

PICTON BOROUGH DISTRICT SCHEME

The Town and Country Planning Act 1953.

CODE OF ORDINANCESComprising Ordinances for the Administration  
and Implementation of the District Scheme

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CLAUSE 1 - DOCUMENTS COMPRISING DISTRICT SCHEME

This code of ordinances, together with the scheme statement and the district planning map comprise the Picton Borough District Scheme (hereinafter called the district scheme or the scheme), as required by Section 21 of the Town and Country Planning Act 1953 and Regulation 15(1) of the Town and Country Planning Regulations 1960.

CLAUSE 2 - RELATIONSHIP OF CODE TO BYLAWS

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 provisions of any bylaw the provisions of this code shall prevail.

CLAUSE 3 - INTERPRETATION

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

"The Act" means the Town and Country Planning Act 1953:

"Accessory Building" means a building the use of which is incidental to that of any other building or buildings on the site; and in relation to a site on which no building has been erected, incidental to a use then permitted on that site; and includes a private garage or carport. For the purposes of determining yard requirements an accessory building attached to a residential building shall be deemed to be part of that building.

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

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

"Building" means any structure, whether temporary or permanent, movable or immovable, of not less than 1.5m (4.9 ft) in height and includes any fence or wall other than a retaining wall and any stack or heap of building materials:

"Carport" means a building which consists of only a roof supported by posts at intervals of not less than 1.5m (4.9 ft) and is otherwise uncovered around all sides except where it is attached to other buildings, which is used for the housing of one or more vehicles:

"Camping Ground" means a camping ground within the meaning of the Camping Ground Regulations 1956; and includes every area of land that would be a camping ground within the meaning of those regulations if the words "and includes any building, whether permanent or temporary, occupied either wholly or in part as a temporary living place for human habitation" were added to the definition of the term "living place" in Regulation 3 of those regulations.

"Code" means this code of ordinances:

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

- a) Self-propelled vehicles not belonging to the occupier of the premises or his family are serviced, overhauled or repaired: or
- b) Three or more self-propelled vehicles which are regularly used for any commercial or business 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:

"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:

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

"Dairy" means a shop selling mainly food and beverages, and deriving a substantial part of its turnover from the retail sale of milk and dairy products:

"Deferred Development" in relation to any zone means that development of the type prescribed for the zone is not permitted to take place until a date specified by the Council in the district scheme:

"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 or group of residential buildings designed for or occupied exclusively as one household unit:

"Erection" in relation to any building includes the re-erection or structural alteration of, or the making of, any addition to the building or the placing of the building on a site, or the placing of the building from one position on a site to another position on the same site; and "erect" and "erected" have corresponding meanings:

"Entrance Strip" in relation to a rear site means all that part of the site extending from the street frontage with parallel sides at less than 9m (29.5 ft) in width; where the sides diverge all that part of the site at less than 9m (29.5 ft) unless the divergence is 45 degrees or more as shown: (See Appendix G)

"Existing" in relation to buildings and uses means lawfully in existence at the time when the Ordinance first became enforceable, and lawfully continuing in existence until the time of interpretation:

"Factory" means a building or a part of a building or land used for the packaging, processing, assembling or manufacture of goods or materials for sale, gain or service:

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

"Habitable Rooms" means any room in a household unit, other than kitchen, laundry, bathroom, w.c, entrance hall, passageway and private garage; provided that for any non-residential use permitted in a residential zone every 30m<sup>2</sup> (322.89 sq.ft) of gross floor space area or part thereof shall be deemed to be equivalent to one habitable room.

"Height" and "height-control line" have the meanings specified in clause 5.3 of Ordinance V hereof:

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

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

"Interim Use" has the meaning specified in clause 4.3 of Ordinance IV hereof:

"Licensed Hotel" means a building in respect of which there is for the time being in force a licence for the sale of liquor issued under section 54(1) of the Sale of Liquor Act 1962:

"Loading" in relation to a vehicle includes the fuelling and unloading of it and the adjustment or covering or tying of its load, and the loading, unloading or adjustment of any part of its load; and "load" in relation to a vehicle has a corresponding meaning:

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

"Non-conforming" in relation to a site or a building, or to the use of a site or building, means a site or a building or a use of either that does not conform with the provisions of this scheme:

"Parking" in relation to a vehicle includes the stopping or standing of the vehicle in the same place approximately, whether the driver is with it or not, whether the engine is running or not, and whether the vehicle is capable of moving under its own power or not, but a vehicle shall not be deemed to be parked on a street if the period of standing is not more than five minutes or, being more than five minutes, is enforced by circumstances beyond the control of the licensed driver present in charge of the vehicle; and "park" in relation to a vehicle has a corresponding meaning:

"Permitted Use" means every predominant use, whether or not a permit has been obtained, and every conditional use that is permitted by the Council in accordance with this scheme:



"Petrol Service Station" means an establishment for the fuelling, lubrication and minor servicing of motor vehicles, not including engine or body repairs or overhaul, or trimming or spray painting:

"Place" has the meaning specified in clause 1.5 of Ordinance V hereof:

"Poster" has the meaning specified in clause 2 of Ordinance VII hereof:

"Predominant Use" in relation to land in any zone means any use specified in these ordinances as a predominant use:

"Private Garage" means a garage other than a commercial garage as herein defined; and includes a carport:

"Residential Building" means any building or part of a building used or intended to be used for residential purposes, but does not include a motel unless otherwise stated:

"Residential Institution" means a hostel, hospital, convalescent home, boarding school or charitable institution providing board and lodging and having accommodation for four or more persons other than management and staff:

"Semi-detached House" means one of a pair of household units both of substantially similar design, each being the only household unit on its site, the two being built side by side on adjoining sites and joined by a wall common to both that meets the requirements of the Council's bylaws for a party wall between dwellinghouses:

"Service Industry" means such uses as catering depots, steam pressing and dry cleaning premises, signwriting and signmaking, caravan and motor vehicle and boat rental premises, premises for the hire of household equipment and effects, fruit and produce markets, shoe repair and upholstery repair workshops, jewellery manufacture, household repair workshops and other similar or allied uses which will not detract from the amenities of the locality:

"Shop" means any land, building or part of a building on or in which goods are sold or offered or exposed for sale by retail; and includes any auctioneer's or land agent's premises, a lending library, a restaurant, a hairdresser's premises, and a depot for receipt and delivery only of articles to be cleaned, laundered or dyed; but does not include premises used for the sale of fuel for motor vehicles or car sales yards used for the sale of new or used motor vehicles:

"Signboard" has the meaning specified in clause 2 of Ordinance VII hereof:

"Site" means an area of land permitted by the scheme and by the general law to be used as a separate site for one or more specified or ascertainable uses and for which subdivisional approval could be given in accordance with Ordinance III, and includes all related buildings and curtilages:

"Corner Site" means a site having a frontage of not less than the minimum prescribed by the 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 12m (39.5 ft) in width if the frontages are contiguous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees:

"Front Site" means a site having one frontage of not less than the minimum prescribed by 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 site and which has not the frontage required for a front site for that use in the zone but has a frontage and entrance strip specified in Ordinance III in the same certificate of title:

"Through Site" means a front site having two frontages to a street or streets, such frontages not being contiguous and the average width of the site measured at right angles to the axis of the site being not less than the minimum frontage required for a front site:

"Street" includes road:

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

"Yard" means a part of a site which is required by this scheme to be unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by this scheme. For front sites see Appendix H and for definition for front, rear and side yards see below. For rear sites a "yard" means that part of a site between a boundary of the site and a line parallel thereto and extending for the full length of that boundary or until it meets another yard complying with the foregoing:

"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 district scheme as required for street widening, 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 9m (29.5 ft).

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

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

CLAUSE 4 - IMPLEMENTATION OF DISTRICT SCHEME

4.1 GENERAL OBLIGATIONS

Subject to the provisions of the Act and all regulations made thereunder and to clause 4 of Ordinance V hereof, no person shall depart or permit or suffer any departure from the requirements and provisions of the scheme nor shall any person use or permit the use of any land or building or undertake or permit any new work or any reconstruction, alteration or modification of any existing work if the use, new work, reconstruction, alteration or modification does not conform with the district scheme or would tend to prevent or delay the effective operation of the district scheme.

4.2 INFORMATION TO BE SUPPLIED IN APPLICATIONS FOR PERMITS

In addition to the information required by any bylaw, the applicant for a permit for a building, subdivision or other work shall, when making his application, supply such drawings and information in detail as may be necessary to indicate that the proposed building, subdivision or other work will, when erected or carried out, comply in all respects with this scheme and in particular that the prescribed provision has been made for off-street parking and loading and garage accommodation for motor vehicles.

4.3 APPLICATION OF REQUIREMENTS WHERE USES OR AREAS CHANGE

Every requirement of these ordinance as to the use of any building or land or part thereof, being a requirement which does not attach to the building or land while it continues to be used for the same or a similar purpose as when this ordinance first became enforceable, shall attach when the general character of the use of the building or site is changed or when the area of the floor of the building is altered or when the cartilage of the building is altered.

4.4 DISPENSATIONS AND WAIVERS

- 4.4.1 The Council may conditionally or unconditionally grant an application for the dispensation wholly or partly from, or waiver of any provision of the district scheme relating to:
- a) The subdivision of land;
  - b) The height, bulk, density and location of buildings permitted on sites;
  - c) The provision of parking and loading spaces;

- d) The design of buildings, verandas and signs;  
if the Council is satisfied that:
- e) It is not reasonable or practicable to enforce the provision in respect of a particular site;
- f) The dispensation or waiver will not detract from the amenities of the neighbourhood and will have little town and country planning significance beyond the immediate vicinity of the land in respect of which the dispensation or waiver is sought;

and

- g) The written consent has been obtained of every person the interests of whom, in the Council's opinion, might be prejudiced by granting the dispensation or waiver, unless in the Council's opinion it is unreasonable in the circumstances existing to require such consent to be obtained.

4.4.2

APPLICATIONS

Applications to the Council for the grant of a dispensation or waiver under this Ordinance shall be accompanied by plans drawn to standard building or subdivisional plan scales, as the case may be, and an adequate description of the nature of the dispensation or waiver sought, to assist the Council to ascertain the merits of each individual application.

4.4.3

LIMITATIONS

No dispensation or waiver of any kind whatsoever shall be granted in respect of any subdivision of land for a residential zone complying with the "reduced standards" requirement as set out in clause 3.3.2 of Ordinance III.

ORDINANCE II - USE ZONING

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CLAUSE 1 - GENERAL

1.1 Method of Presentation

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

1.2 Zone Titles and Notations

The zones constituted for the purposes of the scheme are shown on the district planning map by the notations listed in the key shown on that map and have the following titles, namely:

Rural  
Residential A and B  
Travellers' Accommodation  
Commercial A and B  
Industrial A, B and C  
Industrial B Deferred  
Industrial C Deferred  
Marine Servicing  
Aquatic Recreational

1.3 Uses in Deferred Development Partitions

The partitions of any zone and the date from which development in accordance with the uses prescribed for the zone may proceed within each partition are shown by the partition boundaries endorsed "deferred until ....." and the dates within those lines, on the district planning map.

1.4 Control of Uses Within Zones

1.4.1 Uses authorised - Any land or any building thereon may be used for any use permitted for that site under the Act, or the use thereof may be changed to any use 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.

1.4.2 Uses not expressly mentioned - Any use not expressly mentioned in the district scheme that falls naturally within a general class of uses authorised in respect of any zone shall be deemed to be included in that class as if it had been expressly authorized; but in respect of any other use that is not expressly provided for within the district by Ordinance II hereof, the Council shall determine in which zone or zones it may be permitted and, in respect of that zone or each of those zones, whether it shall be a predominant use or a conditional use or in what circumstances predominant and in what circumstances conditional and (where further conditions are required) what those conditions shall be.

- 1.4.3 Uses in Deferred Development Partitions - In any zone where development is to proceed by stages, development in accordance with the uses prescribed for the zone may be permitted only in the first partition and, except with the consent (by resolution) of the Council, development shall not be permitted in the second and third partitions until the respective dates specified therefor on the district planning map. Until the respective dates so specified there shall be no predominant uses in the respective second or third partitions; and the uses prescribed as predominant for the zone shall, for the purposes of the second and third partitions, be deemed to be conditional uses, and the provisions of this code relating to conditional uses shall apply to those uses.
- 1.4.4. Public Utilities in relation to zoning - Every public utility that is not provided for in subsection (9) of section 21 of the Act shall be deemed to be a conditional use in every zone and partition thereof.
- 1.4.5 Designated Open Spaces in relation to zoning - For the purposes of this scheme every designated open space, and (subject to the provisions of the Act and the prerogatives of the Crown) every reserve, is reserved for the particular purpose for which it is designated or reserved under the scheme.
- 1.5 Regulation and Procedure in Respect of Uses:
- 1.5.1 Predominant Uses - Subject to the provisions of these ordinances, consent of the Council shall not be required under these ordinances to the use of any land or building for any use specified as a predominant use in the zone in which it is situated, if that use is in accordance with every requirement set forth in this code in respect of it as a predominant use.
- 1.5.2 Conditional Uses -
- 1.5.2.1 General - Subject to the provisions of these ordinances, the use of any land or building for any use specified as a conditional use in the zone in which it is situated is 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 or 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.
- 1.5.2.2 Procedure - The procedure for application for conditional uses and for objections thereto is set out in Regulation 32 of the Town and Country Planning Regulations 1960.

CLAUSE 2 - RURAL ZONING

2.1 Rural Zone

2.1.1 Predominant Uses: The predominant uses shall be:-

- (i) Farming of any kind, forestry, excepting the housing or keeping of animals in any building or enclosure within 17m (55.8 ft) from any residential building or less than 12m (39.4 ft) from any boundary of the site.
- (ii) Parks and scenic reserves.

2.1.2 Conditional Uses: The conditional uses shall be:-

- (i) The quarrying, winning and processing of materials occurring naturally in the vicinity.
- (ii) Cemeteries and crematoria.
- (iii) Accessory buildings used solely for the purposes of agriculture, or used for a purpose which is accessory to the use of the land in the locality for agricultural purposes, such accessory uses being farm houses, farm workers' houses or farm buildings essentially required to be sited on the farm in the interest of the efficient working of the farm; or temporary buildings to be used solely for the purposes of afforestation or quarrying of the land within which the building is sited.
- (iv) Any predominant use which does not comply in respect of the bulk and location requirements, parking, loading and access requirements, laid down for such use shall be deemed to be a conditional use.

2.1.3 Special Conditions relating to all Permitted Uses

Where the slope of the land exceeds 15 degrees, 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.)

2.1.4 Conditions relating to certain Conditional Uses

The following conditions shall apply to conditional industrial uses in rural zones:

- (i) All tailings, sawdust, spoil, waste and effluent shall be so disposed of as to minimise damage to property or disfigurement of the countryside.
- (ii) The sites of excavations, heaps, dumps, spoil or other materials at any workings or plant which cause or are likely to cause damage to property or disfigurement to the countryside shall be progressively restored to a reasonably natural state by levelling or back filling where possible, and by the planting of grass or trees, and on completion of work by the removal of plant and buildings, and such re-habitation of the land as the Council thinks fit.

2.1.5 Subdivision of the Land - see Ordinance III

2.1.6 Bulk and Location Requirements

- (i) For Predominant Uses - the normal bulk and location requirements for predominant uses shall be:

		<u>Residential</u> <u>Buildings</u>	<u>Other</u> <u>Buildings</u>
Front Yards -			
Minimum Depth	..	8m (26.2')	15m (49.2')
Rear Yards -			
Minimum Depth	..	8m (26.2')	15m (49.2')
Side Yards - Minimum			
Width on each side		5m (16.4')	12m (39.4')
Maximum Permitted Height (excluding chimneys, masts, etc.)	..	6m (19.7')	6m (19.7')

For exceptions to normal yard requirements, see Ordinance V, clause 5.2.2.

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

2.1.7 Parking and Loading of Vehicles - see Ordinance VI.



CLAUSE 3 - RESIDENTIAL ZONING

3.1 RESIDENTIAL A ZONE

3.1.1 Predominant Uses - The predominant uses shall be:-

- (i) Dwellinghouses.
- (ii) A conversion of existing dwellinghouses into apartment houses of not more than two units.
- (iii) Semi-detached houses.
- (iv) Apartment houses containing not more than two household units.
- (v) Parks and scenic reserves:  
Provided that no land or buildings shall be used for pleasure or entertainment purposes involving any operation detrimental to the amenities of the neighbourhood.
- (vi) Professional offices situated in a dwelling permitted under this ordinance, so long as the predominant use of the premises as a whole is that of a dwellinghouse.
- (vii) Buildings accessory to the use of buildings or land for any predominant use authorised by or under the district scheme for that site.

3.1.2 Conditional Uses - The conditional uses shall be:-

- (i) Apartment houses containing three or more household units.
- (ii) All other residential uses not permitted as predominant uses.
- (iii) Boardinghouses, private hotels and private residential clubs.
- (iv) Churches and places of public or private worship.
- (v) Museums, art galleries, libraries, nurseries, play centres and educational establishments, including boardinghouses and hostels used in connection with those uses.
- (vi) Residential institutions, including hostels, public and private hospitals, health clinics, nursing homes, convalescent homes, boarding schools and charitable institutions, but not premises used for the accommodation or treatment of animals.
- (vii) Playgrounds, recreation grounds, halls and places of assembly, including gymnasiums and training sheds.
- (viii) Groups of garages or parking spaces for hiring
- (ix) Provision for public parking.
- (x) Motels and camping grounds.

- 3.1.2
- (xi) A building not exceeding 20m<sup>2</sup> (215.2 sq. ft) floor area situated on the same site with a residential building and used for the storage only of plant and materials in connection with the business of a builder, painter, paperhanger, plumber, electrician or person conducting any other business connected with the building trade, who is resident on the same site.
  - (xii) Works of public utilities not deemed to be predominant by Section 21(9) of the Act.
  - (xiii) Market gardens and nursery gardens and the keeping of horses and not more than 25 poultry.
  - (xiv) Buildings accessory to use of buildings or land for any of the uses specified in this paragraph except those specified in subparagraph (xi) of this paragraph.
  - (xv) Any predominant use which does not comply in respect of the bulk and location requirements, parking, loading and access requirements, laid down for such use shall be deemed to be a conditional use.

3.1.3

Special Conditions relating to all Permitted Uses

Where the slope of the land exceeds 15 degrees, 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.)

3.1.4

Subdivision of Land - see Ordinance III

3.1.5 Bulk and Location Requirements

3.1.5.1 For Predominant Uses - the normal bulk and location requirements shall be:-

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on each side	Coverage	Minimum Nett Site Area	Maximum Height
i) <u>FRONT SITES:</u>						
Dwellinghouse	5m (16.4')	5m (16.4')	1.5m & 3m (4.9' & 9.8')	35%	500m <sup>2</sup> (19.77p)	10m (32.8')
Semi-detached houses	5m (16.4')	5m (16.4')	2.5m (8.2')	35%	300m <sup>2</sup> (11.86p) each	10m (32.8')
Apartment houses containing not more than 2 household units	5m (16.4')	5m (16.4')	1.5m & 3m (4.9' & 9.8')	35%	300m <sup>2</sup> (11.86p) each	10m (32.8')
Other buildings	5m (16.4')	5m (16.4')	3m (9.8')	35%		10m (32.8')
Accessory buildings	See Ordinance V	See Ordinance V	1.5m (4.9')	Aggregate coverage not to exceed 75m <sup>2</sup> (807 sq')		4m (13.1')

ii) REAR SITES:

Residential buildings on rear sites shall have one yard of 5m (16.4') along one of the boundaries adjacent to the entrance strip; all other yards shall be 3m (9.8'). Coverage and Maximum Height shall be that set out for front sites. Minimum nett site area shall be:

Dwellinghouse ... 700m<sup>2</sup> (27.68p)      Semi-detached houses ... 350m<sup>2</sup> (13.84p)  
 Apartment houses containing not more than 2 household units ... 350m<sup>2</sup> (13.84p)  
 For exceptions to these requirements for buildings other than accessory buildings - see Ordinance V, clause 2.2.

3.1.5.1

Provided that -

- (i) The minimum depth of any yard shall be increased so that it shall not be less than the height of the building fixed in accordance with Ordinance V, Clause 3.3, minus 3m (9.8 ft).
- (ii) For dwellinghouses, semi-detached houses, apartment houses on front sites, the 3m (9.8 ft) side yard may be reduced to 1.5m (4.9ft) if vehicular access to the rear is provided elsewhere or garage accommodation for each unit is designed and built as part of the building and has suitable vehicular access.
- (iii) In all cases eaves may encroach on yards by not more than 1m (3.28 ft) thereafter the depth of the yard must be increased by the amount of additional encroachment.
- (iv) Where on a front site a 3m (9.8 ft) side yard is the only vehicular access to the rear of the property it must be unobstructed.
- (v) Accessory buildings, garages and carports, however, may be sited as follows:-
  - (1) FRONT SITES
    - A) Accessory buildings (including garages and carports) may, without further consent, be erected:
      - a) On any rear yard if they do not occupy more than one-third of the area of such rear yard. Provided, however, where any building is erected closer than 1.5m (4.9 ft) to the side boundaries the consent in writing of the adjoining owners of the site on the side where the building encroaches on the 1.5m (4.9 ft) shall be obtained and the building must not exceed 3m (9.8 ft) in height.
      - b) On any side yard further than 15m (49.2 ft) from the street, subject to the written consent of the adjoining owner, and the building not exceeding 3m (9.8 ft) in height.
    - B) Private garages and carports only may be permitted by the Council to be erected:
      - a) on any side yard within 15m (49.2 ft) of a street provided the written consent of the adjoining owner is obtained and the building does not exceed 3m (9.8 ft) in height.
      - b) Forward of the front line of the dwelling -
        - (i) Provided that there is no encroachment on the front yard and the structure is designed and built in keeping with the dwellinghouse, OR
        - (ii) If vehicular access to the rear of the dwelling is not available or it is not practicable to make it available, then on the front yard, subject to the written consent of the adjoining owners and the design and construction of the building being in keeping with the dwellinghouse on the site and on the adjoining properties.

3.1.5.1

- c) On vacant sites no accessory building, private garage or carport shall be erected within 21m (68.9 ft) of the street.

(2) REAR SITES

Accessory buildings (including private garages and carports) may, without further Council consent, be erected:

- a) 1.5m (4.9 ft) from any boundary of the site.
- b) On any boundary of the site with the consent of the adjoining owner of that common boundary on which the building is erected, provided that the building does not exceed 3m (9.8 ft) in height.

(3) EXCEPTIONS TO THESE NORMAL REQUIREMENTS -  
See Ordinance V, Clause 2.2.

## 3.1.5.2

For Conditional Uses - the normal bulk and location requirements shall be:-

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on Each Side	Coverage	Maximum Density	Minimum Nett Site Area	Maximum Height
Apartment houses designed and built as such	5m (16.4')	5m (16.4')	5m (16.4')	35%	100 habitable rooms per hectare (approx. 40 hab.rooms per acre)	600m <sup>2</sup> (23.7p) & 300m <sup>2</sup> (11.86p) for each unit	10m (32.8')
Motels	5m	5m	See Clause 3.1.6(d)  Minimum Frontage 24m (78.8')	35%	100 habitable rooms per hectare (approx. 40 hab.rooms per acre)	1500m <sup>2</sup> (59.3p)	10m (32.8')
Terracehouse							
a) Inner Units	5m (16.4')	5m (16.4')	Nil	35%	100 habitable rooms per hectare (approx. 40 hab.rooms per acre)	200m <sup>2</sup> (7.9p)	10m (32.8')
b) End Units	5m (16.4')	5m (16.4')	2.5m (8.2') Where terracehouses have garages within the internal design of the building the side yard may be reduced to (1.5m (4.9'))		100 habitable rooms per hectare (approx. 40 hab.rooms per acre)	300m <sup>2</sup> (11.86p)	10m (32.8')

3.1.5.2  
(contd.)

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on Each Side	Coverage	Maximum Density	Minimum Nett Site Area	Maximum Height
Other residential buildings	5m (16.4')	5m (16.4')	5m (16.4')	35%			10m (32.8')
Churches, church halls, Sunday schools	9m (29.5')	15m (49.2')	12m (39.4') on both sides	30%		1200m <sup>2</sup> (47.4p)	10m (32.8')
All buildings except those below	8m (25.2')	8m (25.2')	3m (9.8') on both sides	35%		As required by Ord. III	10m (32.8')
Accessory buildings	See Ordinance V, clause		1.2	Aggregate coverage not to exceed 75m <sup>2</sup> (807 sq.ft)			4m (13.1')

3.1.5.2 Provided that -

- (i) The minimum depth of any yard shall be increased so that it shall not be less than the height of the building fixed in accordance with Ordinance V 3 minus 3m (9.8 ft).
- (ii) In all cases eaves may encroach on yards by not more than 1m (3.28 ft) thereafter the depth of yard must be increased by the amount of the additional encroachment.
- (iii) Where on a front site a 3m (9.8 ft) side yard is the only vehicular access to the rear of the property then it must be unobstructed.
- (iv) Exceptions to these requirements - see Ordinance V

3.1.5.3 Maximum Density:- 100 habitable rooms per hectare (approximately 40 habitable rooms per acre).

3.1.5.4 Coverage:- Site coverage includes all accessory buildings. Parking spaces required by this clause shall be deemed to be covered for the purpose of calculating the site coverage of each site. For this purpose each parking space shall be taken as 14m<sup>2</sup> (150.7 sq.ft).

3.1.5.5 Minimum Nett Site Area for single dwellinghouses:- Provided that in the case of a site that is the result of a subdivision to the "reduced standards" the minimum nett site area may be reduced to 430m<sup>2</sup> (17p) in the case of a front site and 500m<sup>2</sup> (19.8p) in the case of a rear site.

3.1.5.6 Minimum Habitable Room Count:- For the purposes of calculating the density of any apartment house or terracchouse or motel in the Residential A zone, each household unit or motel unit shall be deemed to have at least three habitable rooms irrespective of its design.

3.1.5.7 Accessory Buildings:- 75m<sup>2</sup> (807 sq.ft) coverage may be exceeded in multiple household development where such excess is to provide one private garage or carport per household unit erected or to be erected on the site. Provided that in no case shall the total building coverage on the site exceed 50%.

3.1.6 CONDITIONS RELATING TO CERTAIN CONDITIONAL USES:

The following conditions shall apply to the following residential uses:-

- (a) Dwellinghouses - Where a site can comply with the requirements of this Ordinance to permit the use of apartment houses, the following uses shall be permitted and deemed to be conditional uses:-
  - (i) A dwellinghouse may be erected on the same site as an apartment house and vice versa, provided that the requirements for bulk, height, location, density and site coverage shall be those of an apartment building and the dwellinghouse shall count as an apartment house block with two household units for this purpose.
  - (ii) Two dwellinghouses may be erected on one site, provided that the requirements for bulk, height, location, density and site coverage shall be those for an apartment building and each dwellinghouse shall count as an apartment house block with two household units for this purpose.



- 3.1.6 (b) Apartment houses or terrace houses shall contain not more than six household units and shall have rear access in common or individual to each household unit.
- (c) Apartment houses or terrace houses shall be provided with storage facilities either in buildings designed for the purpose or within the residential building. Such storage space shall not be less than 3m<sup>2</sup> (32.28 sq.ft) per household unit and may with the approval of the Council be part of a laundry, garage or carport. Such storage is to be additional to that required by Chapter 4 S.S. 1900.

(d) Additional Siting Requirements for Apartment Houses.  
Where household units of an apartment house, semi-detached, terrace house, motel or multi-unit development, are erected one behind the other down the depth of a site or on rear sites, then the windows and doors providing the main source of light to the living room in every household unit shall face directly on to a yard having a depth of at least 5m (16.4 ft) which may include not more than 1.5m (4.9 ft) used as a pedestrian access or part of a vehicular access within the site, providing that no vehicular access, parking or manoeuvring area is within 3m (9.8 ft) of the required windows of the household unit except for service rooms. The other side yards shall have a minimum depth of:

- (i) For a building not exceeding 18m (59.1') - 2m (6.6')
- (ii) " " " " " 36m (118.2') - 2.5m (8.2')
- (iii) " " " " " 54m (177.3') - 3m (9.8')
- (iv) " " " exceeding 54m (177.3') - 6m (19.68')

For the purpose of this calculation, in the case of separate buildings the building length shall be the sum of the individual building lengths.

- (e) Spacing Between Blocks. Apartment houses may be erected in separate blocks on any one site; provided that if more than one block is erected on the same site there shall be a distance of not less than 6m (19.7 ft) and provided further that in the case of blocks not parallel in plan the average distance between blocks may be not less than 6m (19.7 ft) with no part of any block encroaching within 4m (13.1 ft) of any other block.
- (f) Where apartment houses are erected on rear sites then the access to that site shall be not less than the following:

<u>No. of Units</u>	<u>Access Width</u>	<u>Required Formation</u>
2	3m (9.8 ft)	Metalled for 2.5m (8.2 ft)
3 or 4	4m (13.1 ft)	Sealed for 2.5m (8.2 ft)
5 or 6	5m (16.4 ft)	Sealed for 4m (13.1 ft)

Note - Culverts for all the above uses shall be not less in width than the carriageway plus an allowance for turning vehicles to the satisfaction of the Council.

- (g) Density for Apartment Buildings on Rear Lots.  
Where the site for an apartment house forms part of a multiple rear lot subdivision and that site uses in common with other rear lots, then each rear lot shall contain not more than 2 household units.
- (h) Accessory Buildings in Multiple Household Developments  
75m<sup>2</sup> (807 sq.ft) coverage may be exceeded where the excess is to provide one private garage or carport per household unit erected or to be erected on the site. Provided that in no case shall the total building coverage on the site exceed 50%.

3.1.6 (j) The provisions of Ordinance VII clause 7.2.2 relating to control of advertising shall apply to uses permitted as conditional uses. Provided that the Council may exercise its power of waiver in respect of apartment houses and motels to allow a sign or signs of greater dimensions than set out in Ordinance VII (2); such signs shall be subject to whatsoever conditions the Council may consider necessary to impose.

3.1.7 PARKING:

(a) Provision of Parking - When any building is erected or the use of any land is changed and requires the consent of Council then -

- (i) Provision shall be made for parking of vehicles used by the occupier, employees, invitees or other persons on any site, to stand on that site, but not on the street or any service lane while awaiting use.
- (ii) Except in the case of a site used or intended to be used for a dwellinghouse, or semi-detached house, the required parking spaces, access drives and aisles shall before the commencement of the use to which those parking spaces relate and thereafter for as long as that same use is continued, be formed, surfaced and maintained so as to be available for use in all weathers.

(b) Number of Spaces to be Provided -

(i) Subject to clause (ii) hereof the number of parking spaces to be provided in respect of any particular site shall be as follows:-

<u>Use of Site</u>	<u>Parking Spaces Required</u>
Dwellinghouses Semi-detached houses Apartment houses	One space per household unit
Other residential uses	
Churches and church halls	
Professional offices	One space for every four persons or part thereof and one space for visitors for every four persons
Halls and places of assembly	One space for every ten seats assessed on maximum permissible seating capacity, provided that where a church and church hall are erected on the same site the maximum requirement applicable to that site shall either be that applicable to the church or to the hall, whichever is the greater
	One space which may be accepted as visitors' car space provided the professional user is occupier of the residential property
	One space for each 10m <sup>2</sup> (108 sq.ft) of gross floor area.

(ii) Nothing in this Ordinance shall limit the power of the Council to impose conditions as to the provision of parking spaces in respect of conditional uses.

(c) Reverse Manoeuvring - Where four or more parking spaces are required by this Ordinance on any site then sufficient space shall be made available on that site so that no reverse manoeuvre is needed on to or off a street. Provided that an alternative arrangement may be approved by the Council on to a service lane or minor access street.

- 3.1.7
- (d) Size of Parking Spaces - Every parking space shall have an area of not less than 14m<sup>2</sup> (150.7 sq.ft) and be a usable shape and shall have a width of not less than 2.5m (8.2 ft) and a length of 5m (16.4 ft) such area to be exclusive of any access drives, manoeuvring areas and aisles.
  - (e) Access to Parking Spaces - Every parking space required by this Ordinance shall be provided with such access drives and aisles as are necessary for ingress and egress of motor vehicles.
  - (f) Manoeuvring Areas - Where manoeuvring areas are provided then these shall have the minimum dimensions as set out in Appendix D.
  - (g) Parking in Yards - No parking space required for the household unit to be located in the front yard and no part of any parking space, manoeuvring area, access drive or aisle shall in respect of apartment houses be within 3m (9.8 ft) of the main glazing to the living room of any household unit therein.
  - (h) Screening of Spaces - Where four or more parking spaces are required to be provided on a site for the household units the area comprising such spaces shall, if on the boundary or in front of the building, be screened from the adjoining property or street by a wall of 2m (6.6 ft) in height constructed in permanent materials to the satisfaction of the Council.
  - (j) Kerbs - All outside parking areas shall, if closer than 1m (3.3 ft) to a boundary, be provided with kerbs or barriers not closer than 600mm(1.97 ft) to the boundary line to prevent damage to fences and boundary walls and to prevent vehicles overhanging boundary lines.
  - (k) Vehicular Use of Site - The total area of these portions of the site used for vehicular access, manoeuvring areas, aisles, drives, ramps, shall not exceed 25% of the nett site.

3.1.8 SITE LAYOUT:

At least 25% of the nett area of any site shall be grassed, planted in trees or shrubs or given some other form of vegetative cover.

Nothing in this section shall prevent the Council in the case of conditional uses requiring the amount of vegetative cover to be increased.

3.2 RESIDENTIAL B ZONE

3.2.1 Predominant Uses - The predominant uses shall be:

- (i) Dwellinghouses
- (ii) Conversion of existing dwellinghouses into apartment houses
- (iii) Semi-detached houses and terrace houses
- (iv) Apartment houses
- (v) Motels
- (vi) Parks and scenic reserves:  
Provided that no land or buildings shall be used for pleasure or entertainment purposes involving any operation detrimental to the amenities of the neighbourhood.
- (vii) Professional offices situated in a dwelling permitted under this Ordinance, so long as the predominant use of the premises as a whole is that of a dwellinghouse and where the design of the building is in accordance with the residential character of the locality.
- (viii) Buildings accessory to the use of buildings or land for any predominant use authorised by or under the district scheme for that site.

3.2.2. Conditional Uses - The conditional uses shall be:

- (i) All residential uses not permitted as predominant uses
- (ii) Boarding houses, private hotels and private residential clubs.
- (iii) Churches and places of public or private worship
- (iv) Museums, art galleries, libraries, nurseries, play centres, and educational establishments, including boarding houses and hostels used in connection with those uses.
- (v) Residential institutions, including hostels, public and private hospitals, health clinics, nursing homes, convalescent homes, boarding schools and charitable institutions, but not premises used for the accommodation or treatment of animals
- (vi) Playgrounds, recreation grounds, halls and places of assembly, including gymnasiums and training sheds
- (vii) Groups of garages or parking spaces for hiring
- (viii) Provision for public parking
- (ix) A building not exceeding 20m<sup>2</sup> (215.2 sq.ft) floor area situated on the same site with a residential building and used for the storage only of plant and materials in connection with the business of a builder, painter, paperhanger, plumber, electrician or person conducting any other business connected with the building trade, who is resident on the same site.
- (x) Works of public utilities not deemed to be predominant by Section 21 (9) of the Act.

- 3.2.2 (xi) Market gardens and nursery gardens and the keeping of horses and not more than 25 poultry.
- (xii) Buildings accessory to use of buildings or land for any of the uses specified in this paragraph as conditional uses.
- (xiii) Any predominant use which does not comply in respect of the bulk and location requirements, parking, loading and access requirements, laid down for such use shall be deemed to be a conditional use.

3.2.3 Special Conditions relating to all Permitted Uses:

Where the slope of the land exceeds 15 degrees, 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.

3.2.4 Conditions relating to Certain Predominant Uses:

The following conditions shall apply to the following residential uses:-

- (a) Dwellinghouses - where a site can comply with the requirements of this Ordinance to permit the use of apartment houses, the following uses shall be permitted:
- (i) A dwellinghouse may be erected on the same site as an apartment house and vice versa provided that the requirements for bulk, height, location, density and site coverage shall be those of an apartment building and the dwellinghouse shall count as an apartment house block with two household units for this purpose only.
- (ii) Two dwellinghouses may be erected on one site provided that the requirements for bulk, height, location, density and site coverage shall be those of an apartment building and each dwellinghouse shall count as an apartment house containing two household units for the purpose.
- (b) Apartment Houses or Terrace Houses shall contain not more than six household units and shall have rear access either in common or individual to each household unit.
- (c) Apartment Houses and Terrace Houses shall be provided with storage facilities either in buildings designed for the purpose or within the residential building. Such storage shall be not less than 3m<sup>3</sup> (32.28 sq.ft) per household unit and may, with the consent of the Council, be part of a laundry, garage or carport. Such storage, however, is to be additional to that required by Chapter 4 of S.S. 1900.

3.2.4 (d) Apartment Houses that are erected on rear sites shall be provided with access not less than the following:

<u>No. of Units</u>	<u>Access Width</u>	<u>Required Formation</u>
2	3m ( 9.8' )	Metalled for 2.5m ( 8.2' )
3 or 4	4m (13.1' )	Sealed for 2.5m ( 8.2' )
5 or 6	5m (16.4' )	Sealed for 4m (13.1' )
7 to 12	6m (19.7' )	5m (16.4' ) sealed carriageway and 1m ( 3.28' ) concrete footpath

Note: Culverts for all above uses shall not be less in width than the carriageway provided on the site plus an allowance for turning vehicles to the satisfaction of the Council.

(e) Minimum Nett Site area for single Dwellinghouses - Providing that in the case of a site that is the result of a subdivision to the "reduced standards" the minimum nett site area may be reduced to 430m<sup>2</sup> (17p) in the case of a front site and 500m<sup>2</sup> (19.8p) in the case of a rear site.

(f) Conditions relating to certain Predominant and Conditional Uses: The provisions of Ordinance VII clause 2.2 relating to control of advertising shall apply to all the predominant uses and to all uses permitted as conditional uses. Provided that the Council may exercise its power of waiver in respect of apartment houses and motels to allow a sign or signs of greater dimensions than set out in Ordinance VII clause 2.2. Such sign or signs shall be subject to whatsoever conditions the Council may consider necessary to impose.

3.2.5 Subdivision of Land - See Ordinance III.

3.2.6 Bulk and Location Requirements: