

5. TRANSPORTATION

- 5.1 Objective: To make provision for all modes of internal transport e.g. vehicular, cycle and pedestrian in such a manner that efficient and safe movement within and between zones is achieved.
- 5.2 Policies:
- (i) To locate land uses so that non-compatible and extraneous traffic is minimised.
 - (ii) To ensure an efficient and safe roading hierarchy for through and internal traffic movement and to protect major routes from unnecessary hazards or other distraction by preventing undesirable development on adjoining properties.
 - (iii) In areas with particularly attractive amenities e.g. Parker Street, to design future roading improvements to complement the area by introducing planting, mounding and curves to replace the detractive geometrically straight lines.
 - (iv) To provide cycleways leading to schools and shopping areas in new areas and where possible in existing areas.
 - (v) To provide walkways leading to schools and shopping areas in new areas and where possible in existing areas.
 - (vi) To carry out at a later date an investigation into the needs of the community in relation to public transport, but in the meantime to minimise the need for such transport by the strategic location of school, shopping, employment, medical and recreation facilities.

- 5.3 Roading System: National State Highway 1 from Picton to Bluff via Christchurch passes through the north east corner of the Borough. National State Highway 6 from Blenheim to Invercargill via Nelson and Greymouth commences near the Railway station and proceeds westwards through Blenheim. Provincial State Highway 63 from Renwick to Kawatiri branches off from the latter route and proceeds to State Highway 6 and thence the West Coast.

A report on Traffic in Central Blenheim was produced in 1965 by the Traffic Engineering Section of the Transport Department. As a result of recommendations therein, Market Street South has been closed to through traffic into Scott Street and Seymour Street from Scott Street to Alfred Street has been successfully developed as a bypass. A future extension of the Seymour Street bypass from Alfred Street to the Hutcheson Street Bridge may be necessary in the future.

Alternatively intersection improvements in the vicinity of the Blenheim School may suffice. In the longterm the desirability of relocating the Town Centre Bypass to Henry Street may need to be considered.

All streets in the Borough have been classified in accordance with their function. In descending hierarchy the classification is:

- a) State Highways - as determined by the National Roads Board and which provide major and through traffic routes.
- b) Arterial Streets - which provide the interconnection between the different land uses, and the neighbourhoods and to the external links.
- c) Collector Streets - which distribute traffic from within the neighbourhoods to the arterial streets or sometimes to the State Highways.
- d) Local Streets - which provide access to properties adjoining the streets where there is a low volume of through traffic.

Pursuant to Section 118(6) of the Act the Minister has accepted the Council's recommendation:

"That the right shall remain of access at all times beneath the bridge (see designation as Government Future Bridge Works on Planning Map M2) by vehicle traffic, as is presently available, to enable normal camp operations; no solid fill or earth abutment shall be constructed on the designated area."

Street widths have been reviewed and determined according to the street's function in the above hierarchy. Street widenings thereby required are shown in the Planning Maps. The number of properties affected is not great and is confined largely to those on the State Highway routes, in the Central Business District Streets, and on Maxwell Road and Henry Street. Steady progress is being made with the acquisition of these setbacks and the bulk of this work should be completed before the Second Review of the District Scheme.

In many cases street setbacks already taken are not now required for that purpose and consideration will be given to stopping these as legal street and returning them to the original property. In several instances this will permit the retention of existing trees and shrubs thus preserving the character of the streets concerned and may also increase property values by conferring on some sites, a subdivisional potential not previously existing. Where it is not practical to stop these portions or the adjoining owner is not interested in the return of them, they may be enhanced by tree planting, seating, small paved areas for children's play, or other passive recreation use.

5.4 Parking:

5.4.1 Policies:

- A) All residential uses require adequate off-street provision for parking. This is to the extent of one space for each dwelling-house. Requirements for apartments are greater than one per unit in order to allow for off-street parking by visitors.

- B) All new suburban shopping areas will be required to make adequate provision for off-street parking as well as provision for loading and unloading of servicing vehicles.
- C) Council has undertaken to provide parking areas throughout or adjoining the central shopping area, although it is expected that some private interests will provide or retain their own space. Development in the surrounding outer commercial area is required to provide some off-street parking space. Loading and unloading of goods is to be on site as far as is practicable.
- D) Industrial development is required to provide sufficient parking space with the objective of keeping industrial streets clear of unnecessary vehicles and allowing free passage of vehicles associated with industrial use. All loading and unloading of vehicles on industrial sites must take place on the site.

5.4.2 Provision: Surveys of parking demand in the Central Business District were carried out in December 1976 and in May 1979. The following figures show the highest occupancy rates during the periods of those surveys:-

	<u>December 1976</u>			<u>May 1979</u>		
	Capacity	Spaces Occupied	Percentage	Capacity	Spaces Occupied	Percentage
Public Car Parks	869	607	70	757	581	77
Private Car Parks	478	386	80	502	318	63
Metered Kerb Parking	284	280	98	258	252	97
Limited Time Kerb Parking	119	89	74	163	141	86
All Day Kerb Parking	264	184	69	203	141	69
Total Parking	2014	1546	76	1883	1433	76

It is emphasised that lower occupancy rates were observed at other times within the survey periods.

Conclusions that can be drawn are that although the total number of spaces available has decreased slightly, the occupancy rates have remained about constant.

Further surveys will be carried out to monitor the future parking demand and having regard to Council's Parking Policy, appropriate adjustments will be made when necessary in respect of the provisions for car parking.

5.5 Public Transport:

Bus services within the Borough are provided to a somewhat restricted timetable by a private Company to the southern and central parts of the town. External bus services to Picton, Christchurch and Nelson are also available.

Taxi services are provided by a local company.

5.6 Pedestrians and Cyclists:

See Policies in Clauses 4.3.2(i), 4.5.2(v), 5.2.(iv) and 5.2(v). Generally these refer to the provision of wider footpaths in the Commercial Business District and of walkways and cycleways in new areas and where possible in older areas through and linking reserves and leading to schools and shopping areas.

5.7 Commercial Traffic:

With the co-operation of the Marlborough District Association of the New Zealand Road Carriers Association (Inc.) specific routes for vehicles carrying stock have been agreed.

These are:

Old Renwick Road
State Highway 1
Dillons Point Road
Redwood Street
Alabama Road
Taylor Pass Road / Maxwell Road (south of Alabama Road)
New Renwick Road
Battys Road
Murphys Road.

While it is not possible to restrict other heavy traffic to the above routes encouragement will be given to commercial operators to avoid unnecessarily using streets within the Central Business District.

The Service Lane system will be maintained and increased where necessary or desirable.

5.8 Railway: The South Island Main Trunk Railway between Christchurch and Picton passes through the north east corner of the Borough closely parallelling State Highway 1. From Picton the Cook Straight Rail-Ferry link provides a connection to the North Island and carries freight, passengers and cars. Over 80% of the traffic over the line within Marlborough is now through traffic.

Terminal facilities are being developed at Spring Creek some 5 km to the north of Blenheim to service Blenheim and the nearest railway link to Nelson. There is a need to ensure that these facilities are adequate to meet future demands.

- 5.9 Ports: Blenheim's port on the Opawa River is now insignificant. Picton some 30km to the north is the closest sea port to Blenheim. Recent figures relating to total annual tonnages show that Picton is now the country's fifth busiest port after Whangarei, Auckland, Wellington and Tauranga and is the busiest port in the South Island being just ahead of Lyttelton. However, most of the province's produce must go to Christchurch or Wellington for export. This routing is considered by many people to be not in the best interests of Marlborough as it does not encourage the development of existing or new export industries or attract overseas shipping to Marlborough in preference to other ports.

At a well attended public meeting in March 1979, the unanimous local opinions were that the Picton register of waterfront workers be retained at a sufficient level for an overseas port, and that the Cook Strait Rail-Ferry South Island terminal remain at Picton. The outcome in respect of both of these representations has been successful.

- 5.10 Air: Blenheim Airport/R.N.Z.A.F. Base Woodbourne is a combined civil/military aerodrome having a sealed runway and is situated some 6km west of Blenheim. Regular domestic Air New Zealand passenger services operate carrying a total of over 75,000 people annually. James Aviation Ltd a relatively new owner has continued operating a smaller level passenger service. Freight services are operated by Safe Air. These passenger and freight facilities are considered adequate to meet the demand for a number of years but should be expanded when necessary.

Omaka is a smaller grass-surfaced airfield some 4km to the S.W. of Blenheim and is used mainly by light aircraft and a topdressing operator.

6. UTILITY SERVICES

6.1 Objective: To provide public utilities as and where needed.

6.2 Policies:

- (i) To ensure the supply of good quality water reticulated at high pressure.
- (ii) To ensure the further provision, maintenance and protection of the sewage disposal system.
- (iii) To ensure protection from flooding and the effective disposal of stormwater.
- (iv) To ensure an efficient refuse collection and disposal system.

6.3 Supply Services: Water is supplied by the Council by pumping from underground aquifers. Electricity is supplied from reticulation provided by the Marlborough Electric Power Board. Telephone services are provided by the New Zealand Post Office.

Council's town gas manufacture and supply has now ceased. The distribution of Liquefied Petroleum Gas to consumers is now undertaken by a private company.

6.4 Disposal Services: Sewerage disposal from all areas of the Borough to the oxidation ponds near the Vernon Lagoons should be achieved during 1979. This will eliminate the discharge into septic tanks from areas in the north of the Borough. As the population increases the oxidation ponds will require expansion and investigation and negotiations are under way in this regard.

Stormwater is collected via a system of watercourses, open drains and piped reticulation including pumping stations to the Taylor and Opawa Rivers and flood control drains. The Marlborough Catchment and Regional Water Board exercises important roles in relation to flood protection in both design and works. Ordinance 14.1.1(b) provides that the Council, following consultation with the Catchment Board, may require the provision of building platforms and/or may impose the height of floor levels of buildings on any site.

Refuse collection and disposal is undertaken by the Council. The controlled tip is off Taylor Pass Road and the standard of management is efficient. Facilities for recycling have been made available and these can be expanded if desired. In order to provide a buffer area the land in this vicinity is zoned Rural.

Consolidation of Development To ensure economic use of public utilities and other works, subdivision and building development is to be consolidated so far as is reasonably possible within areas where systems are already available and where connections can be made thereto before expansion elsewhere is permitted.

7. RESERVES POLICY

7.0 Pursuant to S.284 of the Local Government Act 1974 this Clause 7 sets out the Council's Reserves Policy. Other relevant sections of the above Act include 270, 285 to 292 and 294.

Because the Council's powers are discretionary, local differentiations have been determined for the provisions to be met in the cases of:-

Home Employment Zone purposes, because the use is neither solely or principally for residential purposes (wherein a contribution of 7.5% of the value of the allotments would be applicable) nor solely or principally for industrial purposes (wherein a contribution of 10% of the value of the allotments would be applicable), and
Redevelopments, in order to be more reasonable to the redeveloping owner.

7.1 Reserves Contributions in respect of residential subdivisions-

- (1) Where the council is of the opinion that all or any of the allotments shown on a scheme plan submitted to it for its approval are intended to be used solely or principally for residential purposes, the council may require that provision shall be made to the satisfaction of the council for public reserves under the Reserves Act 1977 within the land on the scheme plan amounting to 130 square metres for each allotment on the scheme plan which in the opinion of the council will be used for such purposes.
- (2) Subject to subsections (3) and (4) of this Clause, where the council is satisfied that the subdivision is adequately served by reserves or it is impracticable to provide such reserves, or where the area of the proposed reserves is less than 1,000 square metres, -
 - (a) The council may, in lieu thereof, make it a condition of approval of the scheme plan that the owner shall pay to the council, within such time as it may specify, an amount of money specified by the council; or
 - (b) The council and the owner may agree that instead of making such a payment the owner shall set aside within the subdivision an area of land to be vested in the council; or
 - (c) The council and the owner may agree that a combination of the provisions of subsection (1) of this Clause and of paragraphs (a) and (b) of this subsection, or any of those provisions, shall apply.

- (3) The value of the total contribution that the owner may be required to make under subsection (2) of this Clause (whether in money or land or both) shall be equal to 7.5 percent of the value of the allotments shown on the scheme plan that in the opinion of the council are intended to be used solely or principally for residential purposes.
- (4) Where the subdividing owner undertakes, pursuant to a requirement of the council, earthworks, tree planting, or other work on the land to be set aside as reserves under this Clause (not being work done for ensuring the stability of the land or necessary land drainage), and the work is done to the satisfaction of the council, the value of that work shall be taken into account in assessing the area to be set aside under subsection (1) of this Clause or, as the case may be, the contribution to be made under subsection (2) of this Clause (whether in money or land or both).
- (5) Where the subdividing owner makes provision for the setting aside within the land on the scheme plan of open space for the use only of persons to live within that land, the council may take into account the whole or part of the areas to be set aside when assessing the area to be set aside as reserves under this Clause or, as the case may be, the contribution to be made under subsection (2) of this Clause (whether in money or land or both).
- (6) The area of land to be set aside as reserves, or work to be done, or the sum to be paid by the owner to the council, under this Clause shall be ascertained having regard only to the number of allotments shown on the scheme plan in excess of the number of allotments comprised in the land before the subdivision that could have been used for residential purposes.
- (7) The Council may require the owner to enter into a bond for the due payment of the amount of any reserves Contributions payable under this Clause.

7.2 Reserves contributions in respect of subdivision for commercial or industrial purposes -

- (1) Where the council is of the opinion that all or any of the allotments on a scheme plan submitted to it for its approval are intended to be used solely or principally for commercial or industrial purposes, or for both such purposes, the Council may -
 - (a) Make it a condition of its approval of the scheme plan that an amount equal to 10 percent of the value of each such allotment shown on the scheme plan, be paid to the council within such time as it may specify; or
 - (b) Require the owner to set aside as public reserves under the Reserves Act 1977 an area of land within the subdivision of a value equal to the amount that would otherwise require to be paid under paragraph (a) of this subsection; or

- (c) The council and the owner may agree that a combination of paragraphs (a) and (b) of this subsection shall apply:

Provided that in any case where paragraph (c) of this subsection applies, the value of the total contribution under that paragraph (whether in money or land) shall not exceed the amount specified in paragraph (a) of this subsection.

- (2) Notwithstanding anything in subsection (1) of this Clause -

- (a) Where any front yard or side yard wider than the requirements of the Code of Ordinances of this district scheme applying to the land on the plan is voluntarily provided on that land by the owner by the imposition of building-line restrictions or otherwise, and that front yard or side yard will be available for the general use of the public for recreation purposes, the council may, subject to such conditions as it thinks fit -

- (i) Offset against the amount that would have otherwise been payable under subsection (1) of this Clause the value of that yard to the extent that it is wider than the requirements of the Code, as determined by the council; or, as the case may be,
- (ii) Offset against the area that would otherwise be required to be set aside under that subsection the area of that yard to the extent that it is wider than those requirements:

- (b) Where the owner has set aside or agrees to set aside an area on the roof of any building or proposed building on or to be erected on any land in the subdivision for use by the public for recreation purposes during ordinary business hours, the council may, subject to such conditions as the council thinks fit, -

- (i) Offset against the amount that would otherwise be payable under subsection (1) of this Clause the whole or part of the value, as determined by the council, of that area of roof; or, as the case may be
- (ii) Offset against the area required to be set aside under this section the whole or part of that area of roof.

- (3) The sum to be paid to the council or the area of land to be set aside by the owner under this Clause shall be ascertained having regard only to the number of the allotments in the subdivision in excess of the number of allotments comprised in the land before the subdivision that could have been used for commercial or industrial purposes.
- (4) The council may require the owner to enter into a bond for the due payment of the amount of any reserves contributions payable under this Clause.

7.3

Reserves Contribution in respect of subdivision for Home Employment Zone purposes -

- (1) Where the council is of the opinion that all or any of the allotments on a scheme plan submitted to it for its approval are intended to be used for Home Employment Zone purposes the council may -
- (a) Make it a condition of its approval of the scheme plan that an amount specified by the council, equal to 8.5 percent of the value of each such allotment shown on the scheme plan, be paid to the council within such time as it may specify; or
 - (b) Require the owner to set aside as public reserves under the Reserves Act 1977 an area of land within the subdivision of a value equal to the amount that would otherwise require to be paid under paragraph (a) of this subsection; or
 - (c) The council and the owner may agree that a combination of paragraphs (a) and (b) of this subsection shall apply:

Provided that in any case where paragraph (c) of this subsection applies, the value of the total contribution under that paragraph (whether in money or land) shall not exceed the amount specified in paragraph (a) of this subsection.

- (2) Notwithstanding anything in subsection (1) of this Clause -
- (a) Where any front yard or side yard wider than the requirements of the Code of Ordinances of this district scheme applying to the land on the plan is voluntarily provided on that land by the owner by the imposition of building-line restrictions or otherwise, and that front yard or side yard will be available for the general use of the public for recreation purposes, the council may, subject to such conditions as it thinks fit -
 - (i) Offset against the amount that would have otherwise been payable under subsection (1) of this Clause the value of that yard to the extent that it is wider than the requirements of the Code, as determined by the council; or, as the case may be,
 - (ii) Offset against the area that would otherwise be required to be set aside under that subsection the area of that yard to the extent that it is wider than those requirements.
 - (3) The sum to be paid to the council or the area of land to be set aside by the owner under this section shall be ascertained having regard only to the number of the allotments in the subdivision in excess of the number of allotments comprised in the land before the subdivision that could have been used for Home Employment Zone purposes.

- (4) The council may require the owner to enter into a bond for the due payment of the amount of any reserves contributions payable under this Clause.

7.4

Reserves along areas of water -

- (1) On every scheme plan submitted to the council under Part XX of the Local Government Act, 1974, unless the council, with the consent of the Minister of Lands, considers it unnecessary to do so, there shall be set aside as local purpose reserves under the Reserves Act 1977 for the purpose of providing access to the river, or stream, as the case may be, and to protect the environment, within the land proposed to be subdivided, a strip of land not less than 20 metres in width along the banks of all rivers and streams which have an average width of not less than 3 metres (not being rivers or streams or parts of rivers or streams exempted from this subsection pursuant to subsection (6) of this Clause):

Provided that the council, with the consent of the Minister of Lands, may approve the reduction of the width of the strip of land to a width of not less than 3 metres if in its opinion the reduced width will be sufficient to give members of the public reasonable access to the river, or stream.

- (2) Where -

- (a) A strip of land less than 20 metres in width along the bank of any river or stream has either -
- (i) Been reserved for the purpose specified in subsection (1) of this Clause, or for public purposes pursuant to section 29 (1) of the Counties Amendment Act 1961 (as in force before the commencement of Part XX of the Local Government Act 1974); or
 - (ii) Been set aside or reserved for recreation purposes pursuant to any other enactment (whether passed before or after the commencement of Part XX of the Local Government Act 1974, and whether or not in force at the commencement of that Part of that Act); or
 - (iii) Been reserved from sale pursuant to section 58 of the Land Act 1948 or the corresponding provisions of any former Act; and
- (b) A scheme plan of subdivision of land contiguous to that strip of land is subsequently submitted to the council under Part XX of the Local Government Act 1974, -

then, notwithstanding that under subsection (1) of this Clause or under any former enactment the Minister of Lands had consented to the setting aside of the strip of land of less than 20 metres in width, the council may, as a condition of its approval of the scheme plan, require the owner to set

aside as reserved for the purpose specified in subsection (1) of this Clause a strip of land contiguous to the strip of land previously set aside and of a width determined by the council, being not more than the difference between the width of the strip of land previously set aside and 20 metres.

- (3) Where, in the opinion of the council, it is in the public interest that a road or part of a road be dedicated within the area required to be set aside as reserved for the purpose specified in subsection (1) of this Clause, then, with the consent of the Minister of Lands, the dedication of that road or part of that road which lies within the area set aside may be accepted in satisfaction of and in substitution for the area or part of the area, as the case may be, that would otherwise be required to be set aside under this Clause.
- (4) Where a strip of land is set aside as required by subsection (1) or subsection (2) of this Clause, and any part of the bed of the river or stream is vested in the person in whom the land shown in the scheme plan is vested, the council may require, as a condition of its approval of the scheme plan, that the owner shall execute, or obtain the execution of, and register, a transfer to Her Majesty of the whole or specified part of the land of the bed of the river, or stream which is vested as aforesaid.
- (5) No land set aside as a reserve or transferred to Her Majesty pursuant to this Clause shall be taken into account for the purposes of Clause 7.1 or Clause 7.2 of this Policy, except to such extent (if any) as the council allows.
- (6) The Minister of Lands may from time to time on the application of the council declare that subsection (1) of this Clause shall not apply with respect to the banks, or any specified bank, of any specified river or stream or part of any specified river or stream, or may on the application of the council revoke any such declaration, in whole or in part. In making his decision under this Clause, the Minister of Lands shall have regard to the provisions of this district scheme or any proposed or approved changes thereto.
- (7) Every decision of the Minister of Lands under this Clause (corresponding to Section 289 of the Local Government Act, 1974) shall be final.

7.5 Reserves contributions in respect of development -

'Development', in relation to any land, means the development of the land (not being a subdivision of the land) by -

- (a) Constructing, erecting, or altering any one or more buildings thereon for the purpose of providing 3 or more new or 2 or more additional household units thereon; or

- (b) Constructing, or erecting, any one or more buildings thereon intended to be used solely or principally for commercial or industrial purposes where the value of the construction, or erection, (determined under section 294 of the Local Government Act 1974) will exceed \$100,000.
- (1) Where the owner of any land in the district is required by section 293 of the Local Government Act 1974 to notify the council of a proposed development that is solely or principally for commercial or industrial purposes or both such purposes, -
- (a) The council may require him to pay to the council as a reserves contribution, within such time as the council specifies, an amount equal to 0.5 percent of the value of the development as determined by the council; or
 - (b) The council may require him to set aside, as public reserves to be vested in the council, an area of land within the land shown on the development plan, to the satisfaction of the council, of a value equal, as at the date of lodgment of the development plan, to the amount that would otherwise be required to be paid under paragraph (a) of this subsection; or
 - (c) The council and the owner may agree that a combination of paragraphs (a) and (b) of this subsection shall apply:

Provided that in any case where paragraph (c) of this subsection applies, the total contribution under that paragraph (whether in money or land) shall not exceed the amount specified in paragraph (a) of this subsection.

- (2) Where the owner of any land in the district is required by section 293 of the Local Government Act 1974, to notify the council of a proposed development that is solely or principally for residential purposes,-
- (a) The council may require him -
 - (i) To set aside to be vested in the council as public reserves under the Reserves Act 1977 an area of land within the land shown on the development plan, to the satisfaction of the council, amounting to 20 square metres for every household unit to be provided in the development after the second new such unit or first additional such unit; or

(ii) Where the council is satisfied that it is impracticable or unnecessary to set aside such land, to pay to the council, within such time as it may specify, an amount of money that would, in the council's opinion, be sufficient to purchase, at the time of lodgment of the development plan, an area determined by the council, within the land on the plan, being 20 square metres of land for every such household unit after the second new such unit or first additional such unit; or

(b) The council and the owner may agree that a combination of subparagraphs (i) and (ii) of paragraph (a) of this subsection shall apply:

Provided that in any case where paragraph (b) of this subsection applies, the value of the total contribution under that paragraph (whether in land or money) shall not exceed the amount specified in subparagraph (ii) of paragraph (a) of this subsection.

- (3) If the development is to be carried out in stages, the contributions payable under subsection (1) of this Clause shall be added together, and the total amount payable under that subsection shall be the total sum so ascertained.
- (4) Where under this Part XX of the Local Government Act, 1974, or any corresponding former enactment any land has been set aside or any money paid or any work done, within the immediately preceding 5 years, as reserves or as a contribution in lieu of reserves in respect of the land on which the development is to take place, or the greater part thereof, the amount payable under this Clause shall be reduced by the value of the land so set aside, or of the work done, or the amount of money paid, as the case may be.
- (5) Where the owner makes provision for the setting aside within the land on which a development solely or principally for residential purposes is to be made of open space for the use only of persons to live within that land, the council may take into account the whole or part of the area to be set aside when assessing the area to be set aside as reserves under subsection (2) of this Clause or, as the case may be, the contribution to be made under that subsection in lieu of reserves.
- (6) Where, in the case of a development solely or principally for residential purposes, the owner undertakes, pursuant to a requirement of the council, earthworks, tree planting, or other work on the land to be set aside as reserves under this Clause (not being work done for ensuring the stability of the land or necessary land drainage), and the work is done to the satisfaction of the council, the value of that work shall be taken into account in assessing the area to be set aside under subsection (2) of this Clause.

- (7) The council may require the owner to enter into a bond for the due payment of any reserves contributions payable under this Clause.
- (8) Clause 7.4 Reserves along areas of water - of this Reserves Policy as far as it is applicable and with the necessary modifications, shall apply with respect to every development as if it were a subdivision of the land requiring the approval of the Council. The requirements of that clause as applied by this subclause shall be in addition to the obligation to make a reserves contribution under this clause, whether in land or money or both.

7.6 Reserves contributions in respect of redevelopment -

'Redevelopment', in relation to any land, means the redevelopment of the land (not being a subdivision of the land) by -

Reconstructing, or erecting, or altering any one or more buildings thereon intended to be used solely or principally for commercial or industrial purposes where the difference between the "before" and "after" value of the buildings reconstructed, or erected, or altered (determined under section 294 of the Local Government Act, 1974) will exceed \$100,000.

- (1) Where the owner of any land in the district is required by section 293 of the Local Government Act 1974, to notify the council of a proposed redevelopment that is solely or principally for commercial or industrial purposes or both such purposes, -
 - (a) The council may require him to pay to the council as a reserves contribution, within such time as the council specifies, an amount fixed by the council, equal to 0.5 percent of the value of the redevelopment as determined by the council; or
 - (b) The council may require him to set aside, as public reserves to be vested in the council, an area of land within the land shown on the development plan, to the satisfaction of the council, of a value equal, as at the date of lodgment of the redevelopment plan, to the amount that would otherwise be required to be paid under paragraph (a) of this subsection; or
 - (c) The council and the owner may agree that a combination of paragraphs (a) and (b) of this subsection shall apply:

Provided that in any case where paragraph (c) of this subsection applies, the total contribution under that paragraph (whether in money or land) shall not exceed the amount specified in paragraph (a) of this subsection.

- (2) If the redevelopment is to be carried out in stages, the contributions payable under subsection (1) of this Clause shall be added together, and the total amount payable under that subsection shall be the total sum so ascertained.
- (3) Where under Part XX of the Local Government Act 1974, or any corresponding former enactment any land has been set aside or any money paid or any work done, within the immediately preceding 5 years, as reserves or as a contribution in lieu of reserves in respect of the land on which the redevelopment is to take place, or the greater part thereof, the amount payable under this Clause shall be reduced by the value of the land so set aside, or of the work done, or the

amount of money paid, as the case may be.

- (4) The council may require the owner to enter into a bond for the due payment of any reserves contributions payable under this Clause.
- (5) Clause 7:4 Reserves along areas of water - of this Reserves Policy as far as it is applicable and with the necessary modifications, shall apply with respect to every redevelopment as if it were a subdivision of the land requiring the approval of the Council. The requirements of that clause as applied by this subclause shall be in addition to the obligation to make a reserves contribution under this clause, whether in land or money or both.

7.7

Amendments to Legislation: when empowered so to do Council will utilise the provisions of any subsequent relevant enabling amendments to the Local Government Act 1974.

APPENDIX A

TOWN PLANNING QUESTIONNAIRE AUGUST 1976 to FEBRUARY 1977

403 FORMS WERE RETURNED = 6.8% OF RATEABLE PROPERTIES (7.5% OF HOUSEHOLDS)

Question No.	It is suggested to:	Agree	Disagree	Don't know or not answered	%Agreement of those answering the question	Order Popularity
1.	allow more flexibility in the siting of dwellings within residential lots by keeping the present 5m front yard but reducing the varying rear yard to a minimum of 3m	67.5%	23.8%	8.7%	73.9%	7th
2.	make the erection of accessory buildings on side yards and rear yards subject to the consent of the adjoining neighbour(s)	54.1%	40.7%	5.2%	57.1%	8th
3.	require that in the designing of multi-unit blocks the privacy of residents be catered for by the provision of an out-door living court (or balcony) and a service court for each separate household	78.9%	11.4%	9.7%	87.4%	4th
4.	ensure that in newly subdivided areas every 100 lots have at least one developed play area	84.9%	9.9%	5.2%	89.5%	2nd
5.	introduce in addition to the existing Central Business District and the local (or corner) shopping zones, neighbourhood shopping zones based on a supermarket. Suggested positions for these zones are Redwoodtown and Springlands (where the existing supermarkets are to be rebuilt) Riversdale and the new area south of Wither Road	77.9%	10.9%	11.2%	87.7%	3rd

APPENDIX A (Cont'd)

Question No.	It is suggested to:	Agree	Disagree	Don't know or not answered	%Agreement of those answering the question	Order of Popularity
6.	require in industrial zones a similar front yard as for residential zones, 5m, instead of 3m and for this area to be landscaped thus improving the appearance of these zones	71.2%	20.6%	8.2%	77.6%	6th
7.	make provision for pedestrian and cycle routes leading to schools in new areas and where possible in existing areas	86.6%	7.2%	6.2%	92.3%	1st
8.	investigate the needs of the community in relation to public transport	78.2%	12.6%	9.2%	86.1%	5th

POPULATION STATISTICS

TABLE 1 POPULATION INCREASES

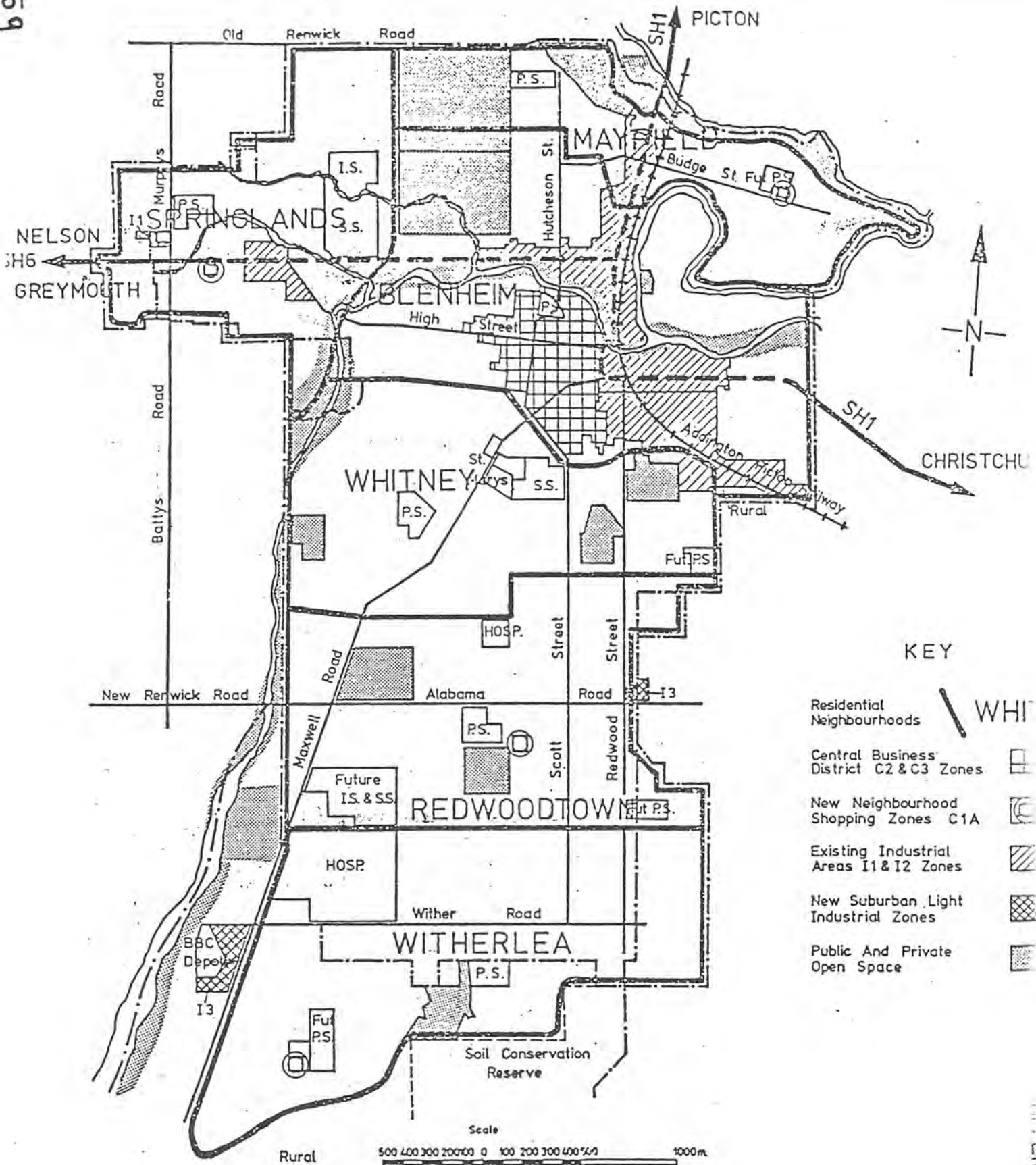
	Census night Population 1966	Blenheim's Population as a %	Census night Population 1971		5 yearly change %	Census night Population 1976	Blenheim's Population as a %	3 yearly change %	
			Pre 1974 Boundary	Post 1974 Boundary					
Blenheim	13,242		14,859	15,177	12.2 14.6	17,156		15.5	13.0
Marlborough	29,642	44.7	31,738		46.8 47.8	35,220	48.7	11.0	
South Island	783,593	1.69	811,268		1.83 1.87	860,990	1.99	6.1	
New Zealand	2,676,919	0.49	2,862,631		0.52 0.53	3,129,383	0.55	9.3	

TABLE 2 AGE AND SEX STRUCTURE

Age Group	1966 Census					1971 Census					1976 Census		
	Male	Female	Total	% for Blenheim	% for New Zealand	Male	Female	Total	% for Blenheim	% for New Zealand	Total	% for Blenheim	% for N.Z.
0 - 4	715	658	1373	10.4	11.5	799	741	1540	10.4	10.4	1514	8.8	9.5
5 - 14	1400	1315	2715	20.5	21.1	1568	1542	3110	20.9	21.4	3389	19.8	20.2
15 - 19	577	622	1199	9.0	9.2	603	648	1251	8.4	9.1	1518	8.8	9.6
20 - 64	3262	3368	6630	50.1	49.9	3643	3801	7444	50.1	50.6	8725	50.9	51.8
65+	556	739	1325	10.0	8.3	656	858	1514	10.2	8.5	2010	11.7	8.9
	6540	6702	13242	100.0	100.0	7269	7590	14859	100.0	100.0	17156	100.0	100.0
											Male 8329		
											Female 8827		

TABLE 3 ANALYSIS BY NEIGHBOURHOODS

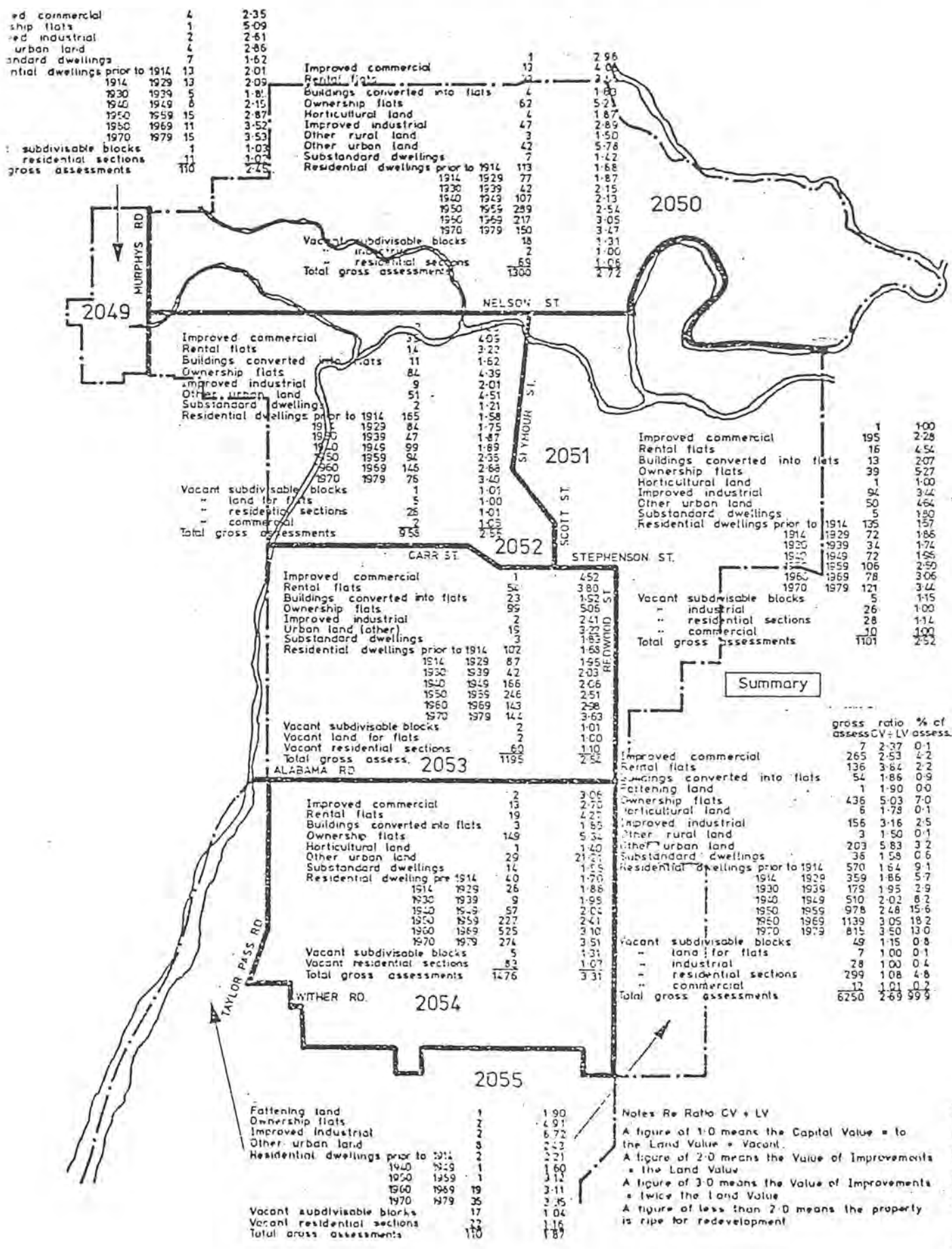
	1971			1976			Short term additional population		Short term Total population
	Population	Dwellings	School Roll	Population	Dwellings	School Roll			
Springlands	1618	428	240 Prim	1705	485	230	1000		
Springlands Post 1974				315	94		600	3600	
Mayfield	1615	439	315 P	1834	546	272	800	2600	
Blenheim	3004	985	365 P	3062	1037	242	500	3600	
Whitney	3231	1056	358 P	3728	1290	380	400	4100	
Redwoodtown	3295	995	378 P	3983	1281	391	600		
Redwoodtown Post 1974				5	1		200	4800	
Witherlea	2096	499	285 P	2496	660	330	600	6300	
Witherlea Post 1974				28	8		3200		
Totals Within the Borough	14859	4402		17156	5402		3900	4000	
Within band 1 En wide en- circling the Borough				1650	450			25000	
St Marys			354 P & I			423			
Bohally Intermediate			709 Int			659			
Marlborough Boys College			885 Sec			918			
Marlborough Girls College			831 S			1026			
			4720			4871			



BLENHEIM BOROUGH DISTRICT SCHEME
 FIRST REVIEW INCORPORATING 1974 EXTENSIONS
 BROAD PLANNING PROPOSALS

APPENDIX D. Basic Property Categories

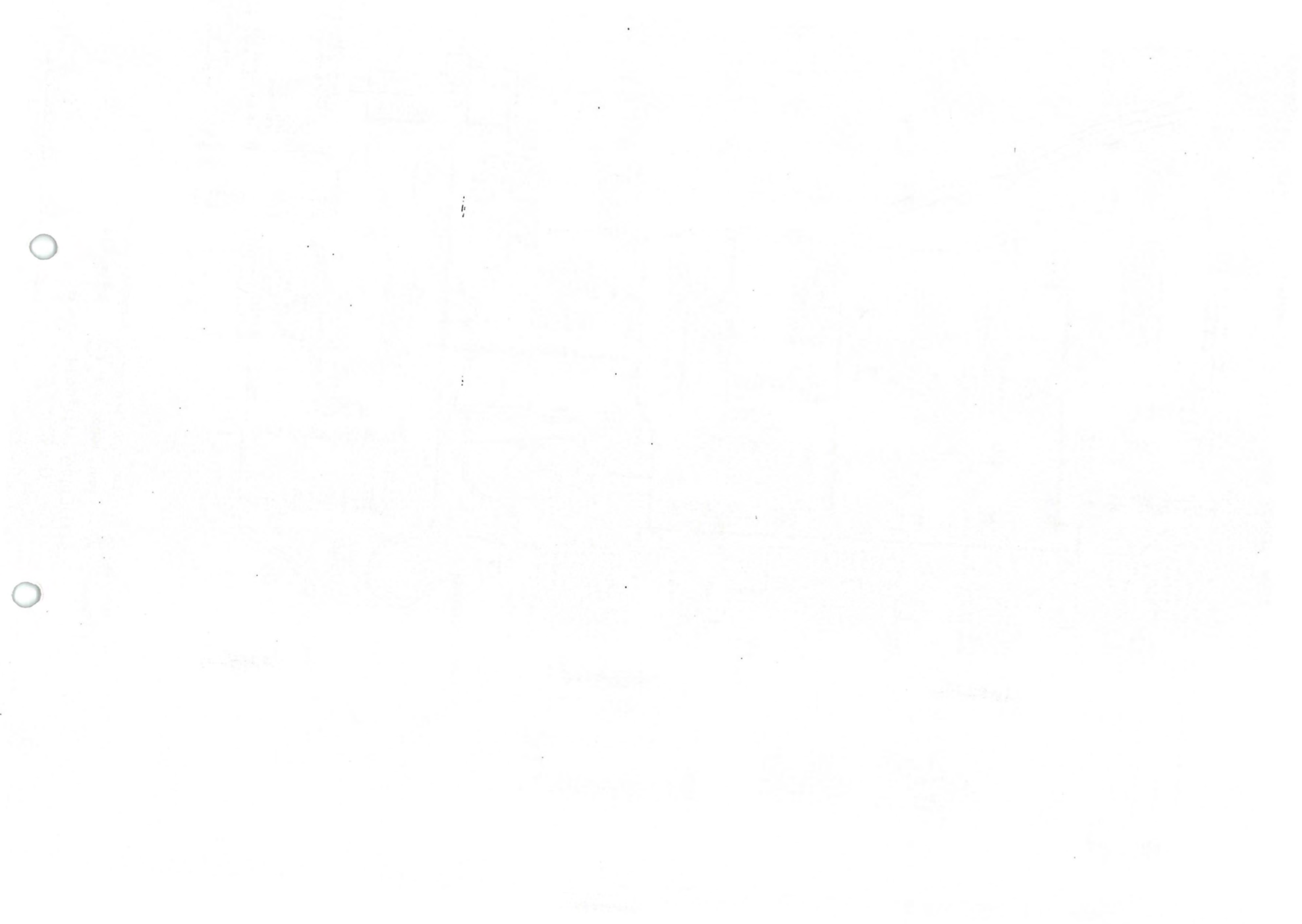
(Reflecting existing uses rather than existing zonings)
From Valuation Department Data as at 30-11-1977.



Summary

Category	Count	Value	gross assess ratio CV ÷ LV	% of assess.
Improved commercial	7	2.37	0.1	
Rental flats	265	2.53	4.2	
Buildings converted into flats	136	3.64	2.2	
Fattening land	54	1.86	0.9	
Ownership flats	1	1.90	0.0	
Horticultural land	436	5.03	7.0	
Improved industrial	6	1.78	0.1	
Other rural land	156	3.16	2.5	
Other urban land	3	1.50	0.1	
Other urban land	203	5.83	3.2	
Substandard dwellings	36	1.58	0.6	
Residential dwellings prior to 1914	570	1.64	9.1	
1914-1929	359	1.86	5.7	
1930-1939	179	1.95	2.9	
1940-1949	510	2.02	8.2	
1950-1959	978	2.48	15.6	
1960-1969	1139	3.05	18.2	
1970-1979	815	3.50	13.0	
Vacant subdivisible blocks	49	1.15	0.8	
Land for flats	7	1.00	0.1	
Industrial	28	1.00	0.4	
Residential sections	299	1.08	4.8	
Commercial	12	1.01	0.2	
Total gross assessments	6250	2.69	99.9	

Notes Re Ratio CV ÷ LV
 A figure of 1.0 means the Capital Value = to the Land Value = Vacant.
 A figure of 2.0 means the Value of Improvements = the Land Value
 A figure of 3.0 means the Value of Improvements = twice the Land Value
 A figure of less than 2.0 means the property is ripe for redevelopment





CODE OF ORDINANCES

COMPRISING ORDINANCES FOR THE ADMINISTRATION
AND IMPLEMENTATION OF THE BLENHEIM
BOROUGH COUNCIL'S DISTRICT SCHEME.

BOROUGH OF BLENHEIM DISTRICT SCHEME FIRST REVIEW
TOWN AND COUNTRY PLANNING ACT 1977

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DEFINITIONS:

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

- "The Act" means the Town and Country Planning Act 1977 and its amendments.
- "Accessory Building" in relation to any site means a building the use of which in the opinion of the Council is incidental to that of any other building or buildings on the site, and in relation to a site on which no building has been erected is one which is incidental to any permitted use; and in relation to a residential site includes a private garage.
- "Adjoining" means next adjoining.
- "Amenities" means those qualities and conditions in any area which contribute to the pleasantness, harmony, and coherence of the environment and to its better enjoyment for any permitted use.
- "Apartment House" means any residential building which contains two or more household units; and includes a block of flats, but does not include travellers accommodation or buildings forming part of a motor camp or camping ground, or private hotels or boarding houses.
- "Bedspaces per Hectare" means in relation to residential development the number of bedspaces per hectare of site calculated on the number of bedspaces provided within the buildings. A bedroom of 10 square metres or more shall be assessed as two bedspaces; less than 10 square metres shall be assessed as one bedspace.
- "Boarding House" means a residential building, not being a licensed hotel, in which board and/or lodging is provided or is intended to be provided for five or more boarders or lodgers, for reward or payment; and includes a private or unlicensed hotel and a private residential club.
- "Building" means any structure or erection, whether temporary or permanent, movable or immovable; and includes, where the height above ground level at any point exceeds 1.8m, any stack or heap of building materials, and any fence or boundary or retaining wall; and also includes any fence or boundary or retaining wall, whatever its height, which is used for advertising purposes or for some purpose other than or in addition to its use as a fence or boundary or retaining wall; but does not include an uncovered swimming pool in relation to the requirement that yards are to be unoccupied and unobstructed by buildings.

- "Carport" See Private Garage (under definition of Garage).
- "Clubrooms" See Places of Assembly.
- "Code" means this Code of Ordinances.
- "Commercial Garage" see Garage.
- "Comprehensive Residential Development" means a development, where before approval, applications are concurrently made to the Council for (i) a subdivision of the parent site into freehold titles and (ii) the design and layout of residential buildings on the new unit sites to be created. If in the opinion of the Council the proposals will lead to better development the Council may waive or vary any of its subdivisional or bulk and location standards, but excluding yard requirements on the perimeter of the parent site unless the adjoining owner has first consented.
- "Conditional Use" in relation to land and to any building in any zone, means any use specified in the operative district scheme as a use that is permitted only if the Council consents and only subject to such conditions as the Council may impose whether generally or in respect of the particular use or in respect of the particular site.
- "Corner Site" see Site.
- "Council" means the Blenheim Borough Council or any committee, sub-committee or person to which or to whom the Council's powers, duties and discretions under this Code have lawfully been delegated pursuant to the provisions of the Act.
- "Court" in association with a household unit means that part of its site which is required by this Scheme to be unoccupied and unobstructed from the ground upwards, provided that, such structures as will enhance the use and enjoyment of the said Court for the stated purpose may be permitted.
- An "Outdoor Living Court" is a court which provides for recreational use in conjunction with the living area of a household unit, and shall be located on the north, east or west side of that household unit.
- A "Service Court" is a court which provides for service functions in conjunction with the kitchen and laundry of a household unit.

"Coverage"	means that portion of a site which may be covered by buildings, including all accessory buildings and parts covered by overhangs or cantilevered structures but does not include fences, terraces, retaining walls or uncovered swimming pools.
"Dairy"	means a shop selling mainly food and beverages and deriving a substantial part of its turnover from the retail sale of milk, bread, and other day to day food requirements.
"Density Control"	see Bedspaces Per Hectare.
"Development"	in relation to any land, means the carrying out of any building, engineering, mining, or other commercial or industrial operations in, on, over, or under the land.
"Dwellinghouse"	means a detached residential building designed for or occupied exclusively as one household unit.
"Entrance Strip"	in relation to a rear site means all that part of the site extending from the street frontage having a width less than 7 metres.
"Erection"	in relation to any building, includes the re-erection or structural alteration of or the making of any addition to the building or the placing of the building on a site or the placing of the building from one position on a site on another position on the same site; and "erect" and "erected" have corresponding meanings.
"Existing"	in relation to buildings and uses, means lawfully in existence at the time when the Ordinance first became enforceable, and lawfully continuing in existence until the time of interpretation.
"Factory"	means a building or part of a building or land used for the packaging, processing, assembly or manufacture of goods or materials for sale, gain or service.
"Flats"	see Apartment House.
"Front Site"	see Site:
"Front Yard"	see Yard.

"Garage"

means a building or land used for the housing or care of self-propelled vehicles :

"Commercial Garage" means land or a building on or in which -

- a) self-propelled vehicles not belonging to the occupier of the premises or his family are serviced, overhauled, or repaired; or
- b) Three or more self-propelled vehicles which are regularly used for any commercial or business purposes are housed or cared for; or
- c) Two or more self-propelled vehicles, used as public conveyances for hire or reward, are housed or cared for; or
- d) Any three or more self-propelled vehicles are housed for reward;

"Private Garage" means a garage other than a commercial garage as herein defined; and includes a car port.

"Gross Floor Area"

is the sum of the gross areas of the several floors of the building or buildings measured from the exterior walls or from the centre lines of walls separating two buildings, provided that, in the case of shops, land on which goods are offered or exposed for sale by retail shall be included in the area calculation.

"Height"

in relation to a building other than fences, boundary or retaining walls means either (but only one option may be used for any one building) :-

- i) The vertical distance between the highest part of the building and mean ground level, or
- ii) The vertical distance between any part of the building and ground level immediately below that part of the building.

For the purpose of determining height:

- a) Ground Level shall either be natural ground level or the finished level of the ground as a result of earthworks carried out in an approved subdivision,

foundations of the building,

- c) Account shall be taken of parapets, but not of chimneys, ornamental towers, turrets, lift towers, machinery rooms or water tanks forming parts of other buildings provided that such parts of buildings-
- i) Do not exceed a height of 3m above the maximum height normally permitted by the bulk and location requirements for the relevant zone,
 - ii) Do not exceed an aggregate area in plan view of 10% of the area of the roof to the storey immediately below; and
 - iii) Do not exceed a length of 6m parallel to the frontage of the site,
- d) Account shall not be taken of radio or television receiving antennae and masts attached to the principal buildings on the site but which do not exceed 3m in height above the normal height limits applying to the principal building nor shall account be taken of television receiving antennae of greater height where the supporting mast is not greater than 80mm in diameter, is attached to a principal building and the installation complies with all relevant Regulations and Bylaws.
- e) Account shall be taken of signs except signs affixed to structures exempted from the normal height limitations by paragraph (c) above where such signs do not extend beyond the structure to which they are attached and are contained within the silhouette of that structure.

These provisions are additional to, and are not to be substituted with requirements relating to the Airport Protection Restrictions contained in Ordinance 12 except where a lower height would be required under the provisions of this definition.

Height in relation to fences, boundary or retaining walls means the vertical distance between any part of the fence or wall and the lowest natural ground level immediately adjoining that part of the fence or wall.

"Home Occupation"

means an occupation, a craft or a profession that is carried out in part of a residential building or a building accessory thereto and only by not more than one non-resident person plus those living in the residential building. To qualify as a Home Occupation there shall be no objectionable elements within the meaning of Section 77 of the Act and, in particular there shall be no exterior storage of materials or finished products, no signs except those permitted under Ordinance 15.2.2 and no attraction of traffic significantly more than for a purely residential use and no selling of goods on the site. A home occupation includes: art/pottery studio, dressmaking, hairdressing, out-work for manufacturers, teaching of elocution or music. Other occupations to be at the discretion of Council. There shall be no noise, smoke, dust, odour, glare or vibration generated by the home occupation which is discernible at the site boundaries.

- "Household" includes every housekeeping unit, whether of one or more persons.
- "Household Unit" means a self-contained house or residence of a single household and includes terms such as apartment, courtyard house, dwelling, dwellinghouse, flat, home unit, semi-detached house, terrace house and town house.
- "Institution" means a building administered by an organisation for the purposes of public health, education or culture.
- "Licensed Hotel" means a building in respect of which there is for the time being in force a licence for the sale of liquor issued under section 54 (1) of the Sale of Liquor Act, 1962.
- "Loading" in relation to a vehicle includes the fuelling and unloading of it, and the adjustment or covering or tying of its load and the loading or unloading or adjustment of any part of its load, and "load", in relation to a vehicle has a corresponding meaning.
- "Loading Space" means that portion of a parcel of land used for loading vehicles as required under this Code.
- "Lodging House" see Boarding House.
- "Minister" means the Minister of Works and Development.
- "Net Area" in relation to a rear site means the difference in area, between the area of such rear site and the area of its entrance strip. "Net site area" shall have a similar meaning.
- "Non-Conforming" in relation to a site or a building or to the use of a site or building, means the site or building or a use of either that does not conform with the provisions of this Scheme.
- "Parking" in relation to a vehicle, includes the stopping or standing of the vehicle in the same place approximately, whether the driver is with it or not, whether the engine is running or not, and whether the vehicle is capable of moving under its own power or not, but a vehicle shall not be deemed to be parked on a street if the period of standing is not more than five minutes, or, being more than five minutes, is enforced by circumstances beyond the control of the licensed driver present in charge of the vehicle, and "park", in relation to a vehicle, has a corresponding meaning.

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"Performance Standard"	is a minimum standard based on the performance of a building or use and set out in measurable quantities of each administration of the Ordinance concerned.
"Permitted Use"	means every predominant use, whether or not a permit has been obtained, and every conditional use that is permitted by the Council in accordance with this Scheme.
"Person"	shall include a corporation sole, a body of persons whether corporate or unincorporate and any local or public authority.
"Places of Assembly"	means land or buildings which are used in whole or in part of the public or private assembly of persons for such purposes as deliberation, worship, entertainment, education or similar purposes, and includes such buildings associated with public or private hotels or travellers' accommodation.
"Predominant Use"	in relation to any land in any zone, means any use specified in these ordinances as a predominant use being a use permitted as right subject to the restriction therein imposed upon such use.
"Primary Indicator"	a free standing illuminated double sided sign. The sign shall only have a logo or other similar device to indicate the name or use of a site or building.
"Private Garage"	see Garage.
"Private Hotel"	means temporary accommodation (being unlicensed in terms of the Sale of Liquor Act 1962 and its amendments) for persons required generally to share service facilities.
"Recession Plane"	in relation to the height of any building, means a plane inclined at an angle from the middle line of a street or a site boundary through which no part of the building, unless otherwise specified, may protrude.
"Rear Site"	See Site.
"Rear Yard"	see Yard.
"Residential Building"	means any building or part of a building used or intended to be used for human habitation but does not include a motel.
"Scheme"	means the Borough of Blenheim District Scheme.

- "Service Industry" means such uses as catering depots, bakeries, laundries, steam pressing and dry cleaning premises, signwriting and sign making, caravan and motor vehicle rental premises, premises for the hire of household equipment and effects, fruit and produce markets, shoe repair and upholstery repair workshops, jewellery manufacture, household appliance repair workshops and any other similar or allied uses which will not detract from the amenities of the locality.
- "Service Lane" means land dedicated as service lane of minimum width 3.7 metres and maximum width 10.7 metres, used from time to time for the vehicular access to adjacent properties.
- "Service Station" means an establishment for the fuelling, lubrication and minor servicing of domestic garden equipment and motor vehicles, not including engine or body repairs, overhauls, trimming, or spray painting.
- "Shop" means any land, building or part of a building on or in which goods are sold or offered or exposed for sale by retail, or are offered or exposed for hire; and includes any auctioneer's or land or travel agent's premises, any hairdresser's premises, a lending library, a restaurant, any premises for the repair of footwear or clothing or household equipment, and any depot for receipt and delivery only, or for ordering only of articles or goods; but does not include premises for the sale of motor vehicles or fuel for motor vehicles. In this context for the definition of motor vehicle see the Transport Act, 1962.
- "Side Yard" see Yard.
- "Sign" for the purposes of Ordinance 15 means and includes any device for attracting attention of passers-by of what nature or kind soever, whether painted, written, printed, carved, inscribed, delineated, incorporated with, or otherwise affixed or attached to or upon or projected on to any building, wall, fence, hoarding, pole or other structure or erection whatsoever, and whether permanently or temporarily, if such device is visible from any public place.
- "Site" means an area of land permitted by the Scheme and by the general law to be used as a separate unit for one or more specified or ascertainable uses and includes all related buildings and curtilages; and of which no part of such site may be disposed of such as to render the use or building thereon non-conforming. Where a site comprises 2 or more allotments, amalgamation of such allotments may be required pursuant to the provisions of Section 387B of the Municipal Corporations Act, 1954. See Appendix III for diagram illustrating types of sites.

"Site" contd

"Corner Site" means a site having a frontage of not less than the minimum prescribed by this scheme for front sites in the particular zone in which the site is situated to each of two or more streets or private streets not less than 6.0 metres in width if the frontages are contiguous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees:

"Front Site" means a site having one frontage of not less than the minimum prescribed by the Scheme for the particular zone in which the site is situated to a street or private street:

"Rear Site" means a site which is situated generally to the rear of another and which has not the frontage required for a front site for that use in the zone.

"Travellers
Accommodation"

means land and buildings principally for the day to day accommodation of travellers by road and their vehicles and includes motels, holiday or tourist flats, camping grounds, motor camps, caravan parks and their respective accessory buildings, but does not include private hotels or boarding houses.

"Yard"

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

"Front Yard" means a yard between the street line and a line parallel thereto and extending across the full width of the site, provided that, where land is indicated in the scheme as proposed street for widening purposes, the street line shall be deemed to be the boundary of the street as it will be when widened.

"Rear Yard" means a yard between the rear boundary of the site and a line parallel thereto extending across the full width of the site; provided that in the event of there being no rear boundary as in a triangular section, the boundaries of the rear yard shall be the converging side boundaries of the site and the arc of a circle drawn with the apex as centre and a radius of 9 metres.

"Side Yard" means a yard between each side boundary of the site and a line parallel thereto extending the full length of the site but excluding therefrom any part of the site that is included in a required rear yard or front yard.

See Appendix III for diagram illustrating yard requirements.

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- "Service Industry"
 - (i) An activity which is primarily directed at giving service to the people as opposed to the production of goods for use or consumption generally, and
 - (ii) Such uses as catering depots, laundries, steam pressing and dry cleaning premises, signwriting and sign making, caravan and motor vehicle rental premises, premises for the hire of household equipment and effects, fruit and product markets, shoe repair and upholstery repair workshops, household appliance repair workshops and any other similar or allied uses.

- "Service Lane" means land dedicated as a service lane of minimum width 3.7 metres and maximum width 10.7 metres, used from time to time for the vehicular access to adjacent properties.

- "Service Station" means an establishment for the fuelling, lubrication and minor servicing of domestic garden equipment and motor vehicles, not including engine or body repairs, overhauls, trimming, or spray painting.

- "Shop" means any land, building or part of a building on or in which goods are sold or offered or exposed for sale by retail, or are affected or exposed for hire; and includes any auctioneer's or land or travel agent's premises, any hairdresser's premises, a lending library, a restaurant, any premises for the repair of footwear or clothing or household equipment, and any depot for receipt and delivery only, or for ordering only of articles or goods; but does not include premises for the sale of motor vehicles or fuel for motor vehicles. In this context for the definition of motor vehicle see the Transport Act 1962.

- "Side Yard" see Yard.

- "Sign" for the purposes of Ordinance 15 means and includes any device for attracting attention of passers-by of what nature or kind soever, whether painted, written, printed, carved, inscribed, delineated, incorporated with, or otherwise affixed or attached to or upon or projected on to any buildings, wall, fence, hoarding, pole or other structure or erection whatsoever, and whether permanently or temporarily, if such device is visible from any public place.

- "Site" means an area of land permitted by the Scheme and by the general law to be used as a separate unit for one or more specified or ascertainable uses and includes all related buildings and curtilages; and of which no part of such site may be disposed of such as to render the use or building thereon non-conforming. Where a site comprises 2 or more allotments, amalgamation of such allotments may be required pursuant to the provisions of Section 387B of the Municipal Corporations Act, 1954. See Appendix III for diagram illustrating types of sites.

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"Site" Cont

"Corner Site" means a site having a frontage of not less than the minimum prescribed by this scheme for front sites in the particular zone in which the site is situated to each of two or more streets or private streets not less than 6.0 metres in width if the frontages are contiguous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees :

"Front Site" means a site having one frontage of not less than the minimum prescribed by the Scheme for the particular zone in which the site is situated to a street or private street :

"Rear Site" means a site which is situated generally to the rear of another and which has not the frontage required for a front site for that use in the zone.

"Supermarket"

building or space used for the sale of food and household goods of a minor nature, being organised on predominantly self-service basis.

"Travellers
Accommodation"

means land or buildings principally for the day to day accommodation of travellers by road and their vehicles and includes motels, holiday or tourist flats, camping grounds, motor camps, caravan parks and their respective accessory buildings, but does not include private hotels or boarding houses.

"Yard"

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

"Front Yard" means a yard between the street line and a line parallel thereto and extending across the full width of the site, provided that, where land is indicated in the scheme as proposed street for widening purposes, the street line shall be deemed to be the boundary of the street as it will be when widened.

"Rear Yard" means a yard between the rear boundary of the site and a line parallel thereto extending across the full width of the site; provided that in the event of there being no rear boundary as in a triangular section, the boundaries of the rear yard shall be the converging side boundaries of the site and the arc of a circle drawn with the apex as centre and a radius of 9 metres.

"Side Yard" means a yard between each side boundary of the site and a line parallel thereto extending the full length of the site but excluding therefrom any part of the site that is included in a required rear yard or front yard.

See Appendix III for diagram illustrating yard requirements.

2. GENERAL PROVISIONS:2.1 DOCUMENTS COMPRISING THE DISTRICT SCHEME:

This Code of Ordinances, together with the Scheme statement and the Planning Maps, comprise the District Scheme for the areas brought into the Borough on 1st November 1974 and the Reviewed District Scheme for the areas within the Borough prior to that date (hereinafter called the district scheme or the scheme), as required by Sections 38 and 59 of the Town and Country Planning Act 1977 and regulations 21 and 35 of the Town and Country Planning Regulations 1978.

2.2 RELATIONSHIP OF CODE TO BY-LAWS:

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

2.3 INTERPRETATION OF DISTRICT SCHEME PLANNING MAPS:

- (a) The planning maps M1 to M6 in this scheme are reproduced at a metric scale of 1:10,000. The individual sheet coverages correspond with the approved boundaries of urban subdivisions to be used for future Census purposes by the Department of Statistics. They also correspond with the boundaries of the neighbourhoods described in Clauses 2.3.5 to 2.3.10 with the exception that the boundary between the Mayfield and the Blenheim neighbourhoods is shown further southwards than the map in Appendix C of the Statement;
- (b) All zones, designations, roading proposals and other matters dealt with in the Scheme are shown by distinctive notations on the planning maps;
- (c) Zone boundaries shown following the sides of streets or streams shall be deemed to follow the middle line of such streets or streams;
- (d) The boundaries of the River Protection zone are defined as the outer structural toe of flood protection stopbanks, or the water face of a structural flood protection wall where this takes the place of a stopbank. The zone includes the area occupied by stopbanks, flood berms and river channel;
- (e) The zone of any designated land shall be deemed to be that within which the designation lies unless otherwise indicated in the Scheme;
- (f) Some privately owned institutions, facilities or amenities are specifically identified on the planning maps pursuant to S. 73 of the Act.

2.4 IMPLEMENTATION OF DISTRICT SCHEME:2.4.1 GENERAL OBLIGATIONS:

Subject to the provisions of the Act and all Regulations made thereunder, and to Ordinance 2.5.4 hereof, and to any modification, dispensation, permit or consent made, given or issued by the Council, no person shall depart or permit or suffer any departure from the requirements and provisions of the Scheme nor shall any person use or permit the use of any land or building or undertake or permit any new work or any reconstruction, alteration or modification of any

existing work if the use, new work, reconstruction, alteration or modification does not conform with the Scheme or does not comply in all respects with the requirements and conditions of any such modification, dispensation, permit or consent made, given or issued by the Council as aforesaid, or would tend to prevent or delay the effective operation of the Scheme.

2.4.2

APPLICATIONS FOR PERMITS OR APPROVALS:

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

- (a) Where the application is for a permit for building or other work, supply such drawings and information in detail as may be necessary to indicate that the proposed building or other work will, when erected or carried out, comply in all respects with the Scheme, and that, in particular, the prescribed provisions for off-street parking, loading and access have been made;
- (b) Where the application is for approval of a subdivision pursuant to Section 275 of the Local Government Act 1974, supply four copies of the scheme plan of subdivision on a scale approved by the Council (of which one copy shall be for the use of the Post Office and another for the use of the Electric Power Board) prepared by a registered surveyor if the subdivision comprises more than two allotments, and showing the allotments and their areas and dimensions, easements, street widening, streets, service lanes, access ways, reserves, topographical data, and such other information as shall be required by the Council provided that if the land proposed to be subdivided is within the River Protection Zone, or adjoins that Zone, or adjoins any stream or watercourse to which the By-laws of the Marlborough Catchment Board apply, an additional copy of the scheme plan shall be supplied for the use of the Catchment Board; Pursuant to Sections 279 (8) and (9) of the Local Government Act 1974 an additional copy shall be supplied for the District Commissioner of Works where the proposed subdivision adjoins a State Highway, Government road or Government Railway, and an additional copy shall be supplied for the United Council where the proposed subdivision has a frontage to any existing or proposed regional road;
- (c) Supply the legal description of the land concerned and the name of the owner thereof together with the postal address of the land concerned.

2.4.3

SERVING OF NOTICES:

A notice required by the Act or the Code to be served on any body or person may be delivered to him either personally or sent by post in a letter addressed to that body or person at the last known place of abode or business of that body or person, and where it is so sent, it shall be deemed to have been given at the time at which the letter would have been delivered in the ordinary course of post. See qualifications for the date of receipt of the Notification of the decision (Section 2 of the Act) and the date by which objections are required to be lodged. (Regulation 37(5) of the Town & Country Planning Regulations 1978).

2.5 USE ZONING AND CONTROLS:

2.5.1 METHOD OF PRESENTATION:

Ordinances 4 to 10 specify the types of zones within the district, the predominant and conditional uses of land and buildings, within each zone, and the bulk and location requirements and other conditions which relate to predominant uses in each zone.

2.5.2 TITLES AND NOTATIONS:

The zones constituted for the purposes of the Scheme are shown on the district planning map by distinctive titles and notations.

2.5.3 CONTROL OF USE AND USES NOT EXPRESSLY MENTIONED:

Subject to the existing use rights and provisions of Section 90 of the Act, any land or any building thereon may be used for any use at that time permitted for that site under the Act, or the use thereof may be changed to any use at that time permitted under the 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. Any use not expressly mentioned in the District Scheme that falls naturally within a general class of uses authorised in respect of any zone, shall be deemed to be included in that class as if it had been expressly authorised.

2.5.4 RECONSTRUCTION ETC OF NON-CONFORMING BUILDINGS:

An existing building which does not conform to any or all of the provisions of the District Scheme relating to the zone in which it is situated may be reconstructed, altered, or added to (but not rebuilt) if the reconstruction, alteration, or addition does not increase the degree by which the building fails to conform to the Scheme or any part or provision of it; and subject to the provisions of Section 91 of the Act.

2.6 DESIGNATED LAND:

2.6.1 DESIGNATED LAND TO BE ZONED:

In accordance with Section 121 of the Act, all land designated for a public work is zoned. In all cases the zoning applicable is that within which the designated land lies. The zoning shall not have any effect in respect of -

- a) The construction, execution, or operation of the designated public work ; or
- b) The use of the land for the designated purpose.

2.6.2

ALTERATION OF DESIGNATIONS FOR PUBLIC WORKS, ETC:

Pursuant to the provisions of Section 123 of the Act the Council may, with the agreement with the owners of any land directly affected, alter the position shown on the district scheme of any proposed highway; or alter any designation for a public work.

2.6.3

CONSENT REQUIRED TO WORK, ETC., AFFECTING DESIGNATED LAND:

The interim use of designated land is controlled by Section 124 of the Act.

Where any land is designated in an operative district scheme for a proposed public work -

- a) the carrying out of any work on ~~that~~ land, including-
 - i) the construction or alteration of any structure:
 - ii) the making of any excavation:
 - iii) the felling or burning of any tree or bush; or
- b) the sub-division of that land-

whether public or private, shall not be allowed without the consent of the body or person having financial responsibility for the proposed public work. Any such consent may be given subject to such conditions as the body or person giving it thinks fit to impose.

2.6.4

OUTLINE PLANS OF WORKS TO BE SUBMITTED TO COUNCIL:

Pursuant to the provisions of Section 125 of the Act, Outline plans of works to be constructed by or on behalf of the Crown or by any local authority on designated land shall be submitted to the Council for its consideration before construction is commenced, unless they have been otherwise approved under the Act. An outline plan shall show the height, shape and bulk of the work, its location on the site, the likely finished contour of the site, entrances and exits, and parking provisions.

2.7

PUBLIC UTILITIES:

Where any local authority or other public authority is authorised by any Act to determine the location, within the district of the Council, of the public utilities under its control and where such public utility is provided for in Section 64 of the Act, it shall be deemed to be a predominant use in every zone in such district.

Every public utility building requiring a permit under the Building Bylaws (whether subject to the provisions of Section 64 or 72 of the Act or not) shall be of such dimensions, construction, design, appearance, and landscaping as shall be appropriate to its functions and to the amenities of the locality in which it is situated, and shall at all times be properly maintained. Any local or public authority being responsible for any public utility shall at all times co-operate and consult with the Council in regard to the nature and siting of its utilities, so as to achieve a result consistent with the best principles of Town and Country Planning.

2.8

PROCEDURE IN RESPECT OF APPLICATIONS FOR CONSENT AND USES:A) APPLICATIONS WITHOUT NOTICE - PREDOMINANT USES:

Subject to the provisions of these Ordinances, consent of the Council shall not be required under these Ordinances by way of a notified application to the use of any land or building for any use specified and at that time permitted as a predominant use in the zone in which it is situated, if that use is in accordance with every requirement set forth in the Code in respect of it as a predominant use.

B) APPLICATIONS WITH NOTICE:1) CONDITIONAL USES:

Subject to the provisions of these Ordinances, the use of any land or building for any use specified and permitted at that time as a conditional use in the zone in which it is situated may be permitted subject in each case to the consent of the Council and to such conditions, restrictions, and prohibitions as to location, height, yards, position of buildings on sites, coverage, drainage, disposal of effluents, and preservation of amenities as are stipulated in the ordinance relating to the zone, and to such special conditions, restrictions, and prohibitions (whether in respect of the same matters or other matters) as the Council may think fit to impose.

2.8B)1) Cont'd/...

Section 72 and 69 of the Act make provision regarding conditional uses and appeals in respect of conditional uses respectively, and the procedure for notified applications for conditional uses and for objections thereto is set out in Regulation 37 of the Town and Country Planning Regulations, 1978.

2) SPECIFICALLY IDENTIFIED LAND:

Where, pursuant to Section 73 of the Act, any land is specifically identified in the District Scheme as being used for purposes of value to the Community but not intended to be owned by the Crown, the Council, or any local authority, then -

- a) The carrying out of any work on that land which is consistent with the specific identification of the land including -
 - i) the replacement of any building; or
 - ii) the construction of any new building which is listed as a predominant use in the underlying zone - shall be deemed to be a predominant use.
- b) The carrying out of any work on that land including -
 - i) the use of that land which is inconsistent with the identified purpose; or
 - ii) the subdivision of that land; or
 - iii) the construction of a new building which is listed as a conditional use in the underlying zone - shall be deemed to be a conditional use of the land.

3) SPECIFIED DEPARTURE FROM DISTRICT SCHEME:

Applications may be made for an exception to any provision of the scheme. The criteria which the Council must apply are set out in Section 74(2) of the Act and Section 69 makes provision in respect of appeals against the Council's decision. Regulation 37 of the Town and Country Planning Regulations 1978 sets out the procedure for notified applications and objections thereto.

4) WORKS CONTRARY TO A PROPOSED CHANGE ETC., PROHIBITED:

Any work, building or subdivision contrary to the provisions of a proposed publicly notified change or review cannot proceed unless the Council approves. Applications must be notified except where a non-notified application would be sufficient had the change or review become operative. (Section 75 of the Act).