

Serial Number **1954/54**



THE LAND SUBDIVISION IN COUNTIES REGULATIONS 1954

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 31st day of March 1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Land Subdivision in Counties Act 1946, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PART I—PRELIMINARY

Title

1. These regulations may be cited as the Land Subdivision in Counties Regulations 1954.

Interpretation

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Land Subdivision in Counties Act 1946:

“Appeal” means an appeal to the Town and Country Planning Appeal Board against any decision of the Minister under the Act; and includes any dispute referred to that Board under any provision of the Act; and “appellant” has a corresponding meaning:

“Chief Surveyor” means the Chief Surveyor appointed under the Land Act 1948 for the land district in which are situated the lands affected by the subject matter; and includes his deputy:

“Surveyor-General” means the Surveyor-General appointed under the Land Act 1948; and includes his deputy:

Expressions defined in the Act have the meanings so defined.

PART II—SCHEME PLANS

General

3. (1) Plans shall be endorsed on 20 in. by 20 in. or 30 in. by 30 in. sheets. They may be drawn on any suitable medium and on a scale that will clearly and legibly illustrate the details of the proposed subdivision. The use of strong durable prints, or mounted prints, or mounted tracings will be accepted.

(2) The whole of the land held in physical contiguity by the subdividing owner shall be shown on the scheme plan. Where the balance of the area held by the subdividing owner exceeds 10 acres, a diagram of that balance area shall be shown on a suitable scale or if necessary endorsed on a separate plan:

Provided that the Chief Surveyor may in special cases dispense with a diagram or separate plan in any case where the balance of the area will not be made subject to such conditions as building lines, road widening, rights of way, or easements, as may be required under the Act.

(3) The scheme plan shall show, as the case may require, all the matters prescribed in these regulations in a clear, and legible manner and in such detail as will ensure accuracy in interpretation.

Topographical Detail

4. (1) Topographical detail shall generally be limited to the area being subdivided, extended where necessary to demonstrate possible roading and subdivisional extensions. Contours and spot heights shall be shown in sufficient detail to determine the approximate grades of roads, the general siting of buildings, and the general level of land being subdivided.

(2) The nature of the coverage, stream pattern, the extent of swamps and low lying areas, existing buildings, drains, the state of existing road formation, and, where applicable, the source and location of sewage disposal and water supply shall be shown on the plan.

(3) The plan shall be supported by a report stating the purpose of the subdivision, the reasons for the siting of land for reserves, and any other matters that will assist in the interpretation and approval of the proposed subdivision.

Dimensions on Plans

5. (1) Distances shall be shown in links and areas in acres, roods, and perches. Frontages and areas of all allotments may be shown to the nearest significant figure in accordance with the following table:

Allotments under $\frac{1}{2}$ acre: To the nearest link and the nearest perch.

Allotments from $\frac{1}{2}$ acre to 2 acres: To the nearest 5 links and the nearest 5 perches:

Allotments from 2 acres to 10 acres: To the nearest 10 links and the nearest 10 perches.

(2) Only sufficient bearings required for the purpose of plotting the major or peripheral boundaries need be shown. Other internal boundary bearings, when required, may be deduced by protractor and shown to the nearest degree.

(3) The subdivision shall be controlled by an accurately plotted periphery on a suitable scale. Only sufficient distances, which may be scaled, required to illustrate the general dimensions of the allotments of the subdivision need be shown.

Designations and Plan Details

6. (1) Each parcel dealt with on the plan shall be given an allotment number. New roads, service lanes, access ways, reserves, and Crown land shall also be given allotment numbers and described accordingly. The area of each allotment on the plan shall be shown in accordance with the requirements of regulation 5 (1) hereof.

(2) New roads shall be named, but no such name shall be allocated without the prior approval of the local authority. Service lanes and access ways shall not be named, but shall be designated "service lane" or "access way", as the case may be. The nominal width of all roads, service lanes, and access ways shall be shown.

(3) The purpose of every reserve shall be shown on the plan. Reserves shall be designated as being set aside for any one of the following purposes:

Recreation: A reserve for the passive and active use and enjoyment of the public:

Scenic: A reserve for the purpose of preserving fauna and flora:

Historic: A reserve for the purpose of conserving historic buildings, works, or archaeological remains:

Utility: A reserve for the purpose of providing land for public use or public buildings, as distinct from other purposes:

Esplanade: A reserve set aside under the provisions of section 13 of the Act along the foreshore of the sea or along the banks of any river or stream or along the margin of any lake:

Road: A reserve set aside for the purpose of a future public road.

(4) Each allotment set aside as Crown land in accordance with the provisions of the Act shall be designated on the plan as "Crown land".

(5) Every right of way or easement set aside on the plan shall be clearly designated as such. A note shall be endorsed on the plan stating the allotments which are appurtenant to or subject to the rights of way or easements delineated on the plan, and, in the case of a drainage easement in gross, the name of the proposed grantee and which allotments are subject to the easement.

(6) Commercial and industrial allotments shall be designated as such on the plan.

Colours on Plans

7. The allotments, rights of way, other easements, roads, access ways, and service lanes shown on a scheme plan shall be coloured in accordance with the following table:

Type of Allotment, etc.	Colour
Residential } Commercial } Industrial } Rural }	Allotments Green border.
Reserves	Red wash with green border.
Crown land	Red border.
New roads (including road widening)	Red wash.
Rights of way and other easements	Blue and yellow washes (alternating)
Access ways and service lanes	Red wash.
Public roads	Burnt sienna.
Railways	Purple.

Endorsements on Plans

8. (1) *Title*.—The following particulars as to title shall be endorsed on the plan:

- (a) Title description of the land:
- (b) Title reference:
- (c) Land district, survey district, and block and local authority district, and their boundaries where applicable:
- (d) Name of the town and its extension number, which shall be allocated and inserted by the Chief Surveyor.

(2) *Signatures and Approvals*.—The certificate of the surveyor in the form No. 1 in the Schedule to these regulations shall be shown on the plan. The name of the surveyor shall also appear, together with the scale of the plan following and below the title description. Provision shall be made, enclosed in a single border, on the lower right hand side of the plan for the signatures of the owner, the Chief Surveyor, the Surveyor-General, and the Minister of Lands, in that order, leaving room for the plan number to be inserted below. Provision shall also be made at the lower left hand corner of the sheet for 12 square inches of open space for office use.

(3) *Area Schedule*.—A schedule of areas shall be shown on the left hand face of the plan under the following categories:

- (a) Residential allotments:
- (b) Commercial or industrial allotments:
- (c) Rural allotments (being allotments of an area of 2 acres or more and not being commercial or industrial allotments):
- (d) New roads (including road widening):
- (e) Service lanes:
- (f) Access ways:
- (g) Road reserves:
- (h) Esplanade reserves:
- (i) Recreation, scenic, historic, or utility reserves:
- (j) Crown land (being areas set aside in accordance with subsection (4) of section 12 of the Act).

Conditions and Restrictions

9. (1) Any conditions of consent to the approval of a scheme plan imposed by the Minister in accordance with the provisions of the Act shall be endorsed on the plan or on a separate document attached to the plan, except in cases where the owner has already complied with those conditions or has entered into a binding contract with the local authority to comply with those conditions.

(2) Every building line imposed in accordance with the provisions of section 5 of the Act shall be marked as "building line" and shown on the plan in pecked red lines together with the distance from the side or middle line of the road. The separate notice as to building line restrictions shall be in the form No. 2 in the Schedule to these regulations.

Approval of Scheme Plans

10. (1) The scheme plan, together with a copy thereof, shall be lodged in the office of the Chief Surveyor by the owner or his authorized agent. It shall be accompanied by a report from the surveyor as to the suitability of the land for subdivision, with particular reference to the provision of storm water drainage, water supply, and sewer drainage. If required by the Chief Surveyor, the surveyor shall also submit an estimate of the sale value of each saleable allotment.

(2) The surveyor shall assure, as far as possible, that the scheme plan complies with the by-laws of the local authority and that it does not contravene the provisions of any operative district scheme prepared under the Town and Country Planning Act 1953.

(3) The Chief Surveyor shall forward a copy of the scheme plan to the local authority for its comments.

(4) The comments of the local authority shall be submitted to the Chief Surveyor in form No. 3 in the Schedule to these regulations.

(5) In addition to its comments, the local authority shall submit to the Chief Surveyor a certificate in such of the forms prescribed in form No. 4 in the Schedule of these regulations as is applicable in the circumstances of the case.

(6) Where in any case the local authority in its comments suggests an amendment to the scheme and the Chief Surveyor is not prepared to require the scheme plan to be amended, he shall forward the plan to the Surveyor-General for appropriate action.

Exemption from Preparation of Scheme Plans

11. (1) Every application by a subdividing owner to be exempted under subsection (1) of section 3 of the Act from submitting a scheme plan shall be lodged with the Chief Surveyor. The application shall be accompanied by a tracing in duplicate illustrating the proposed subdivision. The tracing shall be not less than foolscap size drawn to scale on a suitable durable medium for filing purposes.

(2) The Chief Surveyor shall, if he is of opinion that a scheme plan is not required, forward a tracing illustrating the proposed subdivision to the local authority notifying the local authority that it is proposed to dispense with the preparation of a scheme plan if no objection is received within the period of twenty-one days specified in subsection (3) of section 3 of the Act:

Provided that the twenty-one days' notice may be dispensed with where the local authority notifies the Chief Surveyor before the expiration of the period of twenty-one days that it has no objection to the granting of the exemption.

(3) In cases where the local authority objects to dispensing with the preparation of a scheme plan the Chief Surveyor shall notify the applicant accordingly.

(4) The Chief Surveyor shall endorse on the survey plan of any subdivision which has been exempted from the provision of a scheme plan the certificate prescribed in form No. 5 in the Schedule to these regulations.

PART III—MINIMUM FRONTAGE AND AREA REQUIREMENTS

12. (1) Except as provided in subclause (2) of this regulation, no allotment shall have a frontage to a road or an area less than those prescribed in the following table:

(a) *Residential Allotments*—

(i) *Front Sites*: The minimum frontage shall be 50 ft., and the minimum area shall be 32 perches:

Provided that the minimum frontage may be reduced to not less than 40 ft. with the consent of the local authority:

Provided also that where the allotment has diverging side boundaries the frontage may be reduced to not less than 20 ft. if the width of the allotment at a distance of 30 ft. from the road boundary is not less than 50 ft.:

Provided also that where an allotment is to be used for a double unit residence it shall have a frontage of not less than 65 ft. and an area of not less than 40 perches:

Provided further that in localities where sewer drainage is available for connection to the land under subdivision or in localities where the Medical Officer of Health for the district is of opinion that the disposal of sewage by any other means will not be detrimental to the health and convenience of the locality the minimum area may, with the consent of the Minister and of the local authority, be reduced to not less than 20 perches:

(ii) *Rear Sites*: A rear site shall be served by a strip of land in the same title not less than 12 ft. in width measured at right angles to its course and not more than 198 ft. in length, and the minimum area shall be 40 perches exclusive of the area of the strip of land aforesaid:

Provided that the Minister may in special cases approve a strip more than 198 ft. in length:

Provided also that in localities where sewer drainage is available for connection to the land under subdivision or in localities where the Medical Officer of Health for the district is of opinion that the disposal of sewage by any other means will not be detrimental to the health and convenience of the locality the minimum area may, with the consent of the Minister and of the local authority, be reduced to not less than 30 perches:

Provided further that in the case of two adjoining rear sites they may be served by adjoining strips of land each not less than 10 ft. in width over which reciprocal rights-of-way shall be created and in the case of three adjoining strips each not less than 6 ft. 8 in. in width over which reciprocal rights-of-way shall be created. Except in special cases where the Minister approves a strip more than 198 ft. in length, no such strip shall be more than 198 ft. in length. In all cases the minimum area prescribed above shall be exclusive of the area of any such strip of land aforesaid:

(iii) *Special Cases*: Notwithstanding anything in the foregoing provisions of this subclause an allotment occupied as a separate holding may be subdivided into not more than two allotments in cases where it is not practicable for each allotment to satisfy those provisions, but neither allotment shall have less than the following minimum frontage and area:

Front Site: The minimum frontage shall be 40 ft. and the minimum area 20 perches:

Rear Site: The minimum frontage shall be a strip of land in the same title not less than 10 ft. in width measured at right angles to its course and not more than 198 ft. in length and the minimum area shall be 24 perches exclusive of the area of the strip of land aforesaid:

Provided that the Minister may in special cases approve a strip more than 198 ft. in length:

Provided also that the reductions in area in those special cases shall be subject to the conditions as to sewage disposal for front and rear sites as set out in subparagraphs (i) and (ii) of this paragraph:

(b) *Commercial and Industrial Allotments*.—The minimum frontage of commercial and industrial allotments shall be 20 ft. They may be served by rights-of-way or service lanes as provided in Part IV of these regulations:

(c) *Rural Allotments*.—A rural allotment shall be of such shape and have such frontage as will ensure its future economic subdivision into residential allotments in accordance with the provisions of this regulation. The minimum frontage to a rural allotment shall be those prescribed for residential allotments.

(2) The restrictions imposed by subclause (1) of this regulation shall not apply to any subdivision that is intended solely for the adjustment of existing boundaries in any case where the effect of the adjustment does not reduce the frontage and area of an adjusted allotment to less than the minimum prescribed for the class to which that allotment belongs, nor shall they apply to any subdivision which is for some purpose of public utility.

PART IV—ROADS, SERVICE LANES, ACCESS WAYS, AND RIGHTS-OF-WAY

Road Widths

13. (1) Every new or proposed road shall be not less than 66 ft. in width, shall be laid off to the best advantage and with due regard to the requirements of the locality, and shall be of a grade approved by the local authority:

Provided that the width of a new or proposed road may, with the approval of the Minister, be reduced to not less than 50 ft. in any case where the road or any future extension thereof will not be required for through traffic, or in any case where the road ends in a cul-de-sac:

Provided also that the width of a new or proposed road may, with the approval of the Minister, be reduced to not less than 40 ft. where the road ends in a cul-de-sac and does not exceed a total length of 500 ft.

(2) The Minister may require the width of a new or proposed road to be increased in any case where the road will be required for through traffic or for traffic lanes to serve the allotments of the subdivision.

(3) The width or diameter of the end of any cul-de-sac shall be not less than 74 ft.

Road Widening

14. Where a subdivision for building purposes is effected on land having a frontage to an existing road, the Minister may require the widening of that road sufficient to provide for additional traffic brought about by the closer subdivision, and may also impose building line restrictions.

Road Intersections and Angles

15. All road intersections or angles where the general direction of the road differs by 45 degrees or more shall be set back a distance of not less than 20 ft. from the intersection of the side line of the road, and the portions thus set back shall be shown on the plan as road to be dedicated.

Service Lanes

16. (1) A service lane shall be of a width approved by the Minister, being not less than 12 ft. and not more than 35 ft. measured at right angles to its course:

Provided that a service lane may be of any greater width for a distance of not more than 20 ft. from where it meets any road:

Provided also that any service lane which has a blind end may have a turning space of any width at that end.

(2) A service lane shall be of a grade approved by the Minister, being not steeper than 1 in. in 12 in.

Access Ways

17. An access way laid off under section 10 of the Act shall be of a width approved by the Minister, being not less than 8 ft. nor more than 20 ft. measured at right angles to its course:

Provided that the width may be increased in cases where the topographical features are such that it is impracticable to adhere to the widths specified in the foregoing provisions of this regulation.

Rights-of-way

18. A right-of-way shall be of a width of not more than 20 ft. measured at right angles to its course:

Provided that a right-of-way may be of any greater width for a distance of not more than 20 ft. from where it meets any road:

Provided also that a right-of-way which has a blind end may have a turning space of any width at that end.

PART V—BUILDING LINE RESTRICTIONS

Roads

19. (1) The building line in any road shall be not less than 33 ft. from the middle line of the road:

Provided that the distance of the building line from the middle line of the road may be increased where the road is required or may in the future be required to serve as a road for through traffic or where the increased set-back will improve the siting of buildings on the proposed subdivision:

Provided also that in the case of a road not having parallel sides the building line may be fixed in relation to the side line of the road, but at no point shall be less than 33 ft., or such greater minimum distance as may be fixed under the foregoing provisions of this subclause, from the middle of the road.

(2) Where building line restrictions are imposed on both frontages of corner allotments, increased widths of those allotments shall be provided to allow for suitable siting of buildings.

(3) In this regulation the term "road" has the same meaning as in subsection (3) of section 5 of the Act.

Access Ways

20. The building lines in relation to any new or existing access way shall be a distance of not less than 5 ft. from the side lines.

PART VI—APPEALS

21. Subject to the provisions of section 3A of the Act (as inserted by section 7 of the Land Subdivision in Counties Amendment Act 1953), every appeal to the Town and Country Planning Appeal Board against any decision of the Minister under the Act shall be made within fourteen days after the receipt by the appellant of the decision of the Minister against which he desires to appeal, or within such further time as the Board may allow, and shall be made and heard and determined by that Board in the manner prescribed by the Town and Country Planning Act 1953 and the regulations under that Act.

* PART VII—REVOCATIONS

22. (1) The Land Subdivision in Counties Regulations 1949* are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provisions so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the commencement of these regulations and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

* Statutory Regulations 1949, Serial number 1949/96, page 392.

SCHEDULE

Form No. 1 [Reg. 8 (2)]

CERTIFICATE OF SURVEYOR

I,, Registered Surveyor, hereby certify that this scheme plan has been prepared by me in accordance with the provisions of the Land Subdivision in Counties Act 1946 and the regulations made thereunder.

.....
Registered Surveyor.

Form No. 2 [Reg. 9 (2)]

NOTICE AS TO BUILDING LINE RESTRICTIONS

Section 5, Land Subdivision in Counties Act 1946

PURSUANT to the provisions of section 5 (4) of the Land Subdivision in Counties Act 1946, I,, Chief Surveyor, Land District, hereby give notice that, more particularly delineated on the scheme plan of the Town of, Extension No., being a subdivision of comprised in certificate of title, Land Registry, is (are) subject to the condition that no buildings or hoardings shall be erected within ft. of the line of

Given under my hand, this day of 19.....

.....
Chief Surveyor.

Form No. 3 [Reg. 10 (4)]

COMMENTS BY LOCAL AUTHORITY

I,, County Engineer (or County Clerk), on behalf of the County Council, hereby submit the following comments in regard to the proposed subdivision of shown on scheme plan No., lodged in the office of the Chief Surveyor at

.....
County Engineer
(or County Clerk).

Form No. 4 [Reg. 10 (5)]

CERTIFICATES BY LOCAL AUTHORITY

Section 4, Land Subdivision in Counties Act 1946

(a) CERTIFICATE REQUIRED WHERE DISTRICT SCHEME UNDER THE TOWN AND COUNTRY PLANNING ACT 1953 IS OPERATIVE

Chief Surveyor,
.....

Re Town of, Extension No.

I,, County Engineer (or County Clerk), on behalf of the County Council, hereby certify that the proposed subdivision referred to above and shown on scheme plan No., lodged in the office of the Chief Surveyor, (1)..... inconsistent with the operative district scheme under the Town and Country Planning Act 1953 affecting the locality where the land in the scheme plan is situated.

.....
County Engineer
(or County Clerk).

(1) Insert "is" or "is not", as the case may be.

SCHEDULE—*continued*

(b) CERTIFICATE REQUIRED WHERE NO DISTRICT SCHEME UNDER THE TOWN AND COUNTRY PLANNING ACT 1953 IS OPERATIVE

Chief Surveyor,

.....
Re Town of, Extension No.

I,, County Engineer (*or* County Clerk), on behalf of the County Council, hereby certify that the proposed subdivision referred to above and shown on scheme plan No., lodged in the office of the Chief Surveyor, is not subject to the provisions of an operative district scheme under the Town and Country Planning Act 1953.

.....
 County Engineer
 (*or* County Clerk).

(c) CERTIFICATE REQUIRED WHERE SUBDIVISION HAS BEEN PROHIBITED UNDER SECTION 38 OF THE TOWN AND COUNTRY PLANNING ACT 1953

Chief Surveyor

.....
Re Town of, Extension No.

I,, County Engineer (*or* County Clerk), on behalf of the County Council, hereby certify that the proposed subdivision referred to above and shown on scheme plan No. has been prohibited under section 38 of the Town and Country Planning Act 1953 and that that prohibition is for the time being effective under the provisions of that section.

.....
 County Engineer
 (*or* County Clerk).

Form No. 5

[Reg. 11 (4)]

CERTIFICATE OF CHIEF SURVEYOR

I,, Chief Surveyor, hereby certify that in accordance with the provisions of subsection (1) of section 3 of the Land Subdivision in Counties Act 1946 I have dispensed with the preparation of a scheme plan for the subdivision shown on this plan.

.....
 Chief Surveyor.

T. J. SHERRARD,
 Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations replace the Land Subdivision in Counties Regulations 1949, and make such alterations as are necessary following the passing of the Land Subdivision in Counties Amendment Act 1953 and the Town and Country Planning Act 1953.

The principal changes are as follows:

- (a) Regulation 10 requires the surveyor to assure as far as possible that the scheme plan does not contravene the provisions of any operative district scheme prepared under the Town and Country Planning Act 1953, and also requires the local authority when forwarding its comments to certify—

(i) Whether or not the proposed subdivision is inconsistent with an operative district scheme affecting the locality in which the land in the scheme plan is situated; or

(ii) Where such is the case, that there is no operative district scheme affecting the subdivision; or

- (iii) Where such is the case, that the subdivision has been prohibited under section 38 of the Town and Country Planning Act 1953 as a detrimental work and that the prohibition is for the time being effective under that section:
- (b) Regulation 11 contains new provisions as to exemptions from the requirement that a scheme plan must be prepared, following the provisions of section 4 of the Land Subdivision in Counties Amendment Act 1953, which now gives the Minister of Lands sole authority to dispense with the preparation of a scheme plan, subject to notice to the local authority:
- (c) In cases where sewer drainage is available or the Medical Officer of Health for the district is of opinion that the disposal of sewage by other means will not be detrimental to the health and convenience of the locality, the minimum areas for residential sites have been reduced as follows:
- (i) *Front Sites*.—From a minimum area of 32 perches to a minimum of 20 perches:
- (ii) *Rear Sites*.—From a minimum area of 40 perches to a minimum of 30 perches:
- (iii) *Special Cases*.—From a minimum area in the case of front sites from 24 perches to 20 perches and in the case of rear sites from 30 perches to 24 perches:
- (d) Regulation 12 (1) (c) contains a new provision that, in addition to complying with the same provisions as to frontage that apply in the case of residential allotments, rural allotments shall be of such shape and have such frontages as will ensure their future economic subdivision into residential allotments:
- (e) Regulation 16 is new, and contains provisions relating to the widths and grades of service lanes:
- (f) Regulation 18 is new, and contains provisions relating to the width of rights-of-way:
- (g) Regulation 19 is new, and fixes a building line in the case of access ways of not less than 5 ft. from the side lines of the access way:
- (h) Regulation 20 prescribes the procedure on appeals, which are now to be made to the Town and Country Planning Appeal Board instead of to a special Board of Appeal.
- The regulations also contain other minor changes relating to designations and plan details, colours on plans, and endorsements on plans.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 April 1954.

These regulations are administered in the Department of Lands and Survey.