

# RICHMOND BOROUGH DISTRICT SCHEME

## REVIEW NO. 2

(Operative 5 September 1992)

	Page	Section	Topic
<u>Scheme Statement</u>	41		Coastal environment
<u>Ordinances</u>		Clause 3	Rural zones
<u>Map</u>			

(i) Bulk and Location Requirements

Bulk and location requirements for each zone establish minimum standards for site layout, and building bulk and density of development. These provisions are designed to ensure minimum standards of open space in a neighbourhood, the protection of property from overshadowing by neighbouring development, minimum sunlight and daylight penetration and privacy.

Front yards are basically to provide for street amenity and privacy and to protect outlook. Side yards are basically to protect daylight and sunlight penetration, ensure access to the rear and give minimal privacy. Rear yards are to ensure open space and prevent over-crowding and ensure daylight and sunlight penetration. Rear yards also provide outdoor living area.

The requirements also include provision to ensure minimum standards related to living conditions. These include requirements in multi-unit housing for outdoor living, service courts, clothes drying and refuse collection provision.

(j) Coastal Environment

Because of the desirability of preserving the natural character of the coastal environment and because of the ecological importance of the estuarine areas, the Council will restrict development in the immediate vicinity of the estuary.

ORDINANCE II, CLAUSE 2 (continued)

2.5.2 Yards to remain unoccupied and unobstructed

Except as expressly authorised under this Scheme, no person shall erect any building on any front yard, rear yard or side yard.

2.5.3 Yards provided are to relate to one site only

No portion of a yard or other space provided to meet requirements in respect of one site shall be taken into account in computing the area of any yard or space provided to meet the requirements in respect of any other site, except as otherwise specified in this Code.

CLAUSE 3 - RURAL ZONES

3.1 PREDOMINANT USES

- (i) The grazing of herbivorous animals, cropping and horticulture.

[Horticulture includes market gardens and nursery gardens.]

- (ii) Buildings accessory to the use of land or buildings for any of the foregoing purposes including a single dwellinghouse on any allotment of 10 ha or larger.

[In order to demonstrate to the Council that a site is an economic farming unit, an applicant will need to show that the land is already producing sufficient nett income to enable him to support him/herself and/or family without the need for supplementary income.]

[Note: Refer to Scheme Statement 4.4 for explanation of requirements and policy in regard to applications for dwellinghouses.]

- (iii) Dwellinghouses to replace dwellings that have been destroyed or demolished, provided:

(a) a permit to erect such dwellinghouse is issued within two (2) years of the date of demolition or destruction; or

(b) the dwellinghouse to be replaced is demolished or removed within six (6) months of the issue of the Occupancy Certificate for the new dwelling.

ORDINANCE II. CLAUSE 3 (continued)

- (iv) One dwellinghouse on a separate land holding in which no less than 80% of the area is comprised of soils classified as of medium or low actual or potential value for the production of food as shown in Part 2.6 of the Scheme Statement.
- (v) Buildings other than dwellinghouses accessory to the use of land and buildings for any of the foregoing purposes.

3.2 CONTROLLED USES

- (i) Dwellings on allotments of less than 10 ha in size, provided that the applicant satisfies the Council that the holding is being operated as an economic unit or that substantial progress has been made towards the establishment of an economic unit.
- (ii) Each application shall be made to the Council without notice. Applications shall include details of the farming activity carried out or proposed, a summary farm management plan and details of actual and projected farm income. In the case of an application for a holding being developed, a schedule of capital investment in the holding up to the time of the application shall also be provided.

3.3 CONDITIONAL USES

- (i) Dwellinghouses on sites being developed for intensive production and which meet the conditions set out in Scheme Statement 4.4.4.
- (ii) Veterinary hospitals and clinics.
- (iii) Aviaries and apiaries.
- (iv) Riding schools and the hiring of horses on land other than that shown as Rzg, Rz and Rm on the Soil Map attached to the Scheme Statement in Part Two.
- (v) Forests on land shown as WdH, HS and LaS on the Soil Map attached to the Scheme Statement in Part Two.
- (vi) Racing Stables.
- (vii) Parks and Recreation Grounds.

ORDINANCE II, CLAUSE 3 (continued)

(viii) Production of handcrafts and works of art for gain or reward that meet the following requirements:

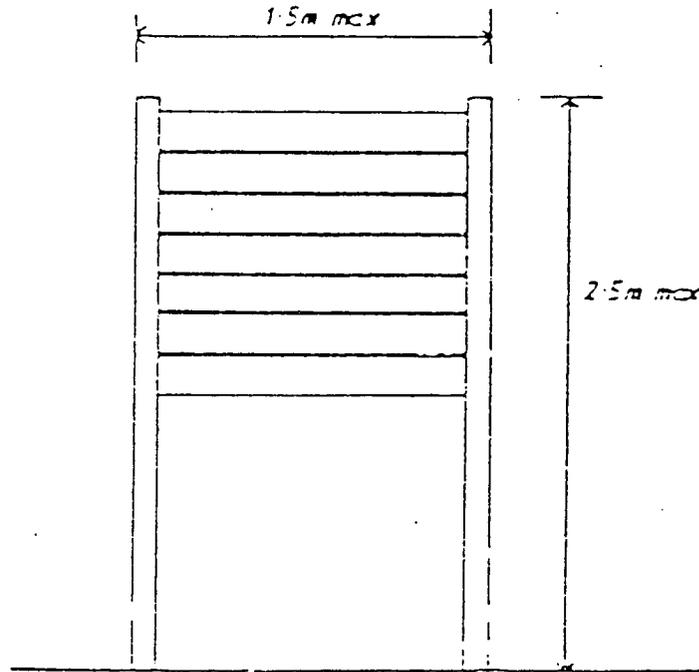
- (a) Only persons resident on the site shall be engaged in the operation.
- (b) No activity is undertaken that causes a nuisance or inconvenience to adjoining residents, by way of noise, smoke, smell or visual detraction.

(ix) The sale by retail of horticultural produce grown on the land, provided that:

- (a) Only produce grown on the farm conducting the selling shall be sold.
- (b) That the applicant signs a written undertaking to comply with (a) above.
- (c) Separate stalls shall not be provided wherever a suitable vending position can be provided in an existing building, such as a packing shed.
- (d) The vending point shall be set back a minimum of 50 m from the road frontage to encourage prospective purchasers to drive in rather than park on the roadway.
- (e) One joint entry and exit lane at least 6 m wide shall be provided.
- (f) A parking area for at least 4 cars and a turning area shall be provided.
- (g) The access lane and parking area shall be to an all-weather standard.
- (h) The access lane shall be located to the satisfaction of the Council.
- (i) Roadside advertising shall be confined to one signboard carrying the name of the property and the words 'Please drive IN' and the names of the produce lines for sale in letters no greater than 100 mm in height and arranged vertically one above the other, generally as shown on the diagram below. Sign size, location and lettering shall be determined by the Council and shall be of good quality.

ORDINANCE II. CLAUSE 3 (continued)

Provided that in regard to Items (b), (c) and (d) above the Council may approve other layouts or standards where it is satisfied that safety will be achieved and where the standard layout is inappropriate.



*Approved Signboard Dimensions*

- (x) Dams with a height of 1 m or more, and ponds and reservoirs for irrigation; provided that:
  - (a) the periphery is fenced and planted with low-growing trees to the satisfaction of the Council;
  - (b) the area shall be no more than necessary to provide for the seasonal water needs of a productive horticultural unit;
  - (c) any exposed soil is grassed before filling;
  - (d) the approval of the Catchment Board has been obtained.
  
- (xi) Buildings accessory to the use of land and buildings for any of the foregoing purposes.

ORDINANCE II, CLAUSE 3 (continued)

3.4 BULK AND LOCATION REQUIREMENTS

The normal bulk and location requirements shall be:

Type of use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width	Maximum Permitted Height
Residential buildings	4.5 m	5 m	5 m	7.5 m
Other buildings	10 m	5 m	10 m	7.5 m
Ponds and reservoirs	10 m	10 m	10 m	

Provisions for dispensation from yard and height requirements

3.4.1 Yards

Full or partial dispensation from side and rear yard requirements for farm accessory buildings other than produce stalls may be granted if:

- such buildings are no closer than 10 m from any residence already in existence on adjoining sites.

3.4.2 Building Height

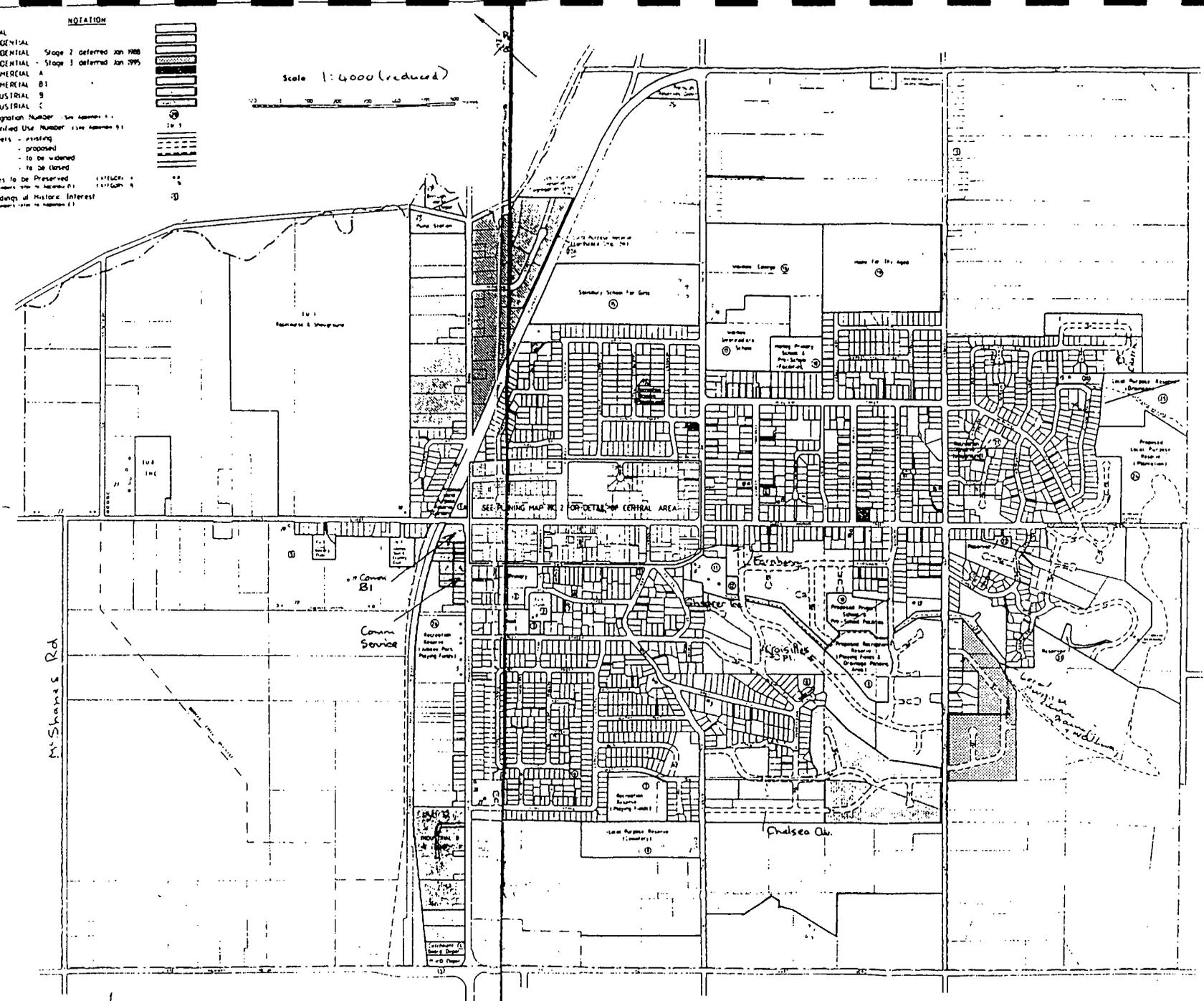
Dispensation may be granted to allow a building to be erected up to 2 m higher than the permitted height in the zone if:

- the additional height is sought to accommodate architectural or design features; or
- the additional height is necessary for a special purpose related directly to the principal use of the property and that it is impractical to erect a building for that purpose which complies; and
- the structure complies with the required yards.

Applications may be made without notice, and unless especially required by Council the adjoining owners' consent will not be required.

- NOTATION**
- RURAL
  - RESIDENTIAL
  - RESIDENTIAL - Stage 2 deferred Jan 1988
  - RESIDENTIAL - Stage 3 deferred Jan 1995
  - COMMERCIAL A
  - COMMERCIAL B1
  - INDUSTRIAL B
  - INDUSTRIAL C
  - Designation Number (see Appendix 1)
  - Landfill Use Number (see Appendix 2)
  - Streets - existing
  - proposed
  - to be widened
  - to be closed
  - Trees to be Preserved (see Appendix 3)
  - Buildings of Historic Interest (see Appendix 4)

Scale 1:6000 (reduced)



**RICHMOND BOROUGH DISTRICT SCHEME**  
**DISTRICT PLANNING MAP NO. 1**

**REVIEW NO. 2**

# MOTUEKA BOROUGH DISTRICT SCHEME

## REVIEW NO. 2

(Operative 1 September 1982)

	Page	Section	Topic
<u>Scheme Statement</u>	23 25, 26, 28	3.7.7 3.9	Coastal Protection Reserve Conservation and Amenities
<u>Ordinances</u>	12	Ord II 1 (3)(b)	Designated land
	16-18	Ord II Cl 3	Rural Zone
	20-26	Ord II Cl 5	Residential Zone
	33A-34A 36 38A, 38B	Ord II Cl 7	Industrial A and A2 Zones
<u>Map</u>			

### 3.7.4.3 COMMERCIAL AND INDUSTRIAL SUBDIVISION

- (a) The Council may require as a condition of consent to a scheme plan for a subdivision in a commercial or industrial zone, that an amount equal to 10 per cent of the value of each additional allotment shown on the scheme plan be paid to the Council before the approval of the survey plan;
- (b) Where land is shown on the district scheme as proposed reserve that falls within the area of the scheme plan, that land shall be ceded to the Council and the value of that land shall be deducted from the money payable under (a) above.

### 3.7.4.4 MULTI-UNIT HOUSING

Subject to the provisions of Section 294 (2) of the Local Government Amendment Act 1974, the Council shall require in respect of every residential development exceeding two units, a reserves contribution equal to 20 square metres for each such additional unit. Any monies payable shall be based on an assessment by the Council of the value of the land concerned.

This requirement shall not apply to housing for the elderly which is financed in whole or in part by a subsidised housing programme.

### 3.7.5 Bond

The Council may agree to the owner entering into a bond for the payment of the reserves contribution.

### 3.7.6 Use of Reserves Fund

It is the policy of the Council to use the monies received as reserves contributions for the purchase of land for public reserves provided for in the district scheme or thought desirable by the Council for the benefit of the residents of the Borough. Any monies not required for land purchase will be made available for the improvement and development of reserves or the provision of public facilities on reserves.

### 3.7.7 Coastal Protection Reserve

Because of potential problems which could arise from erosion of the coastal fore-dunes, the Council has designated a special coastal protection reserve along those parts of the coastline not already developed or reserved for various purposes. The underlying zoning of this reserve is rural. The purpose of this reserve is to stall any development in this area until the effects of coastal erosion are better understood.

### 3.8.3.3 CIVIC OFFICES

The detailed plan for the town centre shows a site for a future civic office building and Council Chambers to replace the present Council offices in High Street. It is anticipated that the new civic office building will function as the centre for the Borough's administrative services and it is proposed to make rental office space available in the new building.

### 3.8.3.4 SCHOOLS

The Borough is served by two public primary schools, a public secondary school and a private primary school.

Public primary schools, especially Parklands School, are nearing capacity and it is expected a new primary school will be established in the northern part of the town once a suitable site has been found to cater for the increase in school-age population both within the Borough and the surrounding district. It is also expected a further school site will have to be found on the land zoned for Future Urban Development to cater for the anticipated increase in school-age population in those areas.

### 3.8.3.5 POST OFFICE AND TELEPHONE SERVICES

The existing Post Office in High Street is sufficient to meet the needs of its catchment population. A new automatic telephone exchange has been constructed.

### 3.8.3.6 CEMETERY

The Borough cemetery is located at the southern end of the Borough adjoining the northern reaches of the Moutere Inlet. It is classified as a local purpose reserve.

## 3.9 CONSERVATION AND AMENITIES

### 3.9.1 Objectives

- (a) To conserve those parts of the Borough which are of significant historical, archaeological or natural interest. These include buildings, archaeological sites and trees.
- (b) To ensure a satisfying and healthy built environment for the citizens of the Borough by prescribing standards of amenity in the development of individual sites.
- (c) To minimise the visual intrusion of developments into the natural landscape.
- (d) To protect the coastal foredunes from the effects of urban development.

### 3.9.2 Background

#### 3.9.2.1 CONSERVATION

Urban expansion often results in the destruction of valuable parts of the natural environment, the despoilation of the coastline and the loss of man-made heritage. Consequently this district scheme contains controls aiming at the conservation of such resources, namely, historic buildings, trees, the coastline and archaeological sites.

#### 3.9.2.2 AMENITIES

The term 'amenity' covers such aspects as yards, design and appearance of buildings, landscaping, signs, verandahs and the control of water, air and noise pollution. Amenity controls aim to ensure that development in the Borough creates a healthy and satisfying living and working environment for the residents.

### 3.9.3 Historical Buildings

While there are many old buildings within the Borough, few are considered to have sufficient historical or architectural merit to be preserved.

Those buildings of significant historic interest are indicated on the planning map and are listed in Appendix H of the Scheme Statement.

Ordinance VI specifies that works may be carried out on buildings listed as worthy of preservation.

Buildings may be added to or deleted from the list by way of scheme change.

### 3.9.4 Archaeological Sites

The Historic Places Amendment Act 1975 requires provision to be made in the district scheme for the identification and protection of archaeological sites when and if requested by the Historic Places Trust. A map, Appendix J of the Scheme Statement, shows information supplied by the Trust illustrating places of archaeological interest. Any development proposal on the land shown as having archaeological interest will be treated as a non-notified application and may be referred to the Historic Places Trust for comment as to its effects.

### 3.9.5 Trees

The Council aims to preserve, where practicable, individual trees or stands of trees of merit. A list of trees worthy of preservation has been prepared and is contained in Appendix I of this Scheme Statement. In addition, such trees are identified on the planning map.

- (g) the provision of continuous verandahs to shopping frontages;
- (h) ensuring adequate access for the disabled to public and private buildings.

### 3.9.8 Coastal Protection

Information supplied by the Council's consulting engineer indicates the Motueka coastline has been subject to considerable changes due to erosion over the past two decades. Because of the unstable state of the coastline special coastal protection reserves have been placed along the foredunes.

The effects of coastal erosion will be subject to a special study and further controls on the use of coastal land may be introduced by way of a scheme change at a later date.

### 3.10 SHOWGROUNDS

#### 3.10.1 Objective

To provide for the continued use and development of the showgrounds and its associated facilities.

#### 3.10.2 Background

The showgrounds and associated facilities cover an area of 12 ha adjoining the County on the western side of the Borough. This area has been specially zoned to cater for this use. The zone controls aim to ensure that any of the activities associated with the showgrounds have minimal detrimental effects on surrounding land uses.

ORDINANCE II - USE ZONINGCLAUSE 1 - GENERAL(1) Method of Presentation

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

(2) Zone Titles and Notations

- (a) All land within the planning district is zoned. The zones constituted for the purposes of the scheme are shown on the district planning maps either by the notation set opposite its name or the key shown on that map or clearly described within the boundaries of each zone shown on that map.
- (b) Where land has been reserved for a proposed or existing public work, the zoning of that land which will come into effect only when the designation has been removed, is shown on the district planning map.

(3) Control of Uses Within Zones(a) USES AUTHORISED

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

(b) DESIGNATED LAND IN RELATION TO ZONING

For the purposes of this scheme all designated land and (subject to the provisions of the Act, the Reserves Act and the prerogatives of the Crown) every reserve and proposed reserve is reserved for the particular purpose for which it is designated or reserved under the Scheme.

(c) RENEWAL OF OVERHEAD POWER AND TELEPHONE LINES

Except in the rural zone, on the renewal or replacement of any overhead power or telephone lines, such lines shall be placed underground to the satisfaction of the Council. PROVIDED THAT: where in the opinion of the Council such a requirement would be impracticable, it may be waived on application to the Council.

CLAUSE 3 - RURAL ZONE

(a) PREDOMINANT USES

The predominant uses shall be:

- i) Agricultural and pastoral farming, horticulture, market gardening and nursery gardens, aviaries, apiaries, racing stables (excluding training tracks), veterinary clinics and boarding kennels for domestic pets, excepting the housing or keeping of animals within any building or enclosure within 28 m from any residential building or less than 20 m from any boundary of the site and also excepting pig farming, and commercial poultry keeping.
- ii) Buildings accessory to the use of buildings or land for any of the foregoing purposes including dwellinghouses on economic farming units irrespective of the minimum area specified in Ordinance III Clause 4; Provided that a permit for a dwellinghouse will only be issued after the establishment of one of the foregoing uses as an economic unit.
- iii) The reinstatement of a dwellinghouse destroyed by fire or other natural causes.
- iv) The production and sale of handcrafts and the teaching of art and music and accessory buildings thereto, provided that:
  - (a) a dwelling is already existing on the site;
  - (b) the handcrafts offered for sale are those produced on the property.

(b) CONDITIONAL USES

- i) Dwellinghouses on existing land holdings and taking frontage from streets other than Thorp Street or Tudor Street and having an area less than the minimum specified in Ordinance III Clause 3 or not complying with the other requirements of Ordinance III Clause 4, provided that:
  - (a) the land is in the same ownership as at August 1977, and
  - (b) the residue of the land not required for a building platform has already been established in a horticultural use which will yield crops on a sustained basis; or the application for planning consent is accompanied by a management plan demonstrating proposals to farm the land intensively for horticultural purposes on a sustained basis, such management plan to include details of proposed plantings and the degree of financial commitment proposed to establish the proposed plantings and the anticipated cash-flows; and

- (c) unless or until services are available, the land shall be suitable for the discharge of domestic effluent and the dwellinghouse is unlikely, in the opinion of the Council, to lead to a demand for uneconomic extension of services; and
  - (d) only one dwelling unit will be permitted on any one land holding that does not meet the requirements of Ordinance III Clause 4;
  - (e) the area is not less than one hectare.
- ii) Dwellinghouses on rural allotments taking frontage from Thorp Street or Tudor Street and having an area less than the minimum specified in Ordinance III, Clause 3, or not complying with the other requirements of Ordinance III Clause 4, provided that:
- (a) the residue of the land not required for a building platform has already been established in a horticultural use which will yield crops on a sustained basis, or the application for planning consent is accompanied by a management plan demonstrating proposals to farm the land intensively for horticultural purposes on a sustained basis, such management plan to include details of proposed plantings and the degree of financial commitment proposed to establish the proposed plantings and the anticipated cash-flows; and
  - (b) unless or until services are available, the land shall be suitable for the discharge of domestic effluent and the dwellinghouse is unlikely, in the opinion of the Council, to lead to a demand for the uneconomic extension of services; and
  - (c) only one dwelling unit will be permitted on any one land holding that does not meet the requirements of Ordinance III, Clause 4; and
  - (d) that the area of the holding is not less than one hectare.
- iii) Parks, playgrounds, recreation grounds and scenic reserves.
- iv) Buildings accessory to the use of land and buildings for any conditional uses authorised by and under the district scheme for that site at that time.

(c) BULK AND LOCATION REQUIREMENTS

The following shall be the normal bulk and location requirements in the Rural Zone:

i) YARDS AND HEIGHT

Type of Use	Maximum Permitted Height Excluding Chimneys, Masts, etc	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on Each Side
Residential Building	8 m	4.5 m	8 m	5 m
Buildings other than Residential	12 m	4.5 m	8 m	5 m

For exceptions to normal yard requirements see Ordinance II, Clause 9.

ii) COVERAGE

The maximum building coverage shall be 25 per cent of the site.

iii) DAYLIGHTING

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary.

iv) SUBDIVISION OF LAND

See Ordinance III.

v) PARKING AND LOADING OF VEHICLES

See Ordinance V.

MOTUEKA BOROUGH COUNCIL

DISTRICT SCHEME REVIEW #2

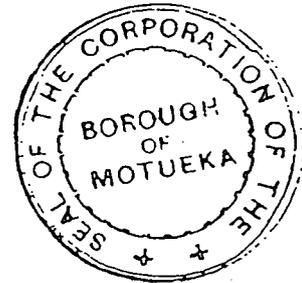
CHANGE NO. 18

Add new subclause (vi) to Ordinance II Clause 3 (c) Bulk and Location Requirements (Rural Zone) as follows:-

(vi) Shelter Belts

No live shelter belts shall be permitted closer than 5m to a residential zone boundary.

Live shelter belts in the zone shall be maintained at a height no greater than the horizontal distance between that part of the shelter belt and the nearest residential zone boundary.



CLAUSE 5 - RESIDENTIAL ZONE

(a) PREDOMINANT USES

The predominant uses shall be:

- i) Dwellinghouses;
- ii) Semi-detached houses;
- iii) Multi-unit housing, including apartment houses and terrace houses containing not more than two household units;
- iv) Parks and scenic reserves;
- v) The production and sale of handcrafts (provided that the handcrafts offered for sale are solely those produced on the property) and the teaching of art and music.
- vi) Buildings accessory to the use of land or buildings for any predominant use authorised by or under the District Scheme for that site at that time.

(b) CONDITIONAL USES

The conditional uses shall be:

- i) All residential uses not permitted as predominant uses including multi-unit housing containing more than two household units or no more than four household units on a rear site;
- ii) Boardinghouses, private hotels and private residential clubs;
- iii) Private hospitals, health clinics, nursing homes, convalescent homes and charitable institutions;
- iv) Pre-school facilities and educational establishments;
- v) Playgrounds, recreation grounds and places of assembly, including gymnasias and training sheds;
- vi) Shops for the sale of groceries and dairy products, either alone or in conjunction with residential accommodation; provided it is not within 500 m of another dairy/grocery or Commercial zone;
- vii) Motels;
- viii) Churches and other places of public or private worship;

ORDINANCE II, CLAUSE 5 (Cont'd)

- ix) A building not exceeding 50 square metres floor area situated on the same site as a dwellinghouse and used only for the storage of plant and materials in connection with a builder or person conducting any other business connected with the building trade, who is resident on the same site; provided that the area of such building shall be computed as part of the area of accessory buildings permitted on the site;
  - x) Rental garages for the housing of private vehicles;
  - xi) Museums, art galleries and libraries;
  - xii) Comprehensive Housing Developments;
  - xiii) Home occupations as defined in Ordinance I, provided the following conditions are met:
    - (a) No activity is undertaken that could cause a nuisance or inconvenience to adjacent residents;
    - (b) No work is carried out or materials stored, outside;
    - (c) No activity is undertaken that might lead to regular trips to and from the site by trade vehicles;
    - (d) No activity is clearly visible from the street or adjoining properties;
    - (e) No goods are sold from the premises;
    - (f) Signwriting is restricted to an area of 0.25 sq m and denoting only the name and nature of the undertaking and is of a design and colour approved by the Council.
  - xiv) Medical consulting rooms for practitioners serving the surrounding residential community.
  - xv) Buildings accessory to the use of land or buildings for any of the conditional uses specified above.
- (c) RESERVES CONTRIBUTION IN RESPECT OF MULTI-UNIT HOUSING
- The policy of the Council on reserves contributions for multi-unit housing is set out in paragraph 3.7.4.4 of the Scheme Statement.*
- (d) BULK AND LOCATION REQUIREMENTS
- The normal bulk and location requirements shall be:

APPROVED CHANGE No.6

CHANGE 6A

ORDINANCE II CLAUSE 5 (d) i) to read:

- "i) YARDS Front yards : Minimum depth - 4.5 m  
Rear yards : Minimum depth - 5.0 m
- Side yards : Minimum width:
- Dwellings - 1.5 m on one side  
- 2.75 m other side
  - Semi-detached houses - 2.75 m (one side only)
  - Terrace houses - 2.75 m (end units only)
  - Multi-unit housing and any other building - 2.0 metres one side  
2.75 m other side"

and delete Ordinance II Clause 5 (d) i) parts (a) and (b).

- (c) Where there are two residential buildings on one site the minimum separation distance between the two shall be the sum of the two yards which would normally be required if the two buildings were on separate sites.
  - (d) Eaves, including spouting, may encroach onto yards by not more than 0.6 m.
  - (e) No accessory building may be erected between any building and the street boundary except pursuant to Ordinance II, Clause 9 (2).
  - (f) For the purpose of determining yards, height shall be measured from the original mean ground level along the wall concerned. (See v) over page.)
- ii) MAXIMUM COVERAGE : Front Sites - 35 per cent  
Rear Sites - 30 per cent exclusive of accessway.
- iii) DENSITY
- (a) For motels, the maximum permitted density shall be 60 sq m per bed space provided for.

CHANGE 6C

ORDINANCE II CLAUSE 5 (d) iii) (b) to read:

"(b) For Multi-unit housing

Max. No. of units  
2

Nett Area of Site:  
625 m<sup>2</sup>  
600 m<sup>2</sup> for corner sites"

iv) HEIGHT 8 m maximum

CHANGE 6B

Accessory buildings : 3.0 m

ORDINANCE II CLAUSE 5 (d) v) to read:

"v) DAYLIGHTING

No part of a building shall exceed a height equal to 2 m plus the shortest horizontal distance between that part of the building and the nearest site boundary."

(e) OUTDOOR LIVING COURT (Private Open Space)

- i) Every household unit shall have an outdoor living court which adjoins and is immediately accessible from the living room of that unit and which is set aside for the exclusive use of the occupants of that unit and their guests;
- ii) This open space shall be located on that side of the unit which faces north or east or west.
- iii) Every open space area shall be of such a shape as to contain a minimum rectangular area of 60 sq m and have a minimum dimension in either direction of 6 m.
- iv) The open space area shall be unobstructed by buildings and/or vehicular access, manoeuvring or parking areas, from the ground level upwards except that any part of a building which is 2 m or more above the living room floor level may project into an open space area by not more than 1.5 m.

Provided that any unroofed deck, verandah or open steps directly accessible to both the living room and the private open space may be permitted within the open space area.

- v) The required open space may be located on other than ground floor level, by utilising part of a flat roof, balcony or similar structure.

ORDINANCE II, CLAUSE 5 (Cont'd)

- vi) No household unit shall be so constructed that a door or window which has a sill less than 1.5 m above floor level opens directly on to or looks upon a required open space area, other than doors or windows of the unit to which that open space is appurtenant.

(f) AMENITY REQUIREMENTS

- i) Each unit in a multi-unit complex shall be provided with a screened service court of a minimum area of 15 sq m and a minimum width of 2 m with direct access to service areas or the kitchen of the unit to which it relates.
- ii) Each unit in a multi-unit complex shall be provided with adequate facilities for the storage of refuse containers and the drying of clothes and for milk and letter boxes.

(g) SWIMMING POOLS

Swimming pools (which are accessory buildings) may be constructed only if the Council is satisfied as to ground stability and that no adverse effects are likely to be caused by the installations. Such pools shall not be subject to any yard requirement, and shall not be included in the coverage of the site where they do not exceed a height of 1.25 m from the original ground line. If any such pool forms part of a landscape plan for the site, approved by the Council and which in the opinion of the Council would have no detrimental effect on any neighbouring property or on any street, the Council may allow any pool to be constructed on any yard and to be excluded from the coverage calculation.

(h) ACCESSORY BUILDINGS

- i) No part of the roof of an accessory building shall be closer than 1.5 m to any part of any other building.
- ii) No accessory building shall exceed a total floor area of 60 sq m or occupy more than 25 per cent of the rear yard.

(i) USE OF YARD SPACE FOR ACCESSORY BUILDINGS AND GARAGES

- i) Private garages and carports on residential sites may be erected on any side yard so long as the garage or carport does not exceed 3 m in height and 8 m in length; and provided the agreement in writing of the adjoining owner and occupier on the side affected is first obtained.

ORDINANCE II, CLAUSE 5 (Cont'd)

- ii) A covered shelter for a car, attached to a dwellinghouse and which if not so attached would otherwise meet the definition of a carport, may extend to within 0.3 m of the side boundary; provided that it is an integral part of the design of the dwellinghouse, and it does not exceed 8 m in length and a height of 3 m on the boundary, and provided further that the agreement in writing of the adjoining owner or occupier is first obtained.

(j) RESIDENTIAL BUILDINGS ON REAR SITES

- i) No person shall erect any residential building, or cause or permit any residential building to be erected on a rear site, unless every part of the building is 2.75 m or more from any boundary of the site; and in the case of a residential building other than a dwellinghouse or a semi-detached house, the owners shall construct and maintain an adequate driveway or footpath or both giving access to the site and the buildings thereon, and the owners shall provide wherever reasonably necessary artificial light sufficient to illuminate the drive and footpaths to the same standard as the street.
- ii) Where the boundaries of a rear site are irregular or where adherence to the normal bulk and location requirements would make the siting of a residential building difficult, the Council may agree to any boundary being taken as the front boundary for the purpose of determining the relative location of yards.

(k) COMPREHENSIVE HOUSING DEVELOPMENTS

- i) The Council may approve a Comprehensive Housing Development of any part of the residential zone, notwithstanding that such development of any part thereof does not comply with any provision of this code regarding:
  - (a) Subdivisional standards including minimum frontages and site areas;
  - (b) Bulk and location requirements: provided that a Comprehensive Development Plan as defined in Ordinance I is submitted.
- ii) In considering applications for approval to a Comprehensive Housing Development, the Council shall have regard to the following:
  - (a) applications shall be granted only in respect of permanent residential accommodation;
  - (b) the adequacy of areas of open space, both public and private, for the use of the intended residents of the development area;

- (c) the amount of daylight and sunlight penetration to all residential buildings within the development area and to all neighbouring sites;
- (d) visual and acoustic privacy for the intended residents of the development and for neighbouring sites;
- (e) adequate provision for well located off-street parking and garaging;
- (f) property access and provision for the circulation of vehicles including emergency access for service vehicles to all buildings;
- (g) maximum overall density and coverage of the development to be consistent with the requirements for Apartment Houses in this zone;
- (h) the siting of proposed residential buildings on each allotment must be shown before the scheme plan of subdivision is considered.

(1) FENCES AND WALLS

Any fence or wall may be erected on any boundary with within a yard; provided that:

- i) it is of neat and attractive appearance;
- ii) it does not exceed a height of 2 m without the approval of the Council and written agreement of the adjoining owner and occupier;
- iii) no such wall or fence shall be erected above a height of 1.25 m within 5 m of a street unless the Council is satisfied that visibility of vehicular traffic either on a public street or entering a public street will not be obstructed.

(m) SUBDIVISION

*See Ordinance III.*

(n) PARKING PROVISION

*See Ordinance V.*

(o) LANDSCAPING REQUIREMENTS FOR MULTI-UNITS

*See Ordinance VI, Clause 7.*

APPROVED CHANGE NO. 7

Deleting existing Ordinance II Clause 7 and replacing with the following.

ORDINANCE II - CLAUSE 7

(1) Industrial A Zone

(a) PREDOMINANT USES

- i) Any industry that meets the performance standards set out in sub-clause (5) below and is not a conditional use.
- ii) Living quarters for a caretaker or any other person required to live on the premises.

(b) CONDITIONAL USES

- i) Any industry that does not, in the opinion of the Council, meet the performance standards set out in sub-clause (5).
- ii) Any industry that is required to be licensed under either section 15 of the Dangerous Goods Act 1974 or the Health Act 1956 or the Clean Air Act 1972.
- iii) Use of any rear site for any use permitted in this zone.

In considering such applications, the Council will have regard to the likely effects both within the zone and within adjoining areas.

(c) BULK AND LOCATION REQUIREMENTS

See Clause 7 (5)

(d) PERFORMANCE STANDARDS

See Ordinance II Clause 7 (5).

(e) SUBDIVISION OF LAND

See Ordinance III.

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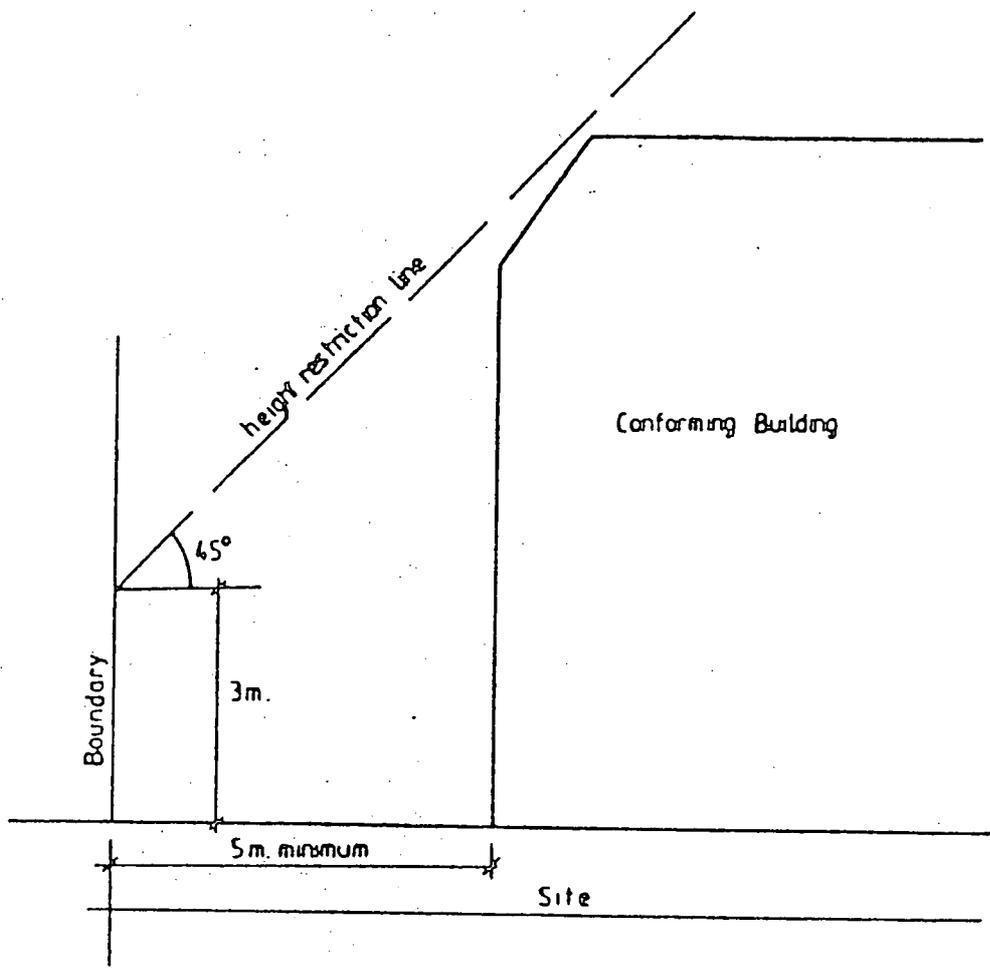
CHANGE NO. 13

Change Ordinance II Clause 7 (1) (c) as follows:

"(c) Bulk and Location Requirements

The normal bulk and location requirements shall be:

- i) Front Yard - Nil
- ii) Side and Rear Yards - 5 metres if adjoining a residential zone. Otherwise nil.
- iii) Coverage - No restriction provided that adequate provision is made for required car parking and loading areas, whether covered or uncovered.
- iv) Minimum of Open Space - Where residential units are provided as part of the development there shall be at least 20 sq.metres of open space for each unit.
- v) Maximum Height - 18 metres provided that all buildings on sites adjoining residential or rural zones, public reserves and roads shall be contained under a height control line inclined at 45° into the site from a height 3 metres above ground level on the affected boundary (see diagram)."



CHANGE NO. 13

ORDINANCE II (Cont'd)

(f) PARKING AND LOADING OF VEHICLES

*See Ordinance V.*

(g) LANDSCAPING REQUIREMENTS

*See Ordinance VI.*

ORDINANCE II, CLAUSE 7

(3) Industrial A2 Zone

(a) PREDOMINANT USES

The predominant uses shall be:

- i) Pack Houses;
- ii) Cool Stores;
- iii) Buildings accessory to buildings used for the foregoing purpose.

(b) CONDITIONAL USE

There shall be no conditional uses.

(c) BULK AND LOCATION REQUIREMENTS

The normal bulk and location requirements shall be as for the Industrial A zone.

(d) PERFORMANCE STANDARDS

*See Ordinance II Clause 7(5).*

(e) SUBDIVISION OF LAND

There shall be no subdivision of land in the Industrial A2 zone.

(f) PARKING AND LOADING OF VEHICLES

- i) Every development proposal in the Industrial A2 zone shall be accompanied by a parking and traffic circulation plan showing proposals to accommodate peak traffic and the ability of the site to accommodate such traffic without undue hindrance to efficient traffic movement in Old Wharf Road.

ii) For other parking and loading provisions see Ordinance V.

(g) LANDSCAPING REQUIREMENTS

*See Ordinance VI.*

ORDINANCE II, CLAUSE 7 - INDUSTRIAL ZONES(5) Performance Standards - Predominant and Conditional Uses

## (a) APPLICATIONS

Any industry in any Industrial zone shall comply with the following performance standards to the satisfaction of the Council and every application for industrial use shall be set out in sufficient detail to enable the Council to judge whether or not the proposal will comply in all respects.

## (b) NOISE

Any use in any Industrial zone shall be so conducted and buildings shall be so designed and laid out as to ensure that the following noise levels in Tables A and B, measured and assessed in accordance with the standards prescribed in N.Z.S. 6801 and 6802, 1977, are not exceeded.

TABLE ACorrected Noise Levels at the Boundary of the Nearest Affected Site Zoned Residential

Monday-Friday between the hours 0600-2200 (6.00 - 10.00); Saturdays 0600 hours - 1200 hrs	All other times including public holidays
---	--

45 dBA

40 dBA

or the residential background noise level plus 5 dBA whichever is the greater

TABLE BNoise Levels at the Boundry of Sites in the Industrial Zones  
(All Noise Measurements Leq)

60 dBA

Where any Industrial zone abuts or faces a Residential zone, the noise level at the common boundary shall not exceed that specified in Table A above.

## (c) ATMOSPHERIC EMISSIONS

*(Also subject to the Clean Air Act 1977)*

As far as practicable, any waste or residual fuel which would otherwise enter the atmosphere shall be collected and contained within the premises so as to minimise the discharge of such potential pollutants.

TOTAL LPG TANK CAPACITY (Tonnes)	SEPARATION DISTANCE (Metres)
1	24
2	30
4	36
8	46
12	54
20	63
30	73
40	80
50	87

PROVIDED THAT clusters of tanks shall be separated from residential boundaries by the separation distance required for the aggregate LPG storage capacity.

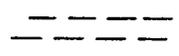
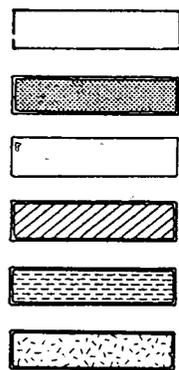
b. The separation distance between LPG storage installations and schools or hospitals shall be no less than 200 metres.

iii) Dangerous Goods Act and Regulations

All requirements under this legislation which relate to the storage and dispensing of LPG at the time of the application shall be satisfied as far as is practical before the Council hears the application. Compliance with the Dangerous Goods Act and Regulations shall not oblige the Council to approve any application if, in the opinion of the Council, the subject site is unsuitable for the bulk storage of LPG.

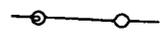
## NOTATION

- RURAL
- RESIDENTIAL
- COMMERCIAL A
- INDUSTRIAL A, A2, A3
- FUTURE URBAN DEVELOPMENT
- SHOW GROUND ZONE
- PROPOSED STREETS
- HISTORIC BUILDING
- TREES FOR PRESERVATION
- PROPOSED BYPASS
- BOROUGH BOUNDARY
- DESIGNATION NUMBER See appendix M



See appendix H

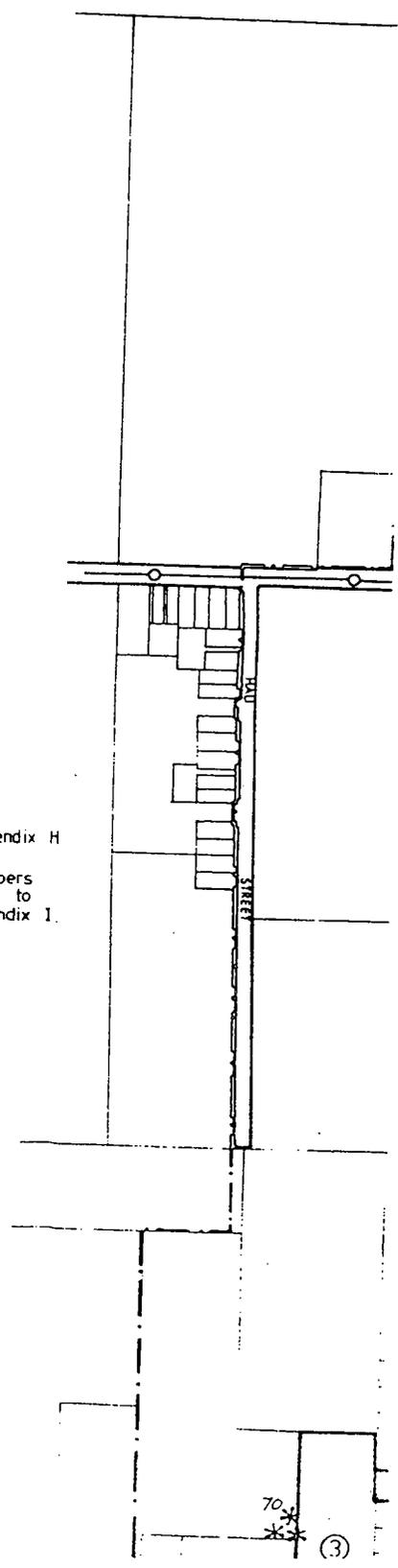
28 Numbers refer to appendix I.

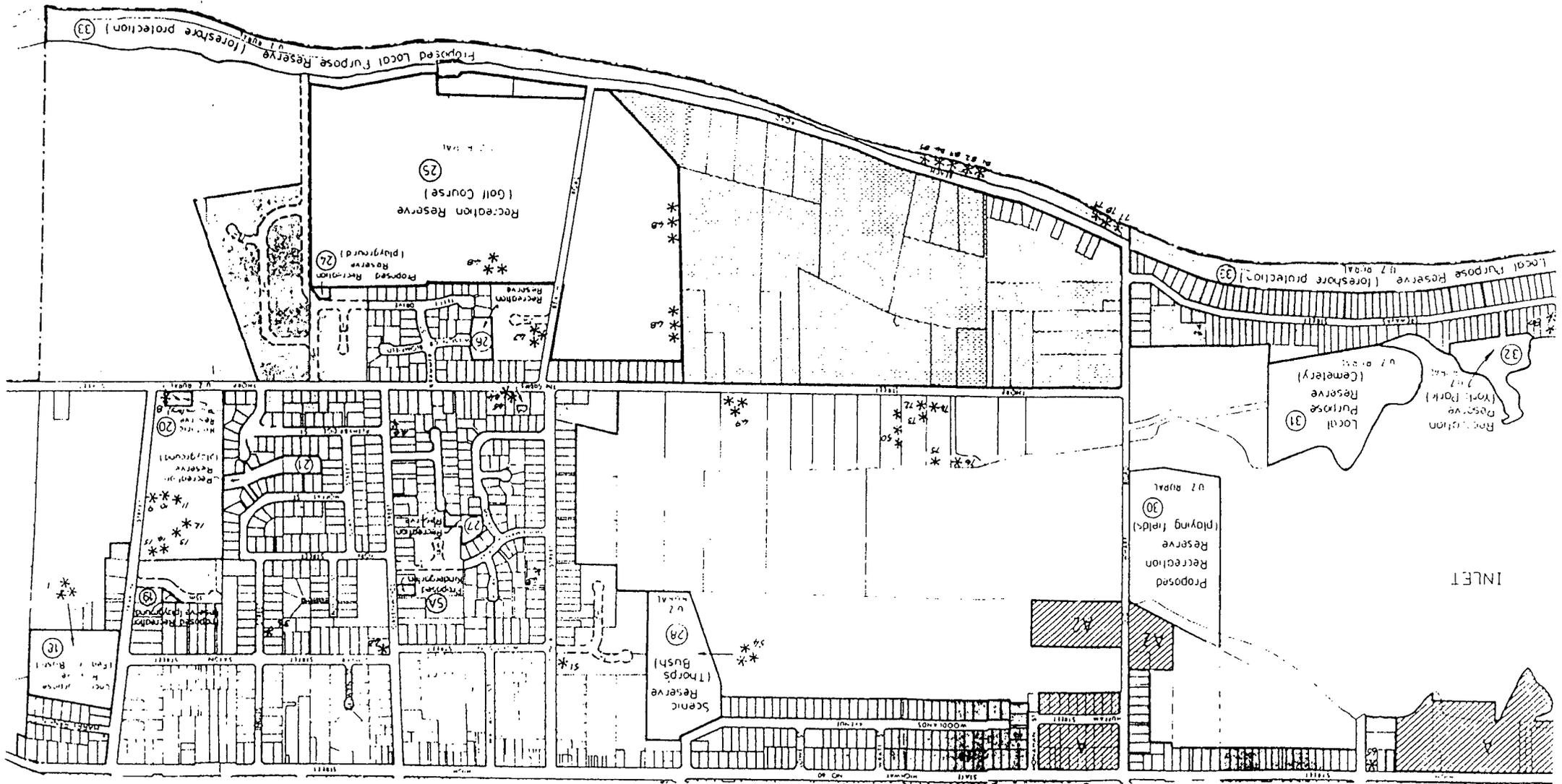


(25)

Note

All designations have an underlying Residential zoning unless otherwise stated.





CITY OF NELSON  
DISTRICT SCHEME 1982  
THIRD REVIEW

(Operative 22 December 1982)

	Page	Section	Topic
<u>Scheme Statement</u>	3	3.21-3.26	Part of "Purpose and Contents of the District Scheme"
	44-45	6.3	Port Industrial Area
<u>Ordinances</u>	113-123		Residential R2 Zone
	125-136	23.0	Residential R3 and R 3 Special Zones
	195-196	41.0	Industrial I (Port) Zone
	205	44.0	Boulder Bank Conservation Zone
	207	51.30	Land to be suitable for proposed use
	208	52.20	Airport Height Restrictions
	240	83.16	Special Provisions Relating to Haulashore Island
<u>Appendix 10</u>	279-282		Haulashore Island Management Plan
<u>Change 38</u>		8.34	Industrial I (Port) Zone
<u>Change 40</u>	1-2	5.423 (2)	Coastal objective
	12-13	5.429 (e)	Coastal Esplanade Reserve
<u>Change 47</u>			Designation: Powerhouse site
<u>Maps</u>	1		Monaco - Airport - Golf Course
	2		Tahunanui - Rocks Road - The Cut
	3		Port Nelson and Nelson Haven
	6		Maitai mouth - Atawahi
	7		Atawhai - Marybank

- 3.21 All of the matters of national importance have been provided for in the district scheme as far as these are relevant to the administrative boundaries of the City and as far as these come within the authority of the Council.
- 3.22 The matters listed above formed a substantial base to the recommendations of the Urban Growth Study and were particularly relevant in the desire to promote a desirable social and physical environment, to promote wise use of existing transportation and other urban servicing systems and to avoid undue urban encroachment on the coastal environment and into valuable food producing land.
- 3.23 Within the City the protection of the coastal environment is the most critical issue of national importance. Nelson derives a substantial part of its character from its marine environs. Large parts of its coastline are held in public use such that further urban encroachment is not possible. However, the 1967 district scheme proposed a major reclamation of land in the Nelson Haven for future urban development. This form of development can no longer be supported in relation to expressions of national importance in the Act and having regard to the environmental and ecological importance of the estuarine areas. Accordingly the extensive urban zoning proposed in the Haven in 1967 has been removed in this scheme. In future, reclamations of tidal areas are only likely to be approved where it could be demonstrated that such reclamation would be essential to the economic and social development of the city or region.
- 3.24 Further reclamation may prove essential to ensure the efficient operation of port facilities, to secure extensions to the airport runway and to facilitate the construction of the arterial road network. As a matter of policy the Council will aim to ensure that in any authorised reclamation a major consideration will be the improvement of coastal margins where these have been adversely affected by past reclamation and where practicable to improve public access to the coastline.
- 3.25 The Council has made special provision in the Scheme to recognise the unique qualities of the Boulder Bank. The Boulder Bank is a distinctive geological formation that is an integral part of Nelson's seascape and has distinctive flora and fauna. The Council wishes to preserve these features in their natural state as far as possible. Accordingly a special conservation zone has been established wherein only passive uses will be permitted on the Bank. Provision has been made for the Nelson Harbour Board's port related activities and administrative responsibilities for both Haulashore Island and the Boulder Bank. Because the Boulder Bank and Haulashore Island are of special value to the community the Council has noted these objects in the Register as objects of scientific interest and natural beauty to be preserved as far as possible in their natural state.
- 3.26 A Port zoning (Industrial 1) has been introduced with the objective of securing the most efficient use of land in the Port area for port uses, port and other transport related uses. Reclamation can no longer be justified purely to provide land for industrial expansion considering the adequacy of other land for this purpose and the recommendations for further zoning of industrial land in Richmond as contained in the Urban Growth Study.

### 3.3 Contents of the Scheme

- 3.31 The second schedule of the Act sets out the matters to be dealt with in the district scheme as appropriate to the needs of the district as follows:
1. Provision for social, economic, spiritual, and recreational opportunities and for amenities appropriate to the needs of the present and future inhabitants of the district, including the interests of minority groups.

- 6.25 Forecasting of industrial land needs cannot be precise but the following "workforce" density method gives a broad indication for planning purposes.

	Area (Hectares)	Employment	Density	
			Workers/ha	Workers/acre
1. Tahunanui (south of Parkers Road)	45.34	863	19.03	7.7
2. Main Road (Tahunanui area)	2.56	135	52.8	21.4
3. Port Area (north of Haven Road)	24.39	644	26.4	10.7
4. Vanguard Street/ St Vincent Street	2.95	172	58.3	23.6
TOTALS	75.24	1814	24.11	9.8

These figures were the result of identifying each industry concerned and assessing the area of land developed by each. Undeveloped areas of land were not included in the assessment.

- 6.26 As expected the lowest workforce density occurs in the Tahunanui area, closely followed by the Port area. This is indicative of the industrial nature of both areas. The Tahunanui area with a few intensive manufacturing uses, is largely occupied by extensive storage uses and other large scale servicing uses aimed predominantly at the construction industry. The Port area is devoted largely to extensive storage and extensive service industry which occupies large sites with a limited workforce.
- 6.27 In 1974 the Port and Tahunanui areas provided 3,300 jobs and would be expected to provide a total of 5,000 jobs in accordance with the Urban Growth Study recommendations. There will be further consolidation of fishing and goods handling related employment at the Port, and while further reclamation is proposed, its use will be primarily as goods handling and storage areas. It is therefore reasonable to assume that in terms of the forecasts, the Tahunanui area will be expected to accommodate about 1,300 workers. This area provided jobs for 1,006 people in 1974 on 56 hectares of land. A net area of about 45 hectares is still available giving about 100 hectares to accommodate 2,300 jobs in future. This is a density of 23 workers/hectare or about nine workers/acre, just under the average industrial workforce density in Nelson.
- 6.28 Some consolidation of industry can be expected in future but development is likely to remain extensive rather than intensive in character in view of the reliance of the local economy on servicing the primary sector rather than intensive manufacturing production. It can be concluded that land currently available and zoned for industry will be adequate for foreseeable needs, but not excessively so. Accordingly the stock of industrially zoned land in the main employment areas as shown on the planning maps is to be retained.

### 6.3 INDUSTRIAL ZONING POLICY

#### 6.31 Port Industrial Area

In the 1967 District Scheme, extensive tidal areas in Nelson Haven were zoned for industry. Statutory authority for reclamation was conferred by the Nelson City Empowering Act 1967 and the Nelson Harbour Board Empowering Act 1970. Any reclamation under these Acts would require the sanction of the Minister of Transport under Section 178 of the Harbours Act. In view of the factors referred to in Part 3.2 of this scheme statement (matters of National Importance), continued zoning of these tidal areas cannot be sustained until reclamation sanction is obtained.

Reclamation sanction is only likely to be obtained in future where there is demonstrated need for improved or extended harbour facilities or where other industrial development (e.g. fisheries resource development) relying on the services provided by the Port is of national or regional importance.

Because of the general adequacy of available industrial land in the City and the limited nature of any reclamation sanction likely to be obtained in future, the Industrial 1 zone at the Port is designed to ensure that the Port area is retained primarily for goods handling, for industries dependent on the special facilities or services provided by the Port or for industries essential to the Port operation.

Fish processing is likely to be a major growth industry in Nelson. Effluent discharged by fish processing (involving high volumes with a high biological oxygen demand (B.O.D.) and no pathogenic organisms) does not require the same level of treatment involved in the treatment processes currently employed in the City.

In view of the limited treatment required of fish processing effluents and the quantities involved, the Council is making provision for a separate treatment process and discharge through the Boulder Bank to Tasman Bay subject to all necessary authorities being obtained.

In order to limit the cost of this reticulation and to make efficient use of the proposed system, fish processing involving the discharge of processing water and effluents has been confined to the area in the Industrial 1 zone generally north of Rogers Street.

- 6.32 The Industrial 1A zone is provided to meet the needs of bulk storage of petroleum, and petroleum based products and other fuels as the need arises. The boundaries are defined as the area allocated by the Harbour Board for this purpose, and as far as possible the area is isolated from other land uses by intervening streets. The storage of goods in the area is subject to the provisions of the Dangerous Goods Act.

Other uses in the zone are those permitted as predominant uses in the Industrial 1 zone but subject to conditional use procedures to ensure that the safety of dangerous goods storage facilities is not compromised by potential fire risk or other hazard.

6.33 INDUSTRIAL 2 AND 3 ZONES

The Industrial 2 zone replaces the former Industrial B zone and some land formerly zoned Industrial C in close proximity to residential or commercial areas.

The Industrial 3 zone replaces the former Industrial C zone south of Parkers Road.

Similar types of uses and development controls apply to both zones but more stringent performance standards (as detailed below) are applied to the Industrial 2 zone which is more suited by location to tradesmen's depots, servicing and storage uses and light manufacturing.

The Industrial 3 zone permits the widest range of industrial activities and is best suited to extensive storage or manufacturing operations.

The Council owns a large undeveloped block (former Abattoir site) in this zone. Some filling and provision of services is required and the Council proposes to develop the land in stages as demand arises.

Industrial 3 Deferred Zone

The land included in the deferred industrial zone (south of Quarantine Road) is only likely to be needed for industrial development late in the planning period.

## 22 RESIDENTIAL R.2 ZONE

### 22.10 PREDOMINANT USES

22.11 The following shall be predominant uses in the R.2 zone:

Dwellinghouses

Cottage Arts and Crafts in conjunction with a residential use.

Apartment Houses

Groups of Cottages for the Aged

Town Houses

Homes for the Aged

Public Reserves or Other Reserves within the Meaning of the Reserves Act 1977, and Public Recreation Grounds Including Service Buildings Erected Thereon

For the purpose of bulk and location requirements service buildings shall be deemed dwellinghouses but with the proviso that no building shall be located closer than 10 metres from any adjacent residential site boundary.

Manufacture of Clay Products and associated extraction of clay on Lot 2 D.P. 4854 (C.T. 125/171) at 251 Waimea Road subject to compliance with all relevant performance standards and parking and loading requirements as would apply if the site were zoned Industrial 2.

Agricultural Uses: (See definition)

Clinics and Offices of:

- (1) A person engaged in a Professional service;
- (2) A person engaged in clerical or typing duties or in the technical service of Plan Drawing;

situated in a dwellinghouse provided that:

- (i) There shall be only a principal and, in the case of professional service, one assistant may be employed;
- (ii) The greater part of the dwellinghouse is used for residential purposes;
- (iii) The bulk and location requirements shall be those required for a dwellinghouse;
- (iv) Access and car parking requirements are in accordance with Part 6 of these ordinances (commencing page 219);

Accessory Buildings for any of the foregoing uses.

### 22.20 CONTROLLED USES

22.21 The following shall be the controlled uses in the R.2 zone:

Garages and Carports erected in the front yard of a site (see Ordinance 58.10 page 217).

Existing Buildings being relocated on the same or another site (see Ordinance 58.20 page 218).

22.30 CONDITIONAL USES

22.31 The following shall be conditional uses in the R.2 zone provided they are in accordance with the special requirements contained in Ordinances 22.50 to 22.55 on pages 121 to 124.

Home Occupations

Shop Dwellings

Halls, rooms and buildings used for arts, recreation, religious or community purposes and day nurseries, but not including gymnasiums and training sheds.

Private Schools, including kindergartens, playcentres, primary and/or secondary schools.

Comprehensive Housing Developments

Service buildings, halls, clubrooms and other buildings used for arts and recreation purposes erected on public reserves or reserves within the meaning of the Reserves Act 1977, and public or private recreation grounds

For the purpose of bulk and location requirements these buildings shall be deemed dwellinghouses but with the proviso that no building shall be located closer than three metres from any adjacent residential site boundary.

Accessory Buildings for any of the foregoing uses.

22.40 REQUIREMENTS RELATING TO PREDOMINANT USES IN THE R.2 ZONE

22.41 GENERAL PROVISIONS

The following shall be the bulk and location requirements which are common to all Residential Buildings:

(a) Maximum Building Coverage (including accessory buildings and required carparking spaces)

- 40% of net site area

(b) Maximum Height - 7.5 metres.

(c) Separation of Residential Buildings from Boundaries

No residential building shall be located closer than:

- Four metres to any street boundary, street widening line or proposed street as designated on the planning maps and

- Three metres to any other boundary except as otherwise provided for dwellinghouses. (Eaves may project 0.6 metres closer to the boundaries).

(d) GENERAL REQUIREMENTS RELATING TO BUILDINGS INCLUDING:

Daylight Admission to Adjacent Land

Reduction of Distance of Residential Buildings from Street Boundaries on Sites with Difficult Access

Bulk and Location Requirements of Accessory Buildings

See Part 5 of these Ordinances (commencing page 207)

(e) Carparking and Access Requirements

See Part 6 of these ordinances (commencing page 219)

(f) Amenities - Appearance and Maintenance of Land and Buildings, Signs and Advertising

See Part 8 of these ordinances (commencing page 231)

(g) Requirements relating to Subdivisions and Development

See Part 9 of these ordinances (commencing page 241)

22.42 DWELLINGHOUSES

Dwellinghouses shall comply with all the general provisions of Ordinance 22.41 (page 114) except that a dwellinghouse may be located no closer than 1.5 metres to any one boundary except the street boundary.

22.43 COTTAGE ARTS AND CRAFTS (as defined in Ordinance 12.00 page 90 ) shall comply with the general provisions of Ordinance 22.41 (page 114) and the following additional provisions:

- (i) The person/s engaged in the cottage art and craft must reside on the site (see clause (vii) below for provisions relating to the teaching of cottage arts and crafts).
- (ii) Where the cottage art or craft is practised in a dwelling unit the greater part of that unit is to be used for residential purposes.
- (iii) The bulk and location requirements of buildings used for this purpose shall be those for the residential use it is associated with.
- (iv) Sales of goods produced on the site to the public may be made from the site provided that no advertising is allowed on the site nor shall any display of such goods be visible from outside the premises.
- (v) Any process or undertaking shall be carried out in a quiet and unobtrusive manner so that no nuisance is caused to any adjacent residential property.
- (vi) Materials stored and used in conjunction with this activity shall not be visible from outside the premises nor obstruct any required parking or access, or living or service courts.
- (vii) Any teaching of cottage arts and crafts shall be ancillary to the main cottage art or craft, and the person receiving the tuition shall not be an employee unless actually resident on the site and only one person shall be allowed to receive tuition at any one time per site.

22.44 APARTMENT HOUSES INCLUDING GROUPS OF COTTAGES FOR THE AGED

Apartment Houses shall comply with all the requirements of the general provisions of Ordinance 22.41 (page 114) and with the following additional requirements:

Number of Residential Buildings on one Site

- (a) Separate residential buildings will be permitted to be erected on one site provided that:
- (i) For Apartment Houses, no part of the external wall containing the living facilities of any household unit shall be located closer than six metres from the external walls containing the living facilities of any other household unit nor closer than three metres from any garaging or other detached building associated with any other household unit and in no case shall the household unit be closer than 1.2 metres from any detached building.
  - (ii) For Groups of Cottages for the Aged, the above requirements apply with the proviso that four metres may be substituted for the six metres to the external walls of the living facilities referred to above.

Note: For the purpose of the above Ordinances

- (i) "Living facilities" means any living room, dining room, bedroom, kitchen, laundry, bathroom, toilet, storage area, or closet incorporated in a household unit.
  - (ii) Where the space provided for carparking required by Part 6 of these ordinances is not to be covered by accessory buildings, such space shall be deemed to be a building except where such a parking space is provided in accordance with the proviso in Ordinance 64.10 (page 222).
- (b) Where household units on any one site are not separated in accordance with conditions detailed in (a) above they shall be joined to the adjacent household unit or units by a substantial vertical wall and/or roof connection when viewed in elevation, so as to become one building. Household units together with their connection shall be compatible in appearance and shall be harmonious in form and building materials.

Maximum Density

- (a) On all sites 100 habitable rooms per hectare of net site area, provided that:
- (i) For Apartment Houses - not more than six household units are permitted to be erected on rear sites, nor on non-conforming sites having a frontage of less than six metres.
  - (ii) For Groups of Cottages for the Aged - not more than 12 household units are permitted to be erected on rear sites nor on non-conforming sites having a frontage of less than six metres.

Minimum habitable room count - for the purposes of calculating the density of an Apartment House in this zone, each household shall be deemed to have at least three habitable rooms irrespective of its design. Provided that this clause shall not apply to Groups of Cottages for the Aged nor where there are only two household units on a site and where one such household unit contains not more than two habitable rooms and is not more than 50 square metres gross floor area.

Open Space Provision for Apartment Houses, Groups of Cottages for the Aged

Living Courts

Every household unit shall be provided with a living court which is adjacent to a habitable room and which meets the following requirements:

- (a)
  - (i) Household units with two habitable rooms or less will provide a living court of minimum area of 35 square metres;
  - (ii) Household units with three habitable rooms will provide a living court of minimum area of 45 square metres;
  - (iii) Household units with four or more habitable rooms will provide a living court of minimum area of 55 square metres.
- (b) In addition to the above requirements, the following minimum dimensions are required for living courts:
  - (i) The living courts for such units shall contain a square with sides not less than five metres;
  - (ii) No part of a living court shall have a width of less than three metres.
- (c) Further provided that in all cases a living court which meets the requirements of one household unit shall not be deemed to meet the requirements for any other household unit unless such units are located directly one above the other.

Where in accordance with this proviso a living court meets the requirements for more than one household unit the following requirements apply:

- (i) The minimum living court will be 45 square metres for units containing three or less habitable rooms and 55 square metres for units of four or more habitable rooms;
- (ii) The living court shall be provided to the area required for the unit with the greatest number of habitable rooms.

Private Balcony and Communal Court Requirements

- (i) Where there are up to two household units above ground level which share living courts with other household units:
  - (a) Each such household unit shall provide an open balcony attached to and accessible from a habitable room for the exclusive use of the occupants of that unit. Each balcony is to have a minimum area of seven square metres and a minimum width of 1.5 metres; or alternatively,
  - (b) The living court requirement of each such unit shall be increased in area by seven square metres from that required by the living court provisions above. The living court shall be accessible to the occupants of the household unit it serves;
- (ii) Where there are more than two household units above ground floor level which share living courts with other household units, a communal court shall be provided at ground level in addition to the living courts serving those units. The communal court shall meet the following requirements:

- (a) Where each such household unit is provided with a balcony which meets the requirements of paragraph (i)(a) above the communal court shall have an area not less than 5% of the net site area.
- (b) Where any such household unit is not provided with a balcony meeting the requirements of paragraph (i)(a) above the communal court shall have an area of not less than 5% of the net site area plus 1% of the net site area for each such household unit which is not provided with a balcony.
- (c) In all cases the communal court shall have a minimum dimension in any direction of five metres.

#### Service Court

Each household unit shall provide in addition to the required living court, and communal court if required, a service court of minimum area of 13 square metres and a minimum dimension in any direction of 3.0 metres. The service court may be contiguous to the living court.

The service court requirement for each household unit may be reduced to 10 square metres for each additional unit after the first unit provided that these additional service courts are combined with the first such service court.

Not more than 50% of any service court, whether combined or not, may be located closer than four metres to any street boundary, street widening line or proposed street as designated on the planning maps.

#### Obstructions to Living, Communal and Service Courts

The living, communal and service courts shall be contained within the boundaries of the site and shall be unoccupied and unobstructed from the ground level upwards by any building, parking space, manoeuvring area, access drive or aisle except that:

The floor of any household unit eaves or balcony may overhang a living court, service court or communal court by no more than 0.6 metres providing that such overhang is 2.1 metres above the finished ground level of that court.

Provided that the Council in its discretion by way of application for dispensation or waiver may permit the erection of roofs or pergolas or other shelters over part of a living court or communal court, if such structures are designed to contribute to the usefulness of the court for outdoor living activities of the occupants.

#### Special Requirements for the Conversion of Existing Dwellinghouses to the Use Apartment Houses

Any dwellinghouse erected or for which a building permit is issued prior to 30 April 1976 may be converted to the use an apartment house provided that the existing dwellinghouse complies with the siting requirements of these ordinances for dwellinghouses and otherwise complies in all respects with the bulk and location requirements of these ordinances relating to apartment houses. For the purpose of this clause conversion means the division of an existing dwellinghouse into an apartment house or the erection of other household units on that site.

22.45 TOWN HOUSES

Town houses shall comply with all the requirements of the general provisions of Ordinance 22.41 (Note: The minimum distances for the siting of residential buildings, of Ordinance 22.41, shall apply to the external boundaries of the land being subdivided for Town House development and not to the individual Town House allotment boundaries) and with the following additional requirements on sites to be subdivided in accordance with the subdivisional requirements in Part 9 of these Ordinances (commencing page 241).

Grouping of Town House Units

Any Town House development must contain at least two Town House units on adjoining sites. Town Houses may be developed in stages as provided by Ordinance 92.75 (page 250). There is no limit to the number of Town Houses which may be erected in any one development. Units may be detached in accordance with requirements below, but the maximum number of attached units in any group of Town Houses shall be four.

Where Town House units are separated, no part of the external walls containing the living facilities of a Town House unit shall be located closer than:

- (i) Six metres from the external wall containing the living facilities of any other Town House unit.
- (ii) Three metres from the garaging or other accessory buildings associated with any other Town House unit.
- (iii) 1.5 metres from any common boundary between Town House allotments.

Where there is less than six metres between a separated Town House unit (including any garaging incorporated with or attached to a Town House unit) and buildings on an adjoining Town House allotment in that subdivision, daylight admission provisions of Ordinance 55.10 (page 214) will apply from the common boundary between the individual Town House allotments.

Note: For the Purpose of the Above Ordinances

- (i) "Living facilities" means any living room, dining room, bedroom, kitchen, laundry, bathroom, toilet, storage area or closet incorporated in a household unit.
- (ii) Where the space provided for carparking as required by Part 6 of these Ordinances is not to be covered by an accessory building, such space shall be deemed to be a building.

Open Space ProvisionsLiving Courts

- (i) Each Town House Unit shall be provided with a main living court at ground level adjacent to a habitable room. The area of the living court shall be 25 square metres for each habitable room in the town house unit provided that the area of the living court shall not be less than 85 square metres and shall contain therein a rectangle having a minimum dimension in any direction of six metres. No part of the living court shall have a width less than three metres.

- (ii) The Area but not the Minimum Dimension of the Living Court requirement in (i) above may be reduced to not less than 65 square metres where an additional living court is provided at ground level on the site and the additional living court is located adjacent to the habitable room of the unit it serves, is at least 25 square metres in area and has a minimum width of three metres. The total combined area of separate living courts shall not be less than the total living court area required by (i) above.

#### Service Court

In addition to the required living court/s each Town House unit shall be provided with a service court at ground level. The service court shall have a minimum area of 30 square metres with a minimum dimension in any direction of 4.5 metres. Not more than 50% of the area of a service court shall be located closer than four metres to any street boundary, street widening line or proposed street as designated on the planning maps.

#### Obstruction to Living and Service Courts

All living and service courts shall be unobstructed by buildings and/or vehicle access, manoeuvring or parking areas, from the ground level upwards, except that a 1.5 metre wide covered walkway may be erected between a Town House Unit and its carport or garage. The top floor of any Town House unit, or eaves or balcony may overhang a living and service court by no more than 1.2 metres providing that such overhang is 2.1 metres or more above the finished ground level of that court.

Provided that the Council in its discretion by way of application for dispensation or waiver may permit the erection of roofs or pergolas or other shelters over part of a living court or communal court, if such structures are designed to contribute to the usefulness of the court for outdoor living activities of the occupants.

#### Access to Court and Service Areas

Living and service courts shall have pedestrian access to a street by means of either:

- (i) Direct frontage to a street;
- (ii) A pedestrian way or ways common to a group of Town House Units; or
- (iii) Access onto the vehicle access strip serving the Town House Unit or Units.

Such pedestrian access shall have a minimum width of one metre and shall be provided outside the living area of the Town House unit but may be included in the form of the building.

#### Location of Courts

The living court/s and service court shall be provided on the site of the Town House Unit they serve.

#### Appearance of Development

Not less than 50% of the area within four metres of the street boundary, proposed street as designated on the planning maps, or street widening line imposed in respect of that site (except for land forming access to rear units) shall be landscaped.

Special Requirements Relating to Existing Dwellinghouses where these are Incorporated as Part of a Town House Development

Any dwellinghouse erected or for which a building permit was issued prior to 30 April 1976 may be incorporated as part of the Town House Development without the need for any further dispensations in separation distances from boundaries of the site, provided that the existing dwellinghouse complies with the siting requirements of these Ordinances for dwellinghouses and otherwise complies in all respects with the bulk and location requirements of these Ordinances relating to Town Houses.

22.46 HOMES FOR THE AGED - shall comply with all the requirements of the general provisions of Ordinance 22.41 (page 114) and with the following additional requirements:

- (i) The density is not to exceed the maximum permitted density for Apartment houses.

Note: For the purpose of this clause where hostel type accommodation is provided each 12 m<sup>2</sup> or part thereof of sleeping accommodation shall comprise a habitable room.

- (ii) At least 30% of the net site area shall be landscaped.

22.47 AGRICULTURAL USES

- (i) Bulk and Location Requirements for buildings erected shall be for a dwellinghouse provided that no animals shall be housed or kept in any building or enclosure within 15 metres of any residential building or less than 15 metres from any boundary of the site.

- (ii) Minimum Site Area - 2000 square metres

22.50 GENERAL REQUIREMENTS RELATING TO CONDITIONAL USES

Applicants, before applying for consent are advised to familiarise themselves with Ordinance 14.2 (page 97).

22.51 HOME OCCUPATIONS shall be subject to the following special requirements:

- (i) The activity is to be carried out only within the area a residential building may be erected in accordance with relevant bulk and location requirements relating to that residential building;
- (ii) The persons engaging in the activity must reside on the site and the principal use of the site shall be for residential purposes complying with all relevant Ordinances relating to that residential use.
- (iii) No selling of goods is permitted on the site;
- (iv) No employment of labour is to be carried out on the site.

22.52 SHOP DWELLINGS shall be subject to the following special requirements:

- (i) Only one shop shall be permitted per site and shall not exceed a gross retail floor area of 75 square metres nor exceed a gross floor area of 50% of the building in which it is contained;
- (ii) The use is to be limited to that of a dairy or grocery;

(iii) The shop shall be located in a dwellinghouse and shall comply with the bulk and location requirements for dwellinghouses;

(iv) Carparking and Access - See Part 6 of these Ordinances (commencing page 219).

22.53 HALLS, ROOMS AND BUILDINGS used for arts, recreation, religious or community purposes, and day nurseries, but not including gymnasiums and training sheds, shall be subject to the general provisions of Ordinance 22.41 (page 114) and the following special provisions:

(i) Maximum Building Coverage (including accessory buildings and required car parking spaces) shall not exceed 50% of the net site area;

(ii) At least 30% of the net site area shall be landscaped;

(iii) Licensed Public Halls, Rooms and Buildings shall be located in conjunction with primary or secondary school sites or on sites with vehicular access to the following streets or roads:

- (a) Waimea Road;
- (b) Tahunanui Drive;
- (c) Annesbrook Drive;
- (d) Main Road, Stoke.

22.54 PRIVATE SCHOOLS BEING KINDERGARTENS, PLAY CENTRES, PRIMARY AND/OR SECONDARY SCHOOLS shall be subject to the general provisions of Ordinance 22.46 (page 121) and the following special provisions:

(i) Separation of Buildings from Boundaries

No building shall be located closer than:

(a) Four metres to any street boundary, street widening line or proposed street as designated on the planning maps;

(b) Three metres to any other boundary.

(ii) Minimum Site Areas to be determined by Council after consideration of the suitability of the site for the proposal concerned and reference to current Education Department site standards.

22.55 COMPREHENSIVE HOUSING DEVELOPMENT shall be subject to the following provisions:

(i) Minimum contiguous development area 2000 square metres;

(ii) The Council may approve a Comprehensive Housing Development of any part of a residential zone, notwithstanding that such development of any part thereof does not comply with any provision of this code regarding:

(a) Subdivisional standards including minimum frontages and site areas;

(b) Bulk and location requirements.

(iii) In considering applications for approval to a Comprehensive Housing Development, the Council shall have regard to the following:

(a) Applications shall be only granted in respect of permanent residential accommodation;

- (b) The adequacy of areas of open space, both public and private, for the use of the intended residents of the development area;
  - (c) The amount of daylight and sunlight penetration to all residential buildings within the development area and to all neighbouring sites;
  - (d) Visual and acoustic privacy for the intended residents of the development and for neighbouring sites;
  - (e) Adequate provision for well located off-street parking and garaging;
  - (f) Property access and provision for the circulation of vehicles including emergency access for service vehicles to all buildings;
  - (g) Maximum overall density and coverage of the development to be consistent with the requirements of Apartment Houses in this zone;
  - (h) The siting of proposed residential buildings on each allotment must be shown before the scheme plan of subdivision is considered. No buildings can be erected until either:  
the final plan of subdivision has been lodged at the Lands and Survey Department and a land transfer number has been issued where no roading is involved, OR where roading is involved, the plan of subdivision has been deposited at the Lands Transfer Office;
  - (i) Compliance with relevant statutes, bylaws and other matters which it deems relevant.
- (iv) In considering applications for further development or any variation of development proposals within an approved Comprehensive Housing Development, the Council shall be guided by the principles and objectives implicit in the approved Comprehensive Housing Development and may refuse any application which it considers could be detrimental to such principles or objectives or the amenities to be provided within the scheme.
- (v) An applicant seeking approval to a Comprehensive Housing Development shall submit proposals to the Council in such form, and, in the case of drawings, to such scales as will enable the Council to appreciate fully all detail concerning:
- (a) the layout, design and construction of roads and services;
  - (b) The siting, design and construction and three-dimensional relationship of the buildings;
  - (c) The provision of open spaces;
  - (d) The proposed subdivision of the land;
  - (e) The programme of development, and
  - (f) Such other matters, including integration with existing and proposed public works, as the Council deems necessary for a proper appraisal of the Comprehensive Housing Development.

## 23 RESIDENTIAL R3 & R3 SPECIAL (R.3 sp) ZONES

### 23.10 PREDOMINANT USES

23.11 The following shall be predominant uses in the R.3 zone:

Dwellinghouses

Cottage Arts and Crafts in conjunction with a residential use,

Apartment Houses

Groups of Cottages for the Aged

Town Houses

Tourist Accommodation and Boarding Houses - both cases only on sites with vehicular access onto streets or parts thereof designated for the purpose Tourist Accommodation on the planning maps, provided that vehicular access for patrons or boarders is confined to the designated street.

Homes for the Aged

Public Reserves or Other Reserves Within the Meaning of the Reserves Act 1977, and Public Recreation Grounds Including Service Buildings Erected Thereon

For the purpose of bulk and location requirements these buildings shall be deemed dwellinghouses but with the proviso that no building shall be located closer than 10 metres from any adjacent residential site boundary.

Clinics and Offices of:

- (1) A person engaged in a Professional service;
- (2) A person engaged in clerical or typing duties or in the technical service of Plan drawing,

situated in a dwellinghouse provided that:

- (i) There shall be only a principal and, in the case of professional service, one assistant may be employed;
- (ii) The greater part of the dwellinghouse is used for residential purposes;
- (iii) The bulk and location requirements shall be those required for a dwellinghouse;
- (iv) Access and car parking requirements are in accordance with Part 6 of these ordinances (commencing page 219);

Accessory Buildings for any of the foregoing uses.

23.12 The following shall be the predominant uses in the R.3 sp. Zone:

Predominant uses and all provisions relating thereto, as provided in the R.3 zone provided that the maximum building coverage (including accessory buildings and required car parking spaces) for all uses shall not exceed 30% of the net site area, together with the additional proviso that for the purpose of calculating the density of any apartment house in this zone, each household unit shall be deemed to have at least three habitable rooms irrespective of its design.

23.20 CONTROLLED USES

23.21 The following shall be the controlled uses in the R.3 and R.3 sp zones.

Garages and Carports erected in the front yard of a site (See Ordinance 58.10 page 217)

Existing Buildings being relocated on the same or another site (See Ordinance 58.20 page 218)

23.30 CONDITIONAL USES

23.31 The following shall be conditional uses in the R.3 Zone provided they are in accordance with the special requirements contained in Ordinances 23.50 to 23.58 on pages 134 to 136.

Home Occupations

Shop Dwellings

Boarding Houses on sites not designated for Tourist Accommodation purposes as shown on the planning maps.

Halls, rooms and buildings used for arts, recreation, religious or community purposes and day nurseries, but not including gymnasiums and training sheds.

Private Schools, including kindergartens, playcentres, primary and/or secondary schools.

Private Hospitals including nursing and convalescent homes and rehabilitation centres.

Offices and Clinics of Registered Medical Practitioners, Registered Medical Auxiliaries, Dental Surgeons and Veterinary Surgeons.

Offices of Registered Medical Practitioners and Dental Surgeons

Comprehensive Housing Developments

Service buildings, halls, clubrooms and other buildings used for arts and recreation purposes erected on public reserves or reserves within the meaning of the Reserves Act 1977, and public or private recreation grounds.

For the purpose of bulk and location requirements these buildings shall be deemed dwellinghouses, but with the proviso that no building shall be located closer than three metres from any adjacent residential site boundary.

Accessory Buildings for any of the foregoing uses.

23.32 The following shall be conditional uses in the R.3 sp. Zone:

Conditional uses and all provisions relating thereto as provided in the R.3 Zone provided that the maximum building coverage (including accessory buildings and required car parking spaces) for all uses shall not exceed 30% of the net site area.

23.41 GENERAL PROVISIONS

The following shall be the bulk and location requirements which are common to all Residential Buildings.

- (a) Maximum Building Coverage (including accessory buildings and required carparking spaces).

- (a) 40% of net site area in the R.3 zone;  
 (b) 30% of net site area in the R.3 sp. and R.5d zones.

- (b) Maximum Height - 7.5 metres.

- (c) Separation of Residential Buildings from Boundaries

No residential building shall be located closer than:

- (a) Four metres to any street boundary, street widening line or proposed street as designated on the planning maps; and  
 (b) Three metres to any other boundary except as otherwise provided for dwellinghouses. (Eaves may project 0.6 metres closer to the boundaries).

- (d) GENERAL REQUIREMENTS RELATING TO BUILDINGS INCLUDING:

Daylight Admission to Adjacent Land

Reduction of Distance of Residential Buildings from Street Boundaries on Sites with Difficult Access

Bulk and Location Requirements of Accessory Buildings

See Part 5 of these Ordinances (commencing page 207)

- (e) Carparking and Access Requirements

See Part 6 of these Ordinances (commencing page 219)

- (f) Amenities - Appearance and Maintenance of Land and Buildings, Signs and Advertising

See Part 8 of these Ordinances (commencing page 231)

- (g) Requirements relating to Subdivisions and Development

See Part 9 of these Ordinances (commencing page 241)

23.42 DWELLINGHOUSES

Dwellinghouses shall comply with all the general provisions of Ordinance 23.41 (page 127) except that a dwellinghouse may be located no closer than 1.5 metres to any one boundary except the street boundary.

- 23.43 COTTAGE ARTS AND CRAFTS (as defined in Ordinance 12.0, page 90 ) shall comply with the general provisions of Ordinance 23.41 (page 127) and the following additional provisions:

- (i) The person/s engaged in the cottage art and craft must reside on the site (see clause (vii) below for provisions relating to the teaching of cottage arts and crafts).
- (ii) Where the cottage art or craft is practised in a dwelling unit the greater part of that unit is to be used for residential purposes.
- (iii) The bulk and location requirements of buildings used for this purpose shall be those for the residential use it is associated with.

- (iv) Sales of goods produced on the site to the public may be made from the site provided that no advertising is allowed on the site nor shall any display of such goods be visible from outside the premises.
- (v) Any process or undertaking shall be carried out in a quiet and unobtrusive manner so that no nuisance is caused to any adjacent residential property.
- (vi) Materials stored and used in conjunction with this activity shall not be visible from outside the premises nor obstruct any required parking or access, or living or service courts.
- (vii) Any teaching of cottage arts and crafts shall be ancillary to the main cottage art or craft, and the person receiving the tuition shall not be an employee unless actually resident on the site and only one person shall be allowed to receive tuition at any one time per site.

23.44 APARTMENT HOUSES INCLUDING GROUPS OF COTTAGES FOR THE AGED

Apartment Houses shall comply with all the requirements of the general provisions of Ordinance 23.41 (page 127) and with the following additional requirements:

Number of Residential Buildings on One Site

- (a) Separate residential buildings will be permitted to be erected on one site provided that:
    - (i) For Apartment Houses, no part of the external wall containing the living facilities of any household unit shall be located closer than six metres from the external walls containing the living facilities of any other household unit nor closer than three metres from any garaging or other detached building associated with any other household unit and in no case shall the household unit be closer than 1.2 metres from any detached building;
    - (ii) For Groups of Cottages for the Aged, the above requirements apply with the proviso that four metres may be substituted for the six metres to the external walls of living facilities referred to above.
- Note: For the purpose of the above Ordinances:
- (i) "Living facilities" means any living room, dining room, bedroom, kitchen, laundry, bathroom, toilet, storage area, or closet incorporated in a household unit;
  - (ii) Where the space provided for carparking required by Part 6 of these ordinances is not to be covered by accessory buildings, such space shall be deemed to be a building except where such a parking space is provided in accordance with the provision in Ordinance 64.10 (page 222).
- (b) Where household units on any one site are not separated in accordance with conditions detailed in (a) above they shall be joined to the adjacent household unit or units by a substantial vertical wall and/or roof connection when viewed in elevation, so as to become one building. Household units together with their connection shall be compatible in appearance and shall be harmonious in form and building materials.

Maximum Density

- (a) On non-conforming sites having a frontage of less than six metres and rear sites, 100 habitable rooms per hectare of net site area provided that the maximum density on such sites may be increased to 125 habitable rooms per hectare of net site area where the access thereto meets the following requirements:
- (i) The access strip together with appurtenant access easement thereto which has been granted in favour of the site shall have a width of not less than six metres;
  - (ii) The carriageway providing vehicular access is to have a minimum width of five metres and is to be sealed to the satisfaction of the Council and is thereafter to be adequately maintained;
  - (iii) The grade of the carriageway to be not steeper than 1 in 6.

Number of Household Units for Apartment Houses

Notwithstanding (a) above no more than six household units are permitted to be erected on any such site.

Number of Household Units for Groups of Cottages for the Aged

Notwithstanding (a) above no more than 12 household units are permitted to be erected on any such site.

- (b) On all other sites - 125 habitable rooms per hectare.
- (c) Minimum Habitable Room Count - In addition to the above density requirements, for the purposes of calculating the density of an apartment house or tourist accommodation in this zone:
- (i) On non-conforming sites having a frontage of less than six metres and rear sites and on all sites in the R.3 sp. zone each household unit shall be deemed to have at least three habitable rooms irrespective of its design;
  - (ii) Provided that clause c(i) above shall not apply where there are only two household units on a site and where one such household unit contains not more than two habitable rooms and is not more than 50 square metres gross floor area;
  - (iii) On all other sites, each household unit shall be deemed to have at least two habitable rooms irrespective of its design.

Provided that (c)(i) and (iii) above shall not apply to Groups of Cottages for the Aged.

Open Space Provision for Apartment Houses, Groups of Cottages for the AgedLiving Courts

Every household unit shall be provided with a living court which is adjacent to a habitable room and which meets the following requirements:

- (a) (i) Household units with two habitable rooms or less will provide a living court of minimum area of 35 square metres;
- (ii) Household units with three habitable rooms will provide a living court of minimum area of 45 square metres;

- (iii) Household units with four or more habitable rooms will provide a living court of minimum area of 55 square metres.
- (b) In addition to the above requirements, the following minimum dimensions are required for living courts:
  - (i) The living courts for such units shall contain a square with sides not less than five metres;
  - (ii) No part of a living court shall have a width of less than three metres.
- (c) Further Provided that in all cases a living court which meets the requirements of one household unit shall not be deemed to meet the requirements for any other household unit unless such units are located directly one above the other.

Where in accordance with this proviso a living court meets the requirements for more than one household unit the following requirements apply:

- (i) The minimum living court will be 45 square metres for units containing three or less habitable rooms and 55 square metres for units of four or more habitable rooms;
- (ii) The living court shall be provided to the area required for the unit with the greatest number of habitable rooms.

#### Private Balcony and Communal Court Requirements

- (i) Where there are up to two household units above ground level which share living courts with other household units:
  - (a) Each such household unit shall provide an open balcony attached to and accessible from a habitable room for the exclusive use of the occupants of that unit. Each balcony is to have a minimum area of seven square metres and a minimum width of 1.5 metres; or alternatively,
  - (b) The living court requirement of each such unit shall be increased in area by seven square metres from that required by the living court provisions above. The living court shall be accessible to the occupants of the household unit it serves.
- (ii) Where there are more than two household units above ground floor level which share living courts with other household units, a communal court shall be provided at ground level in addition to the living courts serving those units. The communal court shall meet the following requirements:
  - (a) Where each such household unit is provided with a balcony which meets the requirements of paragraph (i)(a) above the communal court shall have an area not less than 5% of the net site area;
  - (b) Where any such household unit is not provided with a balcony meeting the requirements of paragraph (i)(a) above the communal court shall have an area of not less than 5% of the net site area plus 1% of the net site area for each such household unit which is not provided with a balcony;
  - (c) In all cases the communal court shall have a minimum dimension in any direction of five metres.

### Service Court

Each household unit shall provide in addition to the required living court, and communal court if required, a service court of minimum area of 13 square metres and a minimum dimension in any direction of 3.0 metres. The service court may be contiguous to the living court.

The service court requirement for each household unit, may be reduced to 10 square metres for each additional unit after the first unit, provided that these additional service courts are combined with the first such service court.

Not more than 50% of any service court, whether combined or not, may be located closer than four metres to any street boundary, street widening line or proposed street as designated on the planning maps.

### Obstructions to Living, Communal and Service Courts

The living, communal and service courts shall be contained within the boundaries of the site and shall be unoccupied and unobstructed from the ground level upwards by any building, parking space, manoeuvring area, access drive or aisle except that:

The floor of any household unit, eaves or balcony may overhang a living court, service court or communal court by no more than 0.6 metres providing that such overhang is 2.1 metres above the finished ground level of that court.

Provided that the Council in its discretion by way of application for dispensation or waiver may permit the erection of roofs or pergolas or other shelters over part of a living court or communal court, if such structures are designed to contribute to the usefulness of the court for outdoor living activities of the occupants.

### Special Requirements for the Conversion of Existing Dwellinghouses to the Use Apartment Houses

Any dwellinghouse erected or for which a building permit is issued prior to 30 April 1976 may be converted to the use an apartment house provided that the existing dwellinghouse complies with the siting requirements of these ordinances for dwellinghouses and otherwise complies in all respects with the bulk and location requirements of these ordinances relating to apartment houses. For the purpose of this clause conversion means the division of an existing dwellinghouse into an apartment house or the erection of other household units on that site.

## 23.45 TOWN HOUSES:

Town houses shall comply with all the requirements of the general provisions of Ordinance 23.41 (Note: The minimum distances for the siting of residential buildings, of Ordinance 23.41 shall apply to the external boundaries of the land being subdivided for Town House development and not to the individual Town House allotment boundaries) and with the following additional requirements on sites to be subdivided in accordance with the subdivisional requirements in Part 9 of these Ordinances (commencing page 241).

### Grouping of Town House Units

Any Town House development must contain at least two Town House units on adjoining sites. Town Houses may be developed in stages as provided by Ordinance 92.75 (page 250). There is no limit to the number of Town Houses which may be erected in any one development. Units may be detached in accordance with requirements below, but the maximum number of attached units in any group of Town Houses shall be five.

Where Town House Units are separated, no part of the external walls containing the living facilities of a Town House Unit shall be located closer than:

- (i) Six metres from the external wall containing the living facilities of any other Town House unit;
- (ii) Three metres from the garaging or other accessory buildings associated with any other Town House unit;
- (iii) 1.5 metres from any common boundary between Town House allotments.

Where there is less than six metres between a separated Town House Unit (including any garaging incorporated with or attached to a Town House Unit) and buildings on an adjoining Town House allotment in that subdivision, daylight admission provisions of Ordinance 55.10 (page 214 ) will apply from the common boundary between the individual Town House allotments.

Note: For the purpose of the above Ordinances:

- (i) "Living facilities" means any living room, dining room, bedroom, kitchen, laundry, bathroom, toilet, storage area or closet incorporated in a household unit;
- (ii) Where the space provided for carparking as required by Part 6 of these Ordinances is not to be covered by an accessory building, such space shall be deemed to be a building.

#### Open Space Provisions

##### Living Courts

- (i) Each Town House Unit shall be provided with a main living court at ground level adjacent to a habitable room. The area of the living court shall be 20 square metres for each habitable room in the Town House unit provided that the area of the living court shall not be less than 70 square metres and shall contain therein a rectangle having a minimum dimension in any direction of six metres. No part of the living court shall have a width of less than three metres;
- (ii) The area but not the minimum dimension of the living court requirement in (i) above may be reduced to not less than 55 square metres where an additional living court is provided at ground level on the site and the additional living court is located adjacent to the window of a habitable room of the unit it serves, is at least 20 square metres in area and has a minimum width of four metres. The total combined area of separate living courts shall not be less than the total living court area required by (i) above.

##### Service Court

In addition to the required living court/s each Town House unit shall be provided with a service court at ground level. The service court shall have a minimum area of 30 square metres with a minimum dimension in any direction of 4.5 metres. Not more than 50% of the area of a service court shall be located closer than four metres to any street boundary, street widening line or proposed street as designated on the planning maps.

### Obstruction to Living and Service Courts

All living and service courts shall be unobstructed by buildings and/or vehicle access, manoeuvring or parking areas, from the ground level upwards, except that a 1.5 metre wide covered walkway may be erected between a Town House Unit and its carport or garage. The top floor of any Town House unit, or eaves or balcony may overhang a living and service court by no more than 1.2 metres providing that such overhang is 2.1 metres or more above the finished ground level of that court.

Provided that the Council in its discretion by way of application for dispensation or waiver may permit the erection of roofs or pergolas or other shelters over part of a living court or communal court, if such structures are designed to contribute to the usefulness of the court for outdoor living activities of the occupants.

### Access to Court and Service Areas

Living and service courts shall have pedestrian access to a street by means of either:

- (i) Direct frontage to a street;
- (ii) A pedestrian way or ways common to a group of Town House Units; or
- (iii) Access onto the vehicle access strip serving the Town House Unit or Units.

Such pedestrian access shall have a minimum width of one metre and shall be provided outside the living area of the Town House Unit but may be included in the form of the building.

### Location of Courts

The living court/s and service court shall be provided on the site of the Town House Unit they serve.

### Appearance of Development

Not less than 50% of the area within four metres of the street boundary, proposed street as designated on the planning maps, or street widening line imposed in respect of that site (except for land forming access to rear units) shall be landscaped.

### Special Requirements Relating to Existing Dwellinghouses where these are Incorporated as Part of a Town House Development

Any dwellinghouse erected or for which a building permit was issued prior to 30 April 1976 may be incorporated as part of the Town House Development without the need for any further dispensation in separation distances from boundaries of the site, provided that the existing dwellinghouse complies with the siting requirements of these Ordinances for dwellinghouses and otherwise complies in all respects with the bulk and location requirements of these Ordinances relating to Town Houses.

23.46 TOURIST ACCOMMODATION AND BOARDING HOUSES on sites with vehicular access on to streets or part thereof designated for the purpose Tourist Accommodation on the Planning Maps shall comply with all the requirements of the general provisions of Ordinance 23.41 (page 127) and with the following additional requirements:

- (i) The density is not to exceed the maximum permitted density for apartment houses.

(N.B. For the purpose of this clause where hostel type accommodation is provided each 12 m<sup>2</sup> or part thereof of sleeping accommodation shall comprise a habitable room.

(ii) At least 30% of the net site shall be landscaped.

23.47 HOMES FOR THE AGED - shall comply with all the requirements of the general provisions of Ordinance 23.41 (page 127) and with the following additional requirements:

(i) The density is not to exceed the maximum permitted density for Apartment Houses;

Note: For the purpose of this clause where hostel type accommodation is provided each 12 m<sup>2</sup> or part thereof of sleeping accommodation shall comprise a habitable room .

(ii) At least 30% of the net site area shall be landscaped.

23.50 GENERAL REQUIREMENTS RELATING TO CONDITIONAL USES

Applicants, before applying for consent are advised to familiarise themselves with Ordinance 14.2 (page 97).

23.51 HOME OCCUPATIONS shall be subject to the following special requirements:

(i) The activity is to be carried out only within the area a residential building may be erected in accordance with relevant bulk and location requirements relating to that residential building;

(ii) The persons engaging in the activity must reside on the site and the principal use of the site shall be for residential purposes complying with all relevant Ordinances relating to that residential use;

(iii) No selling of goods is permitted on the site;

(iv) No employment of labour is to be carried out on the site.

23.52 SHOP DWELLINGS shall be subject to the following special requirements:

(i) Only one shop shall be permitted per site and shall not exceed a gross retail floor area of 75 square metres nor exceed a gross floor area of 50% of the building in which it is contained;

(ii) The use is to be limited to that of a dairy or grocery;

(iii) The shop shall be located in a dwellinghouse and shall comply with the bulk and location requirements for dwellinghouses;

(iv) Carparking and Access - See Part 6 of these Ordinances (commencing page 219).

23.53 BOARDING HOUSES on sites not designated for Tourist Accommodation purposes as shown on the planning maps.

This use shall comply with the bulk and location requirements and the general provisions contained in Ordinance 23.46 (page 133).

- 23.54 HALLS, ROOMS AND BUILDINGS used for arts, recreation, religious or community purposes, and day nurseries; but not including gymnasiums and training sheds, shall be subject to the general provisions of Ordinance 23.41 (page 127) and the following special provisions:
- (i) Maximum Building Coverage (including accessory buildings and required car parking spaces) shall not exceed:
    - (a) 50% of the net site area in the R.3 zone;
    - (b) 30% of the net site area in the R.3 sp. and R.5d zones;
  - (ii) At least 30% of the net site area shall be landscaped.
  - (iii) Licensed Public Halls, Rooms and Buildings shall be located in conjunction with primary or secondary school sites or on sites with vehicular access to the following streets or roads:
    - (a) Waimea Road;
    - (b) Annesbrook Drive;
    - (c) Main Road, Stoke.
- 23.55 PRIVATE SCHOOLS BEING KINDERGARTENS, PLAY CENTRES, PRIMARY AND/OR SECONDARY SCHOOLS shall be subject to the general provisions of Ordinance 23.41 (page 127) and the following special provisions:
- (i) Separation of Buildings from Boundaries  
No building shall be located closer than:
    - (a) Four metres to any street boundary, street widening line or proposed street as designated on the planning maps;
    - (b) Three metres to any other boundary.
  - (ii) Minimum Site Areas to be determined by Council after consideration of the suitability of the site for the proposal concerned and reference to current Education Department site standards.
- 23.56 PRIVATE HOSPITALS (including nursing and convalescent homes and rehabilitation centres) shall be subject to the general provisions of Ordinance 23.41 (page 127) and with the following special requirements:
- (i) The density is not to exceed the maximum permitted density for apartment houses;
  - (ii) Maximum building coverage (including accessory buildings and required car parking spaces) shall not exceed 50% of the net site area;
  - (iii) At least 30% of the net site area shall be landscaped.
- 23.57 OFFICES OF REGISTERED MEDICAL PRACTITIONERS, REGISTERED MEDICAL AUXILIARIES, DENTAL SURGEONS AND VETERINARY SURGEONS shall comply with all general provisions of Ordinance 23.41 (page 127).
- 23.58 COMPREHENSIVE HOUSING DEVELOPMENT shall be subject to the following provisions:
- (i) Minimum contiguous development area 2000 square metres;
  - (ii) The Council may approve a Comprehensive Housing Development of any part of a residential zone, notwithstanding that such development of any part thereof does not comply with any provision of this code regarding:
    - (a) Subdivisional standards including minimum frontages and site areas;

- (b) Bulk and location requirements.
- (iii) In considering applications for approval to a Comprehensive Housing Development, the Council shall have regard to the following:
- (a) Applications shall be only granted in respect of permanent residential accommodation;
  - (b) The adequacy of areas of open space, both public and private, for the use of the intended residents of the development area;
  - (c) The amount of daylight and sunlight penetration to all residential buildings within the development area and to all neighbouring sites;
  - (d) Visual and acoustic privacy for the intended residents of the development and for neighbouring sites;
  - (e) Adequate provision for well located off-street parking and garaging;
  - (f) Property access and provision for the circulation of vehicles including emergency access for service vehicles to all buildings;
  - (g) Maximum overall density and coverage of the development to be consistent with the requirements of Apartment Houses in this zone;
  - (h) The siting of proposed residential buildings on each allotment must be shown before the scheme plan of subdivision is considered. No buildings can be erected until either: the final plan of subdivision has been lodged at the Lands and Survey Department and a land transfer number has been issued where no roading is involved OR where roading is involved, the plan of subdivision has been deposited at the Lands Transfer Office;
  - (i) Compliance with relevant statutes, bylaws and other matters which it deems relevant
- (iv) In considering applications for further development or any variation of development proposals within an approved Comprehensive Housing Development, the Council shall be guided by the principles and objectives implicit in the approved Comprehensive Housing Development and may refuse any application which it considers could be detrimental to such principles or objectives or the amenities to be provided within the scheme.
- (v) An applicant seeking approval to a Comprehensive Housing Development shall submit proposals to the Council in such form, and in the case of drawings, to such scales as will enable the Council to appreciate fully all detail concerning:
- (a) the layout, design and construction of roads and services;
  - (b) the siting, design and construction and three-dimensional relationship of the buildings;
  - (c) the provision of open spaces;
  - (d) the proposed subdivision of the land;
  - (e) the programme of development, and
  - (f) such other matters, including integration with existing and proposed public works, as the Council deems necessary for a proper appraisal of the Comprehensive Housing Development.

## PART 4

## 41.0 INDUSTRIAL 1 (PORT) ZONE

41.10 PREDOMINANT USES

The following shall be predominant uses in the Industrial 1 zone:

Port and Harbour Facilities including wharves and premises for the handling of sea-borne cargoes.

Slipways, Graving Docks and Dry-docks, Ship and Boat Building maintenance and repairs.

Pleasure boat sales, launching, storage, parking and fuelling facilities and shops selling accessories, equipment or supplies normally associated with boating.

Marine Engineering and General Engineering Workshops

Goods Handling Terminals and Trucking Depots Including Vehicle Service and Repair Facilities ancillary thereto; Warehouses and Bulk Stores; but excluding in all cases the bulk wholesale storage, handling, filling, blending, and distribution of fuel oil, petroleum, petroleum based products, natural gas or other synthetic fuels.

Administrative Offices incidental to and on the same site as any of the predominant uses.

Dairies, Takeaway Food Shops and Restaurants in all cases not exceeding 100 m<sup>2</sup> gross floor area.

Day Care Centres, Medical and Other Welfare Facilities primarily for the convenience or medical treatment of workers engaged in the zone.

Food Processing provided that any such industry discharging more than 0.425 litres/second/hectare of site area of processing water or effluents, subject to the provisos of Ordinance 76.0 (page 230) shall be permitted only in the area of this zone, north of a line defined as the northern side of Rogers Street produced in an easterly and westerly direction to the boundaries of the zone.

Living Quarters for Caretakers or Other Persons whose duties require that they live on the premises.

Public Reserves within the meaning of the Reserves Act 1977 and public recreation grounds including service buildings erected thereon.

41.20 CONDITIONAL USES

The following shall be the conditional uses in the Industrial 1 zone:

Any Industry, Activity or Storage facility other than those provided for as predominant uses (but excluding the wholesale storage, handling, filling, blending and distribution of fuel oil, petroleum, petroleum based products, natural gas and synthetic fuels) which is shown to provide a direct service to shipping, the Port or other harbour activity or which is shown to derive substantial benefits from a location adjacent to the Port or the Transport facilities otherwise located in the Industrial 1 zone or which substantially benefits the Port operation but not including any trade or industry listed in Appendix 2 unless the trade or process is modified to preclude offensive or dangerous elements.

Commercial Garages

Liquid Petroleum gas supply tanks

Licensed Hotels and Taverns

Panel-beating, chassis straightening, body building and spray painting in association with and on the same site as a commercial garage.

41.30 BULK AND LOCATION REQUIREMENTS

The following shall be the bulk and location requirements for buildings for all predominant and conditional uses in the I.1 zone (subject to the provisos relating to conditional uses contained in Ordinance 14.2, page 97).

Siting Requirements of Buildings and Landscaping

On sites fronting Haven Road, buildings shall be set back a minimum distance of two metres from the street boundary, provided that where a street widening line is imposed with respect to a particular site, then buildings shall be set back a minimum of two metres from the street widening line.

All the land between the line of minimum set-back required and either the street frontage or an imposed street widening line, whichever is the least in width, shall be landscaped to the approval of the Council, except for that land required for essential vehicular access to other parts of the site.

Maximum Building Height shall be 12 metres.

41.40 GENERAL REQUIREMENTS relating to buildings.

See Part 5 of these Ordinances (commencing page 207).

41.50 PROVISION OF OPEN SPACE FOR LIVING QUARTERS

See Part 5 of these Ordinances (commencing page 207).

41.60 VEHICULAR ACCESS, OFF STREET PARKING AND LOADING

Where sites fronting Haven Road have access available from other streets, vehicular access shall not be provided from Haven Road. For other requirements relating to access, off-street parking and loading, see Part 6 of these Ordinances (commencing page 219).

41.70 PERFORMANCE STANDARDS RELATING TO ALL USES

See Part 7 of these Ordinances (commencing page 229).

41.80 SIGNS AND ADVERTISING

See Part 8 of these Ordinances (commencing page 231).

41.90 SUBDIVISION OF LAND

See Part 9 of these Ordinances (commencing page 241).

## 44.0 BOULDER BANK CONSERVATION ZONE

44.10 PREDOMINANT USES

The following shall be the predominant uses in this Zone:

Except as provided below relating to works of the Nelson Harbour Board, the protection of the Boulder Bank in its natural state and passive and related uses thereto which do not disturb the formation of the Boulder Bank or which do not adversely affect the sensitivity of nesting areas and distinctive flora and fauna. Scientific study, recreational walking and fishing from the bank are recognised as suitable passive uses - no vehicles are permitted on the Boulder Bank except as necessary for works listed below.

The proposed fisheries outfall is deemed a predominant use as a public utility.

Any work which is necessary to safeguard life or restore navigation in emergency conditions or to safeguard the Boulder Bank from erosion or if it is under threat of breach or destruction under adverse natural conditions.

Only in the area from the Lighthouse southwards, works of the Nelson Harbour Board (including the dredging and consequential widening of the Harbour entrance and protective works and ancillary structures) necessary to maintain harbour navigation and navigation safety subject to the Boulder Bank being maintained as far as practicable in its natural state.

44.20 CONDITIONAL USES

The following shall be the conditional uses in this zone:

Works of the Nelson Harbour Board other than those listed as predominant uses.

## PART 5

## 51.0 GENERAL PROVISIONS

51.10 DEVELOPMENT OF LAND

Where any person proposes any development of land involving the erection of three new household units on a site, or the addition of two or more household units to existing residential development, or proposes to alter, add to, or erect a commercial or industrial building, where the value of the construction, erection or alteration will exceed \$100,000, such a proposal within the meaning of a development under the Local Government Act 1974, will be subject to the provisions of Part 9 of these Ordinances (Subdivision and Development, commencing page 241) in addition to any other relevant Ordinances that apply.

51.11 ERECTION OF BUILDINGS IN SPECIAL SUBDIVISIONAL AREAS

Where land has been included in an area delineated as "a special subdivisional area" on the planning maps, no buildings shall be erected thereon without the consent of the Council. The Council will consent to the erection of buildings only when it is satisfied that:

- (i) such buildings will not restrict the potential subdivision or development of the land;
- (ii) the ability to provide practical street access to that, or other land in the special subdivisional area is not impaired by the proposed building.

51.20 EXISTING UNDERSIZED SITES

Buildings will be permitted on non-conforming sites provided that the building and use thereof complies with all the relevant provisions of the scheme.

51.30 LAND TO BE SUITABLE FOR PROPOSED USE

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

51.40 SITING OF BUILDINGS AND COVERAGE GENERALLY

The permitted minimum distance of separation of buildings from site boundaries and the proportionate parts of the land which is permitted to be covered by buildings shall be those specified in these Ordinances, and no person shall so reduce or diminish any site, or cause or permit any site to be used, reduced or diminished, that the areas thereof that are not built over will be smaller than are prescribed by these Ordinances unless otherwise authorised by the Council under Ordinance 14.6 (page 100).

51.50 EFFECTS OF STREET WIDENING AND BUILDING LINES

Notwithstanding the above provisions, where the district scheme imposes a Street Widening Line or Building Line in respect of any site, that Street Widening Line or Building Line shall be deemed to be the street boundary of the site for the purposes of determining the siting of buildings. The part of the site between the street boundary and the Street Widening Line shall not be included in the area of the site in determining the maximum permitted site coverage for that site.

51.60 BUILDING LINE RESTRICTIONS

Existing building line restrictions imposed under any Act or Bylaw may require buildings to be set back a greater distance from the street boundaries than that otherwise required by these Ordinances. In any such case the Council will consider the cancelling of such building lines under Section 80 of the Act where they are no longer relevant to any possible street works. Where a building line is retained, the location of private garages between the street and building line restriction will be subject to the requirements of Section 340 of the Local Government Act 1974.

51.70 PROPOSED STREETS

A proposed street as designated on the planning maps shall be deemed to be street for the purpose of determining the permitted location of buildings in relation to boundaries. The area of the proposed street in any site shall not be included in the area of the site for the purposes of determining the maximum permitted coverage for that site, and in no case shall any building be erected on the proposed street.

51.80 ALTERATIONS TO EXISTING NON-CONFORMING BUILDINGS

An existing building which does not conform to any or all of the provisions of the district scheme relating to the zone in which it is situated, subject to the provisions of Section 91 of the Act, may be reconstructed, altered or added to if the reconstruction, alteration or addition does not increase the extent to which the building fails to conform to the provisions of this scheme and does not tend to prevent, or in the case of alteration or modification, does not tend to delay the effective operation of this scheme.

51.90 TEMPORARY BUILDINGS AND TEMPORARY USES OF LAND OR BUILDINGS

In any zone the Council may permit temporary buildings or temporary uses of land or existing buildings subject to such conditions as the Council may impose.

52.10 HEIGHTS OF BUILDINGS

The normal maximum height limitation for buildings and other structures are specified elsewhere in these Ordinances but those requirements are further subject to the following Ordinance 52.20 relating to the maximum height of any building or other object in relation to airport height restrictions.

52.20 AIRPORT HEIGHT RESTRICTIONS

In all areas adjacent to the airport, no structure or vegetation nor any part of a water-borne craft, nor any other object, shall be permitted to protrude into the air space above an imaginary plane connecting the contours as shown on the District Planning Maps, these contours being in metres and referring to heights above Nelson City Council datum.

In the area immediately outwards from the 40 metre contour, the height restriction control continues as an extrapolation of the plane surfaces defined by the contour lines to a height of 60 metres above the Nelson City Council datum.

Within the area beyond this 60 metre height contour and contained by the line shown on the planning maps or the City boundary, whichever is the nearer, no structure or radio mast or aerial will be permitted to exceed a height of 60 metres above Nelson City Council datum or 11 metres above ground level at the location of the structure or mast, whichever is the higher, without the approval of the Civil Aviation Division of the Ministry of Transport.

## 83.0 REGISTER OF BUILDINGS AND OTHER OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST AND TOWNSCAPE VALUE

### 83.10 Register

The register of buildings and other objects of historic or scientific interest and townscape value is included in paragraph 8.65 of the Scheme Statement (page 67).

### 83.11 Preservation of Registered Buildings and Other Objects

Except as provided in the Boulder Bank Conservation Zone (page 205) and except in the manner provided below, no person or body shall alter or wilfully destroy, remove or damage any building or other object included in the "Register of Buildings and Other Objects of Historic or Scientific Interest or Natural Beauty".

### 83.12 Minor Works on Registered Buildings

Works on any Registered building shall be limited to:

- (i) The redecoration and restoration of any original material or design detail provided it is carried out in the same design and materials as close as practicable to the original materials used.
- (ii) With the consent of the Council, minor works of alteration or addition which are in character with, and do not adversely affect the building or any feature of the building.

### 83.13 Major Alterations to Registered Buildings

Major alterations or additions to a registered building which still retain the essential character and features of such a building require the Council consent to a conditional use application under Section 72 of the Act.

### 83.14 Other Major Alterations, Demolition or Removal of Registered Buildings and other Objects of Historic Interest

No major alteration which destroys the character or historic significance of any registered building and no removal or demolition of any building or other object of historic or scientific interest shall be permitted while such building or object remains listed in the register.

### 83.15 Procedure for Removing Buildings and Objects of Historic or Scientific Interest from the Register

A building or other object of historic or scientific interest may only be removed from the register by consent to a conditional use application under Section 72 of the Act. The Council will carry out the conditional use procedure where any owner requests the deletion of such a registered building or object. In reaching a decision whether to remove the listing the Council will have regard to the requirements of Section 72 of the Act, the classification if any, of the Historic Places Trust and other matters referred to in paragraph 8.50 of the Scheme Statement.

### 83.16 Special Provisions Relating to Haulashore Island

Compliance with the provisions of the Management Plan for Haulashore Island (reproduced as Appendix 10 in this District Scheme) shall be deemed to be compliance with the provisions of Ordinance 83.11 above.

**Note:** The Management Plan was approved by the Council on 8 July 1981 under Section 41 of the Reserves Act 1977 and agreed to by the Nelson City Council, the Nelson Harbour Board and the Lands and Survey Department being administrators of parts of the Island.

# HAULASHORE ISLAND MANAGEMENT PLAN

## INTRODUCTION

Haulashore Island is administered partly by the Nelson Harbour Board, partly by the Department of Lands and Survey and partly by the Nelson City Council. It played an important part in the early history of Nelson and contains archaeological sites protected under the Historic Places Act 1980, and an unmarked grave. It has a significant role in protecting the harbour from wind and waves and is used for group camping and casual water-based recreation. This management plan refers to the whole island above high water mark plus the lagoon.

## OBJECTIVES

1. To maintain the island and the vegetation on it so that it shelters the harbour from wind and waves.
2. To manage the island as a whole to be a scenic feature as seen from the mainland and to be a screen between the Port facilities and Tahuna Beach.
3. To manage and as necessary develop the island and the lagoon as an informal area for water based recreation and for organised group camping, for the benefit of the citizens of Nelson and visitors to the City.

## POLICIES

### 1. CO-ORDINATION

Close co-operation between the various administrators of the island will ensure that it is managed as one unit for the benefit of the Port and the people of Nelson.

Comment: Artificial demarcation of property boundaries would detract from the use and the appearance of the island.

### 2. HARBOUR WORKS AND NAVIGATION AIDS

Works or construction necessary for the continued wellbeing of the island and of the Port of Nelson and its approaches shall be undertaken, and such navigation aids and ancillary equipment as are required shall be erected and maintained, in a manner that complements the natural informal character of the island.

### 3. ARCHAEOLOGICAL SITES

Care shall be taken during any excavation to ensure that protected archaeological sites are not disturbed without appropriate studies.

Comment: Section 9(f) Historic Places Act 1980, lays down specific procedures on discovery of such archaeological sites, which include the immediate cessation of excavation.

### 4. PUBLIC USE AND ACCESS

There shall be free public access to all of the island for informal recreation at all times except when temporary exclusion from areas during harbour work or other maintenance work is necessary. Organised group camping shall be subject to the consent of the Nelson City Council.

5. BUILDINGS AND FACILITIES

Only those buildings and facilities required for the maintenance of the island for harbour works and navigation aids and for the wellbeing of users of the island may be located on the island. Such buildings and facilities shall be of a location, size and design that complements the overall character of the island.

Comment: Recreation facilities should be limited to basic amenities only, such as toilets, water supply and shelters and barbecue pits.

6. VEGETATION

6.1 Existing Trees

The existing pine trees shall be retained as a shelter belt along the western side of the island and further pines shall be planted over time to ensure that as existing shelter belt trees become damaged due to old age, replacements will already be well established.

Comment: The pine trees shelter the island and the harbour and screen the port from users of Tahuna Beach.

6.2 Amenity Planting

The shelter trees shall be augmented by amenity planting of coastal trees and shrubs to provide shelter and shade for users of the island, and for wildlife.

Comment: Part of the island was donated to the people of Nelson by Captain and Mrs Moncrieff, keen lovers of the New Zealand bush and wildlife, and planting should be designed to be a tribute to their generosity.

6.3 Unwanted Vegetation

Noxious weeds and other unwanted vegetation shall be controlled to maintain areas for public and group use.

7. NOXIOUS ANIMALS

The numbers of noxious animals shall be controlled to a level that does not cause a health hazard to users of the island, or undue damage to vegetation.

Comment: The island has suffered in the past from infestations of rats and rabbits.

8. FIRES

Fires may be lit only in the fireplaces provided or below high water level and only when permitted by fire season regulations in force in the district.

Comment: The risk of fires destroying the island's vegetation is high during the summer months.

9. HISTORICAL INTERPRETATION

Consideration shall be given to the provision of information on the history of the island for the benefit of users of the island.

Comment: The island has considerable historical value, dating back to the earliest settlement of Nelson.

10. LITTER

No litter or rubbish shall be left on the island except in receptacles provided for the purpose.

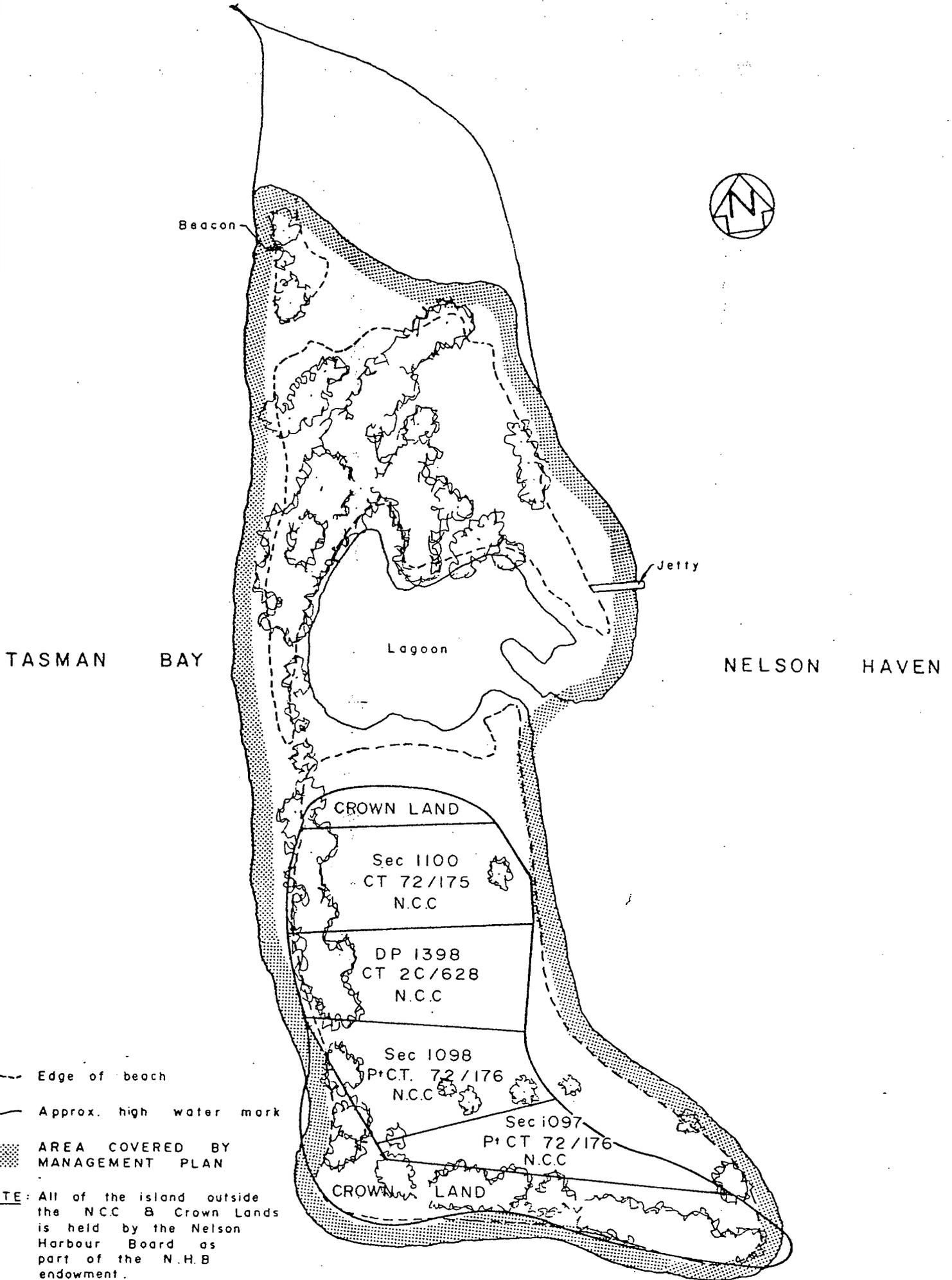
Comment: Rubbish receptacles should be emptied at regular intervals.

11. MAINTENANCE AND REPAIR OF BOATS

Those parts of the island below high water mark may be used for the maintenance and repair of pleasure boats, provided that they remain on the island for no more than one tide cycle and that no litter or other evidence of the activity is left.

Comment: The shores of the island have been used for this purpose since the early days of settlement.

# HAULASHORE ISLAND



such other matters as may be specified in that behalf of any regulations in force under this Act.'

4. Note: Proposed Change to para 8.30 of Scheme Statement withdrawn following a legal opinion. Refer Scheme Change 43.

5. Add after paragraph 8.33 (on page 64) the following:

'8.34 Industrial 1 (port) Zone

This zone is located primarily on the reclaimed area

north of Haven Road. The zone is both a public area in its recreation value and an industrial area in its port related activities.

Banks and commercial garages are controlled uses in this zone to ensure that a reasonable standard of appearance is maintained and that vehicle access to and from sites does not compromise safety and efficiency of major traffic routes and intersections.

8.35 Industrial 2 Zone

Industrial 2 zones are spread throughout the City and mainly exist close to Residential Zones or major traffic routes. Controlled uses in this zone will be required to establish and maintain a reasonable standard of appearance to Residential Zones and major traffic routes and will also be expected to design their access systems so that the safety and efficiency of major traffic routes are not compromised.

Conditions of approval for controlled uses in this zone may require landscaping of grounds, painting or other treatment. Also conditions may include special parking, loading, access and circulation provision to be made.

8.36 Industrial 3 Zone

The Industrial 3 zone is located in Tahunanui and is bounded or intersected by 4 major roads; Bolt Road, Parkers Road, Quarantine Road and State Highway 6.

Uses which have a wide variety of forms and intensities have been made controlled uses in this zone to ensure their access requirements have regard to the safety and efficiency of the road network and to maintain a reasonable standard of appearance to the roads which form major links to the airport.

Conditions of approval for controlled uses may include landscaping, screening of grounds, painting or other treatment of structures. Conditions may also include special parking, loading, access and circulation provisions.

AMENDMENTS TO PART 4 OF THE ORDINANCES

1. INDUSTRIAL 1 (PORT) ZONE

- a) In Ordinance 41.10 (page 195) delete 'Slipways, Graving Docks and Dry Docks, Ship and Boat Building maintenance and repairs and substitute:

'Slipways, Graving Docks, and Dry-docks, Ship and Boat Building maintenance and repairs including sail making and upholstery associated with ship and boat building maintenance and repairs.'

- b) In Ordinance 41.10 (page 195) delete 'Administrative Offices incidental to and on the same site as any of the predominant uses' and substitute:

'Administrative offices and support services incidental to, on the same site as and for the sole utilization of the principal predominant use.'

- c) In Ordinance 41.10 (page 195) delete 'Dairies, Take-aways Food Shops and Restaurants in all cases not exceeding 100m<sup>2</sup> gross floor area and substitute:

'Dairies, Takeaway Food Shops and Restaurants in all cases not exceeding 100m<sup>2</sup> gross floor area (excluding the area required by this scheme for a loading bay, if provided internally in the main building).'

- d) In Ordinance 41.10 (page 195) delete the clause beginning:

'Food Processing provided that...' and ending '...and westerly direction to the boundaries of the zone' and substitute:

'Food Processing only in the area of this zone, north of a line defined as the northern side of Rogers Street produced in an easterly and westerly direction to the boundaries of the zone.'

- e) In Ordinance 41.10 (page 195) add to the list of predominant uses:

'Trade Union Offices'.

- f) Add the following Ordinance:-

'41.20 CONTROLLED USES

Administrative offices and support services incidental to, on the same site as and for the utilization of the principal controlled use.

Banks and Electronic Banking Facilities not exceeding 100m<sup>2</sup> gross floor area (excluding

the area required by this scheme for a loading bay, if provided internally.)

Commercial Garages including panel beating, chassis straightening, body building and spray painting on the same site, but excluding the storage or sale of liquified or compressed hydrocarbon gases.

Licensed hotels and taverns'.

Postal facilities'

g) Delete the following: '41.20 CONDITIONAL USES and substitute:

'41.25 CONDITIONAL USES'.

h) In this Ordinance delete the following conditional uses:-

Commercial Garages

Petroleum Gas Supply Tanks

Licensed Hotels and Taverns

Panel Beating, Chassis Straightening, body building and spray painting in association with and on the same site as a commercial garage.

i) In the new Ordinance 41.25 (Conditional Uses) add the following use:

'Any use involving the storage, sale, supply, transfer or reticulation of compressed or liquified hydrocarbon gases, except as permitted under the use 'support services'.

# CITY OF NELSON DISTRICT SCHEME 1982

## PROPOSED SCHEME CHANGE NO. 40

Add to the Scheme Statement of the City of Nelson District Scheme following paragraph 5.41 (page 27) the following:

5.42 Urban Development and Zoning - Whangamoā Ward:

5.421 In September 1989 scheme changes have been carried out to zone areas formerly zoned Rural A and Rural C in the Waimea County Scheme (former Whangamoā Riding) for residential and industrial (resource processing) purpose and to designate future reserve features..

These changes cancel the Waimea County District Scheme over the areas rezoned and incorporate the rezoned areas as territorial additions to the Nelson City District Scheme as shown on Planning Maps No. 1A, 6 and 7.

Land which is not zoned or designated on these map amendments remains subject to the zoning and relevant provisions of the Waimea County District Scheme which was declared operative on 31 March 1989.

5.422 Purpose of Changes

The zoning proposals result from recommendations contained in the Nelson Urban Growth Study commissioned by the Nelson Bays United Council and carried out in 1985/86 by a team of technical officers representing the then Ministry of Works and Development, Ministry of Agriculture and Fisheries and territorial local authorities (Nelson City Council, Waimea County Council and Richmond Borough).

The purpose of the Study was to re-examine the findings of the 1977 Urban Growth Study which had concluded that urban growth to the south of Nelson's boundary and north of the present edge of Richmond was undesirable and unnecessary.

The terms of reference for the later 1986 study included quantifying the benefits and costs of urban development options of Nelson City and Richmond including expansion in the "green belt" between the two urban areas. A preferred expansion option was to be arrived at and a recommendation made as to whether or not the "green belt" should be adopted as a firm regional planning proposal.

5.423

#### 1986 Study Objectives

The following objectives were determined as being criteria that an urban growth strategy should meet:

1. To accommodate growth within the Nelson Urban Area over the next 20 years in a form that maximises the use of existing facilities and services while balancing the location of residential and employment areas.
2. To enhance the coastal environment adjacent to existing and future urban areas and ensure that coastal areas are retained as an accessible recreational asset and where appropriate for the promotion of wildlife values.
3. To recommend a strategy which maintains a wide range of choice in housing location and landscape settings.
4. To avoid any tendency that might lead to sporadic development or undue encroachment on to highly versatile rural land with high productive potential.
5. To avoid areas of known hazards including flooding and landslip.

principle. This could save later delays in concept or scheme plan approval.

d) Reserve Linkages and Buffers

Designations have been placed along the banks of Orchard and Orphanage Creek for proposed Esplanade Reserves and for a recreation reserve along the former railway line southwards to Saxtons Road. Where practicable reserves should be located adjacent to or with access from these facilities to provide a series of pedestrian paths clear of the major roads.

A reserve buffer area has been designated at the boundary of the Industrial 4 Zone west of Nayland Road.

e) Coastal Esplanade Reserve

In the normal process of land subdivision and development the Council requires the provision of an esplanade reserve around the edge of the Waimea Estuary as provided under Section 289 of the Local Government Act. However, this cannot be practically implemented until the decisions are made on the position and construction of the proposed southern arterial highway. A route is designated for a highway on the Waimea County District Planning maps. This designation has been repeated in these scheme changes, but may be changed as a consequence of final decisions on the highway.

The normal esplanade reserve may be impractical having regard to the location of

the highway. Accordingly the Council may require deferment under bond of any such reserve until the highway situation is resolved, in any subdivision a development where this would be a normal requirement.

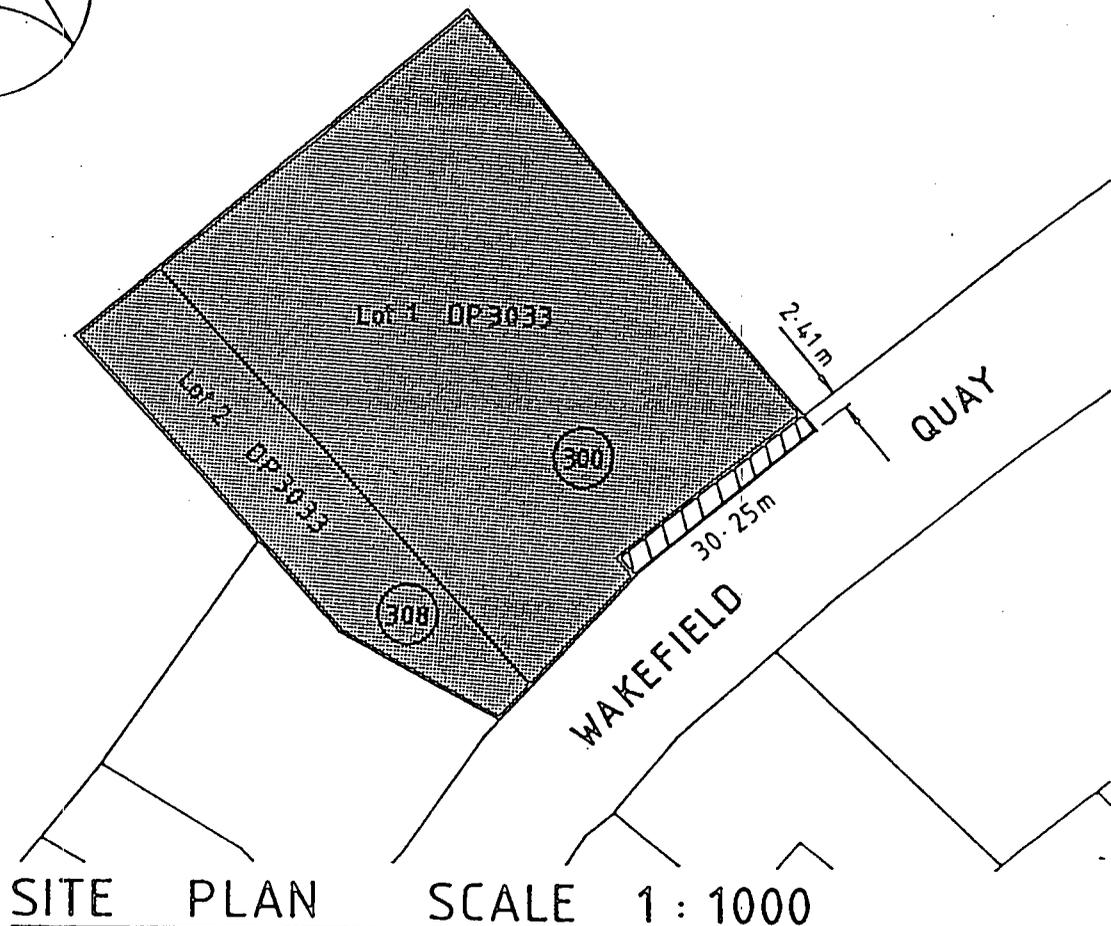
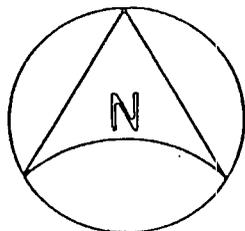
Under the Act coastal esplanade reserves are normally established 20 metres from the mean high water mark. In this part of the Waimea Estuary the mean high water mark may be over 20 metres seaward of the top of the existing bank marking the estuary edge. Accordingly, under normal reserves contribution policy the Council may require widened esplanade reserves to take in a reasonable amount of land at the estuary edge to provide for future public access above high tide levels.

# CITY OF NELSON

## DISTRICT SCHEME CHANGE N° 47A

47

Pursuant to a Requirement of The Department of Scientific & Industrial Research Under Section 123 of The Town & Country Planning Act 1977.



Area designated - 'For SCIENTIFIC RESEARCH PURPOSES' (Refer SC 47)



Area designated - 'For SCIENTIFIC RESEARCH PURPOSES' Subject to conditions listed over page.

LEGAL DESCRIPTION: SO 9715

ADDRESS: 300 Wakefield Quay. ( Road Reserve )

PUBLICLY NOTIFIED: 11th August 1990

EFFECTIVE DATE: 19th July 1991

REFERENCES: 'NCC E03 - 45

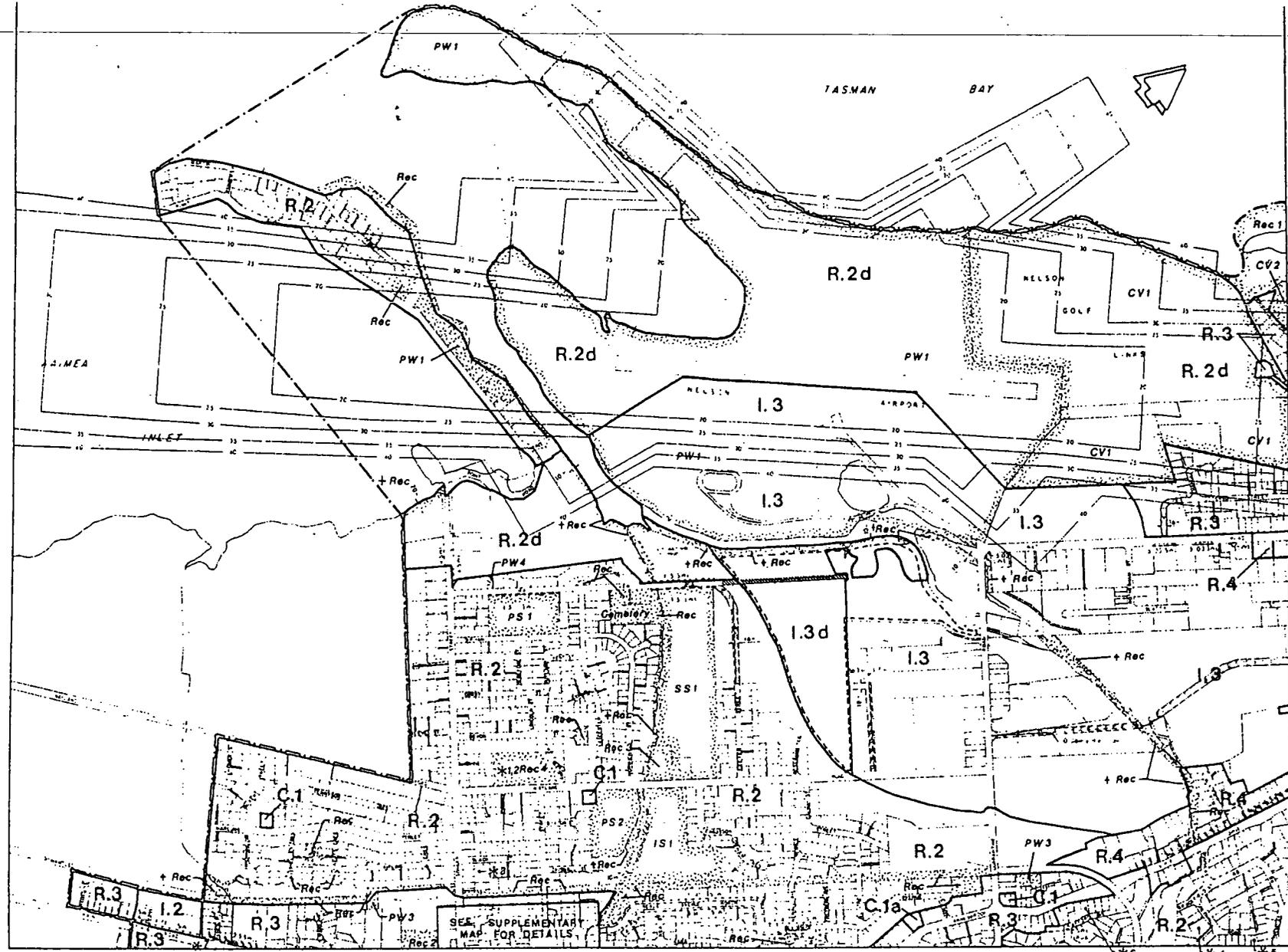
INSTRUCTIONS: Insert at the back of the Scheme in Planning Map Section between Maps 2 & 3

CONDITIONS TO THE DESIGNATION OF  
300 & 308 WAKEFIELD QUAY  
FOR DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH:  
MARINE LIFE AND SEAFOOD RESEARCH PURPOSES.

The above designation which became effective on the 19th of July 1991 is conditional on:-

i) The proposed work meeting the Performance Standards for the Industrial 1 Zone, contained in Part 7 of the City of Nelson District Scheme; and

ii) The proposed work meeting the parking, loading and access provisions of Part 6 of the City of Nelson District Scheme and for the purpose of loading requirements the use shall be deemed to be similar to manufacturing premises.



**ZONES**

RESIDENTIAL	R.1 to R.5
RESIDENTIAL SPECIAL	R.3sp to R.5sp
RESIDENTIAL DEFERRED	R.2d to R.5d
RURAL RESIDENTIAL	RU
COMMERCIAL	C.1 to C.5
INDUSTRIAL	I.1 to I.3 & I.3

**SYMBOLS**

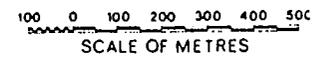
CITY BOUNDARY	---
ZONE BOUNDARY	---
SPECIAL SUBDIVISIONAL AREA BOUNDARY	---
DESIGNATED AREAS (SEE SEPARATE SHEET FOR LEGEND)	[Pattern]
PROPOSED	+
PROPOSED STREET WIDENING LINES	[Pattern]
STREET FRONTAGE DESIGNATED FOR TOURIST ACCOMMODATION	[Pattern]
RETAIL FRONTAGE STREETS	[Pattern]
PROPOSED SERVICE LANES	[Pattern]
PROPOSED STREET	[Pattern]
STREETS PROPOSED TO BE STOPPED	[Pattern]
AIRPORT HEIGHT RESTRICTION CONTOURS	[Pattern]
CARPAK	[Pattern]
PROPOSED RECLAMATION	[Pattern]
OBJECTS, PLACES OF HISTORICAL OR SCIENTIFIC INTEREST, OR NATURAL BEAUTY	*
DISTANCE TO STANDARD TRAVERSE LINE	S.T.L.

**RECOMMENDED OPERATIVE**

1	2	3
4	5	6
7	8	9

SHEET 1

INDEX TO ADJOINING SHEETS



**CITY OF NELSON DISTRICT SCHEME THIRD REVIEW**

**DESIGNATIONS FOR PUBLIC WORKS**

P.A.1	Nelson Airport
P.W.2	Post Office Site
P.W.3	Tasman Electric Power Board Substation
P.W.4	Store Postmasters Residence 1310 Seaview Road

**DESIGNATIONS FOR PRIMARY SCHOOLS**

PS1	Brimwood Primary School
PS2	Nayland Primary School

**DESIGNATIONS FOR INTERMEDIATE SCHOOLS**

IS1	Broadgreen Intermediate School
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**DESIGNATIONS FOR SECONDARY SCHOOLS**

SS	Nayland College
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**COMMUNITY VALUE**

CV1	Nelson Golf Links
CV2	Tanahutu Motor Camp

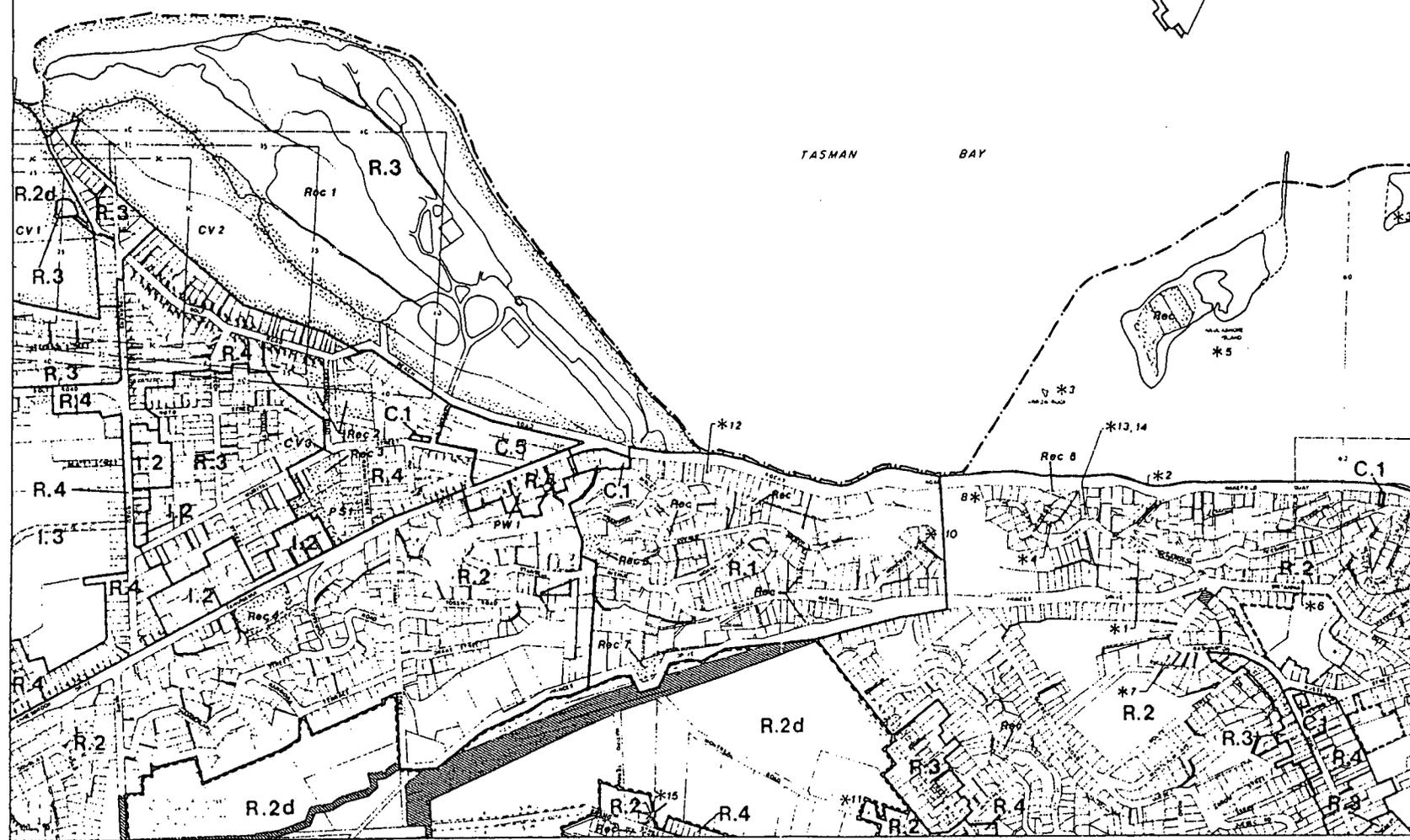
**RECREATIONAL AREAS**

Rec 1	Tanahutu Lands Reserve
Rec 2	Marsden Recreation Ground
Rec 3	Nayland Park Swimming Complex
Rec 4	Broadgreen Rose Garden

RESIDENTIAL	R.1 to R.5
RESIDENTIAL SPECIAL	R.3sp to R.5sp
RESIDENTIAL DEFERRED	R.2d to R.5d
RURAL RESIDENTIAL	RU
COMMERCIAL	C.1 to C.5
INDUSTRIAL	I.1 to I.3

**SYMBOLS**

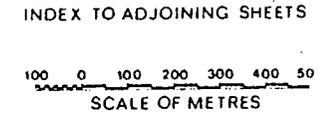
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ZONE BOUNDARY	---
SPECIAL SUBDIVISIONAL AREA BOUNDARY	---
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PROPOSED	+
PROPOSED STREET WIDENING LINES	[Pattern]
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RETAIL FRONTAGE STREETS	[Pattern]
PROPOSED SERVICE LANES	[Pattern]
PROPOSED STREET	[Pattern]
STREETS PROPOSED TO BE STOPPED	[Pattern]
AIRPORT HEIGHT RESTRICTION CONTOURS	[Pattern]
CARPARK	[Pattern]
PROPOSED RECLAMATION	[Pattern]
OBJECTS, PLACES OF HISTORICAL OR SCIENTIFIC INTEREST, OR NATURAL BEAUTY	*
DISTANCE TO STANDARD TRAVERSE LINE	S.T.



RECOMMENDED OPERATIVE

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SHEET 2



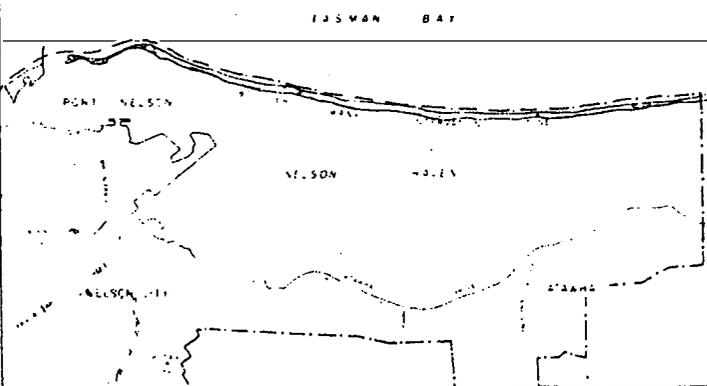
**CITY OF NELSON DISTRICT SCHEME THIRD REVIEW**

DESIGNATIONS FOR PUBLIC WORKS  
 P.W. Post Office Telephone Exchange

DESIGNATIONS FOR PRIMARY SCHOOLS  
 P.S. Tahunanui Primary School

COMMUNITY VALUE  
 C.V. 1 Nelson Golf Links  
 C.V. 2 Tahunanui Motor Camp  
 C.V. 3 Tahunanui Kindergarten

RECREATIONAL AREAS  
 Rec 1 Tahunanui Sands Reserve  
 Rec 2 Centennial Park  
 Rec 3 Burrell Park  
 Rec 4 Tussell Recreation Ground  
 Rec 5 Paddy's Knob  
 Rec 6 Park Reserve  
 Rec 7 Piers Park



RESIDENTIAL	R.1 to R.5
RESIDENTIAL SPECIAL	R.3sp to R.5sp
RESIDENTIAL DEFERRED	R.2d to R.5d
RURAL RESIDENTIAL	RU
COMMERCIAL	C.1 to C.5
INDUSTRIAL	I.1 to I.3

**SYMBOLS**

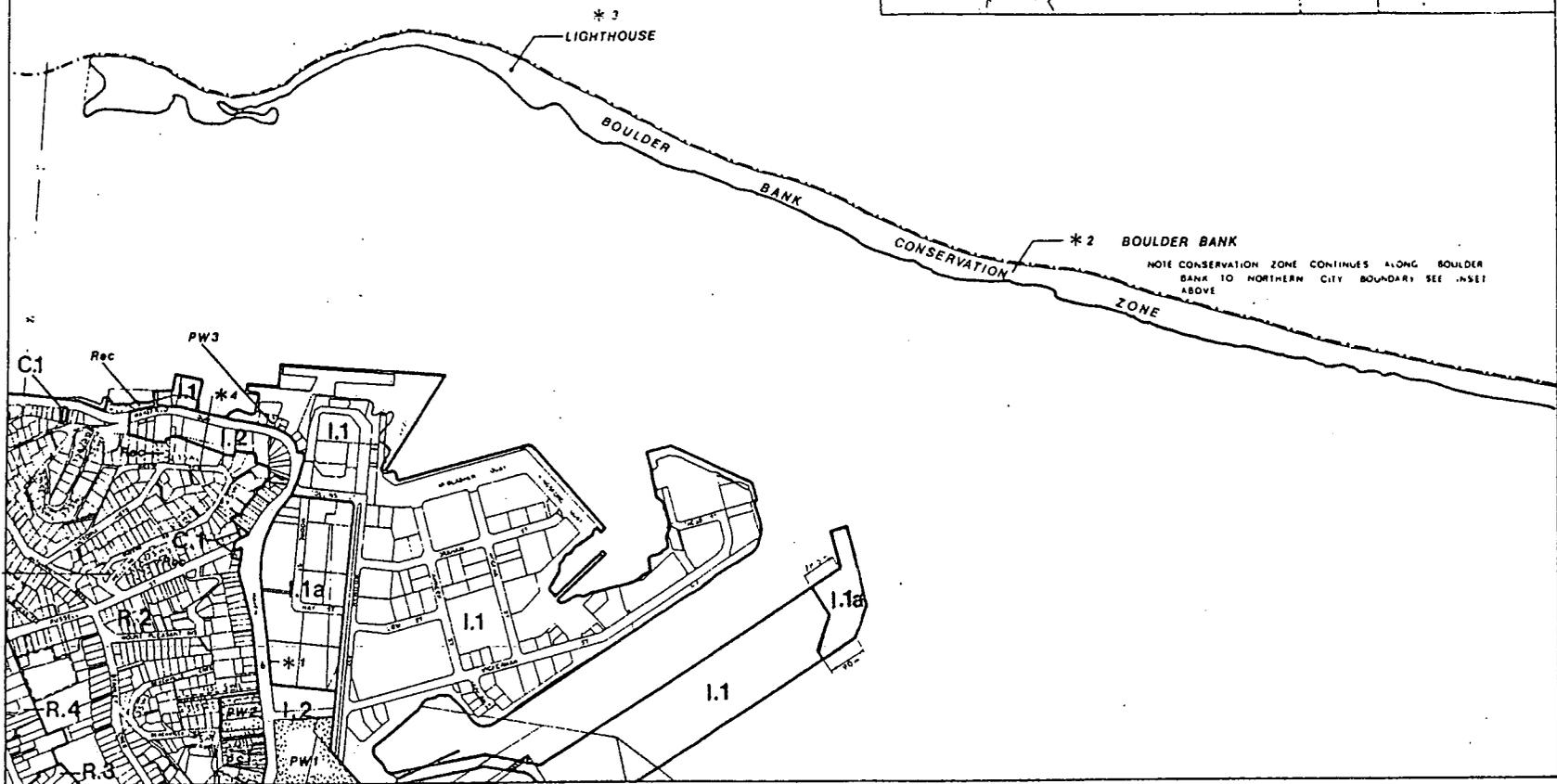
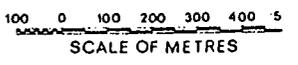
- CITY BOUNDARY
- ZONE BOUNDARY
- SPECIAL SUBDIVISIONAL AREA BOUNDARY
- DESIGNATED AREAS (SEE SEPARATE SHEET FOR LEGEND)
- PROPOSED
- PROPOSED STREET WIDENING LINES
- STREET FRONTAGE DESIGNATED FOR TOURIST ACCOMMODATION
- RETAIL FRONTAGE STREETS
- PROPOSED SERVICE LANES
- PROPOSED STREET
- STREETS PROPOSED TO BE STOPPED
- AIRPORT HEIGHT RESTRICTION CONTOURS
- CARPARK
- PROPOSED RECLAMATION
- OBJECTS, PLACES OF HISTORICAL OR SCIENTIFIC INTEREST, OR NATURAL BEAUTY
- DISTANCE TO STANDARD TRAVERSE LINE

RECOMMENDED OPERATIVE

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4	5	6	7
	8	9	

SHEET 3

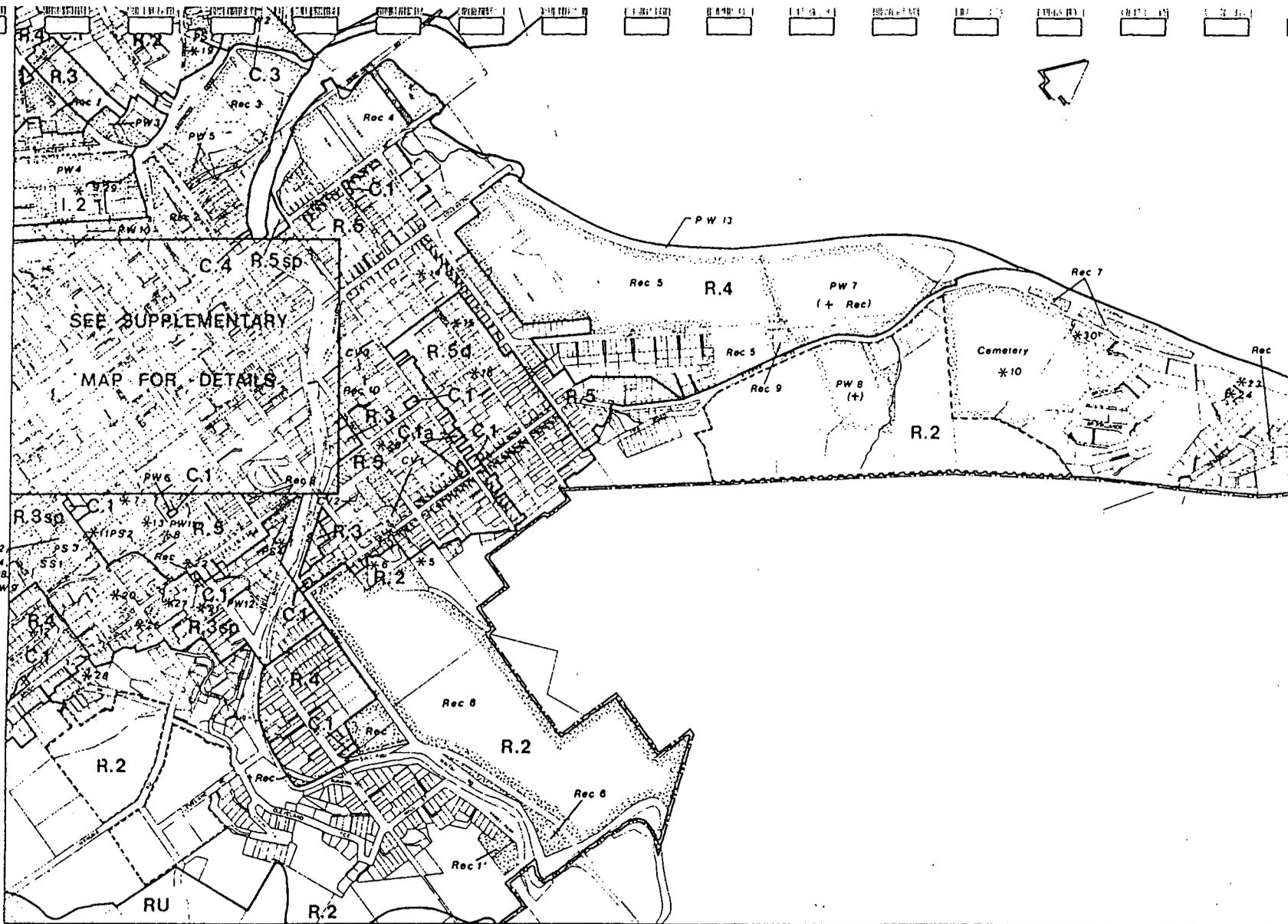
INDEX TO ADJOINING SHEETS



**CITY OF NELSON DISTRICT SCHEME THIRD REVIEW**

DESIGNATION FOR PUBLIC WORKS  
 PW 1 Nelson City Council Works Department Depot  
 PW 2 Nelson City Council Gasworks  
 PW 3 Port Nelson Post Office

DESIGNATIONS FOR PRIMARY SCHOOLS  
 PS 1 Auckland Point School



RESIDENTIAL SPECIAL	R.3sp to R.5
RESIDENTIAL DEFERRED	R.2d to R.5
RURAL RESIDENTIAL	RU
COMMERCIAL	C.1 to C.5
INDUSTRIAL	I.1 to I.3

**SYMBOLS**

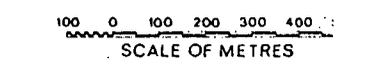
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AIRPORT HEIGHT RESTRICTION CONTOURS	[Symbol]
CARPARK	[Symbol]
PROPOSED RECLAMATION	[Symbol]
OBJECTS, PLACES OF HISTORICAL OR SCIENTIFIC INTEREST, OR NATURAL BEAUTY	[Symbol]
DISTANCE TO STANDARD TRAVERSE LINE	S.T.

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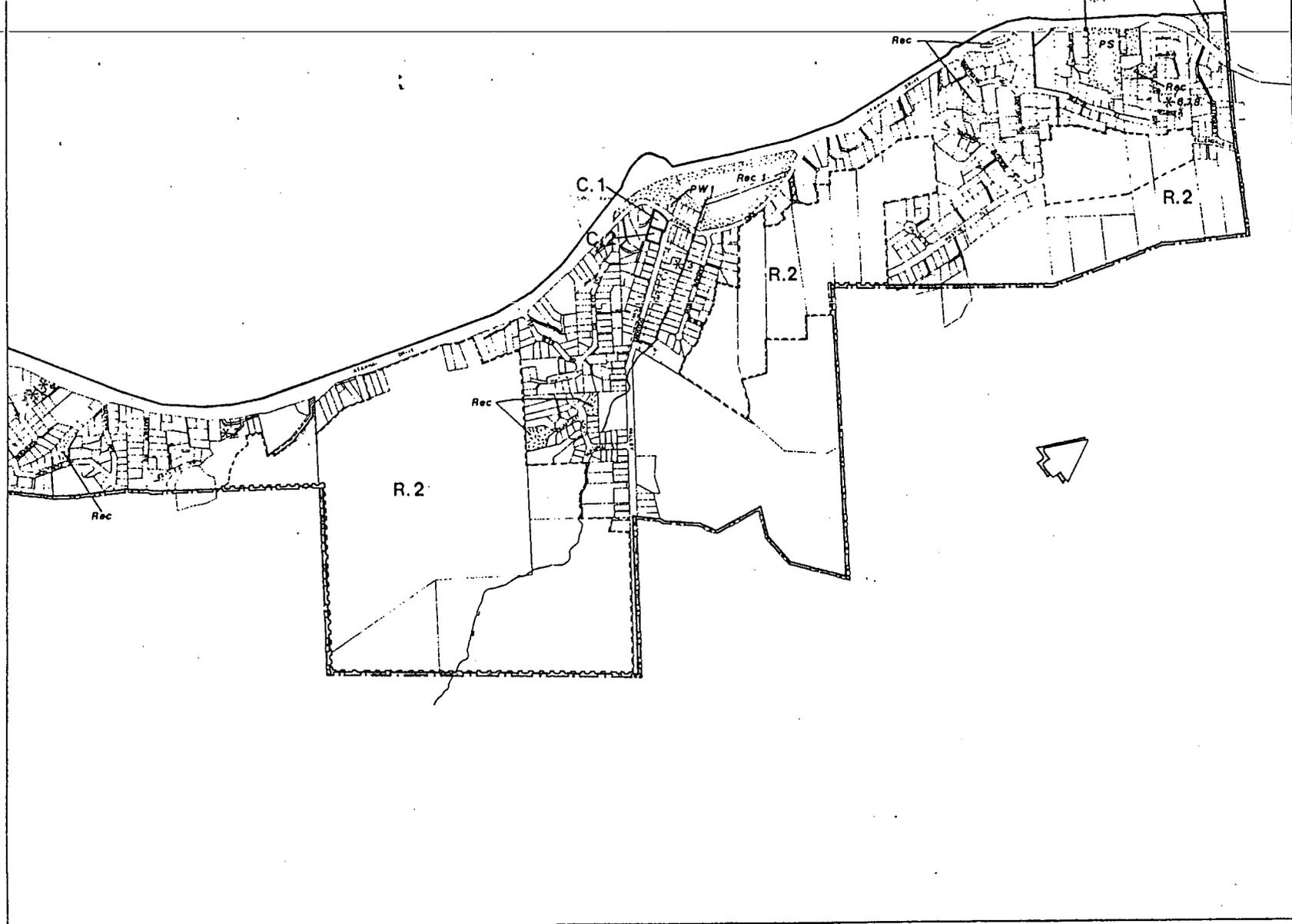
SHEET 6

INDEX TO ADJOINING SHEETS



**CITY OF NELSON DISTRICT SCHEME THIRD REVIEW**

DESIGNATIONS FOR PUBLIC WORKS	DESIGNATIONS FOR SECONDARY SCHOOLS	COMMUNITY VALUE	RECREATIONAL AREAS	DESIGNATIONS FOR PRIMARY SCHOOLS
PW 1 Nelson City Council Gasworks	PW 10 Defence Purposes (arm hall)	CV 1 Courtown Institute	Rec 1 Pioneer Park	PS 1 Auckland Park School
PW 2 Nelson City Council Works Department Depot	PW 11 Nelson Polytechnic	CV 2 McAlister Bowling Club (private Rec)	Rec 2 Anzac Park	PS 2 Central School
PW 3 Nelson City Council Energy Department Depot	PW 12 Stream Control Works (See App 12)	CV 3 Grace Street Kindergarten	Rec 3 Rutherford Park	PS 3 St Joseph School
PW 4 Government Depot	PW 13 Highway Purposes (Northern Outlet)		Rec 4 Trafalgar Park	PS 4 Marlborough School
PW 5 No 2 Fire Service Station			Rec 5 Teasdale Park	
PW 6 Nelson East Post Office			Rec 6 Belmont Reserve & Brantford Park	
PW 7 Nelson City Council Refuse Disposal			Rec 7 Myrtle Park	
PW 8 Proposed Quarry Site			Rec 8 Queens Gardens	
PW 9 Occupational Centre			Rec 9 Marlborough Park (private Rec)	



RESIDENTIAL SPECIAL	R.3ap to R.5a
RESIDENTIAL DEFERRED	R.2d to R.5b
RURAL RESIDENTIAL	RU
COMMERCIAL	C.1 to C.5
INDUSTRIAL	I.1 to I.3

**SYMBOLS**

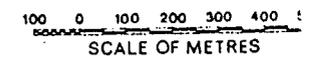
CITY BOUNDARY	—
ZONE BOUNDARY	- - -
SPECIAL SUBDIVISIONAL AREA BOUNDARY	- · - · -
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RETAIL FRONTAGE STREETS	[Symbol]
PROPOSED SERVICE LANES	[Symbol]
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STREETS PROPOSED TO BE STOPPED	[Symbol]
AIRPORT HEIGHT RESTRICTION CONTOURS	[Symbol]
CARPARK	[Symbol]
PROPOSED RECLAMATION	[Symbol]
OBJECTS, PLACES OF HISTORICAL OR SCIENTIFIC INTEREST, OR NATURAL BEAUTY	[Symbol]
DISTANCE TO STANDARD TRAVERSE LINE	S.1

RECOMMENDED OPERATIVE

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SHEET 7

INDEX TO ADJOINING SHEETS



**CITY OF NELSON DISTRICT SCHEME THIRD REVIEW**

DESIGNATIONS FOR PUBLIC WORKS	DESIGNATIONS FOR PRIMARY SCHOOLS	RECREATIONAL AREAS
P.W. Post Office Telephone Exchange	P.S. Clifton Terrace School	Rec. 1 Corder Park

# MARLBOROUGH DISTRICT COUNCIL

## 1. Marlborough Division District Scheme (Including Marlborough Sounds)

(Operative May 1982)

Scheme zonings will apply to parts of the coastal marine area lying between MHW and MHWS. The areas involved will be negligible in most cases, except in estuarine areas such as:

Vernon lagoons	Okiwa Bay
Whatamango Bay	Pelorus/Kaituna estuary
Mahakipawa Arm	Mahau Sound
Kenepuru Head	Nydia Bay
Whangarae Bay	

Rural zonings will generally apply in these areas, but the permitted uses will be of limited practical relevance to 'land' seaward of MHWS. Included here are:

	Page	Section	Topic
<u>Ordinances:</u>	31-41	C1 3	Rural A & B Zones
	47-51	C1 4	Residential B & C Zones
	70	V 1.1	Land to be Suitable for Proposed Use

Maps.

## 2. Wairau Plains Section District Scheme

(Operative October 1990)

Rural A zoning applies to the coastal land in this section of the District Scheme.

	Page	Section	Topic
<u>Ordinances:</u>	35	250	Rural A Zone

Map.

## 3. Awatere Division - District Scheme Review No 1

(Operative May 1983)

Rural zoning applies to the coastal land in this section of the District Scheme.

	Page	Section	Topic
<u>Ordinances:</u>	14		Rural Zone

Maps.



# COUNTY OF MARLBOROUGH

## MARLBOROUGH DIVISION DISTRICT SCHEME

CLAUSE 3 - RURAL ZONING

3.1 Rural A Zone

3.1.1 Predominant Uses - The predominant uses be

3.1.1.1 Farming, racing stables, and boarding kennels excepting -

- (a) The housing of birds, animals or bees in any building or enclosure within thirty metres from any residential building or less than twelve metres from any boundary of the site and -
- (b) The housing or keeping of pigs or poultry for commercial purposes within forty-five metres from any one of the following :
  - (i) The boundary of a residential, industrial or commercial zone, or
  - (ii) Any boundary of the site, or
  - (iii) Any dwelling, or
  - (iv) Any dairy or building occupied or used for the preparation, storage or sale of food for human preparation, storage or sale of food for human consumption.

3.1.1.1 Commercial Forestry : Provided that Commercial Forestry shall not be a predominant use :

- (a) On land within 300 metres of the boundary of a residential zone measured at right angles to the boundary of such zone.
- (b) On land within a radius of seventy metres of the intake point of a domestic water supply, such radius to encompass the required portion of the circumference of a circle as is necessary to protect the water flowing down the lie of the land into the intake point; except that in cases where the intake point on any domestic water supply is nearer to the crest line of a catchment than seventy metres, the crest line of the catchment shall be substituted for the distance of seventy metres.

- (c) On land within twenty metres of any formed public road.
- (d) Except with the consent in writing of the adjoining owner and occupier, such consent to be deposited with the Council, on land within 20 metres of an adjoining property boundary.
- (e) On land of land use capability Class I, II, III, IV or VIII as defined in the 'New Zealand Handbook for the Classification of Land' and the New Zealand Land Resource Inventory Worksheets produced for the National Water and Soil Conservation Organisation by the Water and Soil Division of the Ministry of Works and Development.
- (f) On sites having historic, scientific or archaeological significance.
- (g) On all land to the north of the Wairau River which does not have access to any State Highway but not including land which is part of the Northbank scheme as defined on the map included as Appendix VIII of the Code of Ordinances or the extension of that area shown on the same map as an area for commercial afforestation as a predominant use.
- (h) In Rural A zones within the Marlborough Sounds area.

SCHEME  
CHANGE  
82/4

BALANCE  
DELETED BY  
SCHEME  
CHANGE  
83/5

3.1.1.3

Parks and Scenic Reserves :

3.1.1.4

Vineyards : Vineyards shall be a use as of right on all land south of the Wairau River, together with that area of land between the Wairau River and Wairau Diversion.

SCHEME CHANGE 82/7

## 3.1.1.5 Dwellinghouse provided that :

- (a) This provision does not apply to land within the Marlborough Sounds and defined on Appendix VII of the Code of Ordinances, where the provisions of Ordinances 3.1.2.16 will apply.
- (b) That the Council is wholly satisfied that the site is suitable for the disposal thereon of sewerage effluent by means of septic tank or other approved system and that any septic tank system installed on a suitable site complies with the Drainage and Plumbing Regulations 1959, N.Z.S.S. 758 and N.Z.C.P. 44 and it is maintained in accordance with N.Z.C.P. 45.
- (c) The site has proper physical and legal access to enable vehicles to be driven onto the site.
- (d) Not more than one dwellinghouse shall be erected on any one property comprised in several separate allotments or titles in the same ownership as at the 25th day of June 1982.

## 3.1.1.6 Dwellinghouse to replace existing dwellinghouse.

- (a) The dwellinghouse to be replaced shall have been last occupied as such not more than two years prior to application having been made for a building permit for a new dwellinghouse.
- (b) The replaced dwellinghouse shall not be used for residential purposes after the new dwellinghouse has been occupied.

## 3.1.1.7 Gravel extraction from river beds using entirely mobile plant.

## 3.1.1.8 Public utilities permitted as of right under Section 64 of the act.

- 3.1.1.9 Buildings including dwellings accessory to use of buildings or land for any of the foregoing uses or :

Dwelling house on allotments created by a subdivision approved by Council under Section 279 of the Local Government Act 1974.

- 3.1.1.10 Roadside stalls provided that:

- (i) "Stall" means any building or part of a building from which agricultural or horticultural produce grown on the property containing the stall is sold or displayed for sale.
- (ii) The stall does not have access to a State Highway or Rapaura Road.
- (iii) Access to the stall shall be via the main access to the property provided that road traffic is clearly visible for a distance of not less than 100 metres in both directions.
- (iv) Where access is off a sealed road the entrance to the property shall be sealed from the existing road seal to the property boundary.
- (v) On any one site the total area of both building and land devoted to public display of produce for sale shall not exceed 50 square metres.
- (vi) A parking area of not less than 100 square metres excluding access and manouvering space shall be provided.
- (vii) That only one stall shall be operated on any one site.

SCHEME CHANGE 85/3

3.1.2 **CONDITIONAL USES**

3.1.2.1 Rural Industries including Factory Farming provided that in its appraisal Council will give due consideration to

- the nature of the soil type at the site
- effluent and waste product disposal
- Traffic flow and proximity to arterial roading
- extension of services

It excludes those industries scheduled in Appendix I and II to this Scheme.

3.1.2.2 Commercial forestry where plantings do not conform with the predominant use requirements, timber mills, sawmills, timber processing and any undertaking which is ancillary to the forestry and timber industries.

3.1.2.3 The quarrying, winning, and processing of materials occurring naturally in the vicinity, except as in 3.1.1.7 above.

3.1.2.4 Educational establishments, residential institutions, hospitals, nursing homes, convalescent homes, and charitable and philanthropic institutions and boarding houses and hostels used in conjunction with those uses:

3.1.2.5 Licensed Hotels, cabins, boarding houses, cabarets, tourist and fishing lodges, guesthouses, motels, camping grounds, restaurants, halls, and generally buildings and land for or connected with indoor and outdoor recreation.

Where these uses are situated in the Marlborough Sounds, Council in considering whether or not they should be permitted shall take into account the following matters:-

(a) Whether the siting of residential buildings and accessory buildings will detract from the present and foreseeable future amenities of the neighbourhood and in particular whether the proposed building will be sited so that:-

- (i) Any part of any building will be visible above any skyline when viewed from any public land or place or any place to which the public shall have a right of access.

SCHEME CHANGE 83/C

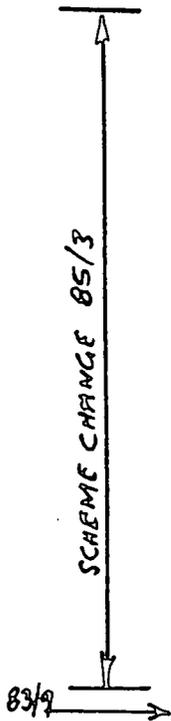
- (ii) The enjoyment by the public of any reserve or foreshore area or other place in public ownership or designated for public purposes or used by the public will be adversely affected either directly or indirectly.
- (iii) Indigenous trees, shrubs or plants will be removed in a manner detrimental to the amenities of the neighbourhood.
- (iv) Earthworks, site clearance or other site preparation will be required on such a scale or of such a nature that they will be detrimental to the amenities of the neighbourhood.
- (v) Any natural feature of landmarks enhancing the amenities of the neighbourhood will be destroyed concealed or otherwise interfered with.
- (b) The location of any proposed building in respect of the site boundaries shall be determined individually upon each application with reference to the amenities of the neighbourhood, but in any event the following shall be the minimum requirements:-
- |                                 |          |
|---------------------------------|----------|
| Yard adjoining sea              | 8 metres |
| Yard adjoining road             | 6 metres |
| Yard adjoining other properties | 8 metres |
- (c) A residential building shall be designed to have the character of a residential dwellinghouse and shall be one storey high, provided that where the slope of the ground requires a building to exceed 1 storey in height, a maximum height of 8 metres may be permitted. An accessory building shall be constructed so that it is complimentary to the appearance of the residential building and shall have a maximum height of 3 metres.
- (d) The site coverage shall be determined individually upon each application, with reference to the amenities of the neighbourhood, but shall not exceed 20% of the land area suitable for the proposed use.
- (e) Where a property has frontage to a formed road the provisions of Ordinance VI shall apply.

- (f) When determining the suitability of the site for the erection of any building, the Council shall have regard to the matters contained within Ordinance V, Clause 1.1. and whether the proposals of the applicant as to access to the site and as to the disposal of stormwater and sewage or sewage effluents from the site are adequate and satisfactory.
- (g) When considering an application the Council shall have regard to the planning objectives and policies enunciated in the Scheme Statement.

- 3.1.2.6 Racecourses, showgrounds, and recreation grounds :
- 3.1.2.7 Cemeteries and crematoria :
- 3.1.2.8 Country stores, petrol service stations and commercial garages, provided that a site for such a use in a locality already adequately serviced may not be considered suitable :
- 3.1.2.9 Depots, offices and workers' accommodation and the storage or maintenance of vehicles, plant and machinery for undertakings engaged on the construction and maintenance of structures, quarrying, excavation, or cartage.
- 3.1.2.10 Veterinary hospitals and blacksmiths workshops :
- 3.1.2.11 Churches and places of public and private worship :
- 3.1.2.12 Provision for public parking of vehicles.
- 3.1.2.13 Drive-in Nursery Garden Centres; provided that this use may only be permitted in conjunction with established nurseries sited on properties of 4 ha or more and provided further that the following goods only may be sold from the garden centre - seeds, bulbs, corms, plants, shrubs, trees, bagged garden fertilisers and manures, compost and potting soils, garden pots and containers, garden sprays and insecticides and stakes and ties.
- 3.1.2.14 Roadside stalls not permitted as a predominant use including stalls fronting State Highways or Rapaura Road and stalls wishing to offer a continuity of supply.
- (a) That only one stall shall be operated on any one site.

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- (b) That only produce grown on the site of the stall shall be offered for sale from the stall, provided also that Council may permit the sale of produce grown on another site owned or held by the applicant under a registered lease or an agreement in writing for a period of not less than three years (such site or sites to be described in the application) so long as the stall is located on the site on which the applicant's dwelling is erected, or on a site of not less than 4 hectares.
- (c) That only one signboard, to be placed entirely on the site, not exceeding 1.4 square metres in surface area and to read in part "please drive in" shall be erected or displayed :
- (d) That adequate off-street parking and turning space shall be provided on the site so that customers will not be encouraged to park on the roadside or to reverse on to the road.

3.1.2.15 Dwellings and accessory buildings not otherwise provided for in Clause 3.1.2 may be permitted subject to the following conditions:

- (a) Applications will only be considered on land situated within the Sounds.
- (b) The siting of a dwellinghouse and accessory buildings shall not detract from the present and foreseeable future amenities of the neighbourhood. In particular, the proposed buildings shall not be sited that :
  - (i) any part of any building shall be visible above any skyline when viewed from any public land or place or any place to which the public have a right of access;
  - (ii) the enjoyment by the public of any reserve or foreshore area or other place in public ownership or designated for public purposes or used by the public is adversely affected either directly or indirectly;
  - (iii) indigenous trees, shrubs or plants are to be removed in a manner detrimental to the amenities of the neighbourhood;

- (iv) earthworks, site clearance or other site preparation is required which is of such a scale or of such a nature that it is detrimental to the amenities of the neighbourhood;
  - (v) any natural feature or landmarks enhancing the amenities of the neighbourhood is destroyed, concealed or otherwise interfered with.
- (c) The maximum height of any proposed building and its location in respect of the site boundaries shall be determined individually upon each application with reference to the amenities of the neighbourhood but in any event the following shall be minimum requirements:
- |                                       |      |
|---------------------------------------|------|
| Yard adjoining sea                    | 8.0m |
| Yard adjoining road                   | 6.0m |
| Yard adjoining other properties       | 8.0m |
| Maximum height of a dwellinghouse     | 8.0m |
| Maximum height of accessory buildings | 4.0m |
- (d) The maximum floor area of a dwellinghouse shall be 100 square metres, and the maximum floor area of accessory buildings shall not exceed 65 square metres.
- (e) Wherever a property has frontage to a formed road then not less than two parking spaces shall be provided. In all other respects the provisions of Ordinance VI shall apply.
- (f) When determining the suitability of the site for the erection of a dwellinghouse and/or accessory buildings the Council shall have regard to the matters contained within Ordinance V Clause 1.1 and whether the proposals of the applicant as to access to the site and as to the disposal of stormwater and sewage or sewage effluent from the site are adequate and satisfactory.
- (g) An application with 8 kilometres radius of Havelock, Picton and Waikawa shall not be granted if such development is likely to:
- (i) cause demand for an extension of any public service that is not in the economic interests of the region or locality;

- (ii) cause existing or proposed public services to be uneconomically used.
- (h) When considering an application Council shall have regard to the planning objectives and policy enunciated in the Scheme Statement.
- (i) Where the land is used for farming purposes or is land which has reasonable potential for farming purposes the provisions of this Ordinance 3.1.2.15 shall not apply unless the allotment comprising the land was held in a separate Certificate of Title and separate ownership from adjoining land on the 17th day of February 1975.

Where the allotment comprising the land was not held in a separate Certificate of Title and separate ownership from adjoining land on the 17th day of February 1975, not more than one dwellinghouse shall be erected on any one property comprised in several separate allotments, as at the 17th day of February 1975.

- (j) Not more than one dwellinghouse shall be erected on the land contained in any one Certificate of Title.
- 3.1.2.16 Building, repairing and servicing of boats and other allied industries associated with boat-building and fishing within the Marlborough Sounds only, including accessory buildings other than dwellings.
- 3.1.2.17 Public utilities not provided for in Section 64 of the Act.

- 3.1.3 CONDITIONS RELATING TO CERTAIN CONDITIONAL USES -  
The following conditions shall apply to Conditional industrial and forestry uses in rural zones :
- 3.1.3.1 All tailings, sawdust, spoil, waste and effluent shall be so disposed of as to minimise damage to property or disfigurement of the countryside :
- 3.1.3.2 The sites of excavations, heaps, dumps, spoil, or other materials at any workings or plant which cause damage to property or disfigurement to the countryside shall be progressively restored to a reasonably natural state by levelling or backfilling where possible, and by the planting of grass or trees, and on completion of the work by the removal of plant and buildings.
- 3.1.3.3 Such other conditions as the Council may require, having regard to the nature and locality of the undertaking.
- 3.1.4 SUBDIVISION OF LAND - See Ordinance III, Clause 2.

dwellinghouse shall be erected on any one property comprised in several separate allotments, as at the 17th day of February 1975.

(j) Not more than one dwellinghouse shall be erected on the land contained in any one Certificate of Title.

3.1.2.17 Building, repairing and servicing of boats and other allied industries associated with boat-building and fishing within the Marlborough Sounds only including accessory buildings other than dwellings.

3.1.2.18 Public utilities not provided for in Section 64 of the Act.

3.1.3 Conditions Relating to Certain Conditional Uses -  
The following conditions shall apply to Conditional industrial and forestry uses in rural zones :

3.1.3.1 All tailings, sawdust, spoil, waste and effluent shall be so disposed of as to minimise damage to property or disfigurement of the countryside :

3.1.3.2 The sites of excavations, heaps, dumps, spoil, or other materials at any workings or plant which cause damage to property or disfigurement to the countryside shall be progressively restored to a reasonably natural state by levelling or backfilling where possible, and by the planting of grass or trees, and on completion of the work by the removal of plant and buildings.

3.1.5 BULK AND LOCATION REQUIREMENTS

Subject to compliance with Marlborough Catchment Board Bylaws relating to the siting of buildings from existing watercourses and with NZS 1900 Chapter 5 relating to fire resistance construction, the bulk and location requirements for the zone shall be :-

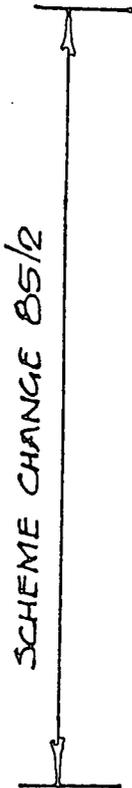
	F.	S.	R.	H.
Residential Buildings	5m	1m	1m	4m
	5m	5m	5m	8m
Res. Accessory Buildings	5m	1m	1m	4m
	5m	5m	5m	8m
Seasonal Worker Accommod.	5m	3m	3m	4m
Stalls	5m	1m	1m	4m
Farm Accessory Buildings & Buildings permitted for predominant uses	5m	5m	5m	8m
Seasonal Worker Accommodation & Stalls, farm accessory buildings & other buildings on rural sites adjoining land zoned residential, commercial or industrial	30m	30m	30m	8m

F = Front. S = Side. R. = Rear. H = Height.  
M = Metres

Note:

1. All boundaries with Sounds Foreshore Reserve or Mean Highwater shall be front yard boundaries.
2. The yard distances may be varied within the limits set in the above schedule in proportion to the building height.

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COVERAGE

	Res	Other	Total
Sites up to 8000 sq metres	275sq.m	12.5%	25%
Sites Over 8000 sq. metres	U	12.5%	U

Res = Dwellingshouses and accessory buildings thereto.  
 Other = Other predominant use.  
 U = Unrestricted

Where physical ground conditions make compliance with these requirements impracticable Council may amend the requirements for buildings required for predominant uses. For exceptions to normal yard requirements, see Ordinance V (2.2).

3.1.6 Where the slope of the land exceeds 15 degrees, the construction and erection of any building and the carrying out of any earthworks or excavations associated with the foundations of such building on any land shall require the specific consent of the Council and such consent shall only be granted where the application is accompanied by a certificate from a registered engineer to the effect that the work proposed to be carried out will not be detrimental to the site itself, or any adjoining site, and proper safeguards have been employed to overcome the possible effect of slip, slump, erosion or landslike, including proper provision for stormwater disposal. Where the vegetative cover is removed for any purpose this shall be replaced where applicable with other vegetative planting to ensure the stability of the ground. (Particular attention is drawn to the need to reduce to the minimum the excavation of any land and the need to use such foundation methods as pole and/or cantilever construction and the necessity of foundations being down to either bed-rock or stable sub-soils).

3.1.7 Parking and Loading Vehicles -  
 See Ordinance VI.

## 3.2 RURAL B ZONE - (Applies to Sounds only)

3.2.1 PREDOMINANT USES

The predominant uses shall be:

- 3.2.1.1 Farming excepting the housing or keeping of animals, birds, or bees in any building or enclosure within 30 metres from any boundary of the site or any residential building.
- 3.2.1.2 Parks and Scenic Reserves
- 3.2.1.3 Buildings accessory to use of buildings or land for any of the foregoing uses including dwellinghouses.
- 3.2.1.4 Dwellinghouse to replace existing dwellinghouse.
  - (a) The dwellinghouse to be replaced shall have been last occupied as such not more than two years prior to application having been made for a building permit for a new dwellinghouse.
  - (b) The replaced dwellinghouse shall not be used for residential purposes after the new dwellinghouse has been occupied.
  - (c) The replaced dwellinghouse shall be demolished within six months of the new dwellinghouse being occupied.
- 3.2.1.5 Cobham Outward Bound School, Anakiwa
- 3.2.1.6 Public utilities permitted as of right under Section 64.
- 3.2.1.7 Buildings including dwellings accessory to use of buildings or land for any of the foregoing uses or :

Dwellinghouse on allotments approved by a subdivision under Section 279 of the Local Government Act 1974.

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[ prior 83/9 ]

3.2.2 CONDITIONAL USES

- 3.2.2.1 Commercial forestry.
- 3.2.2.2 Public utilities that are not provided for in Section 64 of the Act.
- 3.2.2.3 Educational establishments, hospitals and convalescent homes.
- 3.2.2.4 Dwellinghouse on a site of less than 20 ha permitted only if :
- (a) The property is capable of operating as an economic farm unit taking into account the productivity of the soil in relation to the type of farming use proposed or practised and any other relevant factors; and
  - (b) If the property is being operated as an economic farm unit or alternatively appropriate arrangements are complete to the satisfaction of the Council, for the property to operate as an economic farm unit.

More than one dwellinghouse on any one property will not be permitted unless the Council is satisfied that the dwellings are required for the property operation of the economic farm unit.

- 3.2.2.5 Licensed hotels, cabins, boarding houses, cabarets, tourist and fishing lodges, guesthouses, motels, camping grounds, restaurants, halls and generally buildings and land for or connected with indoor and outdoor recreation.

Council in considering whether or not these uses should be permitted shall take into account the following matters:

- (a) Whether the siting of residential buildings and accessory buildings will detract from the present and foreseeable future amenities of the neighbourhood and in particular whether the proposed buildings will be sited so that:-
- (i) Any part of any building will be visible above any skyline when viewed from any public land or place or any place to which the public shall have a right of access.
  - (ii) The enjoyment by the public of any reserve or foreshore area or other place in public ownership or designated for public purposes or used by the public will be adversely affected either directly or indirectly.
  - (iii) Indigenous trees, shrubs or plants will be removed in a manner detrimental to the amenities of the neighbourhood.
  - (iv) Earthworks, site clearance or other site preparation will be required on such a scale or of such a nature that they will be detrimental to the amenities of the neighbourhood.
  - (v) Any natural feature or land marks enhancing the amenities of the neighbourhood will be destroyed concealed or otherwise interfered with.
- (b) The location of any proposed building in respect to the site boundaries shall be determined individually upon each application with reference to the amenities of the neighbourhood, but in any event the following shall be the minimum requirements :-
- |                                 |            |
|---------------------------------|------------|
| Yard adjoining sea              | - 8 metres |
| Yard adjoining road             | - 6 metres |
| Yard adjoining other properties | - 8 metres |
- (c) A residential building shall be designed to have the character of a residential dwellinghouse and shall be one storey high, provided that where the slope of the ground requires a building to exceed 1 storey in height, a maximum height of 8 metres may be permitted. An accessory building shall be constructed so that it is complimentary to the appearance of the residential building and shall have a maximum height of 3 metres.
- (d) The site coverage shall be determined individually upon each application, with reference to the amenities of the neighbourhood, but shall not exceed 20% of the land area suitable for the proposed use.
- (e) Where a property has frontage to a formed road, the provisions of Ordinance VI shall apply.
- (f) When determining the suitability of the site for the erection of any building, the Council shall have regard to the matters contained within Ordinance V, Clause 1.1 and whether the proposals of the applicant as to access to the site and as to the disposal of stormwater and sewage or sewage effluents from the site are adequate and satisfactory.
- (g) When considering an application the Council shall have regard to the planning objectives and policies enunciated in the Scheme Statement.

3.2.2.6 Buildings accessory to the use of land for commercial forestry, including dwellinghouses.

**SCHEME CHANGE** 3.2.2.7 Dwellinghouses on sites of subdivision approved by Council pursuant to Section 34 of the Counties Amendment Act 1961.  
8319 (deleted) →

3.2.2.8 Building, repairing and servicing of boats and other allied industries associated with boat-building and fishing within the Marlborough Sounds only.

3.2.2.9 Dwellinghouses and accessory buildings not otherwise provided in Clause 3.2.2 may be permitted subject to the following conditions.

(a) The siting of a dwellinghouse and accessory buildings shall not detract from the present and foreseeable future amenities of the neighbourhood. In particular the proposed buildings shall not be so sited that :-

- (i) any part of any building shall be visible above any skyline when viewed from any public land or place or any place to which the public have right of access;
- (ii) the enjoyment by the public of any reserve of foreshore area or other place in public ownership or designated for public purposes or used by the public is adversely affected either directly or indirectly;
- (iii) indigenous trees shrubs or plants are to be removed in a manner detrimental to the amenities of the neighbourhood;
- (iv) earthworks, site clearance or other site preparation is required which is of such a scale or of such a nature that it is detrimental to the amenities of the neighbourhood;
- (v) any natural feature or landmarks enhancing the amenities of the neighbourhood is destroyed, concealed or otherwise interfered with.

(b) The maximum height of any proposed building and its location in respect of the site boundaries shall be determined individually upon each application with reference to the amenities of the neighbourhood but in any event the following shall be minimum requirements:

Yard adjoining sea	- 8.0m
Yard adjoining road	- 6.0m
Yard adjoining other properties	- 8.0m
Maximum height of a dwellinghouse	- 8.0m
Maximum height of accessory buildings	- 4.0m

(c) The maximum floor area of a dwellinghouse shall be 100 square metres, and the maximum floor area of accessory buildings shall not exceed 65 square metres.

(d) Wherever a property has frontage to a formed road then not less than two parking spaces shall be provided. In all other respects the provisions of Ordinance VI shall apply.

(e) When determining the suitability of the site for the erection of a dwellinghouse and/or accessory buildings the Council shall have regard to the matters contained within Ordinance V Clause 1.1

and whether the proposals of the applicant as to access to the site and as to the disposal of stormwater and sewage or sewage effluent from the site are adequate and satisfactory.

- (f) An application within 8 kilometres radius of Havelock, Picton and Waikawa shall not be granted if such development is likely to:
- (i) cause demand for an extension of any public service that is not in the economic interests of the region or locality;
  - (ii) cause existing or proposed public services to be uneconomically used.
- (g) When considering an application Council shall have regard to the planning objectives and policy enunciated in the Scheme Statement.
- (h) Not more than one dwellinghouse shall be erected on the land contained in any one Certificate of Title.

3.2.3 Conditions relating to conditional uses

Such conditions as the Council may require will have special regard to the nature and locality of the undertaking, to the policy as to zoning as set out in the Scheme Statement and provision of access.

3.2.4 Subdivision of land

See Ordinance III Clause 2.

3.2.5 Bulk and location requirements

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

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on each side	Coverage	Maximum permitted Height Excluding Chimneys Masts, etc.
Residential Buildings	8m	8m	5m	15%	8m
Other Buildings	8m	8m	5m	15%	8m

For the purpose of calculating yard requirements, the boundary with the mean high water or with an existing foreshore reserve shall be deemed to be a side boundary.

3.2.6 Parking and Loading of Vehicles - See Ordinance VI.

#### 4.2 Residential B (Applies in Sounds Only)

##### 4.2.1 Predominant Uses

The predominant uses shall be :

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- 4.2.1.1 Dwellinghouse :
- 4.2.1.2 Semi-detached house :
- 4.2.1.3 Apartment house containing not more than two household units.

Provided also that the Council is wholly satisfied that the site is suitable for the disposal thereon of sewerage effluent by means of a septic tank or other approved system. Any septic tank system installed on a suitable site shall comply with the Drainage and Plumbing Regulations 1959, N.Z.S.S. 758 and N.Z.C.P. 44 and be maintained in accordance with N.Z.C.P. 45.

- 4.2.1.4 Parks and scenic reserves
- 4.2.1.5 Medical rooms, provided they are situated in a dwellinghouse which is occupied by the practitioner and its appearance remains predominantly that of a dwellinghouse :

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(not printed)

- 4.2.1.6 Buildings accessory to the use of buildings or use of the land being a Predominant Use authorised by the District Scheme. Provided that such accessory building shall not be used for residential purposes.

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- 4.2.1.7 Public utilities permitted as of right under Section 64 of the Act.

##### 4.2.2 Conditional Uses

The conditional uses shall be :

- 4.2.2.1 Dwellinghouse not complying with the predominant use requirements; and
- 4.2.2.2 Apartment house containing not more than four household units :
- 4.2.2.3 Boarding houses, private hotels and private residential clubs :
- 4.2.2.4 Churches and places of public or private worship :
- 4.2.2.5 Museums, art galleries, libraries, children's nurseries, play centres and educational establishments but not including boarding houses or hostels used in connection with these uses.

- 4.2.2.6 Professional offices, provided they are situated within a dwellinghouse and that the principal use of the premises as a whole and its external appearance remain predominantly that of a dwellinghouse.
- 4.2.2.7 Play grounds and recreation grounds and places of assembly, including gymnasiums, and training sheds:
- 4.2.2.8 Shops for the sale of groceries and dairy products, either along or in conjunction with residential accommodation:
- 4.2.2.9 Groups of garages or parking spaces for hiring:
- 4.2.2.10 Provision for public parking:
- 4.2.2.11 Motels and camping grounds on front sites of not less than 0.3 hectares and on rear sites of not less than 0.407 hectares.
- 4.2.2.12 Building accessory to the use of building or land for any of the uses specified in the zone.
- 4.2.2.13 Public utilities not permitted as of right.

4.2.3 Development in Deferred Residential B Areas

4.2.3.1 Areas proposed to be developed subsequent to the 12th February 1987 will be permitted in accordance with the normal requirements of the Residential B Zone but only after submission of a Concept Plan and approval of a Scheme Plan of Subdivision, such requirements to be in terms of Section 276 and 275 of the Local Government Act 1974. Information should be lodged with each application showing :

- (i) A plan showing all building sites and the necessary access to such sites.
- (ii) The location of stormwater and sewerage reticulation and the supporting information indicating that these can be disposed of without detriment to existing water quality or the existing amenities of the area.
- (iii) How it is intended to meet the requirements of the Water and Soil Conservation Act 1967.
- (iv) All matters required to be addressed by Ordinance V have been satisfied.

4.2.3.2 Areas that were subdivided prior to the 12th February 1987 will require a consent to a conditional use.

Those matters set out in Clause 4.2.3.1 above will apply when considering applications under this provision.

4.2.4 Subdivision of Land  
See Ordinance III, Clause 2.

4.2.5 Bulk and Location Requirements

4.2.5.1 - Dwellinghouses and apartment houses containing two household units:

(i) Maximum site coverage, including accessory buildings, 30%.

(ii) Maximum height, 8 metres.

(iii) Minimum yard requirement -

Front site - front 6 metres  
- side 3 metres and 4.5 metres  
- rear 9 metres

Corner site - front 6 metres to each  
street frontage  
- others 3 metres and 4.5  
metres (4.5 metres yard

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along longer boundary)

Rear site - all 4.5 metres

In all cases eaves may encroach on the yards by not more than 0.6 metres.

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

(iv) Parking - one space for each household unit.

4.2.5.2 Accessory buildings for dwellinghouses and apartment houses permitted as predominant uses:

(i) Total floor area of accessory buildings shall not exceed 65 sq.m. provided always that total permissible site coverage for the use of the site shall not thereby be exceeded:

(ii) Accessory buildings may be sited in any yard other than a front yard, provided they comply with the Council By-laws but a private garage or car port may not be sited less than 6 metres from the front boundary of the site.

(iii) Maximum height of buildings, 3 metres.

(iv) Buildings to comply with all relevant Acts, Regulations, Ordinances and By-Laws:

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

4.2.5.3 For conditional uses - The normal bulk and location requirements for conditional uses shall be as for Residential A.

4.2.6 Parking and Loading of Vehicles  
See Ordinance VI.

4.2.7 Where the slope of the ground exceeds 15 degrees  
See Ordinance V (1.1).

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4.3 Residential C (Applies in Sounds Only)

4.3.1 Predominant Uses

The predominant uses shall be :

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- 4.3.1.1 Dwellinghouse provided the Council is wholly satisfied that the site is suitable for the disposal thereon of sewerage effluent by means of a septic tank or other approved system.

Any septic tank system installed on a suitable site shall comply with the Drainage and Plumbing Regulations 1959, N.Z.S.S. 758 and N.Z.C.P. 44 and be maintained in accordance with N.Z.C.P. 45.

- 4.3.1.2 Parks and scenic reserves.

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- 4.3.1.3 Buildings accessory to the use of buildings or use of the land being a Predominant Use authorised by the District Scheme. Provided that such accessory buildings shall not be used for residential purposes.

- 4.3.1.4 Public utilities permitted as of right under Section 64 of the Act.

4.3.2 Conditional Uses

The conditional uses shall be :

- 4.3.2.1 All residential uses not permitted as predominant uses.

- 4.3.2.2 Tourist and fishing lodges, guest houses, motels, cabins, camping grounds, boarding houses, private hotels and private residential clubs, educational establishments including boarding houses and hostels used in connection with those uses, may be permitted, subject to the following conditions :

(a) The siting of residential buildings and accessory buildings shall not detract from the present and foreseeable future amenities of the neighbourhood. In particular the proposed buildings shall not be so sited that -

(i) Any part of any building shall be visible above any skyline when viewed from any public land or place or any place to which the public have a right of access

(ii) The enjoyment by the public of any reserve or foreshore area or

other place in public ownership or designated for public purposes or used by the public is adversely affected, either directly or indirectly.

- (iii) Indigenous trees, shrubs or plants are to be removed in a manner detrimental to the amenities of the neighbourhood.
  - (iv) Earthworks, site clearance or other site preparation is required, which is of such a scale, or of such a nature that it is detrimental to the amenities of the neighbourhood.
  - (v) Any natural feature or land marks enhancing the amenities of the neighbourhood is destroyed, concealed, or otherwise interfered with.
- (b) The location of any proposed building in respect to the site boundaries shall be determined individually upon each application with reference to the amenities of the neighbourhood, but in any event the following shall be the minimum requirements :

Yard adjoining sea	- 8 m
Yard adjoining road	- 6 m
Yard adjoining other properties	- 8 m

- (c) A residential building shall be designed to have the character of a residential dwellinghouse and shall be one storey high, provided that where the slope of the ground requires a building to exceed 1 storey in height, a maximum height of 8 metres may be permitted. An accessory building shall be constructed so that it is complimentary to the appearance of a residential building and shall have a maximum height of 3 metres.
- (d) The site coverage shall be determined individually upon each application, with reference to the amenities of the neighbourhood, but shall not exceed 20% of the land suitable for the proposed use.
- (e) Where a property has frontage to a formed road, the provisions of Ordinance VI shall apply.
- (f) When determining the suitability of the site for the erection of any building, the Council shall have regard to the matters contained within Ordinance V, Clause 1.1 and whether the proposals of the applicant as to access to the site and as to the disposal of stormwater and sewage or sewage effluents from the site are adequate and satisfactory.
- (g) When considering an application, the Council shall have regard to the planning objectives and policies enunciated in the Scheme Statement.

4.3.2.3 Playgrounds, recreation grounds and halls.

4.3.2.4 Provision for public parking.

4.3.2.5 Farming other than that allowed as predominant uses, complying with the provisions of the By-Laws from time to time in force.

4.3.2.6 Every public utility that is not provided for in Section 64 of the Act.

4.3.3 Subdivision of Land  
See Ordinance III Clause 2.

4.3.4 Bulk and Location Requirements  
For predominant and conditional uses

- (a) Dwellinghouse on sites of 2000 square metres and less.
    - (i) Maximum site coverage including accessory buildings 170 square metres.
    - (ii) Maximum height, 8 metres.
    - (iii) Minimum yard requirements:
      - Side yard - 3 metres
      - Front or rear yard - 4.5 metres adjoining Sounds, Foreshore Reserve or Esplanade Reserve, or Foreshore Road Reserve.
      - Front or rear yard - 6 metres adjoining Road Reserve not being 1 Foreshore Road Reserve.
- For exceptions as to yards, see Ordinance V Clause 2.

ORDINANCE V - BUILDINGS: SITING, COVERAGE, HEIGHT & ALTERATIONSCLAUSE 1 - GENERAL AS TO USE OF SITES FOR BUILDINGS1.1 Land to be suitable for proposed use:

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

Where the slope of the land exceeds 15° in any residential zone the construction and erection of any building, and the construction of any driveway or access, and the carrying out of any earthworks or excavations, on any land or access to any land shall require the specific consent of the Council and such consent shall only be obtained where the application is accompanied by a certificate from a registered engineer to the effect that the work proposed to be carried out will not be detrimental to the site itself or any adjoining site, and proper safeguards have been employed to overcome the possible effect of slip, slump, erosion or landslide including proper provision for stormwater disposal. Where the vegetative cover is removed for any purpose this shall be replaced where applicable with other vegetative planting to ensure the stability of the ground. (Particular attention is drawn to the need to reduce to the minimum the excavation of any land and the need to use such foundation methods as pole and/or cantilever construction and the necessity of foundations being down to either bed-rock or stable sub-soils).

1.2 Buildings to be set back from road:

Notwithstanding the provisions of this ordinance, where the scheme prescribes a building line on any site, whether by reference to any road boundary or otherwise, except as an interim use as defined in Ordinance IV, 3.2 hereof no building or accessory building or part of either shall at any time be erected on that part of the site between the building line and the street or boundary to which it is related.

1.3 Areas and coverage generally:

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

1.4 Rear sites in commercial and industrial zones:

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

1.5 Position of Buildings in relation to rivers, streams, watercourses of drains:

The construction of any building or accessory building or part thereof will not be permitted within 8 metres of the banks of any river, stream, drain or other watercourse or within any flood channel, without the consent of the Marlborough Catchment Board within areas subject to the Board's By-Law No. 1 and outside such areas the consent of Council shall be necessary.

Provided that for the reasons expressly provided in clause 1.1 of this ordinance or in any other part of this scheme, Council may refuse to give its permission.

RUR. A

(21)

SOOTY OIL BANK (To Refinery)

THE ISLANDS (To Marshall)

WILDLIFE REFUGE (RUR. A)

Big Lagoon

By US Fish and Wildl. Service Act 1950  
1750-5100 (M) (S) (S) (S) (S)

Pt. O.P. 299  
1902 M21

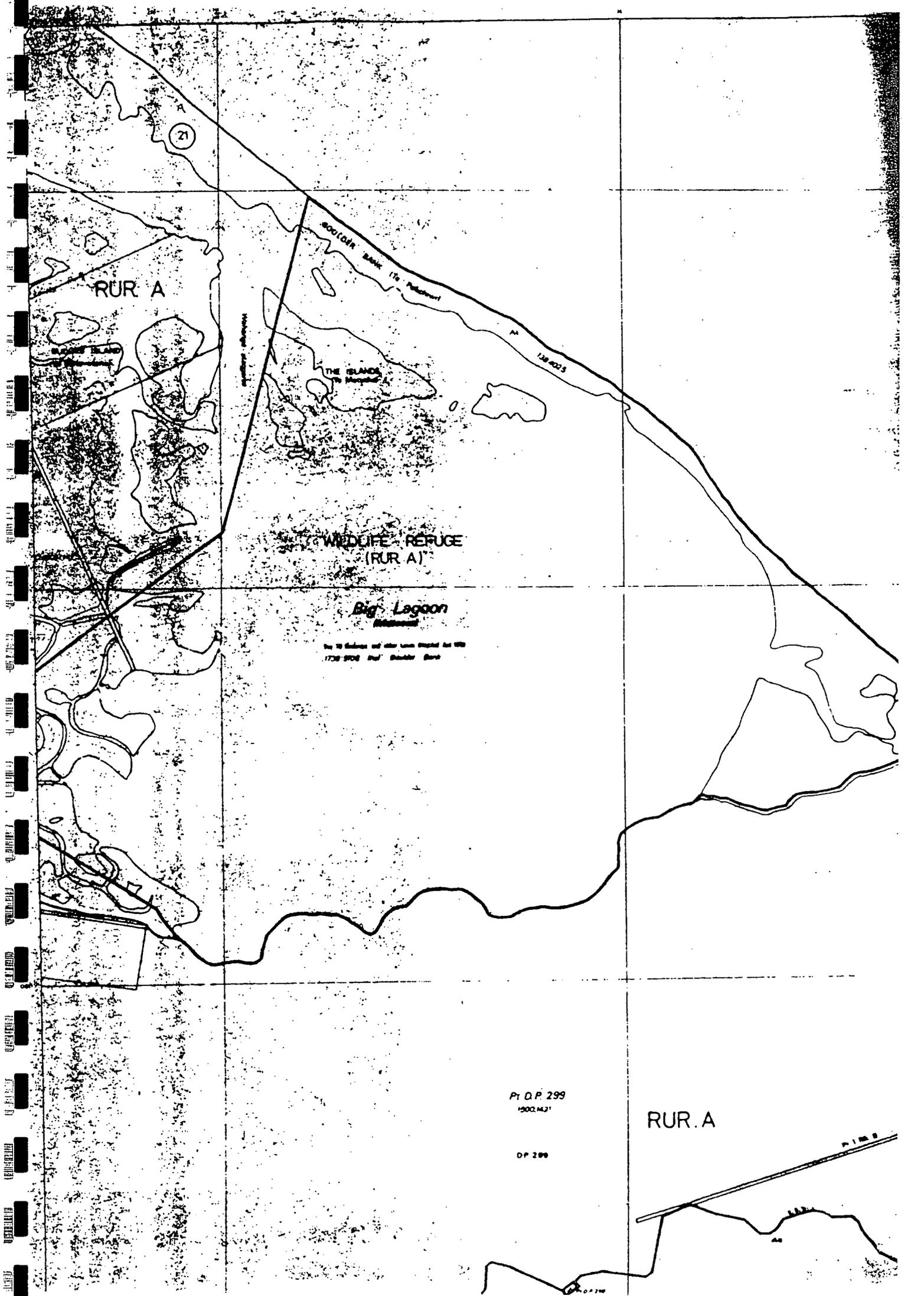
OP 299

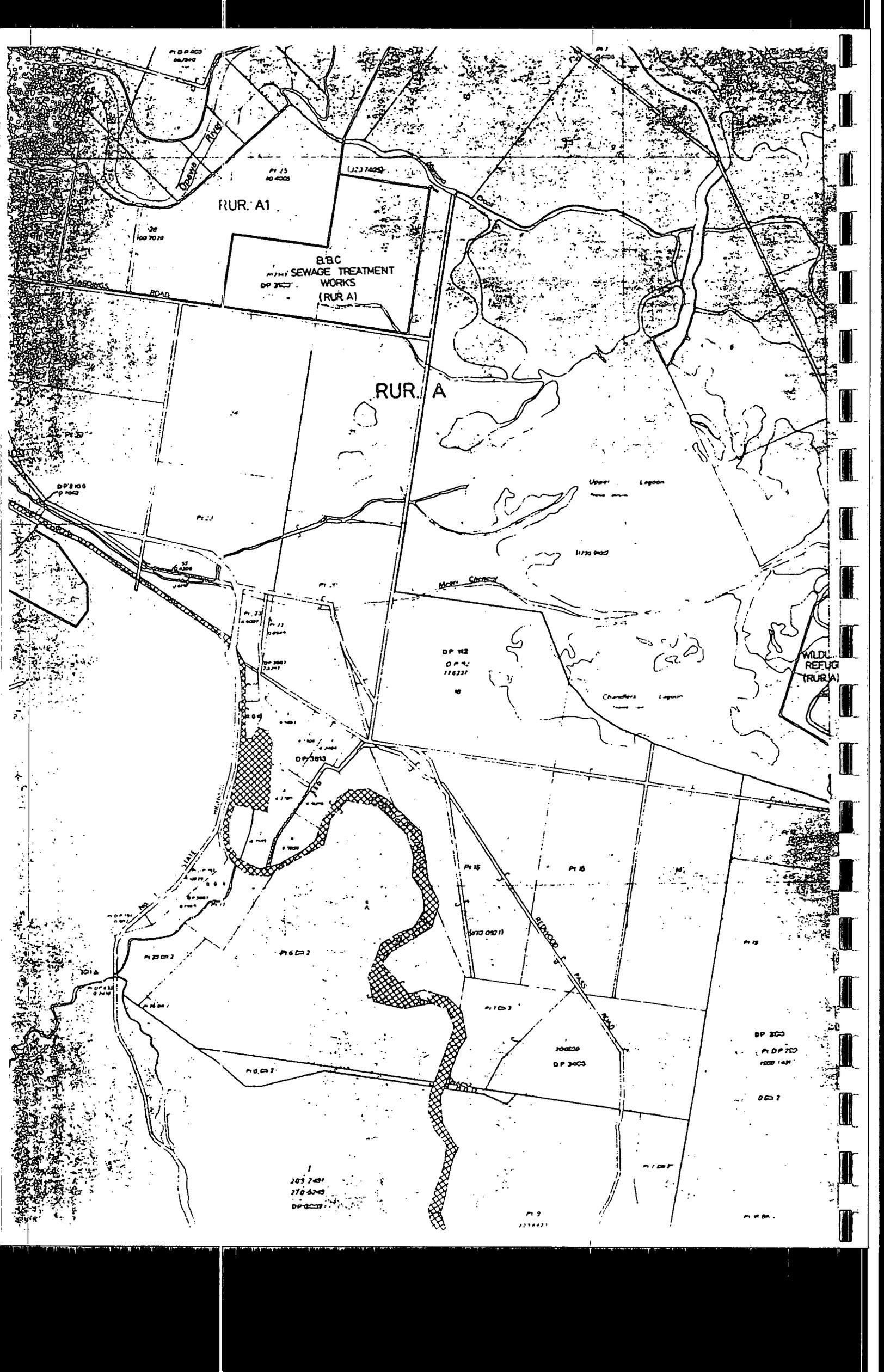
RUR. A

P. 100 B

AA

OP 299





RUR. A1

B.B.C. SEWAGE TREATMENT WORKS (RUR. A)

RUR. A

Upper Lagoon

Middle Channel

Charlton's Lagoon

WILDLIFE REFUGIUM (RUR. A)

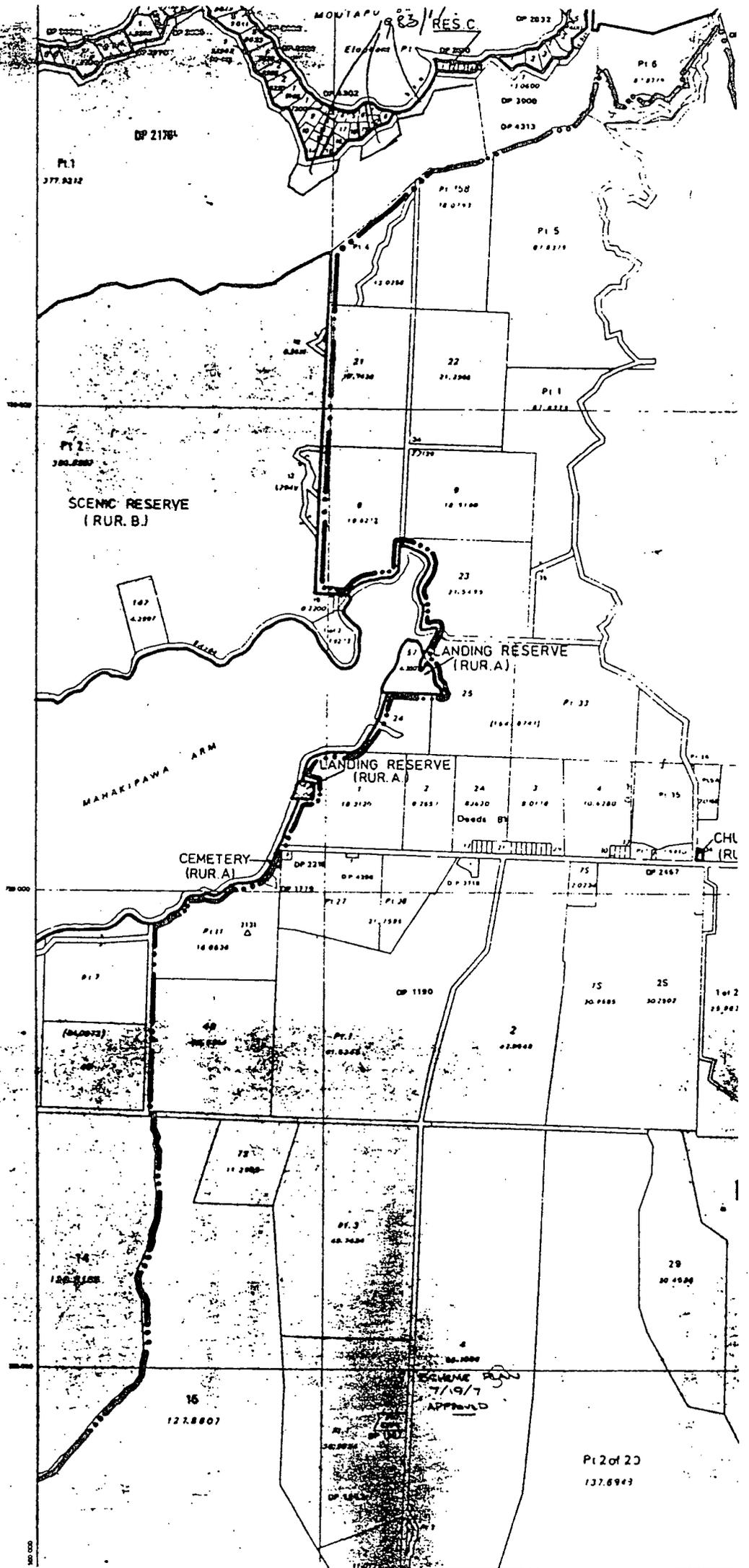
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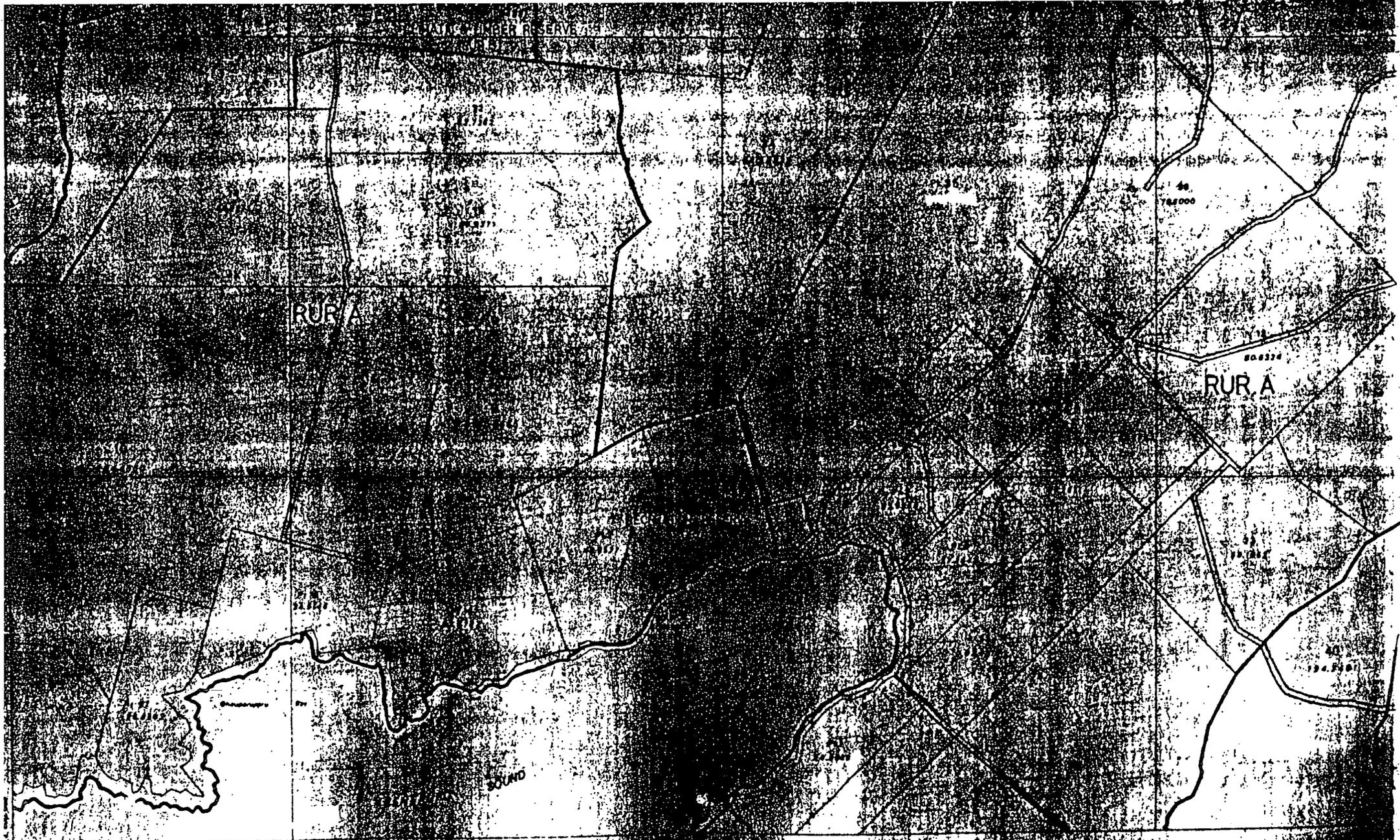
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SCHEME PLAN  
7/19/7  
APPROVED

WATER RESERVE



RUR A

RUR A

SOUND

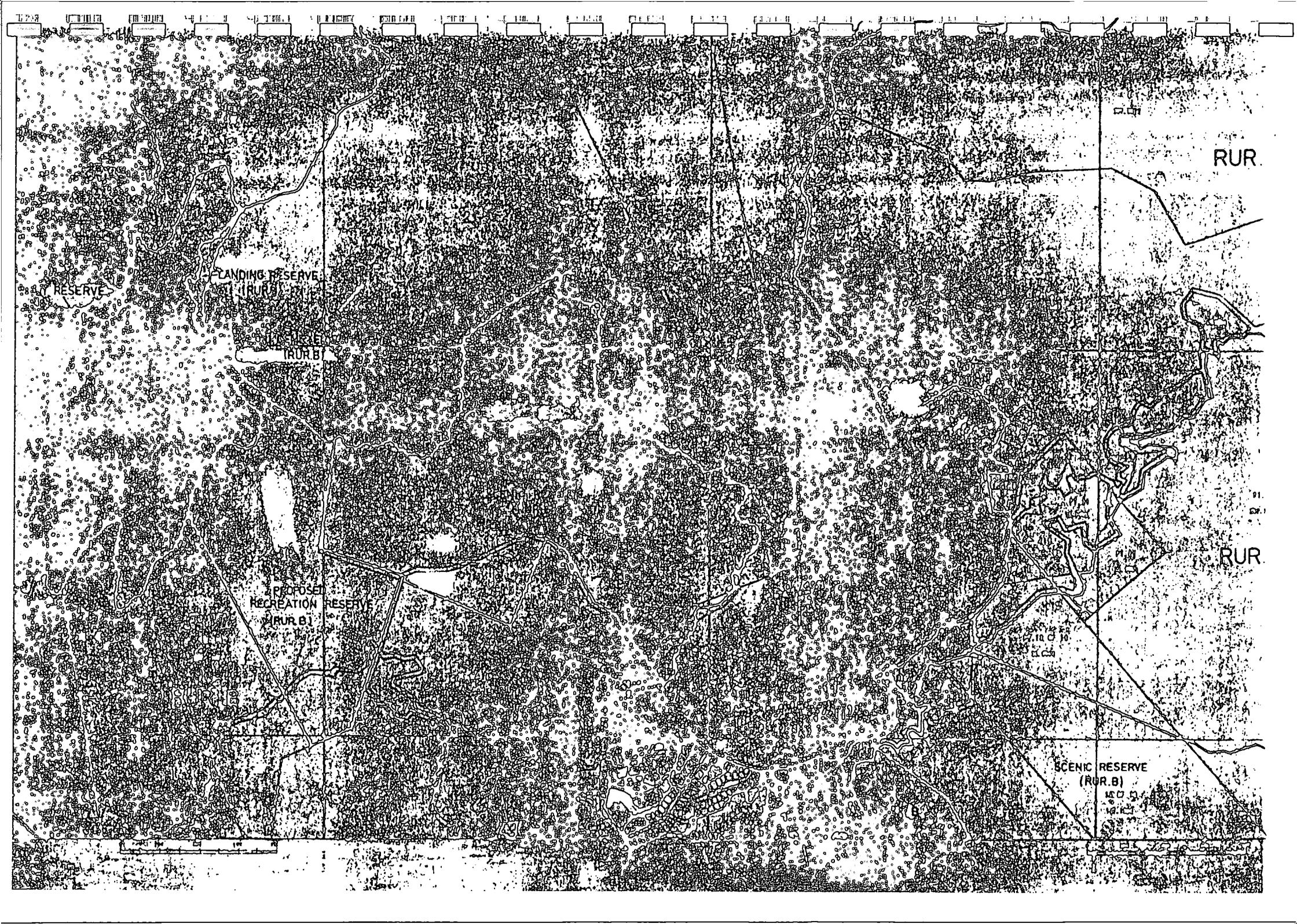
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RUR

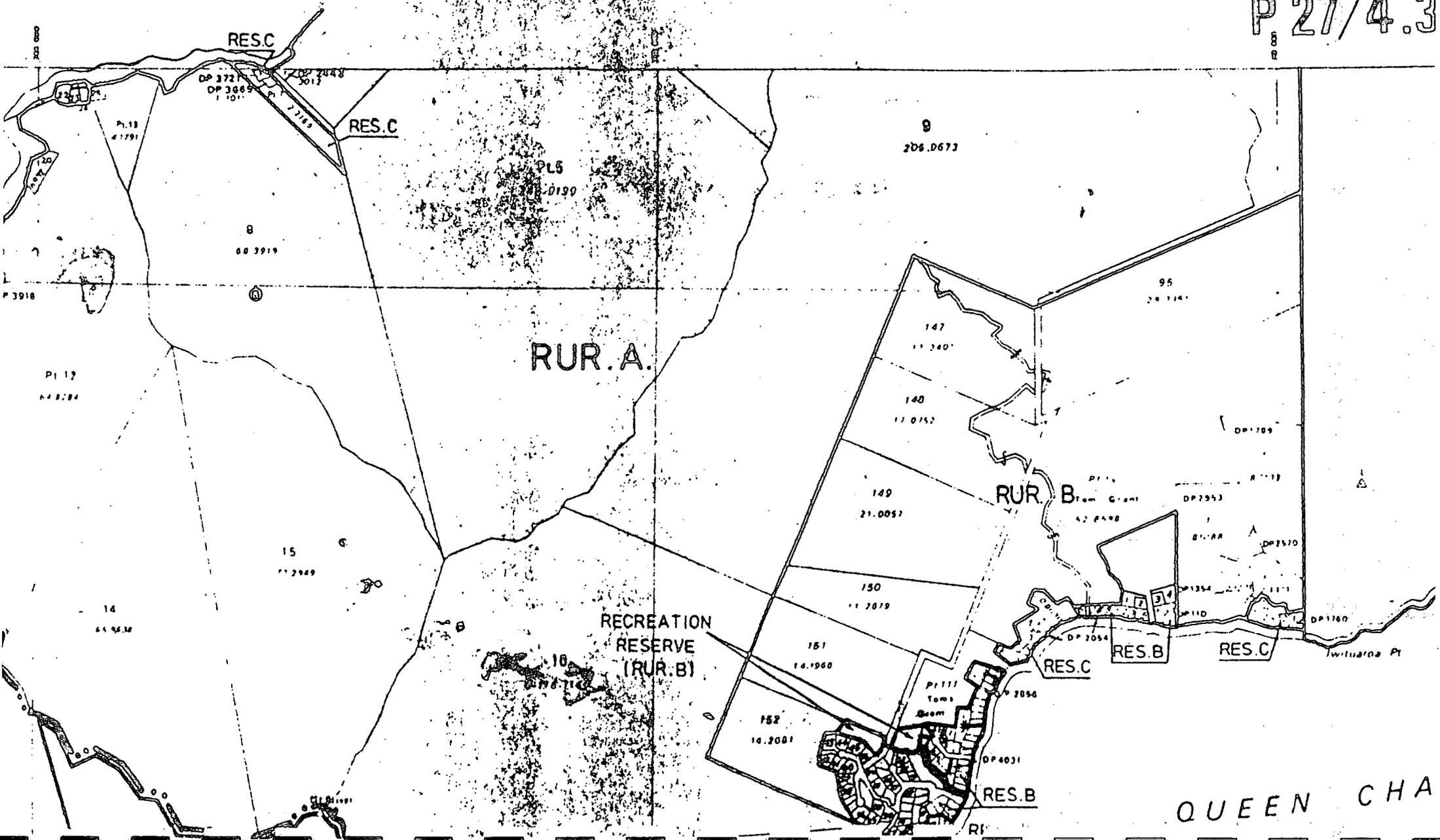
LANDING RESERVE  
(RUR.A)

(RUR.B)

PROPOSED  
RECREATION RESERVE  
(RUR.B)

RUR

SCENIC RESERVE  
(RUR.B)



RESC

RES.C

RUR.A

RECREATION RESERVE (RUR.B)

RUR.B

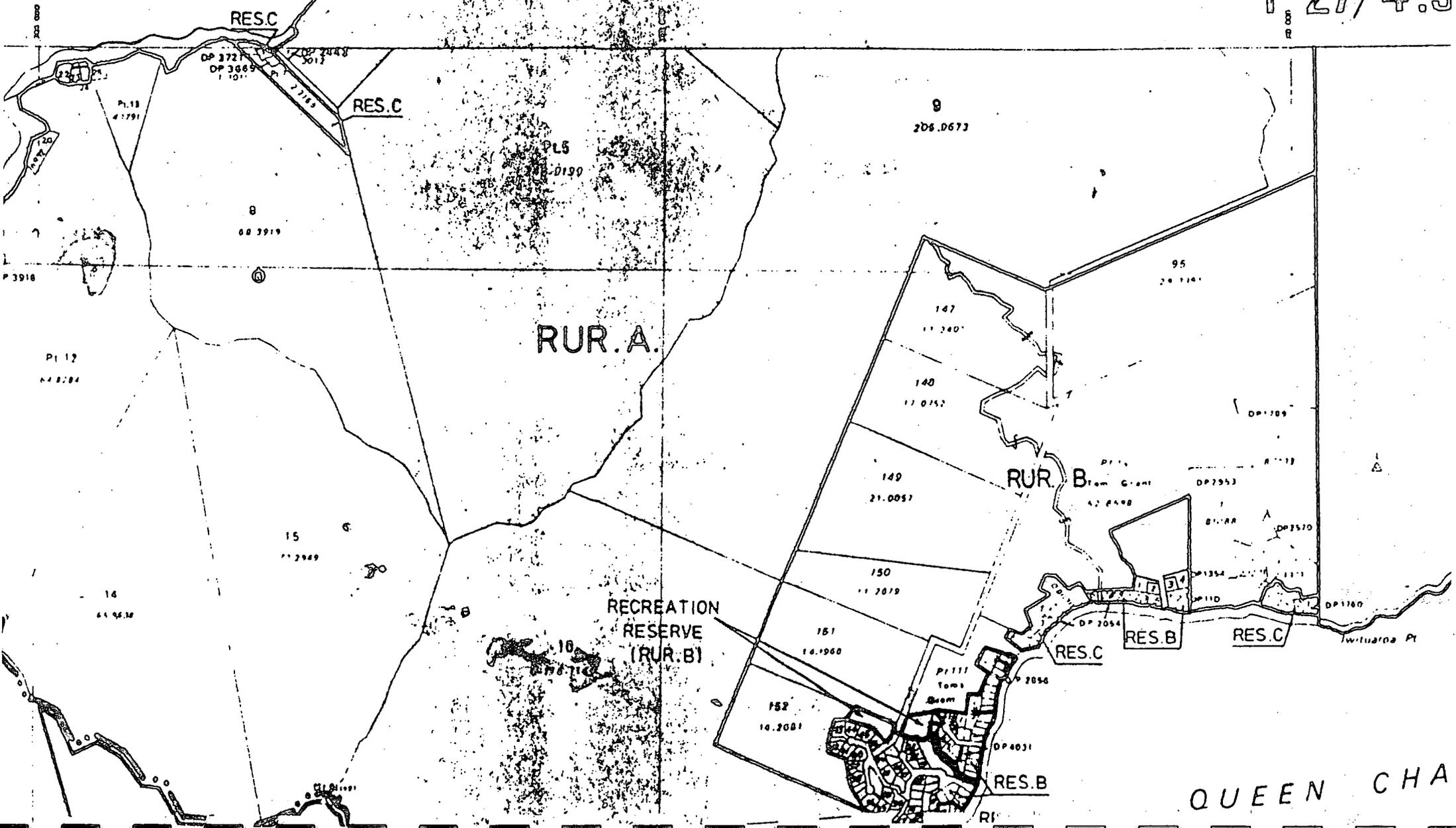
RES.C

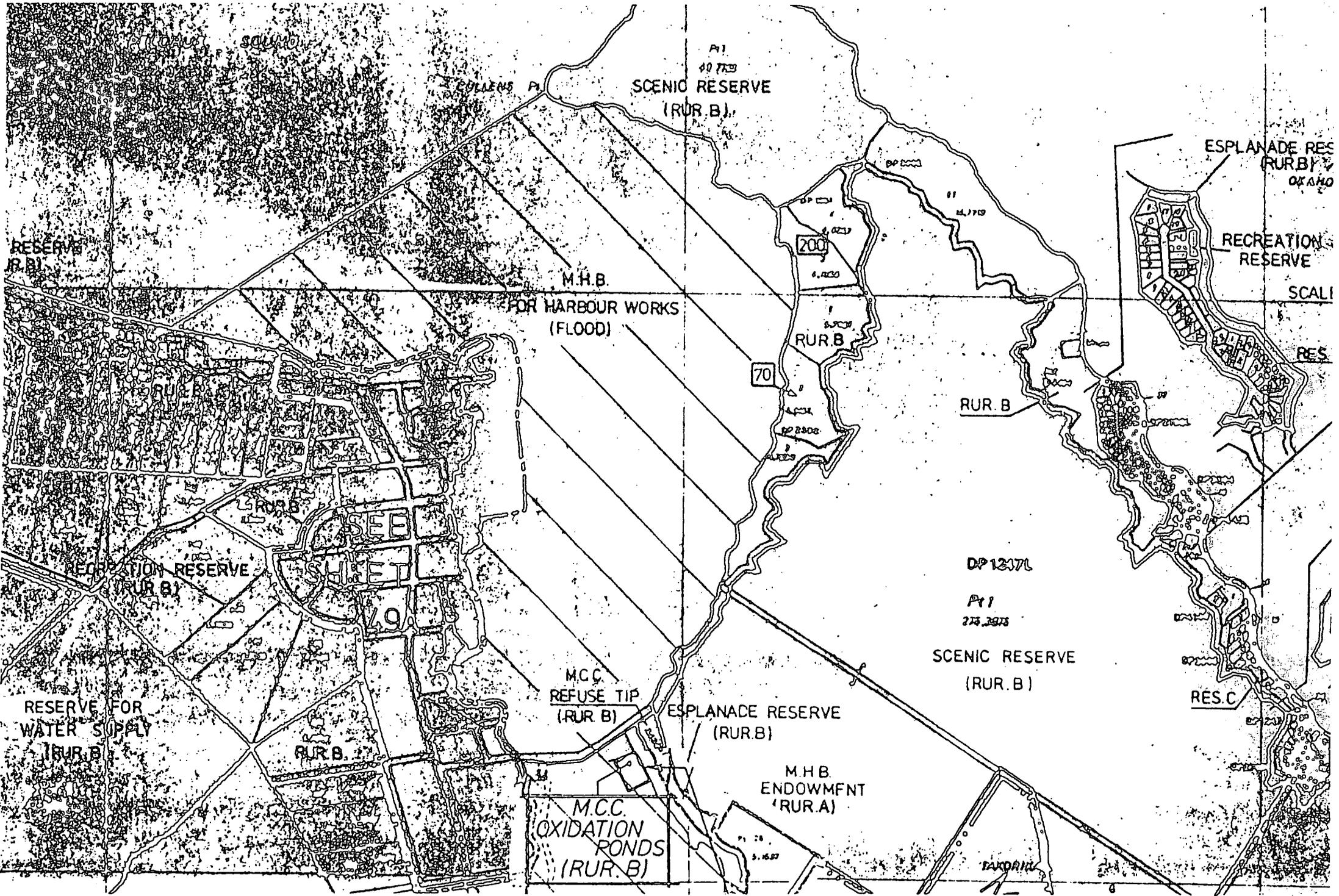
RES.B

RES.C

RES.B

QUEEN CHA





RESERVE (RUR.B.)

SCENIC RESERVE (RUR.B.)

ESPLANADE RES (RUR.B.) OFAHO

RECREATION RESERVE

M.H.B. FOR HARBOUR WORKS (FLOOD)

RUR.B.

SCALI

RES.

70

RUR.B.

RECREATION RESERVE (RUR.B.)

DP 1217L

Pt 1 275 2875

SCENIC RESERVE (RUR.B.)

RES.C

RESERVE FOR WATER SUPPLY (RUR.B.)

M.C.C. REFUSE TIP (RUR.B.)

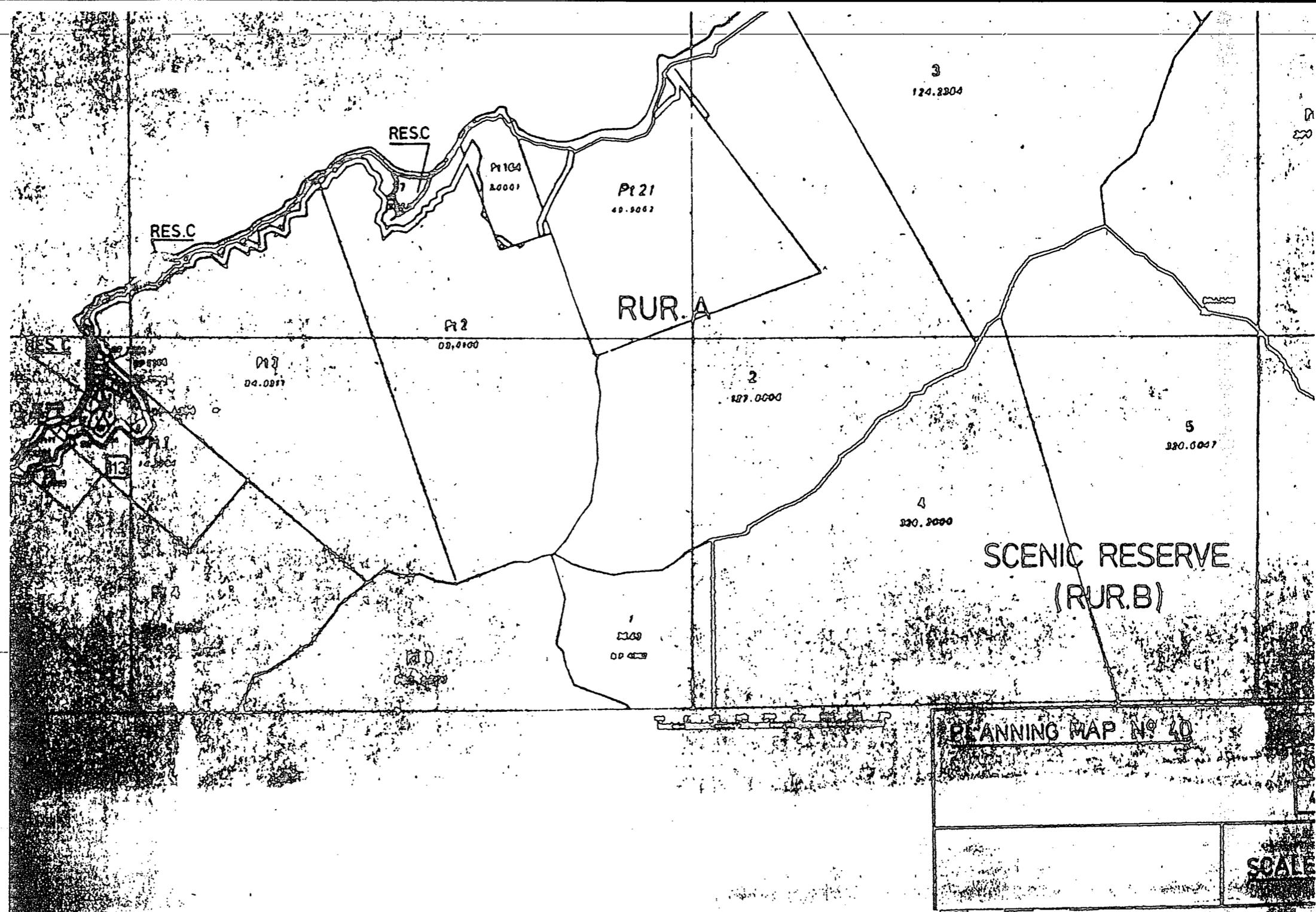
ESPLANADE RESERVE (RUR.B.)

M.H.B. ENDOWMENT (RUR.A.)

M.C.C. OXIDATION PONDS (RUR.B.)

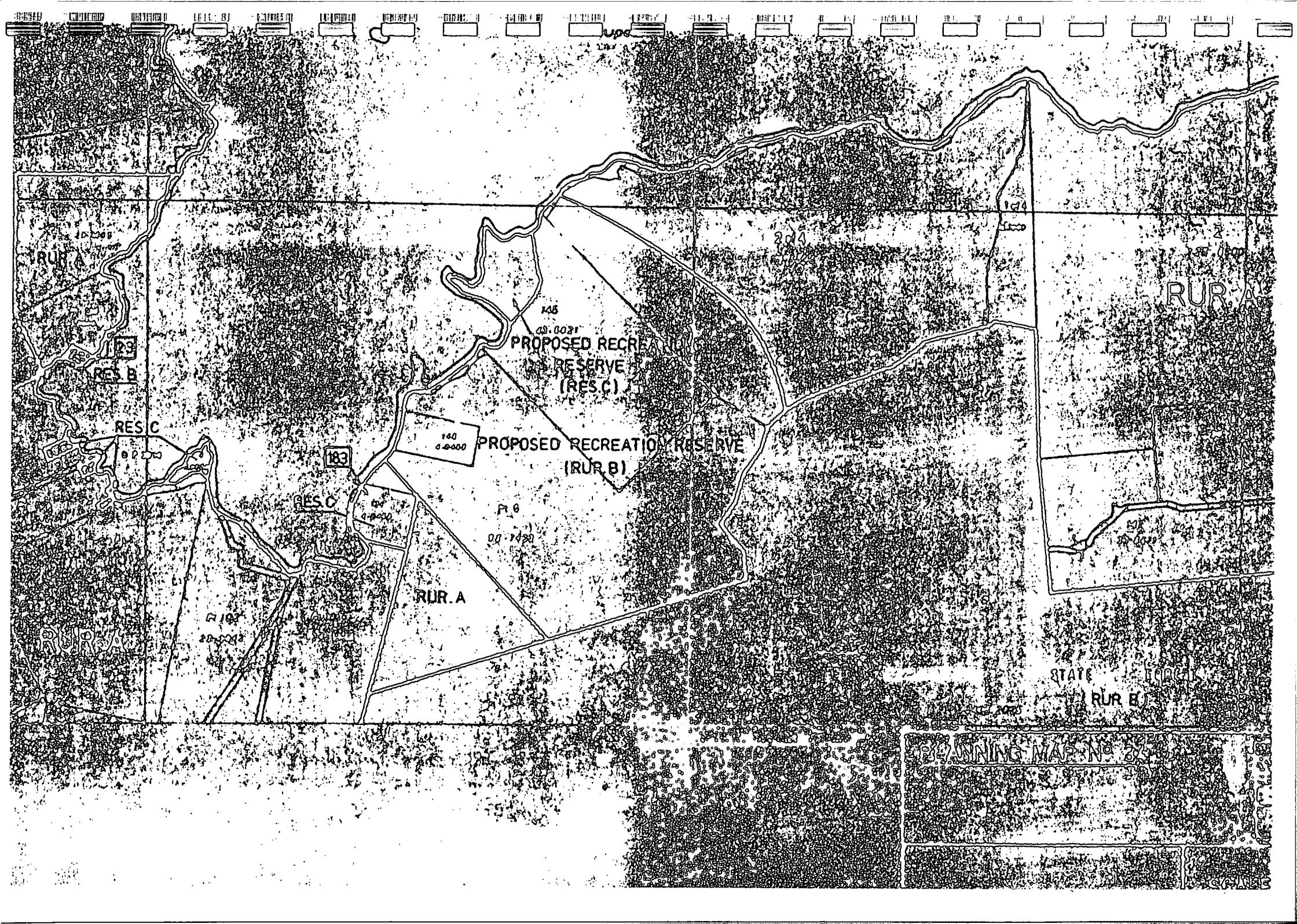
TAKORIN





PLANNING MAP No. 40

SCALE



RUR.A

RES.B

RES.C

RES.C

RUR.A

PROPOSED RECREATION RESERVE (RES.C)

PROPOSED RECREATION RESERVE (RUR.B)

RUR.A

STATE FOREST  
RUR.B

ZONING MAP NO. 22

SCALE