- (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 or private entertainment, or public or private assembly.
- (e) Licensed hotels, private hotels, and residential and non residential clubs.
- (f) Living quarters for a caretaker or other person whose employment requires that he live on the premises.
- (g) Buildings accessory to buildings used for any of the foregoing purposes.

(9) Conditional uses

The following shall be conditional uses in commercial zones:

- (a) Commercial garages and stores for the sale of petroleum and garages for running repairs, in cases where the floor space to be used for the garaging and repairing of vehicles does not exceed 300 square metres and where access from the street is to be to the approval of the Council.
- (b) Parking lots, parking buildings and motels.
- (c) Used car dealer's yards.
- (d) Warehouses and yards for the storage and distribution of goods of a light nature.
- (e) Any process of manufacture of goods most of which are sold by retail on the premises.
- (f) Any uses permitted in residential zones, other than residential buildings.
- (g) Buildings accessory to buildings used for any of the foregoing purposes.
- (h) Use of a rear site for any use permitted in the zone.

- (i) Canteens, dining rooms, ablutions, and recreational and other facilities primarily for the convenience and medical and surgical treatment of those engaged in the zone.

(10) Bulk and Location Requirements

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

Maximum Height	11 metres maximum as of right, though increased height may be authorised if necessary by special resolution of the Council.
Front Yards Minimum Depth	1.5 metres. See also paragraph (a) of the next succeeding sub-clause of this Ordinance 9.
Rear Yards Minimum Depth	3 metres in the case of lock-up shops and 7.5 metres in the case of shops with dwelling accommodation. See also paragraph (b) of the next succeeding sub-clause of this Ordinance 9.
Side Yards Minimum Depth	4.5 metres where adjoining a rural or residential zone without the intervention of a street or public open space. See paragraph (b) of the next succeeding sub-clause of this Ordinance 9.
Coverage	50 per cent for residential. 75 per cent for buildings other than residential. For rear sites see Ordinance 14.
Density	Where commercial and residential uses are combined, the site shall have not less than 60 metres of open space about the building for each dwelling unit for the exclusive use of the inhabitants of that unit.

The application of the requirements of the immediately preceding sub-clause of the Ordinance 9 to sites within subdivision existing when this Ordinance first becomes operative 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 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, for the purposes of computing the allowable coverage of the site, 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 or the side yard requirements, as the case may be, shall be diminished correspondingly.

Light Inoffensive Industrial Zone(11) Predominant Uses

The following shall be predominant uses:

Trades and industries such as laundries, bakeries, milk processing and distribution, petrol service stations, tradesmen's workshops, warehouses, stores and storage yards which trades and industries serve the day-to-day needs of the district in cases where the total floor space of all floors so used by any such trade or industry does not exceed 500 square metres.

(12) Conditional Uses

The following shall be conditional uses:

- (a) Any of the predominant or conditional uses permitted in the commercial zone except licensed hotels and uses permitted in residential zones.
- (b) Commercial garages and wood and coalyards.
- (c) Use of rear site for any use that is permitted in this zone by this Code.
- (d) Canteens, dining rooms, ablutions and recreational and other facilities primarily for the convenience and medical and surgical treatment of those engaged in the zone.

(13) Bulk and Location Requirements

The normal bulk and location requirements shall be:

- (a) Rear yards minimum depth 7.5 metres if adjoining a residential zone.
- (b) Side yards minimum width 4.5 metres on each side which adjoins a residential zone.
- (c) Coverage:
 - 75 per cent for buildings other than residential but including those with caretaker's accommodation.
 - 50 per cent for buildings containing residential accommodation other than caretaker's accommodation.
- (d) Minimum of open space:
 - Where residential uses are combined with commercial or industrial uses, the site shall have not less than 100 square metres of open space about the building for each household unit for the exclusive use of the inhabitants of that unit.

- (e) Angle of height-control line 65° . (For graph showing heights permitted for various distances from middle line of street and rear boundary of site see Appendix A hereto.)
- (f) Maximum height 11 metres.

(14) Allandale Development Zone

Zone Statement

- (a) This zone has as its purpose the control of development in Allandale in such a way as will achieve the general objectives of the "Environmental Study of Governors Bay" as expressed in the Scheme Statement particularly as to
 - (i) Soil stability.
 - (ii) Density of development.
 - (iii) Visual amenity.
 - (iv) Physical servicing.
- (b) The zone is further subdivided into three sub zones Allandale Rural Residential, Allandale Residential, and Allandale Community abbreviated to (ARR, AR, and AC). No development shall occur in the ARR and AR zones prior to approval of an overall plan for both those zones which overall plan shall also show in broad terms the land use allocation and roading proposal for the AC zone, and no development of the AC zone shall occur prior to approval of an overall development plan for that zone which shall generally comply with the broad proposals contained in the overall plan for the ARR and AR zones. Development in any of the zones shall comply with the relevant overall plan.
- (c) The overall development plans shall be comprehensive in nature, showing in scheme form how the following matters are to be dealt with:
 - (i) Provision of sewerage and sewage treatment facilities.
 - (ii) Provision of water, underground power and telephone.
 - (iii) Location and geometry of roading and other earthworks.
 - (iv) Staging.
 - (v) Landscaping proposals.
 - (vi) Amenity controls over siting, design colours and materials used for buildings.

The overall plan shall also show those areas upon which buildings of a particular class may be erected.

- (d) All of the above matters shall be designed, as far as practicable, to:
- (i) Minimise the amount of earthworks to be carried out, and where earthworks are essential they shall be designed, or sealed, or drained or any combination of these or other methods such as to minimise any likelihood of erosion including tunnel gully erosion; and
 - (ii) To maximise visual amenity. As this will be a matter of opinion in most cases, the following criteria shall be taken as objectives.
 - (i) Unobtrusiveness, achieved by planting, design, materials and colours used, or by siting (refer to Scheme Statement).
 - (ii) Harmony in design rather than contrast.
 - (iii) Ensure in the case of subzone AC, that no uses shall be developed with direct access to Governors Bay - Teddington Road and the siting of buildings and uses within that sub-zone shall be such as to preclude, as far as possible, any on-street parking on that road.
- (e) Where agreement between the Council and any applicant for the approval of the comprehensive development plan as above detailed is not forthcoming, then the development plan shall be resubmitted as a conditional use application in the relevant zone.

(15) Sub-zone ARR

Predominant Uses

Single unit dwellings.

Farming, including horticulture; provided that no animals or housing of animals or spraying of chemicals or other farming practice detrimental to the residential amenities of the zone be carried out.

Recreation reserves.

Conditions applying to all predominant uses:

(a) Density:

The average lot size per residential unit shall be 2 to 2.5 acres (.8 to 1.01 ha) with a minimum size of 1 acre and a maximum size of 5 acres (.40 to 2.02 ha).

(b) All uses shall comply with the requirements of the overall zone development plan.

(c) All buildings shall be designed by a Registered Architect who shall certify that the external appearance, colours and materials used conform to the overall zone design principles.

- (d) A reserves contribution of not less than 75 m² (3 p) shall be provided for each dwelling unit created.

(16) Conditional Uses

Conditional uses in the ARR sub-zone shall be any predominant use where:

- (a) The building involved is not designed by a Registered Architect, or the plans therefore have not been certified as required by paragraph (15) (c).
- (b) A variation from the overall development plan in any significant respect is sought, or
- (c) where any applicant is not satisfied with Council's interpretation of the criteria embodied in the Overall Development Plan.

In determining any application for conditional use in this sub-zone in addition to the criteria laid down by Section 72 of the Act, Council shall consider the relationship of the aspects of the proposed use that make it a conditional use to the criteria and objectives of the Allandale Development Zone.

(17) Bulk and Location Requirements

Siting of Buildings

(a) Policy

To ensure that buildings to accommodate permitted uses are sited or constructed with respect to the site boundaries in such a way as will effectively:

- (i) Safeguard adjoining possible buildings from fire.
- (ii) Provide access to all external parts of the buildings for maintenance and fire fighting purposes.
- (iii) Ensure that adjoining uses are not unduly affected by noise from the permitted use.
- (iv) Ensure that adjoining properties are not unduly deprived of sun, light and air.
- (v) Provide by means of physical separation some degree of privacy.
- (vi) Ensure adequate outdoor space is provided on the site for the satisfactory functioning of the permitted use, including off-street parking.
- (vii) Ensure that safe vehicle access is possible to the uses being carried out on the site.

(b) Standard Requirements:(i) All Sites:

Maximum Height 7 metres.

Yard Dimensions - Governed by the requirements of clause 17(a) (Policy) above. Any applicant desiring to build to these standards must show in writing that each of the policy requirements of clause 17(a) are met by his proposed siting.

(ii) Conditional Uses:

Bulk and location requirements for conditional uses shall be not less than those for predominant uses, and shall meet the requirements of clause 17(a) (Policy) above.

(c) No buildings shall be erected except within those areas shown on the overall plan as areas for the erection of that class of building.

(18) Parking

Each residential use shall provide off-street hard-standing for not less than two cars exclusive of covered vehicle accommodation.

(19) Subdivision

Subdivision in the ARR sub-zones shall be to such standards as meet the density requirements (Clause 15(a)).

(20) Sub-zone ARPredominant Uses

Single unit dwellings.
Reserves.

(21) Conditional Uses

Multi unit dwellings.

Conditions applying to all permitted uses in AR sub-zone:

- (a) Density: Maximum of 15 people per gross acre.
- (b) All uses shall comply with the requirements of the overall zone development plan.
- (c) All buildings shall be designed by a Registered Architect who shall certify that the external appearance, colours and materials used conform to the overall zone design principle, provided that where any building is not designed by a Registered Architect or not so certified then the proposed use and associated buildings shall be conditional uses.

(d) In this clause "allotment" means any parcel of land which but for the provisions of some other Act would require formal subdivision in terms of the Scheme. Where any multi-unit development, not the subject of formal subdivision under the District Scheme, is undertaken where no reserve contributions or their cash equivalent have been made, under any other Act the Council shall require reserve contribution in land equivalent to 10% of the area of new allotments created, provided that where the provisions of land does not

(a) conform with the planning proposals for reserves embodied in the Scheme, or

(b) is too small to be practicable,

then a cash contribution in lieu of land shall be made of 10% of the combined value of the allotments. Where a reserve contribution has been made regarding the land on which the multi unit development is to be undertaken, the number of allotments formerly made shall be deducted from the total number of allotments in the development and the Council shall require 10% of the combined value of the remaining allotments, either land or cash in accordance with the above criteria.

(22) Bulk and Location Requirements

Siting of Buildings

(a) Policy:

To ensure that buildings to accommodate permitted uses are sited or constructed with respect to the boundaries in such a way as will effectively:

- (i) Safeguard adjoining possible buildings from fire.
- (ii) Provide access to all external part of the building for maintenance and fire fighting purposes.
- (iii) Ensure that adjoining uses are not unduly affected by noise from the permitted use.
- (iv) Ensure that adjoining properties are not unduly deprived of sun, light and air.
- (v) Provide by means of physical separation some degree of privacy.
- (vi) Ensure adequate outdoor space is provided on the site for the satisfactory functioning of the permitted use, including off-street parking.
- (vii) Ensure that safe vehicle access is possible to the uses being carried out on the site.

(b) Standards:

All buildings for residential uses shall comply with the above policy, and provide:

- (i) A living court appropriately located capable of containing a square of the dimensions specified in the following table.
- (ii) A service court appropriately located capable of containing a square of the dimensions specified in the following table.
- (iii) A minimum yard on all boundaries of 1.5 m.
- (iv) Yards on any site boundary such that the shadow cast by any building on the site does not extend more than 1.5 m into any adjoining or adjacent site between the hours of 10 a.m. and 2 p.m. L.M.T. on the equinoxes.
- (v) Provision for hardstanding for not less than the numbers of cars specified in the following table exclusive of covered garage or carport entirely within the boundaries of the site.
- (vi) Maximum height 6 m.
- (vii) Maximum coverage as specified in the following table; and
- (viii) landscaping as specified in the following table.

(c) Table

<u>Type of Dwelling Unit</u>	<u>Service Court</u>	<u>Living Court</u>	<u>Site Coverage</u>	<u>Area Landscaped</u>	<u>Hard Standing (exclusive of garage)</u>	<u>Minimum Site Dimensions</u>	<u>Minimum Site Area (exclusive of access)</u>
	Dimensions refers to the minimum size square the court shall be capable of accommodating					Dimensions given refers to the minimum size square the site shall be capable of accommodating	
Apartment	3 m	3 m	40%	80 m ²	1	12 m	205 m ²
Flat	3 m	3.3 m	40%	100 m ²	1	14 m	255 m ²
Town House	3.5 m	3.7 m	40%	120 m ²	1	16 m	330 m ²
House	4.0 m	4.0 m	40%	200 m ²	2	18 m	405 m ²

(d) Definitions

- Dwelling Unit: Means permanent independent accommodation for one family.
- Apartment: Means a dwelling unit capable of accommodating one person only in terms of Councils By-laws (NZS 1900).
- Flat: Means a dwelling unit of one or two bedrooms capable of accommodating a maximum of two people in terms of Councils By laws (NZS 1900).
- Town House: Means a dwelling unit of two bedrooms capable of accommodating a maximum of four people in terms of Councils By laws.
- House: Means a dwelling unit of three or more bedrooms capable of accommodating four or more people in terms of Councils By laws.
- Landscaping: Means an area devoted wholly to growing of plants, shrubs and other flora, and includes lawns, vegetable gardens and areas covered by trees.
- Note: The above standards are designed to ensure adequacy of site for particular residential purposes, and to permit flexibility of design, however the density of 5 residential units per gross acre over the whole zone must not be exceeded.

(23) Parking

As required by table (22)(c) above.

(24) Subdivision

Shall be such as to produce sites as described in table (22)(c), provided that the requirements of the density provisions for the zone are not contravened. There is no distinction made between front and rear lots.

Access strips to rear lots.

<u>No. of Dwelling Units Served</u>	<u>Width of Access Strip</u>
1	3 m
2	3 m
3	3.5 m
4 and over	4.0 m

(25) Subzone ACPredominant Uses

Shops
 Community Facilities
 Schools, Kindergartens, Play centres
 Reserves and sporting facilities

(26) Conditional Uses

Offices, including medical, dental and paramedical consulting rooms and the like.

Service and Cottage Industry.

Licensed Premises, bar space limited to 80 m².

Conditions applying to all permitted uses in the AC sub-zone.

- (a) All buildings must be in accord with the provisions of the overall zone development plan.
- (b) All buildings shall be designed by a Registered Architect who shall certify that the external appearance, colours and materials used conform to the overall zone design principle, provided that where any building is not designed by a Registered Architect or not so certified then the proposed use and associated buildings shall be conditional uses.
- (c) The design figure for shops shall be 1 m² of retail space for each resident of the Allandale Development Zone for offices etc. the figure shall be 0.3 m², and for industry the total shall not exceed 0.5 m² per head.

(27) Bulk and Location Requirements

The bulk and location requirements for any building shall be such as satisfy the requirements of the following policy.

Siting of Buildings(a) Policy

To ensure that buildings to accommodate permitted uses are sited or constructed with respect to the site boundaries in such a way as will effectively:

- (i) Safeguard adjoining possible buildings from fire.
- (ii) Provide access to all external parts of the building for maintenance and fire fighting purposes.
- (iii) Ensure that adjoining uses are not unduly affected by noise from the permitted use.
- (iv) Ensure that adjoining properties are not unduly deprived of sun, light and air.
- (v) Ensure by means of physical separation some degree of privacy.
- (vi) Ensure adequate outdoor space is provided on the site for the satisfactory functioning of the permitted use, including off-street parking.
- (vii) Ensure that safe vehicle access is possible to the uses being carried out on the site.
- (viii) Discourage parking in the Governors Bay-Teddington Road.

(28)

Parking

The minimum parking requirements shall be:

<u>Use</u>	<u>Requirement</u>
Shops	5 parks per 100 m ² of retail space.
Community facilities	1 park per 10 personnel the building could accommodate.
Schools, kindergartens, playcentres	1 park per staff member
Sporting facilities	1 park for each participant taking part when the facility is at maximum capacity.
Offices	
(a) Professional	3 parks per professional persons.
(b) Other	3 parks per 100 m ² .
Service and Cottage Industry	1 park per persons working on the site, plus 2 parks for visitors.
Licensed Premises	2.5 parks per 10 m ² of bar space plus 2 for staff parking.

(29)

Subdivision

Shall be such as to:

- (a) Comply with the requirements of the overall sub-zone Development Plan.
- (b) Meet the area requirements of the use, its buildings, parking, yard requirements etc.

Subdivisional Standards and Building Sites

10. SUBDIVISIONAL STANDARDS AND MINIMUM SITE AREA AND FRONTAGE OF BUILDING SITES

- (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.

Developers' attention is drawn to the need to supplement scheme plans with a report covering any of the above matters which may be relevant and where required by the Council, a Registered Engineer's report on the stability of foundations.

- (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.

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 zones.

<u>Zone</u>	<u>Use</u>	<u>Minimum Area</u>		<u>Minimum Frontage</u>
Rural	Farming	40 ha	1	200 m
Residential	(a) Governors Bay & Rapaki Dwelling Houses	1250 m ²	2,3	6 m 4
	(b) Other Settlements Dwelling Houses			
	front site with sewer	600 m ²	2	15 m
	without sewer	800 m ²		15 m
	rear site ³ with sewer	750 m ²	2	3.5 m
	without sewer	1000 m ²		3.5 m
	1. See Clause (3) below.			
	2. Provided that all lots without connection to a community sewage system shall be of sufficient size and shape to allow effluent to be disposed of within the boundaries of each lot to the satisfaction of the Council.			
	3. Exclusive of access strip.			
	4. Provided that the dimensions and shape of each lot shall be such as to allow the location therein of a square 20 m x 20 m.			
Commercial	Any use	125 m		6 m
Light Inoffensive Industrial	Any use	200 m ²		6 m

- (3) Notwithstanding the provisions of sub-clause (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, and produces such evidence as will satisfy the Council that such new allotment will be used for the type of farming use proposed,

or the lesser area is to be used in conjunction with other land which together, would form an independent economic farming unit and produces such evidence as will satisfy the Council that the new allotment will be used in conjunction with other land as proposed, 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 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
 - (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, or
 - (c) if it is located so as to rely on direct access to an important traffic route, or
 - (d) if it tends to promote closer settlement.
- (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 adjusted 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 sub-station 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 permitted in the zone for separate occupation as a site for 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 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 a residential zone outside of Governors Bay and Rapaki townships, for a front site for a dwelling, being a site with side boundaries diverging from the street, the frontage may be reduced to 6 metres if the width of the site at a distance of 10 metres from the street boundary is no less than the frontage prescribed in sub-clause (2) of this Ordinance.
- (7) No person shall erect any dwellinghouse on a rear site in a residential zone unless the site 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 3.5 metres wide and not more than 60 metres long that is not computed or included in the said minimum area.

Provided that subject to the provisions of Section 25 of the Counties Amendment Act, 1961, two adjoining rear sites may be served by adjoining strips, each of which shall be not less than 3 metres in width or, subject to the consent of the Council, and subject also to the condition that mutual rights-of-way shall be created over both strips, by strips of which shall be not less than 1.75 metres in width.

Provided further that subject to the consent of the Council, and to the provisions of Section 25 of the Counties Amendment Act, 1961, and subject also to the condition that reciprocal rights-of-way shall be created over all the strips, three adjoining rear sites may be served by strips each of which shall be not less than 1.5 metres in width and four or more adjoining rear sites may be served by strips with an aggregate width of 6 metres.

Provided further that in special cases, Council may approve a strip more than 60 metres 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 is:
- (a) A front site, containing an area of not less than 300 square metres with a street frontage of not less than 10 metres 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 first recommended by the Council and is not in the same ownership as any adjoining land.
 - (b) 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 sub-clause (2) of this Ordinance and if each lot that is a front site contains not less than 500 square metres with street frontage of not less than 12 metres and each lot that is a rear site contains not less than 600 square metres exclusive of any land giving access from the street.
- This sub-clause shall apply in sewered areas only.
- (9) Subject to the requirements of any by-law on the subject, a copy of every subdivisional plan deposited with the District Land Register shall be supplied to the Council for its records.
- (10) If a corner lot is included in any subdivision the corner must be rounded off to a radius of not less than 6 metres or cut back not less than 4 metres along each road line.
- (11) Watercourses, Streams and Drains.
Every subdivision of land which includes a stream, watercourse or drain or 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.

(12) Requirements as to Drainage.

- (a) Every subdivision of land shall be so planned and designed as to make adequate provision for drainage of 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 rain water, surface water, spring water, ground water, artesian water, or any other form of water usually referred to as stormwater. "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 works shall be carried out in accordance with approved plans and with materials and to standards approved by the controlling authority.

(13) Enlargement of Public Drain

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.

(14) Access and Cleaning of Public Drains

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:

- (a) The right of the controlling authority to clean, to inspect or to maintain the public drain whenever necessary.

- (b) 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 4 metres.
- (c) 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.

Road Widths and Protection of Sites for Proposed
Streets, etc.

11. BUILDINGS NOT TO BE ERECTED ON SITES OF PROPOSED STREETS ETC. AND
VARIATION OF PROPOSED STREETS AND RESERVES

- (1) The minimum width of any new or proposed road, not ending in a cul-de-sac, shall not be less than 15 metres provided that where in the opinion of the Council special circumstances justify a road or lesser width, the Council may by resolution reduce the width to not less than 12 metres.
- (2) The erection or completion of any building or the carrying out of any excavation or work of a substantial nature on any land forming part of the site of a proposed road, street, access-way, or service lane, public reserve, or designated open space or public work is prohibited without the prior consent of the Council; and, subject to the provisions of Section 74 of the "Town and Country Planning Act, 1977", the Council may give its consent either absolutely or subject to such conditions as it may think fit to impose.
- (3) The Council may, by agreement with the owners of the lands thereby 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 general intention of the original Scheme in that respect is secured.

General Ordinances

12. INFORMATION TO BE SUPPLIED WITH APPLICATIONS 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 accommodation for motor vehicles.

Siting of Buildings

13. CONDITIONS UNDER WHICH RESTRICTIONS ON BUILDINGS AND LAND ARE TO APPLY

The permitted uses, height, open spaces, site area, and coverage in the respective zones shall be those set out in Ordinances 5 to 9 of these Ordinances.

Provided that:

- (a) 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.

Provided 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 provided that they do not exceed 4 metres in height. An accessory building to be erected on a rear yard may be sited at a distance of 0.5 metres from the side boundary of the site, provided that the accessory building is erected not closer than 4.5 metres to the dwelling on the site, or to any dwelling on an adjoining site.

Provided further that where the physical features of the site or size and siting of the existing dwelling on the site are such that adherence to these requirements would be unreasonable, the Council may permit the erection of accessory buildings not exceeding 80 square metres in area on any part of the site.

- (b) No person shall erect on any site of an area of 600 square metres in a residential zone, accessory buildings the total floor area of which shall exceed 80 square metres provided that the total floor area may be increased at the rate of 1 square metre for 25 square metres of site in excess of 600 square metres, up to a maximum total floor area of accessory buildings on that site of 90 square metres.
- (c) 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, 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.

- (d) In the case of a corner site, the owner may select either street boundary as the front boundary of the site, but where this results in the siting of an accessory building closer than 4.5 metres to a street boundary, the building shall then be constructed of materials matching those of which the dwelling house on the same site is constructed.
- (e) 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 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.
- (f) 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 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.
- (g) Buildings on the same site shall not be erected within 3 metres of each other, provided that a building may be erected a distance of less than 3 metres but not less than 1.5 metres from another building on the same site where the external walls of such building shall be constructed of materials that comply with the four hour fire resistance rating, as defined in the County Building By-laws, and shall extend not less than 0.5 metres above the adjoining roof line to form a parapet.
- (h) In rural and 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.
- (i) Buildings to be Set Back from Open Water Courses.

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 4 metres 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.

(j) Watercourses to be Maintained.

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.

(k) Notwithstanding the above until such time as the Scheme is changed to include environmental plans the Council may alter the position of any proposed building on a site, in order to modify the impact of its location on the amenities of the neighbourhood.

14. REQUIREMENTS AS TO COMMERCIAL AND INDUSTRIAL BUILDINGS ON REAR SITES

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.

15. REQUIREMENTS AS TO RESIDENTIAL BUILDINGS ON REAR SITES

Where more than one residential unit uses or has rights over the same access to a rear site or sites, the owners shall construct and maintain an adequate driveway or footpath or both giving access to the site or sites and the buildings thereon, and shall provide wherever reasonably necessary, artificial light, sufficient to illuminate drive and footpaths to the same standard as the street.

16. MINIMUM AREAS NOT TO BE REDUCED

- (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.

17. CONSTRUCTION OF COMMERCIAL AND INDUSTRIAL BUILDINGS IN COMMERCIAL AND INDUSTRIAL ZONES

The exterior walls of any building erected in a commercial or industrial zone shall be constructed of materials that comply with four hour fire resistance rating as defined in the County Building By-laws.

Heights of Buildings in Commercial and Industrial Zones18. ANGLE CONTROLLING HEIGHT

- (1) At the street frontage of any site the term "angle controlling height" means an acute formed at the middle line of the street between:
 - (a) A horizontal plane at kerb level extending between the kerb and the middle line of the street, and
 - (b) an inclined plane rising at an angle of 65 degrees from the middle line of the street at kerb level and extending over the whole site, as on graph shown on Appendix A hereto.
- (2) In any industrial or commercial 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 angle controlling height.
- (3) In determining the width of a street and the middle line of a street with respect to a given site in an industrial or commercial zone, all streets more than 30 metres in width shall be considered to be 30 metres in width, and the middle line taken at 15 metres from the front boundary of the lot.
- (4) In the case of a corner site fronting streets of different widths, the middle line of the narrower street shall be deemed to lie at the same distance from the boundary of the site as the middle line of the wider street for a distance of 30 metres from the corner or the length of the frontage to the narrower street, whichever is the lesser.
- (5) In determining whether any building or structure or part thereof is contained within the angle controlling height, 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 9 metres.
 - (b) Chimneys and Flues.
Provided that the maximum dimensions thereof parallel to the street shall not exceed an aggregate of 4.5 metres for any 30 metres of frontage.
 - (c) Spires, flagpoles, aerials, wire, chain, link or other open or transparent fences.

Traffic19. LOADING AND PARKING

- (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 accommodation for any loading, unloading or fuelling of vehicles which is likely to arise from the use of the building.

Where an application for development does not conform, or there are circumstances warranting a significant change in the number of parking spaces required, the Council may impose such requirements as are appropriate to the development and the following matters shall be taken into consideration:

- (a) The number of workers likely to be employed on the site and their arrival by vehicles.
- (b) The number of calls likely to be made by service and delivery vehicles to the site.
- (c) The number of calls likely to be made by visitors and cars to the site.
- (d) The amount, if any, of parking that adjacent streets can properly be expected to provide without jeopardizing their function. In this respect, should the adjacent streets be important traffic routes designated in the road network, such streets will not be included in any calculation of street parking.
- (e) The amount, if any, of public off-street parking that may be or is planned to be available in the neighbourhood.
- (f) Any physical characteristics of the site or adjoining streets that may affect the ability of the site to provide for off-street space.
- (g) Any other factors appearing to be relevant to the case in question.

Provided that no reduction in parking requirements may be allowed where development abuts important traffic routes.

Any off-street parking requirements which are varied up or down in view of such considerations require to be confirmed by resolution of Council.

- (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:

- (a) Vehicular access to the rear of the premises by the dedication of a service lane.
- (b) Suitable and efficient accommodation within the site for unloading, loading, or fuelling of vehicles which is likely to arise from the use of the building.

Service lanes shall be formed to the Council's requirements and shall be not less than 6 metres in width, provided that the Council may by resolution reduce this width to not less than 3.5 metres.

- (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 accommodation or off-street parking for cars as follows:
 - (a) In the case of one family or two family dwellinghouses, accommodation for two cars for each household.
 - (b) In the case of an apartment house or building containing service flats, accommodation for cars in proportion of not less than one car for each household, plus one for each two units in the block.
 - (c) In the case of a boardinghouse, lodginghouse, or a similar residential institution used for permanent residents, accommodation for cars in proportion of not less than one car for every two persons or fractional part thereof whom the building is designed to accommodate including staff employed.
- (5) Off-street Parking requirements for other Buildings.

Provision for off-street parking of vehicles in accordance with the following Ordinances shall be made in respect of every site as follows:-

<u>Use of Site</u>	<u>Parking Spaces Required.</u>
Hotels	1 per 5 guest beds plus 1 per 2 staff or 40 per 100 square metres of bar and public space whichever is the greater.
Hospitals	1 for every five patients' beds plus one 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.

Motels	1 for each unit plus 1 for each four dining room seats in excess of the number of persons for whom accommodation is provided.
Cinemas, Churches and Mortuary Chapels	1 for each ten seats plus 1 per staff or equivalent.
Halls	1 for each 10 square metres of gross floor area.
Industrial uses and Commercial Garages	1 to each 50 square metres of gross floor area.
Retail shops	1 to each 20 square metres of gross floor space.
Libraries, depots, professional and business offices	1 to each 40 square metres of gross floor area.
Warehouses, stores or storage yards	1 to each 100 square metres of area so used.
Roadside Restaurants ..	1 to each four seats.

- (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 17 square metres exclusive of access drives or aisles and shall be of usable shape and conditions. There shall be adequate provision for ingress to and egress from a parking space.
- (9) Wherever in any building there is a change in use or increase in floor area, the requirements of these Ordinances for off-street parking for the new use or floor area shall be complied with.
- (10) 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.

- (11) 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.
- (12) 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.
- (13) 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.
- (14) Access to any commercial or industrial use shall not be located close to intersections dependent on the importance of the roads and the intersection. In built-up areas access to visitor attracting and commercial uses shall be placed no closer than 45 metres from the edge of the intersection of important traffic routes, 30 metres from secondary, and 15 metres from a local road. In rural areas these distances will be extended dependent on the planned travel speeds and function of the roads. At all times access points to intense visitor attracting and commercial uses shall have adequate visibility for both patrons and road users consistent with the planned speeds and safety in the locality.

Alterations and Modifications

20. REPAIRS, ALTERATIONS AND MODIFICATIONS TO NON-CONFORMING PREMISES

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.

Provision and Preservation of Amenities

21. PRESERVATION OF OBJECTS AND PLACES OF HISTORIC INTEREST AND NATURAL BEAUTY

- (1) In respect of any object or place of historical interest 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 at the office of the Council: and shall forthwith

notify the owner and occupier of the land upon which any such object or place is situated that it has been registered under the Scheme to be preserved.

The register shall be open at all reasonable times for inspection by persons interested.

- (2) No persons 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.
- (4) All those pieces of land in the Mount Herbert County, being more particularly delineated on plans numbered S.O. 10134 and 10135 and thereon coloured red, blue or yellow and lodged in the office of the Chief Surveyor at Christchurch, shall be subject to the provisions of the Summit Road (Canterbury) Protection Act 1963 insofar as the said Act relates to the said land.
- (5) In order to preserve the quality of natural water there shall be no discharge of effluent to natural water without rights having been applied for and granted under the provisions of the Water and Soil Conservation Act 1967 and Amendments thereto.

22. 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 passersby, 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 sub-clause 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 2 square metres in area erected in connection with a church, school, public museum, library, hospital, nursing home, or convalescent home.
 - (c) Any signboard not exceeding 1.5 square metres in area advertising the disposal of the 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 7 days before and after the auction.
 - (e) Any signboard not exceeding 0.2 square metres 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 land or 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, and the amenity, safety and traffic efficiency of the principal traffic routes, 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.

23. VERANDAHS ON COMMERCIAL PREMISES

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.

24. HARMONY IN SITING, DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS

- (1) This Ordinance shall apply notwithstanding compliance otherwise with this Code of Ordinances.

- (2) No building, structure, sign, excavation or other work shall be sited or made or finished so that it would, in the opinion of the Council, (notwithstanding that the design and materials may comply with the Council's Building By-laws), be visually inappropriate to the neighbourhood or would otherwise detract from the amenities of the neighbourhood or would tend to depreciate public or private values therein.

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

- (3) No building, structure, sign, excavation or other work shall be left unfinished or shall be allowed to fall into such a condition and no land shall be allowed to deteriorate to or remain in such a condition that it would in the opinion of the Council, be visually inappropriate to the neighbourhood or would otherwise detract from the amenities of the neighbourhood or would tend to depreciate public or private value therein.

Where the Council is of the opinion that any building, structure or other work contravenes the provisions of this sub-clause, the Council will take action under Section 77 of the Act in order to require the owner of such building, structure or other work to remove the objectionable element.

- (4) No person shall erect any railway carriage or tram-car or similar structure on any site in any zone.
- (5) No person shall shift any second-hand 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.

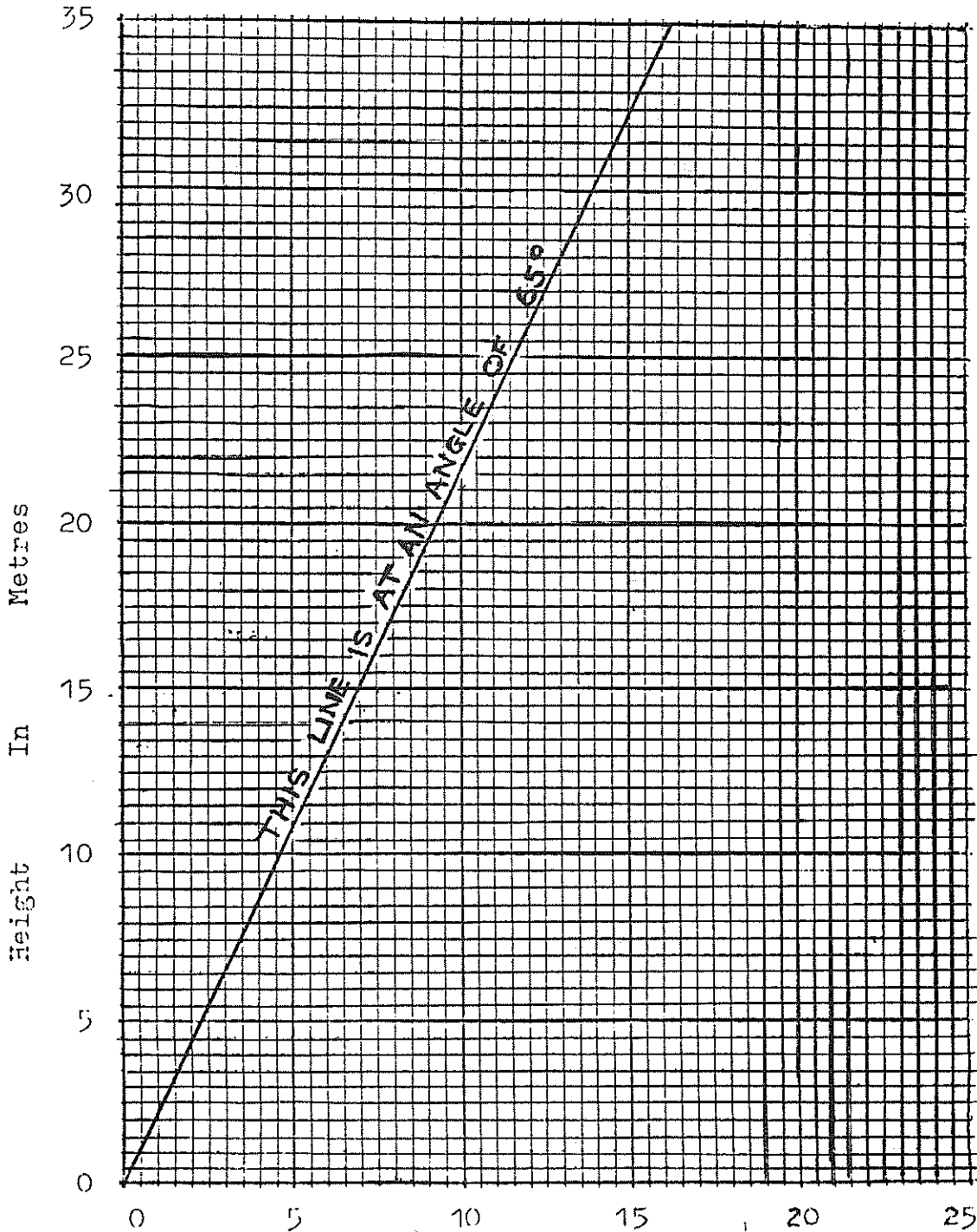
25. PRESERVATION OF AMENITIES

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

Royds Sutherland & McLeay,
Consulting Engineers
Town Planners & Surveyors,
Lombard House,
71 Armagh Street,
P.O. Box 870,
CHRISTCHURCH, 1.

APPENDIX 'A'

Permitted Height Relative to Distance from Centre Line of Street
with a Ruling angle Controlling Height of 65 Degrees.



Distance in Metres from Middle
Line of Street.

APPENDIX 'B'SCHEDULE OF DISTRICT PLANNING MAPS

Map No.	Locality
District Planning Map No.1	Mt Herbert County
District Planning Map No.2	Governors Bay
District Planning Map No.3	Charteris Bay - Church Bay
District Planning Map No.4	Rapaki
District Planning Map No.5	Purau Bay and Port Levy
District Planning Map No.6	Summit Road Scenic Protection Areas
District Planning Map No.7	Allandale Development Zone

Maps 1-6 in pocket

Map 7 follows appendices

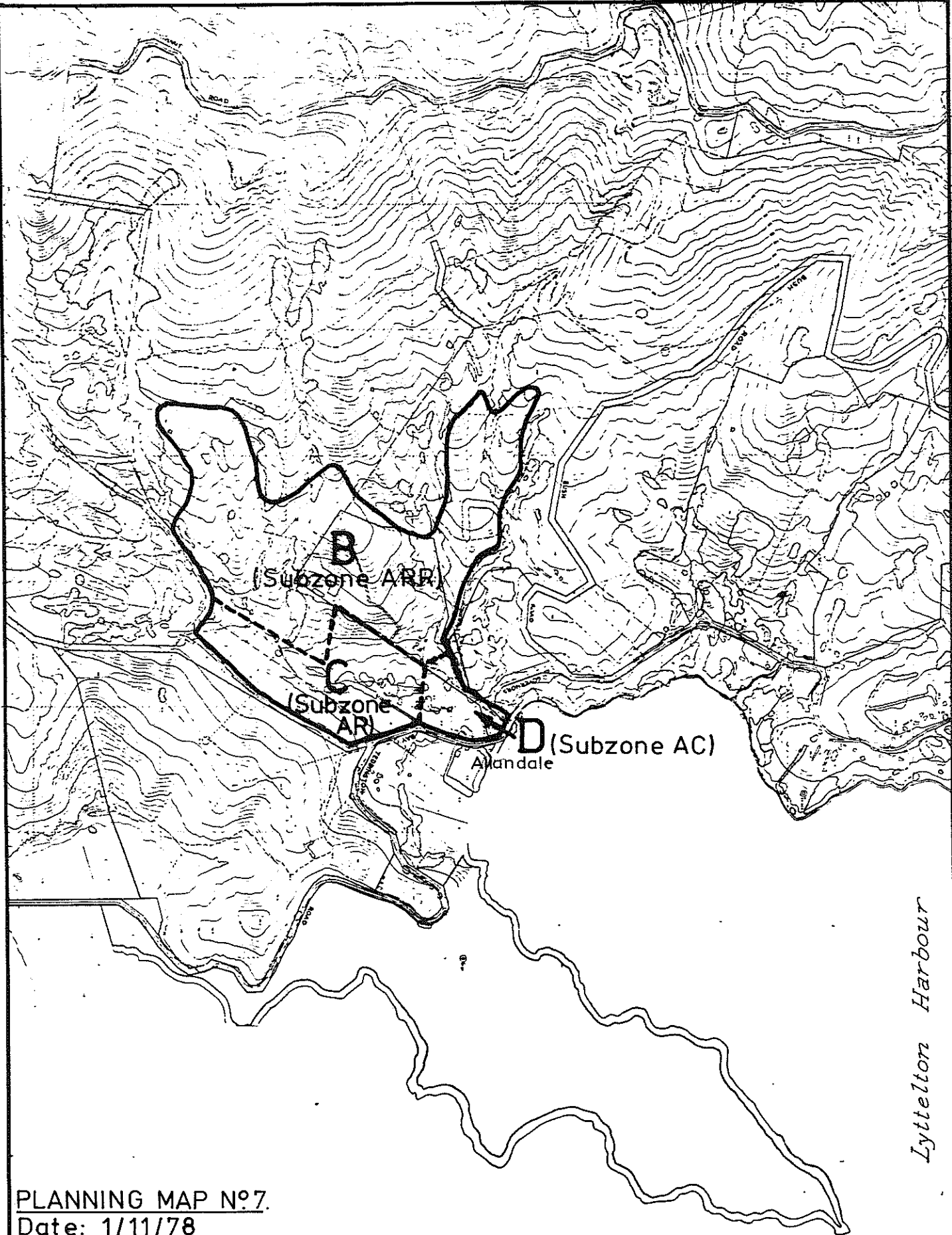
ALLANDALE DEVELOPMENT ZONE.

Adapted from map prepared by
THE ENVIRONMENTAL PLANNING GROUP CHRISTCHURCH.
for the

ENVIRONMENTAL STUDY OF GOVERNORS BAY.

Scale: 1 inch = 20 chains (1 : 16,000)

March 1974



Lyttelton Harbour