

COUNTY OF MARLBOROUGH

MARLBOROUGH DIVISION DISTRICT SCHEME

A District Planning Scheme prepared under the provisions of the Town and Country Planning Act 1953 and 1977 containing -

SCHEME STATEMENT

CODE OF ORDINANCES

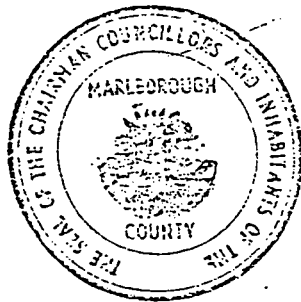
DISTRICT PLANNING MAPS

Certified a true and correct copy of the Marlborough Division of the Marlborough County Council District Scheme as approved by resolution of the Marlborough County Council on the 6th day of May 1982.



R.C. Penington,
COUNTY MANAGER

The Common Seal of the Chairman, Councillors and Citizens of Marlborough was hereto affixed this 6th day of May 1982 in the presence of:



W.E. Bown,
CHAIRMAN



R.C. Penington,
COUNTY MANAGER

DATE RECOMMENDED 6th May 1982

DATE OPERATIVE 14th May 1982

THE TOWN AND COUNTRY PLANNING ACT 1977

MARLBOROUGH COUNTY - DISTRICT PLANNING SCHEME

SCHEME STATEMENT

The general purpose of the Scheme shall be the development of the district in such a way as will most effectively tend to promote and safeguard the health, safety, and convenience, and the general welfare of its inhabitants, and the amenities of every part of the District. The following matters have been provided for in the preparation of the Scheme and will be recognised in the implementation and administration of the Scheme:

- (a) the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.
- (b) The avoidance of encroachment of urban development on, and the protection of land having a high actual or potential value for the production of food.
- (e) the prevention of sporadic urban subdivision and development in rural areas.

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THE TOWN AND COUNTRY PLANNING ACT 1977

MARLBOROUGH COUNTY DISTRICT SCHEME

CODE OF ORDINANCES

COMPRISING ORDINANCES FOR THE ADMINISTRATION AND IMPLEMENTATION OF
DISTRICT SCHEME

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CLAUSE 1 - DOCUMENTS COMPRISING THE DISTRICT SCHEME:

The Scheme Statement, Code of Ordinances, District Planning Maps, together with enlarged scale maps and diagrams showing detail where required, comprise the Marlborough County District Planning Scheme (hereinafter called the Scheme), as required by Section 38 of the Town and Country Planning Act 1977 and Regulation 21 of the Town and Country Planning Regulations, 1978.

CLAUSE 2 - AREA INCLUDED WITHIN DISTRICT SCHEME:

The Scheme provides for the future development of the Marlborough County being an area of 664,000 hectares as shown on the District Planning Maps.

CLAUSE 3 - PLANNING PERIOD:

The Scheme covers a term of 20 years (hereinafter called the planning period) being the years 1974 to 1993, both inclusive.

CLAUSE 4 - INTERPRETATION:

In this Statement, unless the context otherwise requires, words and phrases have the same meanings as in the Code of Ordinances.

PART II - POPULATION STRUCTURE AND FUNCTIONS
OF DISTRICT

CLAUSE 1 - PAST POPULATION CHANGES:

The following table shows how the population of the district has changed since the 1926 census. New Zealand average annual changes (expressed as percentages) are given for comparative purposes:

Population Changes 1926 - 1971

Census	Total Population	Inter-Censal Change (Numbers)	Average Annual Change (Per Cent)	
			District	New Zealand
1926	7381			
1936	7518	137	1.86%	1.13%
1945	7612	94	1.27%	1.11% *
1951	8192	580	7.61%	+ 1.91% *
1956	8571	379	4.64%	+ 2.31%
1961	7958	613	- 7.15%	+ 2.21%
1966	8949	983	12.37%	+ 2.21%
1971	9316	367	4.01%	

NOTE

- (1) In the Calculation of the New Zealand average annual change figures between 1936 and 1945, and between 1945 and 1951, allowance has been made for servicemen overseas at the date of the census.
- (2) Decrease between 1956 and 1961 was caused by transfer of Redwoodtown area to Blenheim Borough in April 1958.
- (3) Increase between 1961 and 1966 was caused by amalgamation of Sounds County with Marlborough County on 4th August, 1965.

CLAUSE 2 - SEX STRUCTURE OF POPULATION AND AGE GROUPINGS:

At the 1971 census the sex structure of the population was as below:

<u>Age Groups</u>	<u>Males</u>	<u>Females</u>
0 - 4	542	487
5 - 14	980	988
15 - 24	1024	660
25 - 44	1209	1084
45 - 59	709	605
60 and over	516	509
	<u>4980</u>	<u>4333</u>

CLAUSE 3 - ESTIMATES OF FUTURE POPULATION:

The following table sets out the estimated population growth for the next 20 years, as taken from the Town and Country Planning Division of the Ministry of Works "Population Forecasts".

POPULATION ESTIMATES FOR THE NEXT 20 YEARS

<u>Year</u>	<u>Population</u>
1976	9700
1981	10300
1986	12900
1991	16000
1993	16700

CLAUSE 4 - PRESENT FUNCTIONS OF DISTRICT:

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

The principal functions of the County area lie in the primary production field. This includes, in addition to general agricultural and pastoral farming, market gardening, orchards, lucerne crops on the Wairau Plain and glasshouse production around Blenheim, while the establishment of substantial vineyards has commenced in the Fairhall area. Industrial activities are generally ancillary to farming and cropping. Some timber milling of both indigenous and exotic forest is carried out in isolated instances in the Marlborough Sounds, and extensive plantings of exotic trees has been carried out in parts of the County to the North of the Wairau River.

The functions of the Marlborough Sounds portion of the District are a combination of farming, forestry and tourism. In addition, the Sounds provide an invaluable recreational area.

Several small township areas exist and these serve the day to day needs of the community as well as being a social focal point.

CLAUSE 5 - POTENTIAL DEVELOPMENT OF DISTRICT:

The district will continue to be predominantly rural in character and function, but a considerable increase in production can be anticipated. It is envisaged that there will be an extension of the growing of fruit, market gardening and crops, as well as increased production of pastoral farming, due to advanced and more efficient techniques.

A large part of the County is hilly and mountainous so that availability of good land for intensive cultivation is limited, therefore emphasis will be placed on increased production through improved techniques and a better subdivisional pattern of farming units.

Large areas of the Upper Catchments of the Wairau Valley are extremely eroded and they have been classified, using the international standard of land use capability assessment, as Class VIII lands. Evidence has made it clear that the prime use of these lands must be for erosion control and water management purposes. All secondary uses must be considered in relation to these requirements and be compatible with them. Public amenities and assets and water requirements in the lower catchment areas require protection from the effects of accelerated erosion and unduly irregular flows. The upper catchment area is the main source of water for the Wairau Valley. The areas of Class VIII land will be defined by the Water and Soil Division of the Ministry of Works and Development and where there is uncertainty regarding the precise boundary of Class VIII land this shall be decided by the Water and Soil Division of the Ministry of Works and Development in conjunction with the Department of Lands and Survey. They are predominantly steep and mountainous areas, generally over 1067 metres in altitude but descending to lower levels in unfavourable location. As they are either extremely eroded or susceptible to erosion they are not normally suitable for grazing or commercial forestry.

Exotic Forests will play an important part in the area's future economy. There are considerable areas of land to the north of the Wairau River (and more limited areas to the south of it) which are suited to its use. Because of the complexity of conflicts likely to arise forestry is restricted to the conditional use category in the Sounds. However, in the Rural A Zones outside the Sounds where existing and presently proposed roading is adequate it is permitted as a predominant use but subject to special conditions designed to avoid conflict with other forms of land use, to economise in the services of the District and to preserve the amenities. While these limitations will prima facie have the effect of reducing the areas available to be utilised for commercial forestry, it will be open to Council in the context of a conditional use application to allow commercial forestry in any part of a Rural Zone on being satisfied that it is proper to do so.

With the increasing population of the greater Wellington area, it is likely there will be changes in types of farming and intensive market gardening and from it production in time will increase to meet the demands of this nearby metropolitan area. To some extent this is dependent on improved transportation economics.

The existing and future importance of tourism and recreation particularly in the Sounds has been recognised in the Scheme. Demand for land for tourist and recreation use has been keen over the last five years with an upsurge in prices paid for good sites. Improved roading facilities within the Sounds will give additional impetus to this coastal development and therefore subdivision and development requires the planning controls, which are contained in this Scheme.

CLAUSE 6. - PRESENT OCCUPATIONAL STRUCTURE OF DISTRICT:

Figures from the 1971 census are not yet available but figures from 1966 census give the employment structure as:

	<u>Males</u>	<u>Females</u>
Farmers, fishermen, loggers	1162	91
Factory workers, labourers, craftsmen	625	77
Transport and communications	121	11
Sales workers	73	68

	<u>Males</u>	<u>Females</u>	4.
Clerical workers	58	111	
Administrative, executive, etc.	114	26	
Professional	68	47	
Others			
	<u>Total</u>	<u>2221</u>	<u>431</u>

PART III - USE ZONING

CLAUSE 1 - INFORMATION OF PARTICULAR RELEVANCE TO ZONING PROPOSALS:

The main function of the County excluding the Sounds is in the field of primary production and zoning has been planned to ensure as far as possible that all suitable productive lands are retained for productive purposes. Sufficient land of low fertility is available during the planning period for the expansion of both the Blenheim and Picton Boroughs which are both situated within the scheme area.

The Lower Wairau Valley about Blenheim is, with its flat land and rich alluvial soils, the most intensively farmed area in the County. Within this area farming activities are highly diversified. The main farming activities are the following:

Mixed farming, export lamb production, cereal production, small seeds production, the production of crops (mainly peas) for food processing, dairy farming, intensive cropping (e.g. garlic cropping) and the growing of lucerne for meal and fodder.

Vineyards for wine production are becoming of increasing importance to the economy of the district. Some 420 hectares of vineyards have already been planted on the Wairau Plain and indications are that this area is likely to expand to at least 800 hectares.

Council acknowledges the potential for conflict between vineyards and farming and forestry uses on account of the effect of hormone sprays on vines. However, because the Wairau Plain is ideally suited for grape production, Council believes that it is reasonable that farmers and foresters be required to modify their spraying techniques to accommodate vineyards in the area. Other parts of the County are less suited to vine production on account of distance from primary vine growing areas and soil and climatic factors. Vine growing in these areas is likely to be less significant and Council does not believe that it is reasonable that farmers and foresters be obliged automatically to modify their spraying techniques in the event of a vineyard being established; they should have an opportunity to be heard in the matter.

Accordingly, Council has determined that in the area to the south of the Wairau River and south of the Wairau Diversion vineyards shall be a predominant use, it being expected that this will be the primary vine growing area. In the area to the north of the Wairau River (where there are no vineyards at the present time) Council has determined that vineyards shall be a conditional use.

Herd sizes of dairy units were generally small in the past but in recent years, larger units and bigger herds have become more common.

There are over 200 hectares of bearing orchards, apples making up about 80 per cent of the total crop, the rest consisting chiefly of pears, apricots, peaches, cherries and plums. The area of pip fruit increased by about 5 per cent from 1963 to 1973 due mainly to the extension of existing orchards. Stone fruit occupied an area in 1973 nearly three times as great as in 1968. This increase was due mainly to the increased planting of cherries..

There are few market gardens as such. Most vegetables are produced as part of normal farm rotation, nevertheless, the output is significant.

A wide variety of vegetable and flower seed is produced and this type of production, mostly for export, is on the increase.

Like many other rural districts with an urban neighbour, Marlborough County is faced with the problems of improper utilisation of highly productive land for primarily residential purposes, especially about Blenheim.

This not only reduces the actual and potential productive capacity of the area, but also is restraining the establishment of legitimate intensive farming activities by competition in the market for smaller rural allotments, which are sought after for primarily residential use.

The planning policy of the Council for the Lower Wairau Plain is that the Rural area be retained in such a way that agricultural production can be maintained, or increased with the establishment of intensive types of farming activity where appropriate, and at the same time ensuring that any future urban expansion of Blenheim onto less productive land is not jeopardised by further fragmentation of land.

Residential development at Spring Creek will only be permitted to the East of the Railway line within the limits dictated by the existing street pattern, and then only after the provision of adequate services. Further development beyond this area, together with the further expansion of Grovetown and Tuamarina has been discouraged, as this would only be at the expense of valuable farm land as well as to increase the already considerable problems of servicing.

To the North of the Wairau River the Marlborough Catchment Board has a Catchment control scheme approved by the Soil Conservation and Rivers Control Council. The control scheme is referred to elsewhere in these documents as the Northbank Scheme.

An additional area of approximately 28,600 hectares abutting the Northbank Scheme, north of the Wairau River confined by the water shed into the Wairau Valley and the County Council boundary shall be an area wherein forestry may be carried out on the same basis as for the Northbank Scheme.

Scheme
change
82/4

The aims of the control scheme are to encourage the utilisation of the land within the area so as to promote :

- (a) The optimum conservation of the land and to reduce accelerated run off and soil erosion to the lowest level possible consistent with.
- (b) Maximum economic development of the area according to the principle of sustained yield production of the soil including water, pastoral and forest produce.
- (c) Eliminate, or reduce all noxious and other weed growth in the area.
- (d) Ensure adequate control of fire. To this end the general planning principles for land utilisation as stated in the control scheme will be used by the Council in determining planning proposals for the area.

The Marlborough Sounds is an important national regional and local resource for recreation, forestry and farming.

The Sounds have a unique coastal environment and it is Council's policy to retain their natural character by protecting them from subdivision and development.

The nature of the objections received, and the evidence presented to Council in support of objections in relation to the Sounds has convinced Council that its existing planning policy for the Sounds must be regarded as an interim measure only, and that more detailed planning study is required. In this context Council notes that a comprehensive study has been undertaken by various Government Departments under the control of the Ministry of Works and Development. The report of the study group was published at a time which prevented its being used in the preparation of Council's Scheme, but it is probable that the information contained in this study may justify Council introducing multiple rural zoning in the Sounds at a later date.

As an interim measure and until further detailed planning has been carried out, Council is prepared to permit limited residential development within the existing Rural zones.

Special provision has therefore been made in the Ordinances to enable further limited Residential development to occur in the Rural zones of the Marlborough Sounds, and the criteria for determining whether or not a particular site is suitable is also included in the Ordinances.

CLAUSE 2 - PRESENT DISTRIBUTION OF USES OF LAND:

The present distribution of uses of land is shown on the Planning Data maps which are available for inspection in the Council's Office.

CLAUSE 3 - POLICY AS TO ZONING:

3.1 General Control of the County

The areas within this district that are zoned for rural, residential, commercial and industrial purposes have with the aforementioned qualifications been calculated to provide for the needs of the district in those respects for the whole of the planning period.

Future building and other development in the district will be so directed as:

- 3.1.1 To avoid the indiscriminate mixture of incompatible uses.
- 3.1.2 To economise in the servicing of the district.
- 3.1.3 To maintain the stability of individual property values.
- 3.1.4 To maintain and provide amenities appropriate to every locality; and
- 3.1.5 So far as practicable to avoid the encroachment of urban uses when land is of high actual or potential value for the production of food.

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

3.2 General Control in Sounds

Further to 3.1.1 above the policy of overall zoning in the Sounds has been fixed with the following additional objectives in view:

- 3.2.1 To provide where possible for continued prosperity in primary production by -
 - 3.2.1.1 The protection of all good farm land from urban development and the provision of adequate access and services to these areas.
 - 3.2.1.2 The protection of all farmland from urban pressures where it is considered that the land could more usefully be used for rural purposes.
 - 3.2.1.3 The protection of water quality for marine farming.
- 3.2.2 To develop the Sounds in conjunction with the Marlborough Harbour Board, Lands & Survey Department, Ministry of Transport and the Marlborough Sounds Maritime Park Board as a largely water-based recreation area by:
 - 3.2.2.1 The provision for landing by the public along the shoreline.
 - 3.2.2.2 The provision of land for recreation at key points with particular attention to keeping land behind beaches free of buildings to allow the public to ultimately use this land.

- 3.2.2.3 The provision of land for uses ancillary to recreation, e.g. car and boat trailer parks.
- 3.2.2.4 The provision as finance permits for access along the coastline generally for pedestrians only, according to needs, subject to the proviso that new or improved access will not be provided where the effect would be to put development pressure on land which the scheme has set aside for lower intensity uses.
- 3.2.2.5 Providing for residential uses largely to support the recreational use of the Sounds. Such provision to provide for land for all types of intermittent holiday use (houses, hotels, motels and camping) as well as for permanent residential occupation. Controls will be imposed on such development to ensure that the sea water is fit to swim in (particularly near beaches) and in some areas to cultivate shellfish in.
- Septic tanks will probably be accepted where the density of settlement is low, but this aspect will be tested at each site because of generally poor soakage conditions in the Sounds. Sewerage and communal sewage treatment may be required at concentrated settlements.
- 3.2.2.6 The provision of facilities such as water points, toilets, etc.
- 3.2.2.7 The protection of water catchment areas and ensuring that a wholesome and adequate supply of water is available for all developments.
- 3.2.3 To retain and enhance the areas natural scenic character by:
- 3.2.3.1 Keeping areas of bush; pasture or forest entirely free of urban development.
- 3.2.3.2 Keeping parts of some areas free of development, such as headlands and the higher ground of the peninsulas which jut into the main Sounds waterways and the land between road and water where a clear view of the water would be interrupted by buildings.
- 3.2.3.3 Ensuring that buildings, structures, works and planting harmonise with the character of the area (applies particularly to excavations of all kinds, reclamation, power and telegraph line siting and construction of buildings including boatsheds).
- 3.2.3.4 Avoiding the proliferation of private jetties serving residential sections and in general keeping the shoreline as free of structures as possible.
- 3.2.3.5 Treating low density urban development in such a way which subordinates it to the landscape.
- 3.2.3.6 Containing concentrated settlements within certain specified locations and retaining natural features such as good trees, topographical features and attempting to blend the buildings with the natural landscape by encouraging the use of suitable colours and building materials.

Consolidation of Development - Development of other than a rural nature on the outskirts of both the Blenheim and Picton Boroughs will be decided upon by the Marlborough County after prior consultation with the appropriate Borough.

In the small settlements of Renwick, Havelock and Waikawa, urban expansion beyond present limits is conditional on the provision of certain essential services.

Predominant and Conditional Uses - The predominant and conditional uses permitted in each zone are as set out in the

Stage Development - Although the zones described in this Scheme are designed to meet requirements during the 20 years of the planning period, any change from existing uses must be orderly to avoid sporadic development during the planning period with consequential demands for uneconomic services.

Permitted Uses Where Development Deferred - Until the reasons specified for an area within the boundaries of a deferred development partition on the District Planning Map have been fulfilled, there shall be no predominant uses in the respective partitions, and until each such reason is fulfilled the uses prescribed as predominant for the zone shall, for the purposes of each such partition, be deemed to be conditional uses.

Identification of Zones on District Planning Map - Each Zone is shown on the District Planning Map by the notations set opposite its name in the key shown on that map; and where development in any zone is deferred the dividing line between partitions of the zone is marked in accordance with the key shown on that map.

CLAUSE 4 - FLOODWAY ZONES:

- 4.1 The boundaries of the Floodway Zone are defined as the outer structural toe of flood protection stop-banks, or the water face of a structural flood protection wall where this takes the place of a stop-bank. Where a floodway zone is shown on the planning map and on one side of the zone there is no stop-bank or structural wall, the boundary of the zone shall be the edge of the floodwaters against a natural barrier assuming a flood of sufficient size to reach the top of the stop-bank on the opposite side of the zone. The floodway zone includes the area occupied by stopbanks, flood berm and river channel.

Where there is any conflict as to the boundaries of this zone it shall be as determined by the Council.

- 4.2 Permitted Uses - The land is partly under the direct control of the Marlborough Catchment Board and some is privately owned. Because of the needs peculiar to this zone, uses within the zone may have to be more strictly controlled than in the rural zone to be compatible with the purposes of river control and flood protection, although predominant uses are similar. Parts of the zone are increasingly being used for passive recreational purposes and the full potential of this has yet to be realised.
- 4.3 Area Zoned - The aggregate area zoned as floodway zone is 9,300 hectares.

CLAUSE 5 - RURAL ZONES:

5.1 Rural A

- 5.1.1 Permitted Uses - Subject to the provisions of this Scheme, land within the Rural A Zone is intended primarily for any farming use, but may also be used for certain other uses which are specified in the Code of Ordinances as being permitted in the Rural A zone if the use proposed does not -

- 5.1.1.1 Cause demand for extension of public services that is not in the economic interests of the region or locality.
- 5.1.1.2 Cause public services that already exist or are substantially committed to be uneconomically used.
- 5.1.1.3 Cause undesirable fragmentation of existing allotments.
- 5.1.1.4 Cause an extension that is not in the economic interests of the region or locality of industrial or commercial development along existing roads or streets.

5.1.1.5 Cause an extension of development in the Marlborough Sounds which is contrary to policy as to zoning for the area as set out in Part III, Clause 3.2.

5.1.1.6 A specific area has been identified at Kaiuma Bay for a comprehensive low density residential subdivision. This is an interim measure to ensure that reasonable public demand for recreation or holiday based accommodation in the Sounds can be met pending preparation of the Marlborough Sounds Resource Management Plan which will comprehensively address this matter.

Some new rules have been prepared to accommodate the development of this area. The main emphasis of these rules is towards ensuring that the major environmental issues are addressed at the subdivision design stage, when measures to achieve desired environmental outcomes can be taken in a co-ordinated manner, rather than being left to be dealt with on a site by site basis when individual allotments are being developed.

5.1.2 Council believes that rural landowners should have reasonable opportunity to sell fresh produce, grown on the property, directly to the Public. Provision is therefore made in the Rural A Zone for roadside stalls to be a predominant use providing the property has frontage and access to a formed legal road other than a State Highway or Rapaura Road.

Certain conditions have been included so that roadside stalls operate in a satisfactory manner. Where such conditions cannot be met then such a use will be considered by way of the notified planning procedures and as a conditional use in the Rural A Zone.

Council is aware that a small number of stalls have been able to sell produce other than that grown on the property because the use was established prior to the District Scheme coming into force, and such uses operate with existing use rights. In some instances the public have come to expect a continuity of supply and Council may, in certain circumstances, permit roadside stalls to sell not only produce grown on the property but also retail locally grown fresh fruit and vegetables so that the stall can operate on a year round basis.

In considering such applications Council will ensure that the primary purpose of the roadside stall is to sell produce grown on the property and that the purchase of additional supplies shall only occur to assist the stall owner in offering to the public a year round service.

Applicants will need to satisfy Council that the sale of produce not grown on the property is limited and secondary to the sale of produce grown on the property, and such secondary use forms a small part of the overall stall operation.

Where Council permits a roadside stall to retail produce other than that grown on the property it shall require the premises to be registered under the Health (Registration of Premises) Regulations 1966.

KAIUMA BAY DEVELOPMENT
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5.1.3 Area Zoned - the area zoned for rural A purposes comprises 486485 hectares.

5.2 Rural B - Applicable to Marlborough sounds Only

5.2.1 Permitted Uses - Subject to the provisions of this Scheme, land within the Rural B zone is intended generally for farming and passive recreation use and the zone differs from the Rural A zone in that the number of permitted uses is reduced in order to preserve the unique Marlborough sounds coastal environment and to protect it from unnecessary subdivision and development.

Rural B land may only be used for uses which are specified in the Code of Ordinances as being permitted in a Rural A zone, if the use proposed does not conflict with the conditions as set out in Clause 5.1.1 above.

5.2.2 Area Zone - The aggregate area of land zoned for Rural B purposes is 11550 hectares.

5.3 Rural A1

council has also created a special rural zoning to be known as a Rural A1 zone for the purpose of providing land for sewage disposal plants and land irrigation systems which are to be provided and used by a major industry. The Rural A1 zone will cover 140 hectares of land at Hardings Road and will be used by Waitaki N.Z. Refrigerating Limited for effluent disposal. Effluent disposal will be a use permitted as of right in the zone, and all the uses normally permitted in the Rural A zone will also be permitted in the rural A1 zone as far as they can be integrated with the primary function of the Rural A1 zone.

5.4 Rural A2 Zone

Council recognises that there is a demand for rural/residential living and it is considered appropriate that provision be made for this type of development. For this reason the Council has included a special rural zoning, to be known as a Rural A2 zoning, in its District Scheme.

Council is of the opinion that limited land is available which is within reasonable proximity to Blenheim and which may be suitable for this type of development. Rather than zoning specified areas for rural/residential development Council will consider each proposal on its merits. In considering such an application regard shall be had for the provisions of services, and whether the specified site and general locality are suitable for the use proposed.

As an essential pre-requisite Council shall be satisfied that developments occur only on the less fertile soils and that the land has limited value for the production of food. Should Council wish to promote an area for rural/residential development then it would be necessary to carry out the change procedures to its District Scheme with a view to rezoning the land concerned Rural A2.

Clause 6 - RESIDENTIAL ZONES:

6.1 Residential A - Does not apply in the Sounds.

6.1.1 Permitted uses - Subject to the provisions of this Scheme, land within a Residential A Zone is intended primarily for residential uses and related services specified in the Code of Ordinances as permitted in that zone. Residential zoning protects residential uses against detriment arising out of mingling of incompatible uses; and provides for economic use of urban services.

6.1.2 Area Zoned - The aggregate area (excluding streets) zoned for Residential A purposes is 161.9 hectares which is designed to provide for the estimated population increase for the next 20 years. It is anticipated that the deferred residential development areas which are included in the aggregate area total should not be required for at least 5 - 10 years after the commencement of the planning period.

6.1.3	<u>Location</u>	<u>Existing Area</u> (hectares)	<u>Area Zoned</u> (hectares)
	Blenheim Borough environs (Riverlands, Burleigh, Waipuna Street, Springlands)	28.0	15.0
	Rarangi	2.4	19.1
	Renwick	15.4	69.4
	Grovetown	4.8	7.9
	Spring Creek	6.1	16.6
	Tua Marina	2.0	4.2
	Havelock	10.5	23.9
	Rai Valley	1.2	3.2
	Wairau Valley	0.8	2.6
		<u>71.2</u>	<u>161.9</u>

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Tuamarina	2.0	4.2
Havelock	10.5	23.9
Rai Valley	1.2	3.2
Wairau Valley	0.8	2.6
	<u>83.4</u>	<u>210.8</u>

6.1.4 Deferred Residential Development

N.B. Areas of deferred residential development in Waikawa and Havelock are dependent on either the installation or extension of a public water supply and sewage scheme.

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- 6.1.4 Havelock Township
The Township is excluded from the area defined as the "Marlborough Sounds" and specifically described elsewhere in this document.
- 6.1.5 Summary of Residential A
The aggregate area (excluding streets) at present used for residential purposes is 71.2 hectares. An aggregate area of 161.9 hectares (excluding any future subdivisional roads and existing roads) has been zoned in the scheme for residential purposes to provide for the estimated population at the end of the 20 year period.
- 6.2 Residential B - (Applies to areas of the Sounds only)
- 6.2.1 Permitted uses - Subject to the provisions of this Scheme land within a Residential B Zone is intended primarily for residential settlement in the Sounds which will develop intensively. Subdivisional standards for roading are less severe than Residential A to achieve a less formal appearance.
- More rigid height restrictions will be imposed, however, to preserve views from houses.
- 6.2.2 Area Zoned - the aggregate area (excluding streets) zoned for Residential B purposes is as shown on the following table.

6.2.3	<u>Location</u>	<u>Existing Area</u> (hectares)	<u>Area Zoned</u> (hectares)
	Kapowai	0.4	4.7
	French Pass	0.9	0.7
	Cissy Bay	1.0	3.8
	Okiwi Bay	8.0	21.5
	Duncans Bay	2.2	8.1
	Penzance	1.4	8.2
	Elaine Bay	6.0	3.6
	Pines (Endeavour Inlet)	2.3	5.4
	Lochmara Bay	3.4	5.1
	Sandy Bay	1.2	4.0
	Moenui	6.5	15.5
	Anakiwa	10.0	11.4
	Ngakuta Bay	3.5	4.0
	Whatamonga	1.8	5.8
	Hakahaka Bay	1.0	1.0
	Nydia Bay		0.4
	Te Weu Weu Bay		1.2
	Double Bay (Kpuru)		1.3
		<u>49.6</u>	<u>107.0</u>

6.2.4 Deferred Residential B Development

The areas in the Sounds that have a deferred Residential B zoning are seen to be an appropriate extension of the existing Residential B zone providing that the criteria set out in the Ordinance are met.

Council recognises that some parts of the land shown as deferred Residential B may need special consideration before being developed. It has distinguished between those areas already subdivided and those areas that are proposed to be developed.

6.3 Residential C - (Applies to areas of the Sounds only)

6.3.1 Permitted uses - Subject to the provisions of this Scheme land within a Residential C Zone is intended for very low density residential development where topography limits the area to shallow development (one or two sections deep) from the foreshore.

The aim of such zoning is to encourage buildings to merge in with the landscape. This is to be achieved by the use of wide section frontages so that buildings can be widely separated and vegetation can grow between them, however it has been necessary to make provision in the Ordinances for existing allotments. For this reason two standards have been included in the Ordinances to enable existing

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allotments to be developed as well as providing a higher standard for new subdivisions in this zone. Similar height restrictions will also be imposed as for Residential B as deemed necessary.

6.3.2. Havelock Environs (Havelock/Picton Highway)

The areas of land flanking the eastern side of Havelock Harbour are seen to be an integral part of Havelock and provides the opportunity for a less constrained scale of residential lifestyle that would be expected in the Township itself. The encircling Reserve Land provides a permanent control on expansion and preserves the backdrop to views from the township.

Council will expect strict adherence to the zone ordinances and in particular the 4000 square metre minimum lot size and the 80 metre frontages. It envisages that seldom, if at all, will there be grounds for the exercising of dispensations in respect of those provisions. The technical evidence suggests that selected sites can be identified but in themselves will be fairly wide spaced.

Overall, development will be expected to take place in a manner that will see building sites wide spaced rather than an optimal yield of allotments. All development will be the subject of careful engineering investigation and control. That control will encompass all cutting of tracks, platforms or other surface disturbances. A development plan showing all features in detail is to be lodged with Council before work commences.

6.3.3 Area zoned - The aggregate area zoned for Residential C purposes is 1069.39 hectares.

Location - Residential C areas are as shown on the Planning Maps.

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6.4 Residential D

6.4.1 Objectives

The objective of the zone is to provide the ability for the town to expand and make efficient use of services. It also provides for a low density option for residents and which is protected through the Ordinance's provided.

6.4.2 Permitted Uses

Land in this zone is intended to provide for a low density development within the Havelock Town boundary. Development will take account of the special character of the soils and all allotments shall be fully serviced.

Uses permitted in the zone will be primarily residential, however, cottage crafts or home occupations pursued by the householder are seen to be desirable activities given the primary objective is residential use.

6.4.3 Conditional Uses

Conditional uses are seen to be those residential activities that would give an increased density by making use of the topography in such a way that development will have little impact on surrounding properties or on the character of the town.

6.4.4 Connection to State Highway

Council has balanced the need for town expansion against the potential for conflict between local and mainstream traffic. It will require development within the zone to be serviced by a minimum of egress points onto the State Highway. The objective will be one egress point from the zone per 400 metres of highway frontage. Council will, however, have regard for physical features and highway constraints.

CLAUSE 7 - COMMERCIAL ZONES:

- 7.1 Permitted uses - The Commercial Zones provide primarily for business or commercial development and consist predominantly of areas for shops and retail storage. The uses of land in Commercial Zones shall as far as possible provide continuity of shop frontages without the intrusion at street level of any other use which would tend to affect detrimentally the business or goods of retailers or would tend to draw unnecessary or obstructive vehicular traffic into the streets fronting retail shopping premises.
- 7.2 Area Zones and Location - The zones cover small areas, mostly occupied by established businesses catering for local needs and are situated in Renwick, Havelock, Rai Valley and other small settlements. Area of existing commercial, 4 hectares. Area of commercial zone, 6 hectares.

CLAUSE 8 - INDUSTRIAL ZONES:

- 8.1 Permitted uses - The industrial zones are intended to minimise interference of industry with other uses, and within industrial areas to minimise interference of industries with one another. Industries will be grouped according to common characteristics and differences, distinguishing between groups in accordance with the classification set forth in the Code of Ordinances.

For the protection of residential property and to ensure that sufficient areas zoned, serviced and roaded will be available for industry, residential uses shall, except as provided in the said Code of Ordinances, be excluded from industrial zones.

- 8.2 Areas Zoned - The industrial zone, for the most part cover well established industries except that a substantial additional area is proposed at Riverlands for new industries or the expansion of existing ones. The policy generally being followed is to encourage new industry which cannot be accommodated within Borough limits to establish in zones provided for the purpose in the County where essential services are available. However, limited amounts of unserviced land are also zoned in the County for industrial purposes. With the further development of Renwick, an area for industrial development has been zoned adjacent to the Town.

At fifteen Valley approximately 40 hectares of land are included in an Industrial D zone. The zone has been created as a special industrial zone to permit the Waitaki N.Z. Refrigerating Ltd freezing works to establish as a predominant use.

- 8.3 The industrial land situated at Burleigh has been included in an Industrial C zone. There are two allotments within the zone, comprising a total area of some 7.2 hectares. The land was formerly included within the Industrial B zone which permitted a wide range of industrial uses to be established. The general purpose of the Industrial C zone is to limit the range of permitted uses.

The zone covers land on which an existing light engineering works, a timber storage yard, a timber processing and treatment plant, and other uses associated with the timber industry are situated.

The Burleigh area has developed, and will continue to develop for residential, recreational, and rural-residential purposes around the existing industrial uses referred to in the previous paragraph. It is anticipated that future growth of the Blenheim Borough is likely to absorb the Burleigh area, and the industrial land should not establish land uses which are incompatible with the existing and future, residential, recreational and rural-residential neighbourhoods.

The existing industrial uses listed in the Code of Ordinances are presently causing little or no detracting from the amenities of the surrounding neighbourhoods, and providing the existing industrial uses expand within the framework of the Code of Ordinances this situation is unlikely to be significantly altered.

It is considered, however, that the establishment of many other types of industrial uses could cause an unacceptable detraction from the amenities of the surrounding neighbourhood and in particular Council is concerned with problems of noise, dust, vibration, glare, smell, traffic, and disposal of wastes and effluents that could arise from unrestricted industrial activity.

The purpose of the Industrial C zone is to permit the uses in existence at 1 December 1977 (these are listed in the Code of Ordinances) to continue to operate and expand on their respective allotments as predominant uses, as permitted by the Code of Ordinances. Provision has also been made for some other light industrial uses.

The only use shown as a conditional use is "sawmills" and the criteria that Council will have regard for, when considering the suitability of the site for such a use, is set out in the Code of Ordinances.

- 8.4 Part of the land formerly occupied by the Blenheim Borough Council Abattoirs and situated at Riverlands has been included in an Industrial E zone. The zone has been created as a special industrial zone to permit the established meat works to operate and expand as a predominant use.
- 8.5 Location - The principal zones cover established industries essential to the economy of the scheme area and much land beyond such as the Freezing Works at Shakespeare Bay (Industrial B).

Area of existing Industrial A	10.1 hectares
Area of zoned Industrial A	16 hectares
Area of existing Industrial B	14.3 hectares
Area of zoned Industrial B	35 hectares
Area of zoned Industrial C	7.2 hectares
Area of zoned Industrial D	40 hectares

Clause 9 - Skifield Development Zone

- 9.1 This zoning recognises and provides for the continued operation of the Rainbow Skifield. The skifield is situated in the Rainbow Forest, St Arnaud Range, in the upper Wairau River catchment.

The land is owned by the Crown and administered by the Department of Conservation as "stewardship" land.

The Skifield and access road have been developed and continue to develop under a Licence from the Department of Conservation. The Licence is very specific with regard to environmental considerations, soil stability and erosion control.

The skifield is the only commercial field in the Marlborough District, and is of regional tourist and recreation importance for the Marlborough Region and adjacent Nelson area.

The zoning provides for usual skifield operations and ancillary development as a use permitted as of right, subject to certain requirements intended to minimise adverse effects to the environment. Those requirements are general and not specific, in recognition that the skifield operation and all development is, in terms of the Licence, specifically approved, monitored, and closely supervised by the Department of Conservation as administrators of the land.

PART IV - LAND SUBDIVISION

Clause 1 - Residential, Commercial and Industrial Zones

In residential, commercial or industrial zones standards are related to the uses permitted in the zones.

Clause 2 - Rural A Zone

There are three sub-categories of the Rural A zone namely :

- (a) The Wairau Plan as is more precisely defined on Planning Map No. 95.
- (b) The area zoned Rural A within the Marlborough Sounds, the Marlborough Sounds being defined on Appendix VIII of the Code of Ordinances.
- (c) The remainder of the Rural A zone.

The subdivision policy of Council varies according to the sub-category into which the land in question falls, however, certain criteria apply to all subdivisions of Rural A land and these are stipulated in Clause 2.2.1 of Ordinance III.

Wairau Plan

On the area defined as the Wairau Plain the major land use is farming. The versatility of the soils and their potential productivity are such that this situation should be maintained both in respect of the local and national interest. The emphasis in Council's policy is that land on the Wairau Plains be retained for productive use and subdivisions which are primarily for residential purposes will not be permitted. As a general rule Council will not permit new or residual lots to be created where such lots do not have the capability to be utilised as economic farm units. However, Council has reserved the right to depart from that general rule in cases where to do so would increase the productive output of the land and would not undermine Council's general policy of preserving the long term productive potential of high quality land generally.

In considering whether any new or residual lot has the capability of being utilised as an economic farm unit. Council will have regard not only to traditional farming activities but also the viticulture, horticulture and other intensive farming activities. In most cases Council expect the minimum area of subdivision to be 8 hectares for intensive farming such as viticulture or horticulture. This does not mean that Council will not approve subdivisions below this standard, but in all cases will require the subdivider to comply with the requirements of the notified planning procedures.

In some cases Council will need to be satisfied that any new or residual lot will be used for the intensive farming activities which were put forward as a justification for the subdivision. In those cases Council may require a subdivider or a person to whom any subdivided lot is sold to enter into a bond or Council may specify some other means the objectives of which will be to ensure that the intensive farming activity is in fact established.

Within areas close to the Blenheim Borough boundary and where the land is fragmented into many small allotments, Council's policy is that no further subdivision will be permitted except for minor boundary adjustments, which do not create additional allotments. These areas are situated mainly to the north, east and west of the Borough boundary and Council is aware that it would be undesirable to permit such land to be further subdivided.

Marlborough Sounds

In that part of the Rural A zone which falls within the Marlborough Sounds area as defined, adequate provision has been made by Council for residential use through the appropriate residential zonings and also through the provision which allows Dwellinghouses to be erected on existing rural allotments in certain circumstances. Circumstances may, however, arise where persons who wish to live or be employed permanently in an area, can show that insufficient provision has been made in that area.

In such cases a subdivision may be permitted. Otherwise, however, no further subdivision for residential purposes or primarily for residential purposes will be permitted.

Subdivisions will, however, be allowed where economic farm units will be created, where the subdivision is reasonably required for forestry purposes or where a boundary adjustment is involved.

Other Rural A Land

Council's policy in relation to those parts of the Rural A zone which do not fall within the Wairau Plain area or the Blenheim Borough boundary area or the Marlborough Sounds area is more relaxed. Council proposes to consider each subdivision proposal on its merits. There are no minimum area standards. This does not mean that indiscriminate subdivision of farm land will be permitted, but rather a subdivision will not be judged solely on whether or not the lots are or can be economic farm units. Council anticipates that in some cases it will be proper to allow a subdivision even although a new lot may not be an economic farm unit. Council will, however, have regard to whether a proposed subdivision will result in a better utilisation of rural land for agricultural or forestry purposes and in some cases a subdivision may not be permitted if its effects would be to convert an existing economic farm unit into a sub-economic farm unit without significant corresponding advantage.

It is Council's policy to allow subdivisions for residential purposes or for mixed residential agricultural purposes so as to allow those persons who wish or need to live permanently in such areas to do so. It is anticipated that such policy will help strengthen rural communities.

Clause 3 - Rural B Zone

The Rural B zone occurs only in the area defined as the Marlborough Sounds and Council's policy for land subdivision is the same as that which applies to the Rural A zone within the Marlborough Sounds.

Clause 4 - Public Utilities

From time to time an Authority requires to establish additional Utilities for improvements for the general welfare of the inhabitants of its District. Provided that Scheme Change or Designation Procedures have been completed pursuant to the provisions of the Act then an area of land sufficient for the proper operation of the Utility can be subdivided to create a new allotment.

PART V - RESERVES AND OPEN SPACESFor Recreation and Open Spaces

To provide over the planning period adequate space for the outdoor recreational needs of the various age and interest groups, provision must be made in advance of subdivision.

The particular lands already reserved or intended to be acquired and reserved for these purposes are shown on the District Planning maps in distinctive notations.

The areas shown below for passive recreation include scenic and recreation reserve areas, particularly in the Marlborough Sounds, where emphasis is on aesthetic and scenic values rather than active recreational ones.

Type of Area	Existing	Proposed Additional (Approx)
(a) Active recreation e.g. sports ground, playgrounds, etc.	48.5 ha	5 ha
(b) Passive recreation, e.g. scenic reserves, undeveloped recreation reserves, wild life refuges, etc.	32400 ha	4850 ha
(c) Reserves for civic and community purposes, e.g. hall sites, stock reserves, etc.	3280 ha	-

Note - The above does not take into account State Forests (110,000 ha) or Foreshore Reserves in the Marlborough Sounds.

Recreation in State Forests is becoming increasingly regarded as one use in the multiple use of such forests.

Foreshore Reserves serve to provide public access to and along the coastline, and to provide protection of natural features. Where these do not exist and the topography or nature of the ground is such as to render the creation of such reserves desirable a foreshore reserve of 20 metres more or less to give access or protection will be designated as "Esplanade Reserve", such land to be taken on subdivision, in accordance with Section 28^o of the Local Government Act, 1974.

Provision - Land owners will be encouraged to provide and maintain open spaces in appropriate locations for purposes of value to the community. Land used by sports clubs is in this category. Although not owned or intended to be owned by the Council nor by any public authority, these open spaces are important to the life of the community.

Designation - Land or buildings used for purposes of value to the community and not intended to be owned by the Council nor by any public authority are shown on the District Planning Map specifically for their particular uses and are so designated.

PART VI - PUBLIC UTILITIES AND OTHER WORKS

Apart from outlying areas of the Marlborough Sounds, the district is serviced with electricity.

The Lower Wairau Valley area is served by extensive flood control and land drainage works.

Apart from the Riverlands Industrial Park sewer drainage is not available, and present systems are either individual septic tanks or soak pits.

Except in Waikawa, Havelock and Riverlands Industrial Park where public water supplies operate, water supply is either by way of individual wells, storage tanks or small stream intakes.

CLAUSE 1 - SITING:

- 1.1 Yards - The position of buildings on each site are governed to some extent and in some cases by yard requirements designed to ensure that satisfactory access for all purposes is, if and where necessary, provided to the rear of each section, and also the needs of neighbouring properties in respect of ventilation, lighting, and privacy are reasonably allowed for. These requirements are more particularly specified in the Code of Ordinances which forms part of this Scheme.
- 1.2 Building Line Restrictions - No building or part of a building shall be erected or substantially reconstructed if any part of it as so erected or reconstructed would stand between either the street named and the building line specified in respect of it in Appendix III hereto or mean high water and the building line in the case of the Sounds wherein riparian rights exist.

CLAUSE 2 - HEIGHT:

Buildings shall be limited to the maximum site coverage and heights set out in the said Code. These are related both to the requirements of the particular zone and to the traffic capacity of adjacent streets where applicable.

CLAUSE 3 - USE OF UNCOVERED SPACE:

The portions of sites in the County not permitted to be covered by buildings are required primarily for the provision of adequate light, ventilation, amenities, and the planting of trees and shrubs (Part X, Clause 5), but may also be used for parking and loading of vehicles to the extent authorised in the said Code.

In the Sounds the uncovered space is required not only for the reasons as set out above, but in particular for the aesthetic appearance of the area.

PART VIII - COMMUNICATION AND TRANSPORTATION

CLAUSE 1 - EXISTING:

The following are the principal items of existing communications and transportation:

- 1.1 Road - The principal road passenger services operate from terminals in Blenheim. Three State Highways are within the County - the Picton-Christchurch State Highway No. 1, Blenheim-Nelson No. 6 and the West Coast State Highway No. 63. An extensive system of County roads servicing the needs of the district is connected to these.
- 1.2 Rail - The Lower Wairau Plain is traversed by the Picton-Christchurch railway.
- 1.3 Air - Air New Zealand and Straits Air Freight Express of New Zealand operate regular services through the district airport, situated at Woodbourne. An aerodrome at Omaka offers facilities for an aero Club and top-dressing firms.
- 1.4 Sea - Four inter-island ferries operate between Wellington and Picton. Mail and transport launches serve the outlying sounds area from Picton and Havelock.

- 2.1 Establishment of Routes - These matters are the common concern of all authorities within the Scheme area and the Marlborough County Council will lend its full co-operation under this Scheme, and bear its responsibilities in all measures to further the interests of the region.
- 2.2 Public transportation proposals - This Scheme makes no provision for any specific changes.
- 2.3 Rooding Standards - Each proposed street is to be specifically designed both in layout and structural strength to cope with the frequencies and weights of traffic likely to use it. Through-traffic streets will normally be wider, straighter, and more heavily constructed than those for local traffic, but the need to locate services within the road reserve as a means of avoiding unnecessary interference to land off roads may require additional width, and the traditional standard width of 20m will not therefore be universally applied. State Highways will normally be wider than this, but streets in areas permanently zoned as residential and carrying little traffic may, in some circumstances, with safety and economy be no wider than a minimum of 12 metres. Side road junctions onto major roads and State Highways will be limited as far as possible to 604 metres spacing, unless the junctions are on opposite sides of the Highway, in which case the spacing may be reduced to 302m. In rural areas where forestry is developing, the Council will undertake a programme of planning for the upgrading of existing public roads where in the Council's opinion this is needed and where outside finance is available, and the Council shall require the provision of suitable new roads if considered necessary as a condition of subdivision and/or development of forestry so as to ensure, as far as practicable, that roads of sufficient width and strength will be available to carry the traffic generated by forest harvesting.
- 2.4 Specific Changes - The existing rooding system will be modified or varied in accordance with the particulars as set out in Appendix IV and V.
- 2.5 Adjustment of alignments of proposed streets, access ways, and service lanes. The proposed streets, access ways, and service lanes shown on the District Planning Map are subject to adjustment as to precise location by agreement with the owners of the land directly affected.
- 2.6 Proposed service lanes.- To avoid confusion and inconvenience to traffic and pedestrians caused by the loading and unloading of goods across footpaths and through the front of shops, access to the rear of commercial and industrial properties is to be provided wherever possible by means of properly dedicated service lanes.

PART IX - PARKING AND LOADING OF VEHICLES

CLAUSE 1 - DEFINITIONS:

For the purposes of this Scheme Statement, unless the context otherwise requires, the terms "parking" and "loading" in relation to a vehicle have the same meaning as in the Code of Ordinances.

CLAUSE 2 - COUNCIL'S PROPOSALS:

- 2.1 General intentions - The Council proposes to provide for the parking of vehicles by requiring adequate provision to be made by the owners or occupiers in or about new and existing buildings in certain cases.
- 2.2 Obligations of property owners - Property owners who or whose tenants have goods to be loaded or unloaded onto or from vehicles are required to provide on their own land or premises adequate space for the vehicles and operations.

Provision for off-street parking shall be made in respect of every site to provide for vehicles normally required to park at the premises from time to time.

PART X - AMENITIES

Clause 1 - General Intentions

It is the general purpose of the Scheme to promote and safeguard the amenities of every part of the District. To this end it is Council's intention, subject to financial limitations, to install piped water supplies and to provide sewerage disposal and treatment systems, in all areas where the concentration of development renders such utilities desirable.

It is Council's intention also to provide refuse tips throughout the County whenever the Council consider they are required. Land will be acquired from time to time to establish refuse tips.

The existing Foxes Island Refuse Tip is located over the Wairau ground water aquifer where there is only a thin layer of permeable gravel between the tip and the water in the aquifer and thus the tip creates a threat to the quality of this important source of water for the inhabitants of the Lower Wairau Valley. The Council has agreed that the area shown as "Marlborough County Council Refuse Tip" at Foxes Island will cease to be so designated on the 15th day of March 1987. In acknowledgement of the fact that the Foxes Island Refuse Tip has a limited life Council has designated an area at Kaituna as "Kaituna Sanitary Landfill". This refuse disposal area is intended to eventually replace the refuse disposal area at Foxes Island. The site at Kaituna has been chosen in conjunction with representatives of the Marlborough Catchment Board and subject to certain construction and operational requirements being met the site is considered suitable for refuse disposal.

Development of a new Carluke refuse tip located alongside the Ronga River is the only suitably located and practical site available to the Council to service the Rai Valley area. However, it is recognised that the development, control and management of this refuse tip must be done properly and carefully to avoid any deterioration of water quality by the discharge of leachates and careless tipping. The area at present designated is stage 1 of a two stage programme to provide sufficient capacity to serve the Rai Valley area for many years. Stage II involves the diversion of the Ronga River, and will be proceeded with later. Proposals in principle for both stages have been agreed to between the Council and Regional Water board.

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CLAUSE 2 - PRESERVATION FOR HISTORICAL OR SCIENTIFIC INTEREST OR NATURAL BEAUTY

The preservation of objects and places of historical or scientific interest or natural beauty is a matter required to be dealt with in the District Scheme. After consideration, the Council has decided that a number of objects and places should be preserved and therefore these objects and places have been included in a Register which is required to be kept at the office of the Council.

The effect of the inclusion of such objects and places in the register, will be to prevent any person, including the owner of the land, from wilfully destroying, removing or damaging any registered object or place, without the written consent of the Council.

To assist with the preservation of such objects and places of historical and scientific interest or natural beauty, the Council is prepared to grant relaxations from the provisions of the code of Ordinances in regard to the bulk and location of buildings and in regard to subdivisional requirements if the Council considers such relaxation would help to preserve the said object or place and if it considers that such relaxation would be in the public interest. The power to grant such relaxations is contained in the Code of Ordinances.

CLAUSE 3 - CONTROL OF ADVERTISING

1. The Ordinances provide the opportunity for enterprises operating within the Marlborough Division District Scheme to bring attention to themselves while maintaining aesthetic and safety standards.
2. Council's Bylaw (N.Z.S. 9201 Control of Advertising Signs) for the control of Advertising Signs provides for general requirements in respect of permits, licences and general administration.

Presently, Council does not licence signs under its Bylaw. This situation will, however, be reviewed from time to time and such controls as may be appropriate would be instituted through that Bylaw.

3. (a) Council recognises that there are a number of enterprises in the urban areas of Picton and Blenheim that wish to advertise their presence and that the success of these activities contribute to the overall welfare of the District. It is of the view, however, that unrestricted advertising can have detrimental effects on the amenities of the Country-side and highway safety.

Specific requirements have been included in Ordinance II - Use Zoning under 3.1.2.14 Rural A Zone Conditional Uses for stalls on arterial roads limiting the size and appearance of signs. This, coupled with a qualification as to who may erect signs is expected to strike a balance between economic opportunities and the preservation of the natural amenities.

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- (b) Council may refuse any application that it considers may constitute a hazard to traffic or a detraction from the amenities of the surrounding area, providing that there is a right under the Act to make a notified application in respect of any sign that does not conform or was refused consent.
- (c) Council will encourage the establishment of Information Kiosks for the purpose of advertising any product or service in the Region. It is expected that these will be few in number placed on arterial routes in strategic locations. Individual sites will be determined as being suitable in terms of sound highway engineering practice and it is expected that the advice of specialist organisation such as Transit New Zealand will be sought. The consent of the Controlling Authority will be required for work relating to the formation of access and for consent to establish where they are located on road land.

Generally it may be expected that a building permit will be required for the erection of a kiosk.

CLAUSE 4 - MAINTENANCE OF BUILDINGS AND STRUCTURES

For the better preservation of amenities, the Code of Ordinances requires adequate maintenance of land and buildings.

APPENDIX I

LAND PROPOSED TO BE ACQUIRED FOR RESERVE
SPACES AND OTHER USES

Recreation Reserves in various areas as required.

APPENDIX II

PROPOSALS RELATING TO PUBLIC UTILITIES

- (1) Installation of sewage reticulation at Waikawa, Havelock, Renwick and Spring Creek.
- (2) Public water supply for Waikawa, Okiwi Bay and Renwick and extension of supply at Havelock.
- (3) Installation of piped stormwater disposal system at Spring Creek.

APPENDIX III

STREET WIDENING

State Highway 1 (Picton - Bluff)

- (a) Picton Borough Boundary - Tua Marina: 10.06m from adjacent centre line of 30.17 metres from the near edge of the Railway Reserve which ever is applicable.
- (b) Tua Marina - Blenheim Borough Boundary: 15.09m from legal centre line or 30.17m from the near edge of the Railway Reserve whichever is applicable.
- (c) Blenheim Borough Boundary - Cop-op Drain Bridge: 10.06m from legal centre line or 30.17m from the near edge of the adjacent Railway Reserve whichever is applicable.
- (d) Co-op Drain Bridge - County Borough Boundary: 10.06m from centre line.

Alabama and Battys Roads: (proposed By-pass)

15.09m from legal centre line.

State Highway 6 (Blenheim-Nelson Highway)

- (a) Blenheim Borough Boundary - junction of State Highway 6 and 63 - 10.06m from legal centre line.
- (b) Junction of State Highway 6 and 63 - Anglesea Street - 21m from legal centre line on South side only.
- (c) Blinks Road (Renwick) - Havelock - Havelock Community Council boundary - 10.06m from legal centre line.
- (d) Havelock Township - 15.09m from legal centre line.
- (e) Havelock Community Council boundary - Rai Valley High School 10.06m from legal centre line.
- (f) Rai Valley High School - Rai Valley Township bridge - 15.09m from legal centre line.

- (g) Rai Valley Township - County Boundary - 10.06m from legal centre line.

State Highway 63 (West Coast Highway)

- (a) Anglesea Street - Wairau Valley Township - 10.06m from legal centre line.
 (b) Wairau Valley Township - 10.06m from legal centre line.
 (c) Wairau Valley Township - County Boundary - 10.06m from legal centre line.

Waikawa Road

10.06m from legal Centre Line.

APPENDIX IV

PROVISION FOR TRAFFIC ROUTES

The spread of population, urban and rural and its location in relation to industrial, harbour and rail facilities indicates that the existing main distributive road pattern with progressive carriageway upgrading and perhaps short lengths of major connecting roads (see below) will generally meet that needs of the Scheme area over the planning period, although some extension of access roading will be required to enable roading to extend to Okoha, Anakoha Bay.

The extension of Alabama Road to the Picton-Christchurch State Highway and the by-pass of present State Highway 6 route through Renwick are two deviations envisaged within the planning period.

The proposed realignment of Queen Charlotte Drive being notated on the planning map as "Queen Charlotte Drive Proposed Realignment" with the portion to be closed notated as "proposed to be closed" will allow a better and safer alignment of this portion of Queen Charlotte Drive to be constructed and will enable Port Marlborough New Zealand Limited to better develop its land on the northern side of the road it being envisaged that the physical works will be carried out in conjunction with the proposed development of a portion of Shakespeare Bay for port activity if resource consents are obtained for that development.

APPENDIX V

PROPOSALS AFFECTING STREETS, SERVICE LANES AND ACCESS WAYS

Item 1 - DEVIATIONS:

Apart from items mentioned in Appendix IV there are no other definite proposals, but in rural areas particularly, the existing roads are being improved all the time and this necessitates some relatively minor deviations as the work progresses.

Item 2 - CLOSINGS:

Most of the streets it is proposed to close are in the urban settlements - these are mostly unformed and used by the adjoining owners. Other roads are shown on the District Planning Maps and are generally small sections of road which are of no practical or legal use.

Item 3 - WIDENINGS:

There are described in Appendix III

Item 4 - NARROWINGS:

None.

Item 5 - IMPORTANT ALTERATIONS TO LEVELS OR OTHER ENGINEERING FEATURES:

Due to subdivisional development in Havelock, Waikawa, Renwick and Okiwi Bay, upgrading and reconstruction of roads is continually required and hence alterations to street levels will become necessary in these areas.

Item 6 - NEW ROUTES:

The most important of these are the by-pass for Renwick and the extension of Alabama Road. (see Appendix IV)

APPENDIX VI

NORTHBANK CATCHMENT CONTROL SCHEME

BASIS OF SCHEME

The primary determination of the land resource is based on the land capability classification as surveyed by the Marlborough Catchment Board as per the standards laid down in the Land Use Capability Survey System approved by the Soil Conservation and Rivers Control Council and New Zealand Catchment Authorities. N.B. For the purposes of this Appendix, the meaning of limitation is in the terms of Land Use Capability and terminology.

SCHEDULE I

Land Capability Class.

II	864 ha	Arable land few limitations.
III	5835 ha	Arable land moderate limitations.
IV	1742 ha	Arable land severe limitations.
V	199 ha	Not suitable for cropping few limitations.
VI	9791 ha	Pastoral or forestry moderate limitations.
VII	34665 ha	Pastoral use severe limitations. Few or moderate for forestry.
VIII	7950 ha	Suitable for watershed protection only.
	<u>61046 ha</u>	

RECOMMENDED LAND USE

Based on the above land capability analysis and in order to achieve the objectives as set out above the land use recommended for the land is as follows:

SCHEDULE II

Arable land with few limitations	864 ha
Arable land subject to flooding and drainage problems moderate limitations.	5835 ha
Arable land with severe limitations.	1742 ha
Pastoral land with slight limitations.	4822 ha
Pastoral land with severe limitations.	4929 ha
Forestry with slight limitations.	4970 ha
Forestry with moderate limitations.	13736 ha
Watershed protection and water control	28149 ha
	<u>65047</u>

AUTHORISATION:

Scheme approval by the Marlborough Catchment Board dated 5th August 1966 and by the Soil Conservation and Rivers Control Council of 10th March 1967.

Agreement by landowners as to participation on a voluntary basis and without use of compulsory powers other than fire control legislation and By-Laws.

ORDINANCE I - INTRODUCTORY

Clause 1 - Documents Comprising District Scheme

This Code of Ordinances, together with the Scheme Statement, the District Planning Maps, and the enlarged scale maps with diagrams showing detail where required, comprise the Marlborough County District Scheme (hereinafter called the District Scheme or the Scheme) as required by Section 38 of the Town and Country Planning Act 1977 and Regulation 21 of the Town and Country Planning Regulations, 1978.

Clause 2 - Relationship of Code to Bylaws

The provision of this code shall have effect, notwithstanding any Council 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 of the Council's the provisions of this code shall prevail.

Where the provision of this code differ with the provisions of the Marlborough Catchment Board's Bylaws, which apply in respect of water courses over which the Board has control, compliance with both the code and the Board's Bylaws shall be deemed necessary.

Within those parts of the Rural Zones subject to the Marlborough Catchment Board Fire Bylaw, all uses shall be subject to that Bylaw.

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, 1977 including all amendments.

"Accessory Buildings" means a building the use of which is incidental to that of any 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.

"Apartment House" means any residential building which contains two or more household units, and includes a tenement house and a block of flats.

"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, and includes a swimming pool and also a fence or boundary or retaining wall but does not include a fence

or boundary or retaining wall which :

- (a) is less than 2.0 metres in height, and
- (b) is not used for advertising or for some purpose other than or in addition to its use as a fence, boundary or retaining wall.
- (c) is a wind break erected in a Rural Zone.

"Camping Ground" means a camping ground within the meaning of the Camping Ground Regulations 1936.

"Code" means this Code of Ordinances.

"Commercial Forestry" means the preparation, planting, re-planting, and re-establishment of exotic trees in forest or tree plantations, the prime purpose of which is commercial gain, and includes the extraction of timber therefrom. The planting, re-planting, cultivation and management of exotic and indigenous trees for purposes of shelter, or any other purpose ancillary to normal farming operations are not included, nor is the extraction of timber from such trees.

"Commercial Garage" means land or buildings used for the housing or care of self-propelled vehicles which are regularly used for any commercial or business purpose other than on the property.

"Conditional use" in relation to land and to any building in any zone, means any use specified in these Ordinances as a use that is permitted only if the Council consents and only subject to such conditions as the Council may impose whether generally or in respect of the particular site.

"Council" means the Marlborough County Council.

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

"Dairy" means a shop which has the greater part of its retail from the sale of dairy produce, bread, etc.

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"Dwellinghouse" means a detached building or group of buildings designed for the exclusive use of one household.

"Erection" in relation to any building, includes the re-erection or structural alteration of or the making of any additions to the building or 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.

"Economic Farm Unit" means land of an area that its independent operation as a farm will in reasonable circumstances (and with an average level of indebtedness) fully support a man and his family.

"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.

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"Factory Farming" means an intensive operation that uses animals, birds or vegetation in a manner that is independent of soil quality - for instance - glass houses, cattle feed lots, pig farms or the battery housing of birds or animals.

"Farming" means any type of land based activity, having as its primary purpose the commercial production of any livestock or vegetative matter, but does not include commercial forestry of vineyards.

(Note: Vineyards are specifically excluded because of the different requirements of the Ordinances in relation to this particular farming activity).

"Height" has the meaning specified in Clause 3 of Ordinance V hereof.

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83/7

"Household" means any housekeeping unit consisting of one or more persons.

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

"Interim Use" has the meaning specified in Clause 3 of Ordinance IV hereof.

"Licensed Hotel" means a building for which a hotel premises licence has been issued or has been authorised in terms of the Sale of Liquor Act 1962 and its amendments or any other Act replacing or modifying the same.

"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.

"Loading Space" means a space on a site available for a vehicle while being loaded or unloaded.

"Medical Rooms" means professional or consulting rooms of registered medical practitioners.

"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 canteens, restaurants, bathhouse, and swimming pool, playgrounds, and the like, provided any such services or amenities shall be for the use of motel patrons only.

"Motor Repair Garage" means land or buildings used for motor vehicle engine and body repairs, overhauling of motor vehicles, the panel beating and spray painting of motor vehicles, but does not include the sale of petroleum products.

"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.

"Parking space" means a space on a site available for a vehicle while awaiting use.

"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 or any use deemed by Section 64 of the Town and Country Planning Act 1977, to be a predominant use.

"Petrol Service Station" means any site used for the retail sale of motor spirits and lubricating oils for motor vehicles lubrication and minor servicing and repair of motor vehicles, but not heavy engineering such as engine reboring and crankshaft grinding, or panel beating, trimming or spray painting.

"Place" has the meaning specified in Clause 1 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 defined herein, and includes a carport.

"Residential building" means any building or part of a building used or intended to be used for residential purposes.

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

"Road" includes street or highway.

"Rural Industry" means an operation that processes the output of land based operations involving animals, agricultural or horticultural crops - for instance - dairy products, wineries, apiaries, stockyards, sale yards, packhouses for horticultural products.

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"Semi-detached house" means one of a pair of household units each being the other 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 dwelling houses.

"Service Lane" means land dedicated as service land of minimum width 3.66 metres and maximum width 10 metres used from time to time for the vehicular access to adjacent properties.

"Shop" means any land, building, or part of a building 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.

"Signboard" has the meaning specified in Clause 2.1 of Ordinances VII hereof:

"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:

"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 12m in width if the frontages are continuous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees:

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

"Rear site" means a site 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:

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

"Sounds" means the Marlborough Sounds as delineated on the map included as Appendix VII of the Code of Ordinances and more accurately defined on the planning maps of the district scheme.

"Stall" means any building or part of a building from which agricultural or horticultural produce grown on the property is sold or displayed for sale.

"Subdivision" has the same meaning as the definition contained in the Local Government Act 1974 and its amendments or any other Act replacing or modifying the same:

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"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 with a triangular section, the boundaries of the rear yard shall be the converging side boundaries of the site and the arc of a circle drawn with the apex as centre and a radius of 10 metres.

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

- (a) From the front yard to the rear yard, and
- (b) If there be no front yard, from the front boundary of the site to the rear yard, and
- (c) If there be no rear yard, from the front 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.

"Vineyard" means any land used for the purpose of a vineyard and of which not less than 4047 square metres is for the time being planted in vineyards.

"Windbreaks" shall mean natural plantings of trees or artificial structures placed on boundaries of properties or partitions thereof for the purpose of protecting horticultural or agriculture crops.

SCHEME
CHANGE
83/15

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 the 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 application 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

"Tavern" means a building for which a tavern premises licence has been issued or authorised in terms of the Sale of Liquor Act.1962 and its amendments, or any other Act replacing or modifying the same.

"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 By-law for a party wall between dwelling houses; and if an end unit being so joined on one side only:

"Tourist house" means a building for which a Tourist House premises licence has been issued or authorised in terms of the Sale of Liquor Act 1962 and its amendments, or any other Act replacing or modifying the same.

"Yard" means a part of a site which is required by this scheme to be unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by this scheme:

"Front Yard" means a yard between the street line and a line parallel thereto and extending across the full width of the site:

with the 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 Information to be supplied on subdivision scheme plan
Information on Scheme Plans shall be in accordance with the Local Government Act 1974 and its amendments or any other Act replacing or modifying same. Unless otherwise requested six copies of the Scheme Plan will be required where the proposed subdivision is within the Central Marlborough area and eight copies where it is within the Sounds.
- 4.4 Application or requirements where uses or areas change
Every requirement of these ordinances as to the use of any building or land or part thereof, being a requirement which does not attach to the building or land while it continues to be used for the same or a similar purpose as when this Ordinance first became enforceable, shall attach when the general character of the use of the building or site is changed, or when the area of the floor of the building is altered or when the curtilage of the building is altered.
- 4.5 Dispensations and Waivers
The Council may grant consent to a dispensation wholly or partly from, or a waiver of, any provision of the Scheme relating to :-
- (i) The subdivision of the land to be used for any urban purpose; and
 - (ii) the height, bulk and location of buildings permitted on site; and
 - (iii) The provision of parking and loading spaces; and
 - (iv) the design and appearance of buildings and signs; the provisions, design and appearance of verandahs; and
 - (v) Landscaping; and
 - (vi) Such other matters as may be specified in that behalf by any regulations in force under the Act.

In all cases when considering a dispensation or waiver the objectives and policies of the Scheme and specifically those relating to the control and objectives of the zone shall not be contravened. The Council will also be required to be satisfied that reasonable alternatives, in conformity with the standards, do not exist.

4.5.1 Procedure for Applications

An application for a dispensation or a waiver shall only apply to uses permitted as of right whether by way of additions or alterations to existing works; or proposed new works.

The provisions of Section 76 of the Act apply to these applications which may be made WITHOUT NOTICE where the written consent of every body or person whose interests might, in the opinion of the Council, be prejudiced by the proposed dispensation or waiver, has first been lodged with Council, unless, in the Councils opinion, it is unreasonable to require such consent to be obtained.

Where the written consent as required by the above paragraph has not been lodged and Council has not found it unreasonable to require them to be obtained, then an application with notice shall be required.

4.5.2 Circumstances where applications will be considered.

- (i) Where the relaxation is necessary to minimise the impact of a building upon the natural landscape (e.g. to retain trees, to create less excavation in sensitive landscapes).
- (ii) Where topographical, land stability or other physical constraints exist.
- (iii) Where difficult site shape or frontage constrains reasonable development of the site.
- (iv) Where reasonable development is constrained by the location and arrangement of existing economically sound buildings.
- (v) Where the site is lower than the adjoining affected site.
- (vi) Where a right-of-way or access strip abuts the boundary where non-compliance occurs.
- (vii) Where the proposal is an extension of an existing building and there is a desire to retain the wall and/or roofline for architectural reasons.

4.5.3 Extent of Dispensation or Waiver

- (i) In relation to the subdivision of land for urban purposes, the extent of any relaxation shall be minor.
- (ii) In relation to the yard requirements the extent of relaxation may be up to 80%.
- (iii) In relation to the height of buildings any relaxation shall not usually exceed 2 metres in addition to the maximum height permitted.
- (iv) In relation to the other matters specified in Clause 4.5 any relaxation will be minor.

4.5.4 Approval

In assessing each application the Council will require to be satisfied that :-

- (i) The dispensation or waiver would encourage better development of the site, or that it is unreasonable or impracticable to enforce the provision in respect of the particular site.
- (ii) The dispensation or waiver will not detract from the amenities of the neighborhood 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.

The Council may impose suitable conditions on an approved application to ensure that the objectives and policies of the Scheme are achieved.

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4.6 Serving of Notices

Every notice required by the Code to be served on any person shall be delivered to that person and may be delivered to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice so posted shall be deemed to have been served at the time when the registered letter would, in the ordinary course of post, be delivered.

ORDINANCE II - USE ZONINGCLAUSE 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 maps by the notations listed in the key shown on those maps.

1.3 Control of uses within zones -

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

1.3.2 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 authorised.

1.3.3 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 partition until the respective time specified therefore on the district planning map. Until the respective time so specified there shall be no predominant uses in the second partition; and the uses prescribed as predominant for the zone shall, for the purposes of the second partition be deemed to be conditional uses, and the provisions of this code relating to conditional uses shall apply to those uses.

1.3.4 Limitations in Respect of Private Recreation Area - The use of any land designated for use as private recreation area shall be further limited to the particular use endorsed by way of description in respect of such land on the District Planning Map.

Provided That - Any particular use which is specified in Appendix III as a field sport or a small sport shall be deemed to include any other use as specified.

1.3.5 Conditions may be imposed by Council - Every use referred to in the foregoing sub-clauses shall be subject to such conditions, restrictions and prohibitions as to location, height, yards, position of buildings on sites, coverage, drainage, disposal of effluents, preservation of amenities, off-street parking, by-laws pertaining to the area as are appropriate. (Refer to Ordinance IV, Clause 3).

1.4 Alterations of Existing Non-Conforming Buildings -

An existing building which does not conform to any or all of the provisions of this District Scheme relating to the zone in which it is situated may be repaired, altered, or modified (but not rebuilt), so long as the repair, alteration, or modification does not increase the extent to which the building fails to conform to the provisions of this Scheme and does not tend to prevent, or in the case of

alterations and modifications, delay the effective operation of this Scheme.

Provided that an existing building which does not conform to any or all of the provisions of this Scheme in respect of bulk and location requirements is wholly destroyed or damaged or partially destroyed to the extent that it is necessary to pull down a substantial part of the remaining portion thereof, then before reconstruction, the Council may grant its consent to the erection of a building on the site subject to such conditions as to partial or complete conformity with the provisions of this scheme, as it may think fit to impose.

1.5 Designated Land -

In accordance with Section 33A of the Town and Country Planning Act 1953, all designated land is zoned. In all cases the zoning applicable is that within which the designated land lies. The use of any land or building on any land which has been designated shall be limited to the use which is designated in respect thereof by symbols, and description set out by way of notation on the district planning map (refer to Section 33A Town and Country Planning Act 1953).

1.6 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 without the approval of the Council, every such public utility shall, in accordance with Section 64 of the Act, be deemed to be a predominant use in every zone in such district.

Every public utility building requiring a permit under the Building By-Laws (whether subject to the provisions of Section 64 of the Act or not) shall be of such dimensions, construction, design, appearance, and land-scaping 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, as enunciated in the Scheme.

1.7 Regulation and procedure in respect of uses -

1.7.1 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 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 this Code in respect of it as a predominant use.

1.7.2. Conditional Uses -

1.7.2.1 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.

1.7.2.2 Matters to be considered - When considering the suitability of the site for the proposed use Council shall have regard to the provisions of Section 72 of the Act and in the case of sites in Rural zones to the provisions of Section 3 of the Act and such other policies as are enunciated in this Scheme.

1.7.2.3 Procedure Application, etc - Sections 72 of the Act and (Regulations 37, Town and Country Planning Regulations 1978.

CLAUSE 2 - FLOODWAY ZONING:

2.1 Predominant Uses -

The predominant uses shall be as follows but subject to compliance with the Marlborough Catchment Board By-Laws:

2.1.1 River protection and river control works.

2.1.2 Farming but being so that it is compatible with the conservation of soil, protection of flood berms, and the floodway requirements of the Marlborough Catchment Board.

2.1.3 Public Reserves and recreational areas.

2.1.4 Commercial forestry.

2.1.5 Gravel extraction using entirely mobile plant.

2.2 Conditional Uses -

Council may approve any use permitted in zones adjoining this zone. Such approval will include any conditions relevant to river protection and river control which the Marlborough Catchment Board may require, and be subject to compliance with the Boards By-Laws.

2.2.1 Rock quarrying or winning and processing of materials occurring naturally in the zone (except as in 2.1.5 above).

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

CLAUSE 3 - RURAL ZONING3.1 Rural A Zone3.1.1 Predominant Uses - The predominant uses be

3.1.1.1 Farming, racing stables, and boarding kennels excepting -

(i) The housing of birds, animals or bees in any building or enclosure within thirty metres from any residential building or less than twelve metres from any boundary of the site and -

(b) The housing or keeping of pigs or poultry for commercial purposes within forty-five metres from any one of the following :

(i) The boundary of a residential, industrial or commercial zone, or

(ii) Any boundary of the site, or

(iii) Any dwelling, or

(iv) Any dairy or building occupied or used for the preparation, storage or sale of food for human consumption, storage or sale of food for human consumption.

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

(a) On land within 300 metres of the boundary of a residential zone measured at right angles to the boundary of such zone.

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

(c) On land within twenty metres of any formed public road.

(d) Except with the consent in writing of the adjoining owner and occupier, such consent to be deposited with the Council, on land within 20 metres of an adjoining property boundary.

- (e) On land of land use capability Class I, II, III, IV or VIII as defined in the 'New Zealand Handbook for the Classification of Land' and the New Zealand Land Resource Inventory Worksheets produced for the National Water and Soil Conservation Organisation by the Water and Soil Division of the Ministry of Works and Development.
- (f) On sites having historic, scientific or archaeological significance.

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(g) On all land to the north of the Wairau River which does not have access to any State Highway but not including land which is part of the Northbank Scheme as defined on the map included as Appendix VIII of the Code of Ordinances, or the extension of that area shown on the same map as an area for commercial afforestation as a predominant use.

(g) In Rural A zones within the Marlborough Sounds area.

Deletion
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(h) Deleted

3.1.1.3 Parks and Scenic Reserves :

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

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Inset
SCHEME CHANGE 82/7

- 3.1.1.5 Dwellinghouse provided that :
- (a) This provision does not apply to land within the Marlborough Sounds and defined on Appendix VII of the Code of Ordinances, where the provisions of Ordinances 3.1.2.16 will apply.

See Rule 3.1.1.11 for special provisions in respect of land located in Kaiuma Bay.
 - (b) That the Council is wholly satisfied that the site is suitable for the disposal thereon of sewerage effluent by means of septic tank or other approved system and that any septic tank system installed on a suitable site complies with the Drainage and Plumbing Regulations 1959, NZSS 758 and NZCP 44 and it is maintained in accordance with NZCP 45.
 - (c) The site has proper physical and legal access to enable vehicles to be driven onto the site.
 - (d) Not more than one dwellinghouse shall be erected on any one property comprised in several separate allotments or titles in the same ownership as at the 25th day of June 1982.

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

3.1.1.7 Gravel extraction from river beds using entirely mobile plant.

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

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

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

- 3.1.1.10 Roadside stalls provided that :
- (i) "Stall" means any building or part of a building from which agricultural or horticultural produce grown on the property containing the stall is sold or displayed for sale.
 - (ii) The stall does not have access to a State Highway or Rapaura Road.

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- (iii) Access to the stall shall be via the main access to the property provided that road traffic is clearly visible for a distance of not less than 100 metres in both directions.
- (iv) Where access is off a sealed road the entrance to the property shall be sealed from the existing road seal to the property boundary.
- (v) On any one site the total area of both building and land devoted to public display of produce for sale shall not exceed 50 square metres.
- (vi) A parking area of not less than 100 square metres excluding access and manoeuvring space shall be provided.
- (vii) That only one stall shall be operated on any one site.

3.1.1.11 One dwellinghouse per allotment within the area defined by proposed Lots 1 to 40 on Davidson Ayson Plan 7377 (Dec 1992) contained in Appendix X and currently contained in Sections 43 and 44, Part Sections 40, 41, 42 and 89 Pelorus Sound Registration District and comprised in Certificates of Title 34/115 and 34/172, provided that the bulk and location requirements specified in Rule 3.1.5A are complied with.

3.1.1A CONTROLLED ACTIVITIES

3.1.1.A CONTROLLED ACTIVITIES, (applies only to land within the area defined by proposed Lots 1 to 40 on Davidson Ayson Plan 7377 (Dec 1992) contained in Appendix X)

- 3.1.1.A.1 Public car parks and boat trailer parks.
- 3.1.1.A.2 Boat launching ramps and jetties, (but not including facilities for the storage or dispensing of motor fuels), erected on land on the landward side of Mean High Water Springs (Note: those parts of such structures located on the seaward side of Mean High Water Springs require a coastal permit). Provided that any such facility shall be provided with parking space for 10 bays each 3.5 x 11 metres in dimension.

Explanation: Facilities for storing and dispensing motor fuels at jetties and boat launching ramps are not permitted because there is no need for them having regard to the likely nature of boating activities associated with residential activities and the nature of Kaiuma Bay. It is also considered that the presence of such facilities could significantly increase the potential risk of water pollution in the bay.

3.1.1.A.3 Land subdivision subject to the rules set out under Rule 3.1.4A.

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3.1.2 CONDITIONAL USES

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

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

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

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

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

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

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

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

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

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

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

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

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

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(b) That only produce grown on the site of the stall shall be offered for sale from the stall, provided also that Council may permit the sale of produce grown on another site owned or held by the applicant under a registered lease or an agreement in writing for a period of not less than three years (such site or sites to be described in the application) so long as the stall is located on the site on which the applicant's dwelling is erected, or on a site or not less than 4 hectares.

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STAFFING CHANGE

(c) One double-sided sign of up to 2 square metres area with minimum letter size of 200mm and with at least 50mm between words, specifying (by way of guidelines) the name of the staff or operator, the type of goods or produce sold and whether the stall be open or closed. The sign design shall be submitted to Council as part of the conditional use application.

(d) That adequate off-street parking and turning space shall be provided on the site so that customers will not be encouraged to park on the roadside or to reverse on to the road.

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

(a) Applications will only be considered on land situated within the Sounds.

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

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

(ii) The enjoyment by the public of any reserve or foreshore area or other place in public ownership or designated for public purposes or used by the public is adversely affected either directly or indirectly;

(iii) Indigenous trees, shrubs or plants are to be removed in a manner detrimental to the amenities of the neighbourhood;

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

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

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

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

3.1.3 CONDITIONS RELATING TO CERTAIN CONDITIONAL USES

The following conditions shall apply to Conditional industrial and forestry uses in rural zones :

- 3.1.3.1 All tailings, sawdust, spoil, waste and effluent shall be so disposed of as to minimise damage to property or disfigurement of the countryside :
- 3.1.3.2 The sites of excavations, heaps, dumps, spoil or other materials at any workings or plant which cause damage to property or disfigurement to the countryside shall be progressively restored to a reasonably natural state by levelling or backfilling where possible, and by the planting of grass or trees, and on completion of the work by the removal of plant and buildings.
- 3.1.3.3 Such other conditions as the Council may require, having regard to the nature and locality of the undertaking.

3.1.4 SUBDIVISION OF LAND - See Ordinance III, Clause 2

3.1.4.A **Subdivision Rules for land at Kaiuma Bay** within the area defined by proposed Lots 1 to 40 on Davidson Ayson Plan 7377 (Dec 1992) contained in Appendix X

3.1.4.A.1 Notwithstanding anything to the contrary in Ordinance III of this Plan, land in the area defined in the attached plan may be subdivided in accordance with the following rules:

- (i) Minimum Allotment Size; 4000 square metres, with the exception that any site required specifically for utilities associated with telecommunications, water supply and energy transmission, may be for a lesser area appropriate to the operation needs of the activity to be carried out thereon.

Explanation: This rule is to ensure that residential subdivision at Kaiuma is of a low density character and so that there is ample opportunity for bush regeneration to take place and reduce the visual impact of development.

- (ii) Maximum Number of Allotments; the maximum number of residential allotments to be created within the defined area is to be 40.

Explanation: The total number of residential allotments is limited to ensure the cumulative effects of stormwater and sewage effluent disposal are not excessive.

- (iii) Further Subdivision: Once a residential allotment has been created the further subdivision of that allotment will not be allowed.

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Explanation: This restriction will ensure that the development proceed along the lines of the concept plan put forward by the proposer and that subsequent purchasers of allotments will not be able to subdivide further particularly if the overall development has not used the full potential of 40 allotments.

- (iv) Access; every allotment shall be provided with legal and practicable access and frontage to a public road. The minimum formed width of such access for a single allotment shall be four metres. Up to six allotments may share access. Shared access shall have a minimum formed width of six metres.

Explanation: A minimum frontage to provide practicable vehicle access to sites is all that is necessary. Wider frontage requirements may unnecessarily constrain subdivision design options.

- (v) Identification of Building Platform; every allotment created for residential use shall contain a stable building area. This area shall have a minimum dimension of twenty metres and shall be fully capable of containing a building. The building area shall be defined on the subdivision plan and in addition to being stable shall be clear of required set back distances from site boundaries and water courses. Each building site shall be certified as being unlikely to be detrimentally affected by inundation, erosion, subsidence or slippage from any source. It shall also be certified that the creation of a level building area over the identified area will be unlikely to cause inundation, erosion, subsidence or slippage on any adjoining land. The certifying person shall be a person qualified and experienced in the field of soils engineering and land stability and foundations engineering.

Explanation: This rule is to ensure that each allotment in the subdivision is designed to be suitable for its intended use.

- (vi) Effluent Disposal; every site shall be capable of accommodating the on-site treatment and disposal of effluent. A soakage field and a reserve soakage field shall be identified on the site together with the location where a septic tank will be installed. The location of these facilities shall be complimentary to the location of a defined building area on the site and with reference to on-site testing. Soakage fields shall be located so as to avoid the likelihood of effluent discharging into any watercourse. The design of effluent disposal systems and their siting, shall be certified as suitable individually for each site by a person suitably qualified in the design of effluent disposal systems.

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Systems other than septic tanks and soakage fields may be acceptable on allotments which have constraints for effluent disposal by way of septic tank and soakage field systems. Alternative effluent disposal systems may be accepted by the Council if certified as being suitable for a particular site by a suitably qualified person.

Explanation: This rule is to ensure that each allotment is capable of accommodating on-site disposal of domestic effluent in a manner which will not have adverse environmental effects. It is considered that this rule is preferable to leaving the matter of effluent disposal suitability until after subdivision is complete.

- (vii) Subdivisional Rooding: subdivisional rooding shall be created and formed in accordance with Council's Code of Practice for rooding in low density residential subdivisions in rural areas.

Explanation: The subdivision is likely to be occupied only on a seasonal basis and have relatively low traffic volumes. For this reason rooding to full urban residential standards is not necessary.

- (viii) Stormwater Disposal: provision shall be made for the disposal of stormwater in a manner which ensures that discharges are unlikely to result in damage to the environment or to structures due to inundation, erosion or ground failure. As a general rule it will be required that stormwater is to be discharged into natural watercourses.

Explanation: Poorly controlled stormwater runoff can cause a wide variety of problems including erosion, land instability and sediment discharge to waterways and the coastal marine area. These potentially long term and serious problems can be avoided by appropriate design of stormwater disposal systems. Discharge to existing watercourses will avoid creation of new discharge points into the bay and so avoid unnecessary modification of the coastline and intertidal area ecosystems.

- (ix) Electrical Reticulation: All electrical reticulation within the subdivision shall be underground.

Explanation: This rule will ensure that the visual impact of electrical reticulation is minimised.

- 3.1.4.A.2 The following information shall be provided with any application for consent to subdivide land;

KAIUMA BAY DEVELOPMENT

DP 20

Insert

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Insert

- (i) A plan or plan of the proposed subdivision shall be submitted and shall show the following:
 - (a) topographic details
 - (b) the legal description(s) of the land involved
 - (c) all proposed lot boundaries and approximate areas
 - (d) the location of proposed roads, vehicle access and pedestrian ways
 - (e) the location of existing and proposed reserves, including esplanade reserves
 - (f) existing water courses
 - (g) details of existing ground cover with areas of vegetation to be retained and vegetation to be cleared
 - (h) the location of a stable building site on each allotment, (see Rule 5(iv) above)
 - (i) the location of water supply storage tanks from which water will be reticulated to the subdivision
 - (j) the location of areas to be used for effluent disposal
 - (k) the intended purpose of each allotment.
- (ii) An aerial photograph of the site which shall be the most recently flown photograph able to be procured.
- (iii) A landscape plan showing retained vegetation and any additional proposal amenity planting to be undertaken by the subdivider.
- (iv) Reports explaining the following:
 - (a) land stability within the subdivision area including identification of any potential natural hazard to proposed allotments or any potential hazard which may result from land disturbance during or after subdivision and proposals for avoiding, mitigating or remedying hazards;
 - (b) proposals for the supply of domestic water;
 - (c) proposals for the disposal of effluent and information to show that the proposed method is appropriate and will have no adverse effects on the environment. If individual on-site disposal systems are proposed for each allotment, information shall include identification of any proposed sites where systems should be subject to special locational requirements to be specified as a consent notice;
 - (d) instruments to be used for the protection of riparian vegetation to be protected for its conservation, landscape and amenity values;

- (e) Provisions for the control of stormwater discharges from roads and building sites in the subdivision;
- (f) the principal methods to be used to avoid or mitigate any adverse effects on the environment which could arise during the course of subdivisional works.

Explanation: These requirements will enable full assessment of the subdivision proposal and identification of environmental effects and measures taken to avoid or mitigate these.

3.1.4.A.3 Consent Conditions in Respect of Subdivision

- (A) In respect of subdivision of land conditions dealing with the following matters may be imposed;
 - (i) a condition requiring the protection of specified stands of flora and fauna;
 - (ii) a condition requiring the provision of landscape planting in specific areas and a condition requiring the protection of these plantings by covenant if they are on any land which will not be vested as reserve;
 - (iii) a condition limiting the erection of buildings on any allotment in the subdivision to an area or areas specifically defined on an allotment, or a condition specifically prohibiting the erection of a building or buildings on any area defined on any allotment, such limitations shall be for the purpose of avoiding natural hazards or avoiding the location of buildings in areas where they are likely to be visually obtrusive beyond the immediate vicinity of the site.
 - (iv) a condition or conditions to mitigate the effects of subdivision development works on water quality and land stability.
 - (v) a condition requiring the vesting of reserves (or financial contributions in lieu of reserve vesting).
 - (vi) a condition requiring financial contributions to the upgrading of the Kaiuma Bay Road.
 - (vii) a condition requiring the underground supply of electricity to all residential allotments.
 - (viii) a condition requiring compliance with the appropriate Marlborough District Council Code of Practice for Subdivision and Development.
 - (ix) a condition regarding the physical characteristics of the subdivision such as subdivisional roading and property access standards

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3.1.5 BULK AND LOCATION REQUIREMENTS

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

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

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

Note:

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

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COVERAGE

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

RES = Dwellings and accessory buildings thereto.

Other = Other predominant use.

U = Unrestricted

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

3.1.5A KAIUMA BAY DEVELOPMENT : DP20
BUILDING BULK AND LOCATION REQUIREMENTS : Refer 3.1.1.11

1. (i) Buildings on residential allotments may only be created within the building areas defined on the approved survey plan
- (ii) Minimum distance from any site boundary; 8 metres
- (iii) Minimum distance from any water course; 5 metres
- (iv) Maximum building height; 8 metres
- (v) Maximum building coverage per site; 300 square metres
- (vi) Provision shall be made for two carparking spaces with dimensions of not less than 3.0 metres by 5.0 metres with each dwelling.
2. Exceptions
 - (i) No jetty structure may be higher than 1.5 metres above the level of Mean High Water Springs.

Explanation: The requirement that buildings on residential sites shall be erected only on the building platform identified at the time of subdivision is to ensure that buildings are erected on sites which have been determined as being suitable during the course of subdivision design and approval.

Other requirements are principally to promote a low density residential character and to provide some control over the visual effect of development.

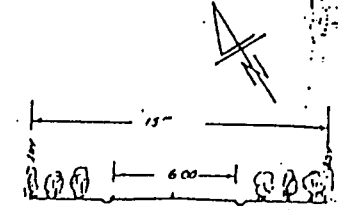
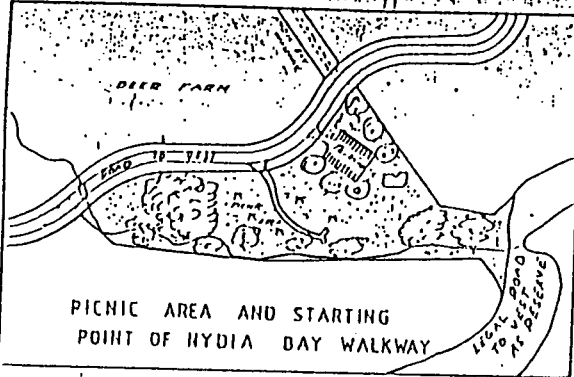
A requirement for a minimum of two on-site carparks per site is made because the principal access to the subdivision will be by road. This provision is a reasonable minimum which will cater for occupants and some visitor parking.

KAIUMA BAY DEVELOPMENT

DP20

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- 3.1.6 Where the slope of the land exceeds 15 degrees, the construction and erection of any building and the carrying out of any earthworks or excavations associated with the foundations of such building on any land shall require the specific consent of the Council and such consent shall only be granted where the application is accompanied by a certificate from a registered engineer to the effect that the work proposed to be carried out will not be detrimental to the site itself, or any adjoining site, and proper safeguards have been employed to overcome the possible effect of slip, slump, erosion or 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).
- 3.1.7 Parking and Loading Vehicles - See Ordinance VI.



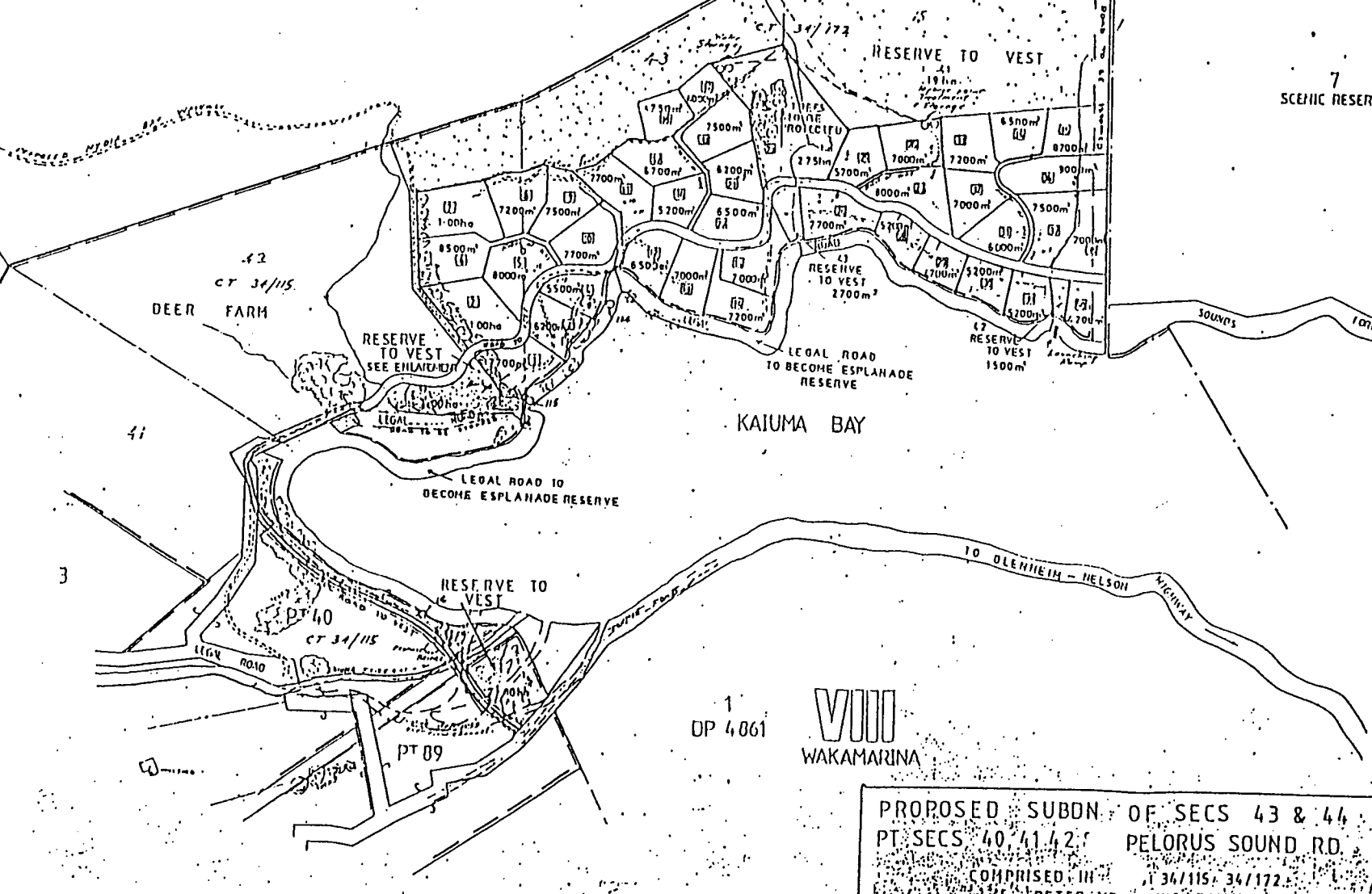
TYPICAL SECTION OF NEW ROAD



V LINKWATER

AREA SCHEDULE	
RESIDENTIAL ALLOTMENTS	29-11
RESERVE TO VEST	22-5
ROAD TO VEST (2-3 km)	3-4

o Recorded Archaeological Sites Nos 114, 115 & 116
 * TREE SHAGBARK HOLES



DAVIDSON AYSON
 CONSULTING ENGINEERS
 CONSULTING SURVEYORS

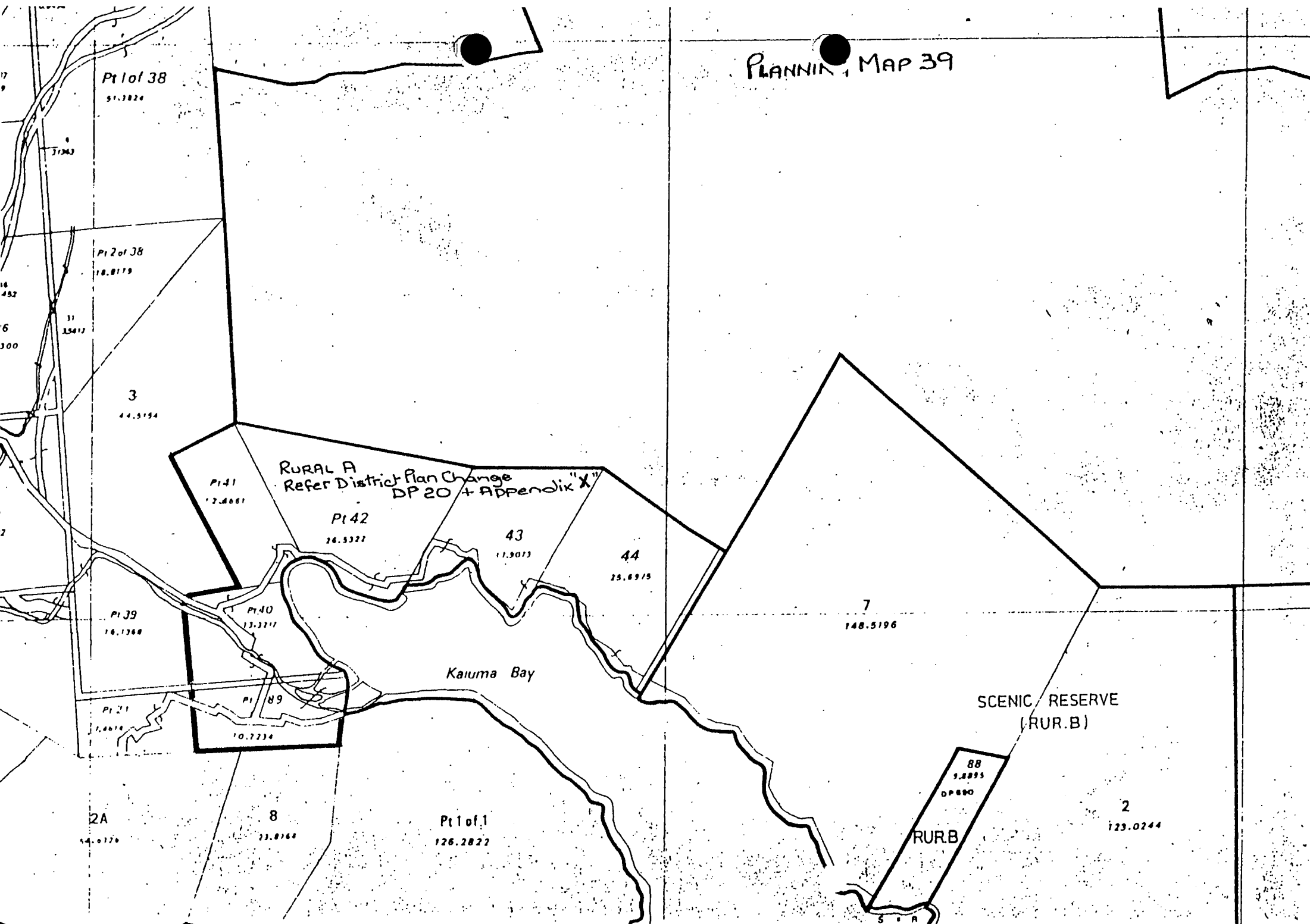
Davidson Partners Ltd
 Consulting Engineers
 Ayson & Associates
 Consulting Surveyors
 (Franchising by Association)

Telephone 03 538 7079
 Fax 03 538 7078
 PO Box 236, 35 Grove Road
 Manukau
 NEW ZEALAND

PROPOSED SUBDN OF SECS 43 & 44
 PT SECS 40, 41, 42 PELORUS SOUND RD.
 COMPRISED IN CT 36/115, 36/172
 PETER YEALANDS' FAMILY TRUSTS

DESIGNED	JOB No. 7377
DRAWN DEC 1992	
CHECKED	
SCALE 1:5000	DRAWING No. 1 OF 2
	REVISION

PLANNING MAP 39



3.2 RURAL B ZONE - (Applies to Sounds only)

3.2.1 PREDOMINANT USES

The predominant uses shall be:

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

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

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Prior 83/9

3.2.2 CONDITIONAL USES

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

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

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

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

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

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

SCHEME CHANGE 3.2.2.7 Dwellinghouses on sites of subdivision approved by
83/9 (deleted) → Council pursuant to Section 34 of the Counties
Amendment Act 1961.

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

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

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

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

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

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

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

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

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

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

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

3.2.3 Conditions relating to conditional uses

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

3.2.4 Subdivision of land

See Ordinance III Clause 2.

3.2.5 Bulk and location requirements

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

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

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

3.2.6 Parking and Loading of Vehicles - See Ordinance VI.

3.3 Rural A Zone -

3.3.1 Predominant Uses

- 3.3.1.1 Effluent treatment ponds, facilities, associated plant, outfall structures, land irrigation systems, and buildings accessory thereto.
- 3.3.1.2 Any use permitted as a predominant use in the Rural A zone, provided that, Council must be satisfied that any such use will not be established in such a way as to be injurious to the health, safety and convenience of the persons involved in the use, having regard to the siting or proposed siting of effluent disposal systems in the zone.

3.3.2 Conditional Uses

- 3.3.2.1 Any use shown as a conditional use in the Rural A Zone provided that, Council must be satisfied that any such use will not be established in such a way as to be injurious to the health, safety and convenience of the persons involved in the use, having regard to the siting or proposed siting of effluent disposal systems in the zone.

3.3.3 Performance Standards for Effluent Disposal Systems

- 3.3.3.1 All effluent disposal and treatment systems permitted in 3.3.1.1 above must not be so sited to cause a nuisance to other properties in the vicinity, by creating excessive smell or airborne water particles, or cause runoff into adjacent waterways which would be detrimental to the health of marine and bird life or adversely affect the vegetation of the estuarine region.

3.3.3.2 Disposal of Wastes

(a) Liquids -

- (i) All liquid effluent shall be treated and disposed of in accordance with the requirements of the Council.
- (ii) No discharge of liquid wastes shall be commenced without the company first having obtained any consents necessary under the Water and Soil Conservation Act 1967 and Amendments. Monitoring of liquid wastes shall be carried out as required by the Council and such corrective measures as may be found necessary shall be taken to ensure continual compliance with discharge right conditions.
- (iii) No discharge of liquid wastes shall be commenced without the applicant first having obtained any consents necessary under the Harbours Act 1950 with respect to use of foreshores as required under Sections 156 and 178 of such Act.

(b) Air Pollutant Discharges -

- (i) All discharges of air pollutants must comply with the requirements of the Clean Air Act 1972 and any conditions of licences issued thereunder.
- (ii) Monitoring of discharges shall be carried out as required by the Regional Air Pollution Control Officer and such corrective measures as are found necessary shall be taken to ensure continual compliance with conditions of any licences issued under the Clean Air Act 1972.
- (iii) All effluent disposal and treatment systems

permitted in 3.3.1.1 above must not be so sited to cause a nuisance to other properties in the vicinity, by creating excessive smell or airborne water particles.

(c) Solid Wastes -

All solid wastes shall be disposed of in such a manner that will not cause pollution. The method of disposal shall be approved by the Council, and any water rights necessary to authorise any discharge from solid waste disposal areas shall be obtained, before commencing.

3.3.4 Parking and Loading

3.3.5 Bulk, Height and Location

3.3.6 Subdivision

In each of the above the provisions of the Rural A Zone shall apply.

3.4 Rural A2 Zone

3.4.1 Predominant Uses

The predominant uses shall be :

3.4.1.1 Dwellinghouses.

3.4.1.2 Professional offices situated in a dwellinghouse provided that the predominant use of the premises as a whole is that of a dwellinghouse.

3.4.1.3 Home Occupation :

(a) The activity is to be carried out only within the area a residential and accessory building(s) can be erected in accordance with the relevant bulk and location requirements relating to those buildings.

(b) The persons engaging in the activity must reside on the property and the principal use of the property shall be for rural or residential purposes.

(c) No employment of labour is to be carried out on the property.

(d) The hours of operation of the activity shall be restricted to between 8 a.m. - 6 p.m. and

(e) The activity shall not cause any disturbance to others in the vicinity on account of noise, vibration, air pollution, radio or television interference or traffic movements.

3.4.1.4 Flat for Dependent :

(a) Before a building permit is issued the applicant may be required to enter into a bond with Council, to agree to remove the flat when the person for whom the flat was constructed no longer lives in it; and

(b) The flat shall connect into the existing water supply and sewage disposal services of the main residential building on the property.

SCHEME
CHANGE
82/10

- 3.4.1.5 Temporary stalls for the sale of farm, garden, apiary or vineyard products, provided that :
- (a) Only one stall shall be operated from one property.
 - (b) All the produce sold from the stall shall have been grown or manufactured on the property on which the stall is situated, and
 - (c) Only one signboard comprising not more than two square metres in area shall be used for advertising purposes.

3.4.1.6 Farming and racing stables excepting :

- (a) The housing of birds, animals or bees in any building or enclosure within thirty metres from any residential building or
- (b) The housing or keeping of pigs or poultry for commercial purposes within forty-five metres from any boundary of the site.

3.4.1.7 Vineyards.

3.4.1.8 Buildings accessory to any of the foregoing uses.

3.4.2 Conditional Uses

The conditional uses shall be those uses not complying with the predominant use requirements.

3.4.3 Bulk and Location Requirements

The bulk and location requirements for predominant uses shall be those specified in the Rural B zone.

3.4.4 Subdivision of Land

(See Ordinance III Clause 2).

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CLAUSE 4 - RESIDENTIAL ZONING :4.1 Residential A - (Does not apply to Sounds)4.1.1 Prodominant Uses

4.1.1.1 Dwellinghouse :

4.1.1.2 Semi-detached house :

4.1.1.3 Apartment house containing not more than two household units.

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

4.1.1.4 Parks and scenic reserves.

4.1.1.5 Medical rooms situated in a dwelling permitted under this Ordinance, so land as the predominant use of the premises as a whole is that of a dwellinghouse :

4.1.1.6 Building accessory to use of buildings or land for and predominant use authorised by or under the district scheme for that site at that time, so long as no accessory building is used at any time for residential purposes.

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

4.1.2 Conditional Uses - The conditional uses shall be:

4.1.2.1 All residential uses not permitted as predominant uses ;

4.1.2.2 Boarding houses, private hotels, and private residential clubs ;

4.1.2.3 Churches and places of public or private worship ;

4.1.2.4 Museums, art galleries, libraries, children's nurseries, play centres and educational establishments, including boardinghouses and hostels used in connection with those uses ;

83/7

83/3

83/3

83/3

- 4.1.2.6 Playgrounds, recreation grounds, and places of assembly, including gymnasiums and training sheds ;
- 4.1.2.7 Shops for the sale of groceries and dairy products, either along or in conjunction with residential accommodation;
- 4.1.2.8 Groups of garages or parking spaces for hiring;
- 4.1.2.9 Provision for public parking;
- 4.1.2.10 Motels and camping grounds;
- 4.1.2.11 Buildings accessory to use of buildings or land for any of the uses specified in this zone
- 4.1.2.12 Public utilities not permitted as of right.
- 4.1.2.13 Dwellings in deferred areas providing that:
- i) All matters required to be addressed by Ordinance V have been satisfied.
 - ii) The allotment is serviced by an existing sewerage scheme, or -
The allotment can support sewage disposal entirely within its boundaries, and is installed in accordance with an approved development plan.
- 4.1.3 Subdivision of Land
See Ordinance III, Clause 2.

SCHEMF CHANGE 82/6

4.1.4 Bulk and Location Requirements4.1.4.1 For predominant uses - The normal bulk and location requirements for predominant uses shall be:

(a) Dwelling houses and apartment houses containing two household units:

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

(ii) Maximum height, 8 metres.

(iii) Minimum yard requirements -

Front site -

front 6 metres side 1.5 metres and 3 metres (3 metres and 3 metres where height of building exceeds 4 metres) rear 8 metres

Corner site -

front 6 metres and 3 metres others 1.5 metres and 3 metres (3 metre yard along longer boundary).

Rear site -

all 4.5 metres.

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

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

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

(b) Accessory buildings for dwellinghouses and apartment houses permitted as predominant uses:

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

(ii) Accessory buildings may be sited in any yard other than a front yard, provided they comply with the Council Bylaws; but a private garage or car port may not be sited less than 4.5 metres from the front boundary of the site; unless entry to the building is via a side not facing the street, when the set back may be reduced to a minimum of 3 metres:

(iii) Maximum height of building, 3 metres:

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

For exceptions as to yards, see Ordinance V (2.2).

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

Type of Use	Front Yards Minimum Depth	Rear Yards Minimum Depth	Side Yards Minimum Width on each side	Coverage	Minimum Site area per House- hold unit.
Apartment House designed and built as such	6m	8m	4.5m	30%	41 sq.m. of site area per person provided for
Terrace House:					
a) Inner Units	6m	8m	Nil	30%	26 sq.m.
b) End Units	6m	8m	1.5m ^{x+}	30%	31 sq.m.
Accessory Buildings	6m	8m	4.5m		

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

+ only one side yard required.

x 3 metres side yards required if height greater than 6m but not greater than 9m and where buildings exceed 10 metres in height the side yards shall be increased by 0.3 metres for each additional 0.6m of height.

For exceptions to normal requirements as to yards see Ordinance V (2.2).

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

4.2 Residential B (Applies in Sounds Only)

4.2.1 Predominant Uses

The predominant uses shall be :

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

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

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

SCHEME CHANGE
83/14 deleted
(not printed)

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

SCHEME CHANGE
83/8

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

4.2.2 Conditional Uses

The conditional uses shall be :

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

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

4.2.3 Development in Deferred Residential B Areas

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

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

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

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

4.2.4 Subdivision of Land
See Ordinance III, Clause 2.

4.2.5 Bulk and Location Requirements

4.2.5.1 Dwellinghouses and apartment houses containing two household units:

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

(ii) Maximum height, 8 metres.

(iii) Minimum yard requirement -

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

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

along longer boundary)

Rear site - all 4.5 metres

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

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

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

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

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

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

(iii) Maximum height of buildings, 3 metres.

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

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

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

4.2.6 Parking and Loading of Vehicles
See Ordinance VI.

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

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4.3 Residential C (Applies in Sounds Only)

4.3.1 Predominant Uses

The predominant uses shall be :

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

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

4.3.1.2 Parks and scenic reserves.

SCHEME
CHANGE
83/8

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

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

4.3.2 Conditional Uses

The conditional uses shall be :

4.3.2.1 All residential uses not permitted as predominant uses.

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

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

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

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

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

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

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

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

4.3.2.3 Playgrounds, recreation grounds and halls.

4.3.2.4 Provision for public parking.

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

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

4.3.3 Subdivision of Land
See Ordinance III Clause 2.

4.3.4 Bulk and Location Requirements
For predominant and conditional uses

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

(b) Dwellinghouse on sites of greater than 2000 square metres:

(i) Maximum site coverage including accessory buildings 8.5 per cent.

(ii) Maximum height, 8 metres.

(iii) Minimum yard requirements:

Side yard - 8 metres

Front or rear yard- 4.5 metres adjoining Sounds, Foreshore Reserve, or Esplanade Reserve, or Foreshore Road Reserve.

Front or rear yard - 6 metres adjoining Road Reserve not being a Foreshore Road Reserve.

For exceptions as to yards, see Ordinance V Clause 2.

(c) Accessory buildings permitted as predominant uses:

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

(ii) Accessory buildings may be sited in any yard provided they comply with the Council By-laws.

(iii) Maximum height of buildings 4 metres.

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

For exceptions as to yards, see Ordinance V Clause 2.

4.3.5 Parking and loading of vehicles
See Ordinance VI.

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

4.4 RESIDENTIAL D (Applies in Havelock Township only)

4.4.1 Permitted Uses

Uses permitted in the zone shall be :

- 4.4.1.1 Dwellinghouse
- 4.4.1.2 Buildings accessory to the use of a dwellinghouse or a use of the land that is permitted in this zone.
- 4.4.1.3 Parks and Scenic Reserves
- 4.4.1.4 Public Utilities as in Section 64 of the Act.
- 4.4.1.5 Home occupations and cottage crafts provided that the overall residential character of the site is retained and that not more than one person other than the householder is engaged in the activity.

4.4.2 Conditional Uses

- 4.4.2.1 Residential Uses not permitted as of right.
- 4.4.2.2 Buildings on Parks and Scenic Reserves.
- 4.4.2.3 Public Utilities not detailed in Section 64 of the Act.

4.4.3 Bulk and Location Requirements

- 4.4.3.1 (a) Maximum site coverage shall be 35%.
(b) All yards shall be 4.5 metres wide
(c) The maximum height of a building shall be 8 metres, but also contained within an envelope commencing at 3 metres height at the boundary line and increasing uniformly to 8 metres height at 6.5 metres from the boundary.
- 4.4.3.2 Buildings may encroach into yards as follows :
 - (a) Buildings for housing vehicles may encroach into the front yard provided that entry to the building is not direct from the street.
 - (b) Buildings may be contiguous with a lot boundary but not exceed 8 metres in length.

- (c) Buildings encroaching into yards may not exceed a total length of 12 metres providing that buildings in (a) above are excluded from the calculation.

4.4.4 Subdivision and Development

4.4.4.1 The average allotment size in a development will be 2000 square metres and the minimum allotment size shall be 1000 square metres. No limits on frontage or shape are proposed but all allotments shall be of a shape that can contain an inscribed circle of 30 metres diameter.

4.4.4.2 Subdivisional proposals are to be accompanied by a land stability report which will be prepared by a Registered Engineer and

- detail existing site features
- evaluate any effects of the development (i.e. access, stormwater, sewer and water reticulation, foundation construction)
- Show the long term internal roading pattern that will meet the objective of a minimum egress pattern as set out in the Scheme Statement.
- formally state the development has a suitable building site within each allotment and identifying each site. Council has formalised its requirements for the format of land stability reports and details are available from Council's offices.

4.4.4.3 Excavation of land within the zone will be permitted only when plans of the work have been lodged with Council and supported by an evaluation by a Registered Engineer. Providing that no requirement is necessary if the works proposed were detailed in the development plans.

4.4.4.3 All allotments shall be serviced for water supply, sewerage disposal and stormwater disposal.

SCHEME CHANG. 87/1

CLAUSE 5 - COMMERCIAL ZONING:

5.1 Commercial zones

5.1.1 Predominant Uses

The predominant uses shall be:

5.1.1.1 Retail shops and storage of goods intended for sale, (excluding vehicle sales), auction rooms, and residential accommodation in conjunction with retail shops provided it is incorporated in the same building and provided there is not more than one dwelling unit per shop:

5.1.1.2 Administrative buildings of the central and local Governments, professional and commercial offices, banks and exchanges:

5.1.1.3 Libraries, exhibitions, museums and art galleries:

5.1.1.4 Theatres and halls and places of public or private worship or entertainment, or public or private assembly:

5.1.1.5 Licensed hotels, licensed taverns, private hostel, and residential and non-residential clubs:

5.1.1.6 Living quarters for a caretaker or other person whose employment requires that he live on the premises:

5.1.1.7 Accessory buildings for any of the foregoing uses.

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

5.1.2 Conditional Uses

The following shall be conditional uses:

5.1.2.1 Petrol service stations, car sales, commercial garages, and garages for running repairs, in cases where the floor space to be used for the garaging and repairing of vehicles does not exceed 280 sq. metres and access to and from the street is to the approval of the Council.

5.1.2.2 Parking lots, parking buildings.

5.1.2.3 Warehouses for the storage and distribution of goods of a light nature.

5.1.2.4 Any process of manufacture of goods most of which are for sale by retail on the premises.

5.1.2.5 Use of a rear site for any use that is permitted in this zone by this code.

5.1.2.6 Canteens, dining rooms, ablutions, and recreational facilities.

5.1.2.7 Motels and camping grounds.

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

5.1.3 Subdivision of land

See Ordinance III, Clause 2.

5.1.4 Bulk and Location requirements

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

5.1.4.1 Maximum site coverage, including accessory buildings, 60%; provided that increased site coverage may be permitted if development takes place in accordance with an approved comprehensive scheme of development providing parking, access and service lanes in the whole block.

For the purpose of computing site coverage, land dedicated as service lane or street under the requirements of the code shall be regarded as part of the site.

5.1.4.2 Maximum height: 10 metres as of right, but increased height, if necessary may be authorised by the Council subject to the written consents of other owners and occupiers who might be affected.

5.1.4.3 Yards - Front - None required in retail shopping areas where footpath verandah coverage is required, but where the Council is of the opinion that the provision of off-street parking is impracticable or that footpath widening is necessary, the front yard requirement shall be up to 8 metres as specified by the Council according to the need to provide for setting-back of kerb for on-street parking or for footpath widening:

Yards - Side - 4.5 metres, where immediately adjoining a residential or rural zone. (Refer Ordinance V, Clause 2).

Yards - Rear - 8 metres.

5.1.4.4 Where residential accommodation is combined with commercial uses, 110 sq. metres of open space per household unit shall be provided about the building, and parking to the extent of one space per household unit.

5.1.4.5 Accessory buildings for predominant uses must:

Comply with all relevant Acts, Regulations, Ordinances and By-Laws.

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

5.1.5 Parking and loading of vehicles
See Ordinance VI.

CLAUSE 6 - INDUSTRIAL ZONING:6.1 Industrial A Zones - Service Industrial and Light Industrial.6.1.1 Predominant Uses

The following shall be predominant uses:

6.1.1.1 Any industry except those specified in Appendix I and Appendix II of this code.

6.1.1.2 Shop ancillary to a permitted industrial use on the same or adjoining site.

6.1.1.3 Warehouses and storage except as specified in Appendix II of this code.

6.1.1.4 Accessory buildings for any of the foregoing purposes.

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

6.1.2 Conditional uses

The following shall be conditional uses:

6.1.2.1 Any industry falling within Appendix II hereto, if the process or operation is so modified as to preclude every element of noxiousness or danger in relation to adjacent properties and undertakings.

6.1.2.2 Residential accommodation, professional & commercial offices.

Provided That the Council shall impose conditions (inter alia) for the purpose of ensuring that such residential accommodation shall comprise only one household unit and shall be the household of an employee whose duties require him to live on the premises.

6.1.2.3 Petrol service stations, commercial garages and garages for running repairs.

6.1.2.4 Works of public utility not permitted as of right.

6.1.2.5 Parking lots and parking buildings.

6.1.2.6 Churches and halls.

6.1.2.7 Shops not permitted as a predominant use in an Industrial B Zone.

6.1.2.8 Accessory buildings for any of the foregoing purposes.

6.1.3 Subdivision of land

See Ordinance III, Clause 2.

6.1.4 Bulk and location requirements

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

6.1.4.1 Maximum site coverage, including accessory buildings, 60%, provided that increased site coverage may be permitted if development takes place in accordance with an approved comprehensive scheme of development providing parking, access and service lanes in the whole block. For the purpose of computing site coverage, land dedicated as service lane or street under the requirements of the Code shall be regarded as part of the site.

6.1.4.2 Maximum height, 10 metres as of right, but increased height if necessary, may be authorised by Council subject to the written consents of other owners and occupiers who might be affected.

No building shall exceed the height defined by a plane set out at 50° from the centre line of the street, or 10 metres from the site frontage towards the road centreline, whichever is the lesser:

6.1.4.3 Yards - Front - 3 metres reducible to 1.5 metres for not more than 1/3 of the frontage of each site where the building fronting such yard is office accommodation or showroom not exceeding 4.5 metres in height, all such front yard space to be landscaped and maintained to the satisfaction of the Council:

- Side - Where adjoining a residential or rural zone, 4.5 metres plus 2/3 of height above 10 metres.

- Rear - Where adjoining a residential or rural zone, 4.5 metres plus 2/3 of height above 10 metres.

6.1.4.4 Accessory buildings:

(i) Maximum height, 4 metres.

(ii) Compliance with all relevant Acts, Regulations, Ordinances and By-laws. For exception as to yards, see Ordinance V, Clause 2(2).

6.1.5 Parking and loading of vehicles
See Ordinance VI.

6.2 Industrial B Zones (Heavy and Noxious) -6.2.1 Predominant Uses

The following shall be predominant uses:

6.2.1.1 Any industry falling within Appendix II hereto, provided, however, that the Council may require compliance with such conditions as it thinks fit as to the location of buildings on the site or in relation to neighbouring properties, the design and construction of buildings, the treatment and disposal of effluent and the installation of appliances and devices which the Council considers necessary for the abatement of any nuisance or danger which might arise from the operation of such an industry.

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

6.2.2 Conditional uses

The following shall be conditional uses:

6.2.2.1 Any industry specified in Appendix I hereto.

6.2.2.2 Residential accommodation.

Provided that that Council shall impose conditions (inter alia) for the purpose of ensuring that such residential accommodation shall comprise only one household unit and shall be the household of an employee whose duties require him to live on the premises.

6.2.2.3 Works of public utility not permitted as of right.

6.2.2.4 Parking lots and parking buildings.

6.2.2.5 Petrol service stations.

6.2.2.6 Accessory buildings for any use of the foregoing purposes.

6.2.3 Subdivision of Land

See Ordinance III, Clause 2.

6.2.4 Bulk and location requirements

The normal bulk and location requirements shall be:

6.2.4.1 Maximum site coverage, including accessory buildings, 60%, provided that increased site coverage may be permitted if development takes place in accordance with an approved comprehensive scheme of development providing parking, access and service lanes in the whole block. For the purpose of computing site coverage, land dedicated as service lane or street under the requirements of the code shall be regarded as part of the site.

6.2.4.2 Maximum height, 10 metres as of right, but increased height if necessary, may be authorised by Council subject to the written consents of other owners and occupiers who might be affected.

No building shall exceed the height defined by a plane set out in 50° from the middle line of the street, or 10 metres from the site frontage towards the road centre line, whichever is the lesser.

6.2.4.3 Yards - Front - 3 metres reducible to 1.5 metres for not more than 1/3 of the frontage of each site where the building fronting such yard is office accommodat-

ion or showroom not exceeding 4.5 metres in height, all such front yard space to be landscaped and maintained to the satisfaction of the Council:

Side - Where adjoining a residential or rural zone, 4.5 metres plus $\frac{2}{3}$ of height above 10 metres:

Rear - Where adjoining a residential or rural zone, 4.5 metres plus $\frac{2}{3}$ of height above 10 metres.

6.2.4.4 Accessory buildings:

- (i) Maximum height, 4 metres.
- (ii) Compliance with all relevant Acts, Regulations, Ordinances and By-laws.

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

6.2.5 Parking and loading of Vehicles
See Ordinance VI.

6.3 Industrial C Zone -

As a matter of general application to all predominant uses, Council shall be satisfied that the design, materials and construction of buildings, and the design and layout of all yards and open spaces about the buildings will enhance and promote the amenities of the surrounding neighbourhoods, and that the use will not be a nuisance to nearby properties or the owners or occupiers thereof or be an annoyance to such owners or occupiers because of smoke, fumes, glare noise or other objectionable elements.

6.3.1 Predominant Uses

- 6.3.1.1 Light engineering workshops; structural steel fabrication; sandblasting; repairs to farm machinery and farm equipment.

The foregoing uses shall only be permitted as predominant uses on the land presently contained in Certificate of Title Volume 55 Folio 113, which land is presently owned by F.E. Musgrove Limited.

- 6.3.1.2 Planing mill; timber treatment; timber truss and frame construction; manufacture of timber components; timber storage; post de-barking.

The foregoing uses shall only be permitted as predominant uses on the land presently contained in Certificate of Title Volume 1C Folio IIII, which land is presently owned by F.L. Anderson Limited.

- 6.3.1.3 A shop ancillary to a permitted industrial uses on the same allotment.

- 6.3.1.4 Warehouses and storage.

- 6.3.1.5 Residential accommodation, provided that it comprises only one household unit, and shall be the household of an employee whose duties require him to live on the property.

- 6.3.1.6 Accessory buildings for any of the foregoing uses.

6.3.2 Conditional Uses

- 6.3.2.1 Sawmills. Council in considering whether or not an application should be granted will have regard to the following matters :-

- (1) The size of the proposed sawmill, and the manner in which it is to be operated, and the likely effect that the scale of the particular proposal will have on the amenities of the surrounding neighbourhoods.
- (2) The number of logging truck movements to service the sawmill together with ancillary traffic generated by the sawmill. In particular, regard shall be had to the likely effect of such traffic on the amenities of the surrounding neighbourhoods.
- (3) The design, materials and construction of buildings, and the design and layout of all yards and open spaces about the buildings which should enhance and promote the amenities of the surrounding neighbourhoods, and the use to which the buildings and land shall be put which shall not be a nuisance to nearby properties or the owners or occupiers because of smoke, fumes, glare, noise, vibration, or other objectionable elements.

- (4) The proposed methods for disposal of effluents and waste products which must be both possible and practicable, and which shall be carried out without detriment to the surrounding neighbourhoods.
- (5) The bulk, height, and location of the sawmill and any accessory building which shall be determined by Council upon consideration of a particular proposal, but the minimum requirements shall be those specified for the Industrial C zone.

In considering the above matters, Council may impose conditions on the granting of an application in order to enhance and promote the amenities of the surrounding residential, recreational, and rural-residential neighbourhoods.

Any grant of an application to establish a sawmill, shall be required to comply with the following performance standards.

- (a) Hours of use - The use of the sawmill shall be between the hours of 8.00a.m. to 6.00p.m. Monday to Friday inclusive, such time shall include cartage of logs and timber to and from the sawmill.
- (b) Noise - The noise level measured at any boundary of the site shall not exceed 50dBA.
- (c) Smoke - The discharge of smoke shall comply with Part C of the Second Schedule of the Clean Air Act, 1972.
- (d) Glare - No building shall be constructed and finished and no lighting shall be installed, so as to produce an objectionable amount of reflected or direct glare, visible from any adjoining property.

6.3.2.2 Public utilities not permitted as of right.

6.3.2.3 Accessory buildings to any of the foregoing uses.

6.3.3 The requirements for site coverage, height, and location for both predominant and conditional uses shall be:

6.3.3.1 Maximum site coverage (including all buildings and storage of timber, logs, or other material permitted to be stored on the site) 60 per cent.

For the purpose of computing site coverage, land dedicated as service land or street under the requirements of the code shall be regarded as part of the site.

6.3.3.2 Maximum height 10 metres.

6.3.3.3 Minimum yard requirements for the land contained in Certificate of Title Volume 55, Folio 113 (F.E. Musgrove Limited) are :

30 metres adjoining any residential zone, and 9 metres to any other boundary of the land. (The above yard requirements comply with a decision of the Number One Town and Country Planning Appeal Board, see Appeal No. 154/69).

Minimum yard requirements for the land contained in Certificate of Title Volume 1C, Folio 111 (F.L. Anderson Limited), is 4.5 metres to any boundary of the land.

6.3.3.4 The maximum height of an accessory building shall be 4 metres.

6.3.3.5 All predominant and conditional uses permitted on any site shall comply with all relevant Acts, Regulations and By-Laws.

6.3.4 The parking and loading of vehicles shall comply with Ordinance VI.

6.4 Industrial D Zone - Freezing Works

6.4.1 Predominant Uses

- 6.4.1.1 Animal by-products extraction and processing.
- 6.4.1.2 Tallow melting, refining and processing.
- 6.4.1.3 Fellmongering.
- 6.4.1.4 Wool scouring.
- 6.4.1.5 Tanning and curing of hides and skins.
- 6.4.1.6 Chilling, freezing and cold storage facilities.
- 6.4.1.7 Abattoirs and slaughterhouses.
- 6.4.1.8 Sale of composted material and animal by-products.
- 6.4.1.9 Administrative offices and maintenance and repair facilities associated with a freezing works.
- 6.4.1.10 Meat processing works.
- 6.4.1.11 Laboratory.
- 6.4.1.12 Living quarters for caretaker or other persons whose employment requires that they live on the premises.
- 6.4.1.13 Accessory buildings for any of the above uses.
- 6.4.1.14 Canteens, dining rooms, ablutions, and recreational and other facilities primarily for the convenience and medical and surgical treatment of those engaged in the zone.
- 6.4.1.15 Car parking and garaging of vehicles, plant and equipment.
- 6.4.1.16 Staff purchasing facilities.
- 6.4.1.17 Stockyards.

Provided that no buildings shall be erected above the 12 metre contour, excepting that ancillary buildings or those buildings associated with reservoirs will be permitted.

6.4.2 General Development and Landscape Plan

- (a) Before commencing any permitted use within the Zone the Company shall furnish a sufficient plan or plans showing the general overall development of the site including the provisions for landscaping and tree planting as required by Ordinance 6.4.6.
- (b) Such plan(s) shall show the following information to the satisfaction of the Council.
 - (i) Location of all buildings, working, and storage areas defined as to purpose.
 - (ii) Site traffic circulation.
 - (iii) Parking, loading and servicing.
 - (iv) All other information sufficient to show compliance with the requirements and controls for the Industrial D Zone.
- (c) Applications for building permits will be issued only if the Council is satisfied that the application is

6.4.3 Performance Standards

1. Disposal of Wastes

(a) Liquids -

- (i) All liquid effluent shall be treated and disposed of in accordance with the requirements of the Council.
- (ii) No discharge of liquid wastes shall be commenced without the company first having obtained any consents necessary under the Water and Soil Conservation Act 1967 and Amendments. Monitoring of liquid wastes shall be carried out as required by the Council and such corrective measures as may be found necessary shall be taken to ensure continual compliance with discharge right conditions.

(b) Air Pollutant Discharges -

- (i) All discharges of air pollutants must comply with the requirements of the Clean Air Act 1972 and any conditions of licences issued thereunder.
- (ii) Monitoring of discharges shall be carried out as required by the Regional Air Pollution Control Officer and such corrective measures as are found necessary shall be taken to ensure continual compliance with conditions of any licences issued under the Clean Air Act 1972.

(c) Solid Wastes -

All solid wastes shall be disposed of in such a manner that will not cause pollution. The method of disposal shall be approved by the Council, and any water rights necessary to authorise any discharge from solid waste disposal areas shall be obtained, before commencing.

2. Site Illumination

All floodlighting and continuous night lighting shall be so designed and placed as not to inconvenience occupiers of dwellings in the vicinity or drivers of vehicles on State Highway No. 1.

6.4.4 Parking and Loading

Because of the particular nature of this zone the provisions of Ordinance VI shall not apply to this zone, however, the following general statements will apply.

- (a) Adequate provision shall be made within the zone to provide for staff and visitor parking and loading and unloading of all vehicles used in connection with all uses.
- (b) All roadways, hard standing and parking areas shall be formed, graded, drained and permanently surfaced so that no dust nuisance is created. All stormwater run-off shall be disposed of in accordance with the appropriate water right and to the requirements of the Council. Open storage areas shall be developed and constructed in such a way so as not to cause a dust nuisance to adjoining properties.

6.4.5 Site Access

- (a) The existing Fifteen Valley Road shall be used as the only access route to and from the site.
- (b) The intersection of Fifteen Valley Road and State Highway No. 1 shall be reconstructed by the company to the requirements of the Ministry of Works and Development. Such reconstruction shall include acceleration and deceleration

lanes, lighting and signs normally required by the Ministry on a major highway intersection.

6.4.6 Landscaping

- (a) Provision shall be made within the zone wherever practical for the landscaping and the planting of lawn, trees and shrubs to soften the impact of the buildings and working areas and to provide a more pleasant environment for staff.
- (b) A landscape plan shall be prepared which will take into account any measures possible which will reduce and soften noise generated within the zone. The landscaping and planting shall be carried out as soon as construction of the complex and thereafter maintained to the satisfaction of the Council.
- (c) The landscape plan shall pay particular attention to all open spaces between buildings and open working or storage areas, to the verges of all internal roading and to the parts of the property visible to the State Highway.

6.4.7 Signs

Such signs as are necessary for public safety and control and identification of the Company shall be permitted.

6.4.8 Bulk, Height and Location

- (a) Coverage and Open Space -
Site coverage is restricted only by the degree of open space that must be provided to cater for vehicle parking, staff amenity areas, internal roading, manoeuvring areas, and open storage areas.
- (b) Height -
15 metres maximum height provided that chimneys and vents shall be exempt from this limit.
- (c) There shall be no yard requirements.

6.4.9 Subdivision

No subdivision shall be permitted excepting that where a subdivision proposal is considered appropriate for a particular proposal, the matter shall be dealt with as a notified application pursuant to Section 74 of the Town and Country Planning Act 1977.

6.4.10 Dispensations and Waivers

Pursuant to the provisions of Section 36(6) of the Town and Country Planning Act 1977, the Council may approve minor variations from the controlling ordinances herein provided they are within the objectives and policies for the zone and that the overall development remains unchanged and the controls are not manifestly altered, and consent is first obtained from any person or party who in the opinion of the Council is likely to be affected by the dispensation or waiver.

6.5 Industrial E Zone - Meat Works

6.5.1 Predominant Uses

- 6.5.1.1 Slaughterhouse.
- 6.5.1.2 Meat Processing and Packing.
- 6.5.1.3 Chilling, Freezing and Cold Storage Facilities
- 6.5.1.4 Veterinary office and laboratory.
- 6.5.1.5 Administrative offices and maintenance and repair facilities associated with an abattoir and meat packing plant.
- 6.5.1.6 Living quarters for caretakers or other persons whose employment requires that they live on the premises.
- 6.5.1.7 Accessory buildings for any of the above uses.
- 6.5.1.8 Canteens, dining rooms, ablutions, recreational and other facilities primarily for the convenience and medical and surgical treatment of those engaged in the plant.
- 6.5.1.9 Car parking and garaging of vehicles.
- 6.5.1.10 Stockyards
- 6.5.1.11 Facilities for retail of products associated with the plant.
- 6.5.1.12 Public utilities permitted as of right under Section 64 of the Act.

6.5.2 Conditional Uses

No conditional uses are permitted.

6.5.3 Subdivision of Land (See Ordinance III Clause 2.7)

6.5.4 Bulk and Location Requirements

- 6.5.4.1 The maximum site coverage for all buildings accessory buildings but excluding covered animal holding pens shall be 10%.
- 6.5.4.2 The maximum height for buildings permitted as of right shall be 15 metres provided that chimneys and vents are exempted from this limit.

6.5.5 General Development and Landscape Plan

- (a) Before commencing any permitted use

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within the zone the Company shall furnish a plan or plans showing the general overall development of the site including the provisions for landscaping and tree planting as required by Subclause (d).

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- (b) Such plan(s) shall show the following information to the satisfaction of the Council.
 - (i) Location of all buildings, working and storage areas defined as to purpose.
 - (ii) Site traffic circulation.
 - (iii) Parking loading and servicing.
 - (iv) All other information sufficient to show compliance with the requirements and controls for the Industrial D zone.

- (c) Applications for building permits will be issued only if the Council is satisfied that the application is in accordance with the approved General Development Plan.
- (d) Provision shall be made within the zone wherever practical for the landscaping and the planning of lawn, trees and shrubs to soften the impact of the buildings and working areas and to provide a more pleasant environment for staff.

6.5.6 Performance Standards

6.5.6.1 Disposal of Wastes

(a) Liquids -

- (i) All liquid effluent shall be treated and disposed of in accordance with the requirements of the Council.
- (ii) No discharge of liquid wastes shall be commenced without the Company first having obtained any consents necessary under the Water and Soil Conservation Act 1967 and Amendments. Monitoring of liquid wastes shall be carried out as required by the Council and such corrective measures as may be found necessary shall be taken to ensure continual compliance with discharge right conditions.

(b) Air Pollutant Discharges -

- (i) All discharges of air pollutants must comply with the requirements of the Clean Air Act 1972 and any conditions of licences issued thereunder.
- (ii) Monitoring of discharges shall be carried out as required by the Regional Air Pollution Control Officer and such corrective measures as are found necessary shall be taken to ensure continual compliance with conditions of any licences issued under the Clean Air Act 1972.

(c) Solid Wastes -

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All solid wastes shall be disposed of in such a manner that will not cause pollution. The method of disposal shall be approved by the Council, and any water rights necessary to authorise any discharge from solid waste disposal areas shall be obtained, before commencing.

6.5.6.2 Site Illumination

All floodlighting and continuous night lighting shall be so designed and placed as not to inconvenience occupiers of dwellings in the vicinity or drivers of vehicles on State Highway No. 1.

6.5.7 Parking and Loading

Because of the particular nature of this zone the provisions of Ordinance VI shall not apply to this zone, however, the following general statements will apply :

- (a) Adequate provision shall be made within the zone to provide for staff and visitor parking and loading and unloading of all vehicles used in connection with all uses.
- (b) All roadways, hard standing and parking areas shall be formed, graded, drained and permanently surfaced so that no dust nuisance is created. All stormwater run-off shall be disposed of in accordance with the appropriate water right and to the requirements of the Council. Open storage areas shall be developed and constructed in such a way so as not to cause a dust nuisance to adjoining properties.

6.5.8 Dispensations and Waivers

Pursuant to the provisions of Section 36(6) of the Town and Country Planning Act 1977, the Council may approve minor variations from the controlling ordinance herein provided they are within the objectives and policies for the zone and that the overall development remains unchanged and the controls are not manifestly altered, and consent is first obtained from any person or party who in the opinion of the Council is likely to be affected by the dispensation or waiver.

Clause 7 - Blenheim-Woodbourne Airport Protection Zone.

- 7.1 Blenheim Woodbourne
Airport Protection Zone
Refer Appendix XI

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Clause 8 - Skifield Development Zone

8.1 Predominant Uses

The following shall be uses permitted as of right: (Note although these are predominant in terms of this district scheme, pursuant to the Licence under which the Skifield operates, prior approval may be required from the Licensor, the Department of Conservation. Approvals may also be required from the Marlborough Catchment and Regional Water Board).

8.1.1 Skifield facilities and structures, including skifield transportation systems and lifts of all types and descriptions, however powered.

8.1.2 Buildings and uses associated with the skifield including:

- i) Ski Hire, repair, and maintenance
- ii) Generator, lift drive, lift supervision and machinery buildings
- (iii) Staff accommodation and ablution facilities
- (iv) Day lodges and emergency shelters
- (v) Ski club rooms and associated overnight accommodation and facilities
- (vi) Cafeteria and restaurant facilities, including dining halls
- (vii) Retail shops for the sale of foodstuffs, ski equipment and clothing
- (viii) Toilet and ablution facilities for the public
- (ix) Vehicle garaging and shelters, including maintenance workshops
- (x) Residential accommodation, including bunkhouses, hostels, apartment houses, and household units whether sharing facilities or self contained.
- (xi) Toll booths, gates, structures and ticketing facilities
- (xii) Telephone, radio and other communication equipment, buildings, structures and aerials
- (xiii) Helicopter landing areas and associated facilities
- (xiv) Buildings accessory to and uses ancillary to any of the above.

8.1.3 Roads, access tracks, and carparking areas including the widening, maintenance, upgrading and if necessary

relocation thereof.

8.1.4 Skifield development, enhancement and safety improvements including rock and snow grooming, recontouring, slope stabilisation and erosion, avalanche and stream control works, structures, planting, safety barriers, fences, signs and markers.

8.1.5 Snowmaking pipelines, buildings and associated equipment, facilities and services.

8.1.6 Public Utilities permitted as of right under Section 64 of the Act.

8.2 Conditional Uses
the conditional uses shall be :-

8.2.1 Those types of residential accommodation not permitted as a predominant use, including :-

- (i) Licensed Hotel
- (ii) Boardinghouse
- (iii) Tourist house
- (iv) Motel

8.3 Performance Standards for All Uses

8.3.1 Disposal of Wastes

- (i) Liquid
All liquid effluent, including sewerage shall be collected, treated and disposed of in a manner that all streams, and water courses are kept free from pollution. this collection, treatment and disposal system shall be first approved by the environmental Health Officer; and thereafter installed, operated and maintained in strict accordance with the Drainage and Plumbing Regulations 1978; the relevant New Zealand Standards; manufacturer's specifications; and any other conditions as the Environmental Health Officer, or the Marlborough Catchment and Regional Water Board may reasonably require;

- (ii) Solid
All solid waste, litter and other debris shall be regularly collected and disposed of either by incineration in an approved incinerator, or removed from the site and disposed of at an approved sanitary landfill.

8.3.2 Slope Stability
The siting, method of construction, maintenance and development of all land and buildings shall at all times be

in accordance with recognised engineering and soil conservation principles applicable to mountain areas. All major structures, earthmoving, building and development activity shall be designed by and take place under the supervision of a Registered Engineer.

8.3.3

Appearance

All buildings and structures shall be designed, clad and maintained to as far as is possible blend with the landscape.

ORDINANCE III - SUBDIVISION OF LANDCLAUSE 1 - SUBDIVISION TO CONFORM WITH PLANNING PRINCIPLES:

Notwithstanding that a scheme of subdivision may comply with the requirements of the district scheme in respect of frontage and area, the Council shall not approve the scheme of subdivision if the site is not suitable, or if the use proposed or the arrangement of sites or shape of any proposed site is not in conformity with the principles of Town and Country Planning, incorporated in this District Scheme and the Town and Country Planning Act 1977.

In determining whether or not a site is suitable, regard shall be had to the best use of the land and its economic servicing and development, to earthquake fault lines, to liability of flooding erosion and landslip, to stability of foundations, to safety, health and amenities. To assist in this respect Council will obtain and consider submissions from the Catchment Board and the Regional Water Board before approving the following types of subdivision:

- (a) Subdivision with a Floodway Zone
- (b) Subdivision affecting a water course
- (c) Subdivision where provision of land drainage is the responsibility of the Board
- (d) Subdivision that could lead to increased soil erosion or land use not consistent with the permanent conservation of the soil of that land.

CLAUSE 2 - STANDARDS FOR SUBDIVISION

- 2.1 Subject to the other provisions of this District Scheme, every subdivision of land shall be so designed as to provide sites that meet the requirements of these Ordinances for predominant and conditional uses, and for the bulk and location of buildings, being requirements that apply in that zone and partition thereof :

2.2 Rural Zones

2.2.1 Rural A and B Zones

"The provisions of this clause shall apply to every subdivision proposed in the Rural A and B Zones. No such subdivision shall be permitted and in any part of the Rural A and B Zones where one or more of the following matters apply:-"

- i) If the use that the proposed allotment is to be put to is not a predominant use or has not been previously approved by Council.
- ii) If the site unsuitable for the proposed use.
- iii) If the provision of an adequate water supply is not feasible or practical ; or if land drainage, water, stormwater or sewerage cannot be adequately disposed of within the allotment or by other lawful and practical means.
- iv) Where the subdivision would result in or contribute to ribbon development along a major highway.
- v) Where the subdivision will result in creating additional residential allotments within the area defined as the "Wairau Plain".
- vi) If the nature of the subdivision is more than a minor adjustment to boundaries having little planning significance.

In the case of all subdivisions Council will take into account the above matters and such matters as specified in Section 274 of the Local Government Act 1974, and those matters set out in Clause 2.2.2 as are applicable.

Subdivisions for other than principally rural activities shall incorporate in the scheme plan specific proposals for electrical reticulation or otherwise indicate how the provisions of s.274(1)(g) and s.274(2)(a) of the Local Government Act 1974 will be met.

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2.2.2 That Part of the Rural A Zone within the Wairau Plains:

Standard of Subdivision

- i) The minimum area of all allotments shall be 8 hectares.
- ii) In addition each proposal will be considered on its merits. In the case of a subdivision for agriculture, horticulture or livestock production or similar uses, Council will take into account the following matters:-
 1. Whether the proposed subdivision will in the immediate future and in the longer term increase the productive output of the land.
 2. Whether the land is likely to be used primarily for residential purposes or under-utilized having regard to its productive potential.
 3. Whether the subdivision is likely to convert an existing economic farm into a sub-economic farm unit.
 4. Whether the subdivision is likely to create a demand for services which cannot be economically justified or which would be difficult to provide.
 5. Whether the subdivision is likely to undermine Council's general policy of preserving the productive potential of high quality agricultural land.

(b) Rural A and B Zones within the Marlborough Sounds

No subdivision shall be permitted:

- i) Unless the new lots and the residual lots are capable of operating as economic farm units, or
- ii) Unless the subdivision is reasonably required for afforestation purposes, or

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iii) Unless the subdivision is required to provide for the residential needs of persons whose occupations require them to live permanently in the area or who wish to live permanently in the area, and in this respect Council will take into account the following matters and such other matters as may be relevant to the particular application:

(aa) The type and permanence of the occupation on which the application is based.

(bb) Whether sufficient provision has already been made for residential usage in the area.

(c) Remainder of Rural A Zone

i) Each proposal for subdivision will be considered on its merits and Council may where it thinks appropriate permit land to be subdivided for the residential purposes of persons wishing to live on the new lot or in cases where the residential use of any new lot is to be combined with other uses including agricultural, forestry, handcraft, business or professional uses.

In cases where it thinks fit, Council may permit lots to be created for agricultural or combined residential, agricultural purposes where the new lot will not be an economic farm unit but no consent shall be given where the creation of any new lot will convert an existing economic farm unit into a sub-economic farm unit.

ii) Council may require each scheme plan for subdivision to be accompanied by a management plan and other necessary documentation in relation to the new and residual lots detailing :-

1. Uses intended ;
2. Development program ;
3. Access ;
4. Water supply ;
5. Effluent disposal ;

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2.2.3 Rural A2 Zone

General

Each subdivisional proposal shall be considered on its merits, however, the Planning Maps shall indicate each area of land zoned Rural A2 as well as the intended subdivision pattern. The subdivider and the Council may agree to vary the subdivisional pattern or the position of any proposed road or accessway providing the basic concept is retained. The minimum allotment size shall be 4500 sq. metres, however, the average allotment size in any Rural A2 zone shall not be below 1 hectare.

Where development is proposed in stages the Council shall have regard to whether the staging is appropriate and shall impose conditions to ensure that the development proceeds in an orderly manner.

Scheme plants of subdivision shall incorporate specific proposals for electrical reticulation or otherwise indicate how the provisions of s.274(1)(g) and s.274(2)(a) of the Local Government Act 1974 will be met.

Benmorven Road Zone

The boundaries of the Rural A2 Zone at Benmorven are shown on Planning Map No. 73 and subdivision shall not be allowed into more than seven allotments in the whole of the zone.

2.3 Residential A and B Zones

2.3.1 Allotment Area

The minimum area for front lots for all predominant uses shall be 800 sq. metres, and for rear lots 1000 sq. metres exclusive of access leg. Except that a less minimum area will be permitted of 600 sq.m. and 700 sq.m. respectively where public sewerage and water reticulation is available.

2.3.2 Frontage

Minimum frontage 18m but where the side boundaries diverge from the street the frontage may be reduced to 8 metres if the width of the site at a distance 10 metres from the street is not less than 18 metres.

2.3.3. Deferred Development

Development of land for residential purposes has been deferred in Okiwi Bay and Ngakuta Bay. For residential use of the land to proceed then the following steps must be observed.

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The Scheme Plan of Subdivision will not be considered for the deferred areas until a Concept Plan has been submitted pursuant to Section 276 of the Local Government Act 1974.

Such Concept Plan shall include the approximate location of road and reserves, the approximate layout of the proposed allotments, topographical and vegetation details and details of the proposed method of stormwater drainage, stream control, water supply and sewerage disposal.

On steep or potentially unstable areas the Concept Plan shall be accompanied by a report prepared by a registered engineer or other suitably qualified person either such appointees to have had experience in the field of soil engineering and more particularly land and foundation stability.

The council will not approve a scheme plan of subdivision where water rights required and the necessary approvals have not been obtained from the Catchment board and where it is not satisfied stormwater and sewerage can be disposed of without detriment to the existing water quality or amenities of the area.

Works to be carried out and services to be provided will generally comply with NZS 4404 "Code of Practice for Urban Land Subdivision". Departure from the standards set out in that document will only be by way of a specific submission that will accompany the Concept Plan information.

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2.4 Residential CAllotment Area

The minimum area for all lots for all predominant uses shall be 4 000 sq. metres.

Frontage

The minimum requirement for all lots for all predominant uses shall be 80 metres.

These minimum standards are specified in order to preserve the primarily natural environmental character of the areas zoned Residential C, as distinct from the suburban character which has or will develop in the more closely subdivided Residential A and B zones. More intensive development in the Residential C areas will in general cause the dwelling to become a dominant feature of the landscape. However, in some circumstances the topography and vegetative cover may provide the opportunity to locate dwellings at a higher density, but unobtrusively and so that drainage and access can be satisfactorily provided for. In such cases the Council will consider applications for dispensation from the subdivisional requirements down to a minimum of 2 000 sq. metres area and 6 m frontage provided that:

The subdivider submits to Council building location plans together with the scheme of subdivision, such plans to include sufficient topographical and vegetative cover detail to enable a proper assessment to be made of the visual impact of future development and of the suitability of the lots in respect of drainage and access. Where such dispensation is granted, subdivisional plans will be approved subject to the dwellings and accessory buildings being built on the location shown on the building location plans as approved by Council.

Development of Part Lot 1 DP 6485 Karaka Point

Development of the above site shall conform in principle to the layout plan set out in Appendix IX. Any development or subdivision should otherwise comply with all relevant provisions within the District Plan (Scheme).

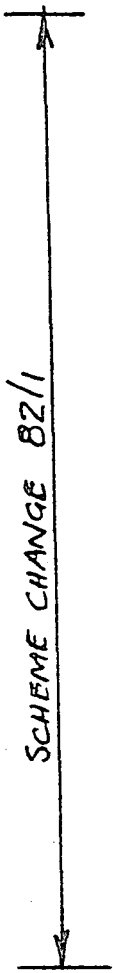
2.5 CommercialAllotment Area

For predominant uses a minimum of 800 sq. m. except that where public sewerage and water reticulation is available a lesser area of 300 sq. m will be permitted.

Frontage

For predominant uses 18 m except that where public sewerage and water reticulation is provided a lesser frontage of 6 m will be permitted.

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2.6 Industrial A and B

Allotment Area - Front Lots

The minimum area for each lot for all predominant uses shall be 1,000 square metres.

Frontage

The minimum frontage for each lot for all predominant uses shall be 18 metres.

Allotment Area - Rear Lots

The minimum for each lot for all predominant uses shall be 1,500 square metres.

Access to Rear Lots

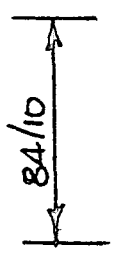
The access strip to a rear lot shall be not less than 6 metres wide, excepting that, two rear lots may be served from the same 6 metre wide access strip provided that mutual rights of way are created in favour of each lot.

2.7 Industrial C, D and E

No subdivision shall be permitted excepting that where a subdivision proposal is considered appropriate for a particular proposal, the matter shall be dealt with as a notified application pursuant to Section 74 of the Town and Country Planning Act 1977.

2.8 Conditional Uses in All Zones

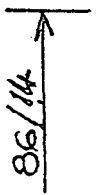
Unless otherwise specified the same standards of subdivision will generally apply except that if the particular circumstances warrant it, more stringent standards may be imposed.



2.9 Electrical Supply;

Residential, Commercial and Industrial Zones

Scheme plans of subdivision shall incorporate specific proposals for electrical reticulation or otherwise indicate how the provisions of s.274(1)(g) and s.274(2)(a) of the Local Government Act 1974 will be met.



2.10 Public Utilities In All Zones

Subdivision for Public Utilities permitted pursuant to S.64 of the Act and Public Utilities which have been the subject of Designation procedures completed in accordance with the

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provisions of Part VI of the same Act will not be subject to any minimum area requirements of the zone in which it occurs, but be of a size appropriate for the efficient operation of the Utility.

CLAUSE 3 - OTHER REQUIREMENTS3.1 Access to foreshore in Sounds

Within the Marlborough Sounds Council may require subdivision to provide reasonable and practical public access to the foreshore. An esplanade reserve of at least 20 metres in width may be required where it does not already exist. Such dedications of esplanade reserve and/or accessways shall be taken into consideration when assessing the amount of reserve contribution.

The subdivider may, as a condition of subdivisional consent be required to provide a communal wharf or wharves, and to provide access thereto; these to be maintained by the occupiers. The location of same shall be determined by agreement between the Council and the Marlborough Harbour Board.

3.2 Existing Buildings

Council shall not approve a scheme of subdivision in which there are existing buildings, unless these buildings conform to the bulk and location requirements of this code in regard to the new boundaries to be created.

3.3 Land Drainage or Disposal of Sewage Not Adequate

In the cases of any subdivision where sewer drainage is not available for connection to the land under subdivision, the Council may vary the requirements of this Ordinance in respect of standards for the minimum area of any site and will refuse to consent to the subdivision of the land if adequate provision has not been made for land drainage and/or the disposal of sewage.

3.4 Reduction of Area in Special Circumstances

Notwithstanding anything to the contrary hereincontained, the Council may consent to a subdivision which does not comply with the requirements of this Ordinance :

3.4.1 If such subdivision is an adjustment of boundaries and the consent to the subdivision is made subject to a provision requiring the issue of one Certificate of Title on a boundary adjustment; or

3.4.2 If such subdivision is a disposal of land for the purpose of a public work within the meaning of the Public Works Act 1928; or

3.4.3 In a residential, commercial or industrial zone, if the Council, having regard to all of the relevant circumstances, is satisfied that the proposed subdivision would result in the most practicable use of the land, where in the opinion of the Council the dispensation is a minor one which does not conflict with the spirit or intent of the code.

3.5 Pre-existing front sites

In a residential zone, notwithstanding the requirements as to the area and frontage, a site for a dwellinghouse may comprise the whole of a parcel of land which, being a front site, contains an area of not less than 510 square metres, with street frontage of not less than 12 metres if it is held in a separate certificate of title or conveyance issued or executed pursuant to a subdivision approved by the Council before this scheme was recommended by Council, and is not in the same ownership as any adjoining land.

3.6 Rear Sites and access thereto

In a residential A and B zone, every rear site for a dwellinghouse shall have an area of not less than 1000 square metres and have as its access from a street, a straight, or nearly straight strip or piece of land in the same certificate of title at least 3.65 metres wide and not more than 60 metres long that is not computed or included in the said minimum area:

Provided that, where four strips or fewer are side by side, the width of each may be reduced to 1.5 metres if the total width of the strips is not less than 3.65 metres or more than 6.0 metres (measured at right angles to their course) and then only if each strip is subject to a right of way in favour of the owners of each of the other strips.

Provided that, the limitation of a 60 metre long access strip shall not apply to a separate allotment on a deposited plan for which a certificate of title could have been obtained prior to 17th February 1975, where a greater length of access way is necessary to the best use of the land.

CLAUSE 4 - TREE PLANTING AND PRESERVATION OF TREES AND SHRUBS

The Council may pursuant to Section 291 of the Local Government Act, 1974 require preservation of specimen trees and significant stands of trees and native bush, and/or the planting of trees or shrubs as a condition of approval of subdivision.

CLAUSE 5 - SITE INVESTIGATION AND PRELIMINARY WORKS

No excavation or earthworks or disturbance of vegetation in connection with the subdivision of any land shall be commenced before Council has approved the scheme plan and the associated development works, provided that normal site investigation methods may be employed subject to the prior consent of Council when such investigations require the use of earthmoving machinery to cut access tracks, open up test pits or to remove vegetation.

ORDINANCE IV - RESERVATION OF LANDSCLAUSE 1 - PROPOSALS

Proposals for use of land for public purposes are shown on the district planning maps and described or referred to in the scheme statement. These proposed works are not necessarily all included in the responsibilities of the Council. They may be undertakings for which the Government or the Catchment Board, Electric Power Supply Authority, Hospital Board or other Local Authority is responsible both for acquiring the land when needed and for initiating and carrying out the work. Except in the case of objections to or appeals against the inclusion of the proposal in the district scheme, any person affected shall conduct all negotiations and correspondence with the responsible Government Department or Local Authority.

Although an intention to take land for street or road widening is not able to be shown on the plan of the district planning scheme for practical reasons, where any road or street is under 20 metres in width, the Council may well require land for widening to give a total width of 20 metres to be part of any subdivision fronted by that road.

CLAUSE 2 - CONTINUATION OF USE

Although a proposal involving the future use of one's land for some public purposes is included in the district scheme, ownership and occupation of the land are not thereby affected, and the owner and occupier are entitled to continue with their use of the land subject to the provisions of the district scheme, the Act, and the Town and Country Planning Regulations 1978. Owners and occupiers will be notified when the proposal is about to proceed, and arrangements for the land will be made at that time.

CLAUSE 3 - BUILDINGS NOT TO INTERFERE3.1 Prohibition:

The erection or completion of any building or the carrying out of any work of a substantial nature on any land forming part of a proposed road, street, access way, or service lane, reserve, or designated open space or public work is prohibited, except as an interim use expressly authorised by the Council with the consent of the Minister or any local authority responsible for the proposed permanent use.

3.2 Definition of "interim use":

For the purposes of this Ordinance, an "interim use" means a use that does not conflict with the present amenities of the neighbourhood in which it is located, and which may reasonably be established at that time and be continued until the date or occasion fixed or in under the district scheme by the Council for the prohibition of that use on that site, or for a different use of that site, to become enforceable.

CLAUSE 4 - CHANGING LOCATIONS OF PROPOSED STREETS AND RESERVES

In accordance with Sub-Section 4 of Section 35 of the Act, the Council may by agreement with the owners of the lands directly affected, vary the position of any proposed road, street, accessway or service lane or the location or shape of any proposed reserve so long as the intention of the district scheme in that respect is secure.

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

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

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

1.2. Buildings to be set back from road:

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

1.3. Areas and coverage generally:

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

1.4. Rear sites in commercial and industrial zones:

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

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

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

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

1.6 Temporary Buildings:

In any zone, there shall be permitted temporary offices, storage sheds, storage yards, builder's workshops and other similar buildings and uses which are required as an incidental to a building or construction project, but only for the duration of that project, and not for a period exceeding 12 months unless the consent of the Council to a longer period is obtained.

Other temporary uses for such purposes as carnivals, bazaars, public meetings and the like may be permitted for such periods and subject to such conditions as the Council may determine.

In any residential zone, Council may permit a temporary building for the purpose of constructing a boat, or caravan or other structure that may reasonably be associated with a spare time or retirement pursuit, and is not intended in any way as a commercial enterprise by the applicant. Permission may be granted only after production of specific written consent of adjoining owners or occupiers, including apartment dwellers living on the site in question for such period and upon such terms and conditions as the Council may determine.

Any written consent shall contain enough information to clearly indicate that the owner or occupier consenting is fully aware of the proposal, its size, its construction, and finish, and the length of time the applicant anticipates the temporary use to last.

CLAUSE 2 - REQUIREMENTS AS TO YARDS

2.1 Normal Requirements:

2.1.1 Yards to be provided

Except as expressly provided in or under this scheme, front, side and rear yards shall be provided on each site in each zone, as required by this code. The normal requirements for each zone are specified in Ordinance II under the heading "bulk and location requirements" for that zone.

2.1.2 Yards to remain unoccupied and unobstructed

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

2.1.3 Yards provided are to relate to one site only

No portion of a yard or other space provided to meet requirements in respect of one site shall be taken into account in computing the area of any yard or space provided to meet requirements in respect of any other site.

2.1.4 Maximum height of hedges, fences, etc

No person shall in or upon any land to which this subsection applies, except with the prior consent of the Council:

2.1.4.1 Erect, or cause or permit to be erected, any wall, fence, hedge or other structure to a height greater than 2 metres above ground level.

2.1.4.2 Increase the height of any existing wall, fence, hedge, or other structure to a total height greater than 2 metres above the ground level.

This subsection shall apply to the front yards of all sites in residential zones for a depth of 8 metres.

2.1.4.3 Erect, or cause or permit to be erected, any wall, fence, hedge or other structure to a height greater than 1 metre within 12 metres of the street boundary intersection on the road frontages of a corner site.

2.1.5 Maximum height of hedges, fences, etc, near windows

No person shall, upon any site, within 3 metres of a window of any habitable room on an adjoining site, hereafter erect, construct, re-erect or reconstruct any fence, wall, hoarding

or other structure whatsoever to a height of more than 2 metres above the average ground level, nor permit any hedge, trees, bushes or other growth to attain a height greater than as aforesaid.

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In Rural Zones a windbreak shall not be deemed to be a fence or hedge.

2.2 Exceptions to general requirements as to yards

2.2.1 Where physical difficulties exist :

Where the dimensions of the physical features of the site or the existence of other buildings make adherence to these requirements difficult, impracticable, or unreasonable, the Council may permit the erection of accessory buildings not exceeding 56 square metres in area on any part of the site.

2.2.2 Where deducted for street widening :

Where land has been or is required to be set aside for a yard to the extent required by this Scheme the Council may accept deduction of the whole or any part of the yard for the purpose of street widening; and, notwithstanding the foregoing provisions of this scheme, for the purpose of computing yard space provided, and allowable coverage of the site, as much of the yard as has been dedicated will be regarded as part of the site.

2.2.3 When owner provides land for access way or service lane :

Where land for a service lane or access way is provided at the rear or at the side of the site, the rear yard requirements or the side yard requirements, as the case may be, shall be diminished correspondingly.

2.2.4 Adjoining shop sites in residential zones :

Where in a residential zone two shop sites adjoin, each may have one side yard only.

2.2.5 Through sites :

In the case of a through site, the owner shall provide a yard equivalent to two rear yards at or near the middle of the site and a front yard on each frontage of the site, unless the Council by resolution declares which frontage of the site shall be deemed to be the rear boundary, in which case the provisions as to rear yards shall apply with respect to that frontage and the provisions as to front yards with respect to the other frontage.

2.2.6 Use of yard space for accessory buildings and garages on residential sites :

2.2.6.1 Accessory buildings may be erected on any

rear yard if they do not occupy altogether more than one-fifth of the area of the rear yard.

2.2.6.2 Private garages on residential sites may be erected on any side or rear yard so long as the private garage does not exceed 3 metres in height and is not within 1 metre of a side or rear boundary except as provided in the following sub-paragraph :

(a) A private garage may be erected on or within 1 metre of the common side boundary, but only with the prior consent, in writing, of the adjoining owner or occupier and so long as the said private garage is not less than 3 metres from any residential building on the adjoining site :

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(b) In any case where a private garage is erected on or near a common side boundary, stormwater from the roof shall not be disposed of on to the adjoining site.

CLAUSE 3 - HEIGHTS OF BUILDINGS3.1 Normal requirements

The normal requirements for each zone are specified in Ordinance II hereof, but those requirements are subject to the following provisions of this clause.

3.2 Definitions of "height"

"Height" in relation to a building means the vertical distance between the highest point of the building and the mean ground level.

Provided that:

3.2.1 Except where otherwise expressly provided the mean ground level shall be the average level of the ground at the external foundations of the building, and

3.2.2 In all cases for the purposes of calculating height account shall be taken of parapets but not of chimneys, ornamental towers, turrets or any other such projection.

3.3 Exclusions from measurements

In determining the height of any building or structure the following shall not be taken into account:

3.3.1 Lift wells, elevator and stair bulkheads, roof water-tanks, and cooling towers (together with their enclosures):

Provided that the maximum dimension thereof parallel to the middle line of the street shall not exceed 9 metres.

3.3.2 Chimneys and flues:

Provided that the maximum dimension thereof parallel to the street shall not exceed an aggregate of 4.5 metres for any 30 metres of frontage.

3.3.3 Spires, flagpoles, aerials, and wire, chain, link, or other open or transparent fences, and such finials and similar parts as constitute only decorative features.

3.3.4 A one-storey structure located in a rear yard when permitted by the use ordinance for the zone, including any of the following:

- (i) A basement or first floor used for accessory off-street parking spaces:
- (ii) A ground floor used for retail or commercial purposes:
- (iii) A one-storey detached accessory building.

3.3.5 A wall of reasonable dimensions along a boundary of a site.

Provided that such exclusions as listed shall not apply to the Airport Protection Zone.

ORDINANCE VI - VEHICLES: PARKING, LOADING, AND CORNER-SITE ACCESS

CLAUSE 1 - OBLIGATION OF OWNER AND OCCUPIER

Every owner or occupier who constructs or who substantially reconstructs, alters or adds to a building on any site or changes the use of any land or building shall make provision, in accordance with the requirements of this ordinance, for vehicles used in conjunction with the site (whether by occupiers, their employees or invitees or other persons) to stand in or, in the opinion of the Council, sufficiently close to that site but not on a street while being loaded or unloaded or awaiting use.

CLAUSE 2 - ASSESSING PARKING REQUIREMENTS

The number of parking spaces related to the use of the site shall be determined as follows:

<u>Use</u>	<u>Number of Parking Spaces</u>
(i) Dwellinghouses, semi-detached house, apartment houses and residential accommodation in conjunction with commercial or industrial uses.	1 to each household unit.
(ii) Motels.	1 to each room used or intended to be used as a bedroom plus 1 for each 4 dining room seats of service buildings.
(iii) Licensed Hotels, Taverns	1 to every two guests whom the building is designed to accommodate; plus 1 to every 5 square metres of customer bar space.
(iv) Hospitals	1 to every 2 patients' beds.
(v) All other residential buildings.	1 to every 2 persons whom the building is designed to accommodate.
(vi) Theatres, Cinemas, Halls & non-residential clubs.	1 to every 4 persons whom the building is designed to accommodate.
(vii) Churches.	1 to every 5 persons whom the building is designed to accommodate.
	<u>Provided that:</u> Where a church and a hall are erected on the same site the maximum requirements applicable to that site in pursuance of this subclause shall be the maximum requirements as aforesaid in respect of such church or such hall, whichever is the greater.
(viii) Mortuary Chapels	1 for every 4 persons whom the chapel is designed to accommodate.
(ix) Schools.	1 to each member of the teaching staff and 1 to every 60 pupils in the case of secondary schools.
(x) Premises for the sale of fuel and accessories for motor vehicles and premises for assembly, repair or sale of motor vehicles.	1 for each 48 square metres of open space used for such purposes and 1 to each 48 square metres of gross floor area; <u>or</u> 1 to every 3 persons to be employed whichever requirement is the greater.

- (xi) Industries not otherwise provided for. 1 to each 50 square metres of open space used for such purposes and 1 to each 50 square metres of gross floor area: or 1 to every 3 persons to be employed, whichever requirement is the greater.
- (xii) Warehouses, stores, storage yards, and carriers' depots including incidental offices on premises used for such purposes. 1 to each 100 square metres of open space used for such purposes and 1 to each 100 square metres of gross floor area; or 1 to every 3 persons to be employed whichever requirement is the greater.
- (xiii) Shops (excluding restaurants) 3 to each 90 square metres of gross floor area.
- (xiv) Restaurants 1 to every 4 persons whom the building is designed to accommodate.
- (xv) Professional offices situated in a residential building 3 to each such office.
- (xvi) Administrative, professional and commercial offices (other than those covered by sub-clause (xv)). 1 to each 36 square metres of gross floor area.

NOTE: The area of required space or spaces and of access drives and aisles provided within a building shall be excluded from the assessment of gross floor area of that building for the purpose of ascertaining the total number of spaces required.

CLAUSE 3 - GENERAL PROVISIONS AS TO PARKING SPACE

3.1 Counting of parking spaces

A loading bay shall be counted as parking space according to the number of vehicles the bay is capable of accommodating conveniently when in use as a loading bay.

3.2 Diminution of available land

The space that is available about a building to meet the requirements of this ordinance for off-street parking and loading shall not be diminished below those requirements.

3.3 Yard space may be used

The provision for parking and loading required in respect of any site may be made in any case as part of the yard space of that site.

3.4 Location

Where there is vehicular access to the site, off-street parking facilities shall be located on the sites; and where that is not practicable, and where vehicular access cannot be provided to the site, off-street parking facilities shall be provided as close to the site as is practicable, except where there is sea access only to the site.

3.5 Size and access

Every off-street parking space shall have an area of not less than 17 square metres exclusive of access drives or aisles and shall be of usable shape and conditions. There shall be adequate provision for ingress to and egress from each parking space.

3.6 Joint provision

Nothing in these ordinances shall be construed to prevent two or more owners from jointly making provision for off-street parking or loading facilities for their buildings so long as the total provision so made is not less than the sum of the requirements of the various buildings or uses computed separately except where the vehicles are or will be attracted to each site regularly at times that seldom coincide with the times when vehicular traffic is

attracted to the other or others of them, in which case the requirements may be computed as for the sum of the uses which demand the greatest provision at any particular time.

3.7 Screening from residential zones

Parking areas in a commercial or industrial zone for more than 5 vehicles shall be effectively screened on any side which adjoins or faces a residential zone by a wall, evergreen hedge, or other planting maintained in good condition.

CLAUSE 4 - PROVISION FOR LOADING VEHICLES

4.1 General requirements in industrial and commercial zones

Every person who proposes to erect, re-erect, construct, or re-construct a building in a commercial or industrial zone shall provide within the site suitable and efficient accommodation for any loading or fuelling of vehicles which is likely to arise from the use of the building.

4.2 Rear access

Except where the Council by resolution determines that this provision need not apply, every owner or occupier of a building in a commercial or industrial zone shall provide adequate vehicular access to the rear of the premises, either over his own land or by the dedication of a service lane or otherwise.

4.3 Requirements in Rural Zones

On a rural site all loading and unloading of stock, bulk produce, or other farm produce, fertilizer or similar goods or materials for rural use shall be carried out within the property concerned so that no vehicle or vehicle and trailer shall stand on any part of the road reserve or cause any undue obstruction to visibility while loading or unloading. Ingress to and egress from any such platform or ramp or loading or unloading area shall be to the satisfaction of the Council.

CLAUSE 5 - ALTERED BUILDINGS

Wherever in any building there is a change of use or increase in floor area, the requirements of this ordinance as to off-street parking, and as to loading and unloading for the new use of floor area, shall be complied with.

CLAUSE 6 - VEHICULAR ACCESS TO CORNER SITES

Access to or outlet from a corner site shall not be located nearer to the corner of a road than 8 metres, unless the Council approves the design and location of that access or outlet; and the Council may refuse approval absolutely if access or outlet more distant from the corner could be provided.

ORDINANCE VII - AMENITIES

CLAUSE 1 - PRESERVATION FOR HISTORICAL OR SCIENTIFIC INTEREST OR NATURAL BEAUTY

1.1 Register to be kept

In respect of any object or place of historic or scientific interest or natural beauty, the Council shall enter particulars thereof in a register to be kept at the office of the Council and shall forthwith notify the owner and occupier of land upon which any such object or place is situated that it has been registered and is required under the Scheme to be preserved. The register shall be open at all reasonable times for inspection by persons interested.

1.2 Registered Objects or Places to be Preserved

No person shall, without the written consent of the Council, wilfully destroy, remove, damage or reconstruct or alter or add to any object or place registered by the Council as aforesaid.

1.3 Power to Add to or Cancel Entries in Register

The Council may at any time add further objects or places of historic or scientific interest or natural beauty to the register and from thence such object or place shall be subject to the provisions of this code. The Council may at any time cancel the registration of any object or place, and shall thereupon make an appropriate alteration in the register and notify accordingly the owner or occupier of the land upon which the object or place is situated.

1.4 Procedure for Altering Register

The Council shall not reach a decision or act under either Clauses 1.2 or 1.3 of this Ordinance without first having advertised its intention to do so and then having inquired into the merits of so doing at a meeting, at which the owner or occupier of the land upon which the object or place is situated, together with such persons or bodies who have a greater interest than the public in general, have been invited to attend and advance their views.

1.5 Power to Relax Other Provisions of the Scheme to Preserve Such Objects or Places

Notwithstanding any other provisions of this District Scheme, the Council may relax, alter, reduce or substitute any provision of this code relating to bulk and location, parking and loading or subdivision of land in any zone, if the Council considers such relaxation, alteration, reduction or substitution would help preserve any object or place of historic or scientific interest or natural beauty and that

such relaxation, alteration, reduction or substitution is in the public interest. Such relaxations or waivers shall be subject to the provisions of Ordinance 1, Clause 4.5.

CLAUSE 2 - OUTDOOR ADVERTISING

2.1 INTERPRETATION

In this Ordinance the following shall apply:

Sign includes every advertising device or advertising matter of whatever kind whether consisting of a specially constructed device, structure, erection, or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected onto, placed, or otherwise fixed to or upon any premises, wall, fence, rock, stone, structure, or erection of any kind whatsoever if such advertising device or matter is visible from any public place.

Temporary sign means a sign to announce or advertise an event, function, sale, or product, erected or displayed on any public place or private premises, and displayed only for a limited period of time as is approved in writing by the Council. A temporary sign need not relate to an activity in the Council's District.

2.2 Permitted Signs

The following signs are permitted as of right, subject to the conditions included in Clause 2.3 below, throughout the District providing that note shall be made of the Scheme Statement under Part X Clause 3 and that Council administers a Bylaw controlling signs:-

2.2.1 Signs erected on a property to advertise the presence of a business or enterprise in respect of a permitted use established on the same site, subject to any one sign not exceeding 2.5 square metres and the gross area not exceeding 5 square metres if more than one sign is erected.

Providing that special provision is made in Ordinance II - 3.1.2.14 - for signs associated with stalls on a State Highway.

Providing also that on sites fronting State Highways in Rural zones no more than two signs may be erected and lettering should not be less than 150 mm high with a minimum vertical gap between lines of 50 mm.

2.2.2 Signs advertising activities, businesses or enterprises situated in the Marlborough Division Planning District but not on the same site as the sign providing that:

- not more than two (2) signs are permitted,
- no sign to exceed 2.5 square metres in area,
- the sign is not visible to a State Highway.

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2.2.3 Information Kiosks provided that the matters set out in the Scheme Statement under Part X Clause 3, will require to be addressed.

2.3 Conditions for Permitted Signs

Signs shall conform to the requirements set out elsewhere in this clause and the following :

- No sign will intrude or be located over Road Reserve.
- No sign shall be placed below road level.
- No sign shall be placed so that the top of the text is more than 6.0 metres above road level.
- No sign shall be erected within 120 metres of a road corner, intersection, bridge, road narrowing or similar feature demanding driver attention.
- No sign shall be erected within 100 metres of any permanent traffic sign.
- No sign shall have the principal text face parallel to the roadway and be visible across the right hand lane.
- No part of the sign shall be mobile or animated.
- No reflective, luminous or dayglo paints or finishes to be used.
- No forms of illumination to be used.
- The following colour combination not to be used :
 - Yellow and Black
 - Blue and White
- No sign shall feature or provide directions to a facility remote from the sign.
- Any sign shall be clearly visible for a minimum distance of 120 metres.

2.4 Temporary Sign

Temporary signs may be erected providing a non-notified application is made to and consent given by Council and providing that :

- Signs will not exceed 2.5 square metres in area.
- Not more than 3 signs are erected and the conditions for permitted signs detailed below shall apply.
- The consent to be for a maximum period of four calendar weeks.

Also providing that regard is to be had for the matters as set out in the Scheme Statement under Part X, Clause 3, except for sites fronting State Highways, not more than 3 signs may be erected and the conditions for permitted signs as detailed above shall apply.

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Providing that on sites fronting State Highways in Rural zones no more than 2 signs may be erected and lettering should not be less than 150mm high with a minimum vertical gap between lines of 50mm.

2.5 Signs Requiring Notified Applications

Signs advertising activities, businesses or enterprises situated in the Marlborough Division Planning District but not complying with any of the foregoing will require notified applications.

CLAUSE 3 - VERANDAHS IN COMMERCIAL ZONES

3.1 General

Every building in the commercial zone and fronting a street or part of a street in the zone, shall, on its erection, reconstruction, or alteration in a way that substantially changes the appearance of its face, be provided with a verandah: provided that the Council may, in its discretion, waive this requirement where it is of the opinion that the movement of pedestrians on the adjacent footpaths is or will be insufficient to necessitate verandah protection for pedestrians.

3.2. Design of Verandahs

- 3.2.1 Every verandah required to be provided shall, as far as is practicable, conform with adjoining verandahs in regard to height, width and depth of fascia, unless otherwise directed or permitted by the Council.
- 3.2.2 Every such verandah, or part of a verandah, shall be erected to a height of not less than 2.9 metres or more than 3.5 metres above the level of the kerb of the footway. It shall extend from the supporting building to a distance of 0.5 metres inside a vertical line drawn from the face of the kerb unless otherwise directed or permitted by the Council. Where street widening is proposed this vertical line shall be drawn from the face of the future kerb line.
- 3.2.3 The depth of fascia of any verandah shall be not less than 0.35 metres nor more than 0.5 metres in depth unless otherwise approved by the Council.
- 3.2.4 No verandah shall be supported by posts on the street or footway unless permitted by the Council in circumstances where posts would not interfere with the parking of motor vehicles or the free movement of pedestrians.
- 3.2.5 The construction of every verandah shall be in accordance with the relevant Council By-laws.

CLAUSE 4 - HARMONY IN DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS

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

CLAUSE 5 - MAINTENANCE OF LAND AND BUILDINGS

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

ORDINANCE VIII - REFUSE TIPSCLAUSE 1 - FOXES ISLAND REFUSE TIP

1.1 Refuse shall only be disposed of within that area shown on Planning Map No. 68B designated as "Marlborough County Council Refuse Tip". The use of the area designated on Planning Map No. 68B for refuse disposal shall be limited to the depositing of organic and inorganic refuse (not hereinafter prohibited under this ordinance) in accordance with the following conditions:

1.1.1 Before any refuse is dumped on any part of the designated area which has been previously excavated, those parts of the sides and floor of the excavations that are within the designated area shall be first sealed with a suitable material from the surrounding gravel pit site and compacted. The compacted sealing layer on the floor of the excavation shall be at least 0.5 metres in thickness and shall extend at least 2 metres above the floor round the sides of the excavation.

1.1.2 At the earliest practical time after refuse is placed it shall be covered with a suitable filling material from the surrounding gravel pit site compacted and graded so as affectively to seal the surface of the dumped refuse against the entry of rain water and to shed and dispose of rain water into soakage areas away from all dumped refuse. As soon as practicable after dumped refuse is placed along the boundaries of the designated area the exposed face of refuse shall be covered with a suitable material from the surrounding gravel pit site and shall be sealed against the entry of water. When refuse is placed over an already sealed layer of refuse, the existing sealing layer shall be left undisturbed.

CLAUSE 2 - PROHIBITED SUBSTANCES

The following substances may not be disposed of at the Foxes Island Refuse Tip:

Dead animals, game, fish or poultry wastes, other than domestic wastes, septic tanks sludge, winery wastes, paint, glues, electro plating wastes, caustic wastes, oil resins and acids.

Any schedule Poisons (as defined from time to time in the Poison Regulations).

Any dangerous goods (as defined from time to time in the Schedule to the Dangerous Goods Act).

Any other chemical (in liquids or powder form whether of agricultural or industrial use in sealed drums or otherwise).

CLAUSE 3 - CESSATION OF DUMPING

Dumping shall be prohibited at the designated site after the 15th day of March 1987 when the designation will cease to have effect.

4.0 CARLUKE REFUSE TIP

4.1 Refuse shall be placed within the designated area in sealed areas prepared to lead any effluents and leachates to a prepared collection point and to avoid the entry of flood water and stormwater.

4.2 Use of the area shall be limited to the depositing of organic and inorganic refuse, and excluding prohibited substances as referred to in Clause 2, above, and to such other operations incidental thereto subject to the following special requirements :

- (a) Refuse deposited in the tip face shall not be deliberately burnt.
- (b) Reasonable steps shall be taken to avoid windblown refuse entering the Ronga River and environs, and any refuse entering this area shall be removed.
- (c) All effluent from the tip site shall be treated and disposed of to the satisfaction of the Regional Water Board or in accordance with any Water Rights granted under the Water and Soil Conservation Act. Collection and treatment of effluents shall continue for as long as necessary after cessation of dumping operations.
- (d) At the earliest possible time after placing refuse it shall be covered with a suitably compacted material placed to seal the deposited refuse from the entry of rainwater and to shed and dispose of rainwater away from all deposited refuse.

5.0 KAITUNA REFUSE TIP

5.1 Refuse shall only be disposed of within the area shown on Planning Map number 68C designated as "Kaituna Sanitary Landfill".

5.2 Flood Protection - the use of the area for a refuse tip will not be commenced until the Marlborough Catchment Board has designed and constructed a stop banking system to protect both this area and land upstream as well as the North Bank Road and State Highway. Such stop banking will be designed to the same standard as the rest of the Wairau River stop banking system. It is intended to divert Lambert's Creek to maximise the area available for refuse dump facilities.

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- 5.3 Access - Access to the refuse disposal area will be via the North Bank Road only and an internal roadway will be constructed to serve the proposed dumping area.
- 5.4 Site Preparation - It is intended to develop the refuse disposal area in stages as indicated on Planning Map number 68C. Preparation will include grading the area, ensuring that at least 500mm depth of silt remains over the proposed dump floor, ensuring that the proposed dump floor is compacted to create an impermeable layer.
- 5.5 Amenities - The Council will establish screen and shelter belt plantings and landscape the area with a view to screening the development from public view.
- 5.6 Dump Management - The Management of the dump shall include but not be limited to the following special requirements :
- (a) Refuse disposed in the tip face shall not be deliberately burnt.
 - (b) Reasonable steps shall be taken to avoid creating wind blown refuse.
 - (c) All effluent from the tip site shall be treated and disposed of to the satisfaction of the Regional Water Board or in accordance with any water rights granted under the Water and Soil Conservation Act. It has been agreed to establish two monitoring wells to be sited in positions agreed to with the Regional Water Board and these wells will be regularly checked and monitored by officers of the Board.
 - (d) The dump base is to be prepared to create an impermeable layer not less than 500mm thick and maintained until covered by refuse. At the earliest possible time after placing refuse it will be covered with suitable material, compacted to give a 300mm layer, capping the refuse in a manner that will shed and dispose of rain water away from all deposited refuse.
- 5.7 Prohibited Substances - The substances referred to in Clause 2 of this Ordinance shall not be disposed of at the Kaituna Refuse Tip.

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