

1956/147



**THE TOWN AND COUNTRY PLANNING REGULATIONS 1954,
AMENDMENT NO. 1**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 12th day of September 1956

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Town and Country Planning Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Town and Country Planning Regulations 1954, Amendment No. 1, and shall be read together with and deemed part of the Town and Country Planning Regulations 1954* (hereinafter referred to as the principal regulations).

PART I

AMENDMENTS TO PRINCIPAL REGULATIONS

2. Subclause (1) of regulation 3 of the principal regulations is hereby amended by omitting the words "or application", and substituting the words "application, copy of appeal, or copy of the reply to an appeal".

3. Subclause (1) of regulation 7 of the principal regulations is hereby amended by inserting, after the words "by a plan", the words "in duplicate".

4. (1) Regulation 9 of the principal regulations is hereby amended by revoking the proviso to subclause (1), and substituting the following proviso:

"Provided that nothing in this subclause shall apply to any district scheme to which section 22 (5) of the Act and regulation 5 (1) hereof apply or to any variation, cancellation, elaboration, enlargement, modification, alteration, or substitution affecting a district scheme made under section 22 (1) or section 29 of the Act."

(2) Subclause (2) of regulation 9 of the principal regulations is hereby amended—

- (a) By inserting after the words “the first such”, the word “newspaper”:
- (b) By omitting the words “or in any adjoining district”, and substituting the words “and to the Council for any adjoining district”:
- (c) By adding the following proviso:

“Provided that the Council inviting the information need not send any such letter to the Council for any adjoining district if in the opinion of the Council inviting the information that district has no community of interest with the district for which the district scheme is proposed in any of the subject matters of planning as set out in the Second Schedule to the Act.”

(3) Subclause (3) of regulation 9 of the principal regulations is hereby amended by omitting the word “public”, and substituting the word “newspaper”.

5. The principal regulations are hereby amended by revoking regulation 13, and substituting the following regulation:

“13. The following data shall be shown in every case:

“(a) The purpose of each reserve and open space of the type referred to in the Second Schedule to the Act:

“(b) Present land uses in the categories set out in the notations for planning data maps in Part I of the Second Schedule hereto:
Provided that uses that are ancillary to the principal use need not be distinguished from the principal use:

“(c) An indication so far as it is available of soil types, fertility, and subsoil strata in respect of all urban land where the information may have significance, and in respect of all other land that is in rural use or unoccupied:

“(d) The approximate routes of tramway, railway, omnibus, and other public transport systems, and aerodrome runway approaches, and the approximate layout of any aerodrome, railway station, and other transport terminal:

“(e) Topographical details so far as they are available from existing maps, including the mapped position and (where applicable) the recorded bed and tidal or flood limits of every natural or artificial harbour, lake, river, stream, creek, canal, irrigation race, and other waterway or area permanently covered or subject to covering by water, and (where applicable) the approximate position in relation thereto of all wharves, graving docks, quays, piers, jetties, landing stages, bridges, culverts, and fords:

“(f) A reasonably up to date map of the area showing sufficient information to identify every existing highway, motorway, street, road, accessway, and service lane within the district, and sufficient information to enable any property owner to find the approximate location of his land in relation to the highway that gives access to it, including where readily obtainable the boundaries of each legal subdivision of land within the district:

“(g) Approximate boundaries of areas served by existing public utilities such as water, sewerage, gas, and electricity, and the locations of all reservoirs, and of all sewage disposal works and outfalls, but not necessarily details of reticulation.”

6. (1) Regulation 14 of the principal regulations is hereby amended by omitting the words “if available or obtainable and significant”, and substituting the words “if significant and readily obtainable”.

(2) Regulation 14 of the principal regulations is hereby further amended by revoking paragraph (e), and substituting the following paragraphs:

“(e) General condition and estimated future life of each building:

“(f) An indication such as is recorded on land tenure maps in the office of the Surveyor-General as to what land in the district comes under each of the following categories, namely, land vested in the Crown and not alienated by way of lease or licence, land vested in the Crown but alienated by way of lease or licence, Maori land, and reserves, and any individual holdings that may be of special significance to the district scheme, the latter being shown separately.”

7. (1) Regulation 15 of the principal regulations is hereby amended by adding to subclause (5) the following proviso:

“Provided that, where the devices, markings, colours, and notations set out in Part I or Part II of the Second Schedule hereto do not provide the number of distinctions desired in any use category, additional devices and markings may be used on the planning data maps, and additional devices, markings, colours, and notations in black and white or colour as may be appropriate may be used on the district planning maps, if they conform generally with the scheme of notations set out in Part II of the Second Schedule hereto and in the case of colour each is of the appropriate basic colour.”

(2) Regulation 15 of the principal regulations is hereby further amended by inserting, after subclause (5), the following subclause:

“(5A) Nothing in this regulation shall prevent any distinction between zones, where black and white notations have been adopted, from being emphasised by the addition of the appropriate basic colour shown in the colour notations, namely, grey for residential, red for commercial, and blue or red purple for industry.”

8. Regulation 19 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:

“(1) As soon as the Council has recommended the district scheme as provided in section 21 (5) of the Act, the Council shall—

“(a) Submit to the Minister a complete copy of the district scheme and of the planning data by addressing them to the Minister and sending them to the Commissioner of Works at Wellington:

“(b) Supply a copy of the district scheme to each of the following:

“(i) The District Commissioner of Works whose district includes the area comprised in the district scheme;

“(ii) The Regional Planning Authority (if any);

“(iii) Each local authority having jurisdiction within the district;

“(iv) The Council for each adjoining district.

“(1A) Each copy of the district scheme shall have endorsed thereon a certificate by a responsible officer of the Council that it is a correct copy of the district scheme as recommended by resolution of the Council on a specified date.”

9. (1) Regulation 20 of the principal regulations is hereby amended by omitting the words “or in any adjoining district” and substituting the words “and to the Council for each adjoining district”:

(2) Regulation 20 of the principal regulations is hereby further amended by adding the following subclauses as subclauses (2) and (3):

“(2) If the district scheme as publicly notified differs in any respect from the district scheme to which the Minister and the local authorities having jurisdiction within the district have certified their satisfaction under subsection (6) of section 21 of the principal Act, and if the change is brought about otherwise than by any requirement of the Minister in respect of public works, the Council, on public notification of the scheme under this regulation, shall either forward to the Minister two copies of the district scheme as publicly notified, or notify the Minister in writing in duplicate supported where relevant by drawings also in duplicate of the changes that have been made and shall also forward to each local authority having jurisdiction within the district (other than any local authority which required the change to be brought about) one copy of the district scheme as publicly notified, or shall notify each such local authority in writing supported where relevant by drawings of the changes that have been made. If the change is brought about by any such requirement of the Minister, the Council (on such public notification as aforesaid) shall forward to each local authority having jurisdiction within the district one copy of the district scheme as publicly notified, or shall notify each such local authority in writing supported where relevant by drawings as aforesaid.”

(3) The Council shall also endorse on the district scheme as publicly notified under this regulation a certificate that the scheme so notified has been certified by the Minister and the local authorities in accordance with regulation 19 (3) hereof.”

10. Regulation 23 of the principal regulations is hereby amended by adding the following subclause:

“(5) At the hearing of objections the objector may supply additional details of the objections of which he has given the Council written notice and the Council or Committee may question the objector concerning those objections. No fresh objection shall be introduced at the hearing, and no objector shall have any right of cross-examination of other objectors or of the Council or Committee:

Provided that nothing in this subclause shall prevent the Council or Committee from employing any reasonable means of ascertaining the merits of any objection.”

11. (1) Regulation 26 of the principal regulations is hereby amended by adding to subclause (2) the following proviso:

“Provided that no such fee shall be payable where the appeal is lodged by the Minister or otherwise on behalf of the Crown or the New Zealand Government Property Corporation”.

(2) Regulation 26 of the principal regulations is hereby further amended by inserting after subclause (2), the following subclause:

“(2A) The fee of £2 referred to in subclause (2) of this regulation shall be prepaid in stamps; and it shall be the duty of the Secretary or other authorised officer of the Appeal Board to affix the stamps to every such appeal and to cancel the stamps in accordance with any enactment for the time being in force relating to the cancellation thereof.”

(3) Regulation 26 of the principal regulations is hereby further amended by revoking subclause (6), and substituting the following subclause:

“(6) The appellant shall, within seven days of lodging an appeal with the Appeal Board, serve copies of the appeal on the Council and the Minister in accordance with regulation 3 hereof, and shall within seven days of the service advise the Appeal Board of the date of service:

“Provided that, where the Council is not the respondent, then, within the same period, the appellant shall—

“(a) Serve a copy of the appeal on the respondent also; and

“(b) Advise the Appeal Board of the date of the service.”

12. Subclause (1) of regulation 27 of the principal regulations is hereby amended by omitting the word “notice”, and substituting the words “a copy of the appeal.”

13. Subclause (2) of regulation 27 of the principal regulations is hereby amended—

(a) By inserting, after the word “hereof”, the words “or within such further period as the Board may allow”:

(b) By adding the words “and shall state in the reply what local authorities (if any) are in its opinion affected”.

14. Subclause (7) of regulation 31 of the principal regulations is hereby amended by inserting, after the word “record”, the words “and shall supply one copy of the approved district scheme to the Regional Planning Authority”.

15. Regulation 32 of the principal regulations is hereby amended by adding to subclause (1) the following proviso:

“Provided that the Council shall have no obligation to invite information and proposals under regulation 9 hereof in respect of any such cancellation, elaboration, enlargement, modification, alteration, or substitution.”

16. (1) Subclause (2) of regulation 33 of the principal regulations is hereby amended by inserting, after the words “local authorities”, the words “the Council for each adjoining district.”

(2) Regulation 33 of the principal regulations is hereby further amended by omitting from subclause (3) the word “regulation”, and substituting the words “subclause and in subclauses (4) and (5) of this regulation”.

(3) Regulation 33 of the principal regulations is hereby further amended by adding to subclause (3) the following proviso:

“Provided also that the planning data required for consideration in conjunction with any review need not comply with the requirements of regulations 12, 13, and 14 hereof if sufficient data is provided to show trends of development and significant changes affecting any part of the area to which the scheme relates during the immediately preceding

five-yearly period and is accompanied by the planning data produced with the original district scheme and with all intervening reviews (if any).”

17. Regulation 34 of the principal regulations is hereby amended by adding to subclause (1) the following proviso:

“Provided that, in respect of a modification to which this regulation relates, the Council shall have no obligation to invite information and proposals under regulation 9 hereof”.

18. (1) Regulation 35 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Every application to the Appeal Board for consent or approval under section 33 of the Act shall be made in accordance with this regulation, and shall include the following matters:

“(a) In the case of an application for a general consent or approval under either subsection (1) or subsection (2) of that section where the Council desires to vary the district scheme to meet a number of similar cases and to apply the variation while procedure for modification of the district scheme in that respect is being followed, the application shall conform to the following requirements:

“(i) It shall be made by the Council, be accompanied by a copy of the district scheme, show what existing provisions of the district scheme are affected and how each is proposed to be amended, state what procedure for amendment is proposed and what progress has been made towards amendment, and set forth verbatim what conditions, if any, the Council desires the Board to impose:

“(ii) It shall indicate to the best of the Council’s knowledge, how each proposal affects the owners of the properties to which it relates, their neighbours, and the people of the district generally:

“(iii) It shall state to the best of the Council’s knowledge whether and if so how injustice or loss would result from dismissal or approval of the application and to what extent the loss might be irreparable:

“(b) In the case of any application for consent or approval other than a general consent or approval to be followed by amendment of the district scheme, the application shall conform to the following requirements:

“(i) It may be made either by the person whose property is intended to be affected or by the Council:

“(ii) It shall show to what act consent or approval is sought and the names of all persons affected thereby so far as they are known to the applicant:

“(iii) It shall show whether and if so why the applicant considers that the district scheme should remain without amendment while the proposed exception to it is made with consent or approval:

“(iv) It shall state whether or not the Council supports the application and (if so) upon what grounds:

“(v) It shall state to the best of the applicant’s knowledge whether and if so how injustice or loss would result from dismissal or approval of the application and to what extent the loss might be irreparable.”

(2) Regulation 35 of the principal regulations is hereby further amended by inserting in paragraph (e) of subclause (3), after the words "supports the application", the words "and upon what grounds".

(3) Regulation 35 of the principal regulations is hereby further amended by adding the following subclauses:

"(5) In addition to any other condition which may be imposed by the Appeal Board, whether or not in accordance with the application, every consent or approval of the Board in respect of an application under paragraph (a) of subclause (1) of this regulation shall, unless the Board specifies otherwise, be subject to the following conditions:

"(a) That the consent or approval will be applied generally by the Council until it lapses or is modified or cancelled by the Board or replaced by an operative provision to the same effect in the district scheme:

"(b) That the consent will lapse if the Council with the consent of the Board abandons the proposed amendment of the district scheme or if the proposed amendment is so modified by the Council or the Board as to be inconsistent with the application to which consent or approval has been given, or fails to provide for the subject matter in the first following amendment of the scheme or review thereof; and

"(c) That the consent or approval including the conditions thereof shall be publicly notified by the Council.

"(6) The council shall cause a reference to every consent given by the Board under section 33 (1) of the Act to be endorsed on every deposited copy of the scheme statement, code of ordinances, and district planning map which is affected thereby, including a reasonable identification of each property to which it relates."

19. The principal regulations are hereby amended by inserting, after regulation 36, the following heading and regulation:

Errors and Omissions

36A. No inadvertent omission from or inaccuracy in any information or notice required by these regulations to be obtained or given, supplied, recorded, or shown shall invalidate any document, act, or procedure under these regulations, unless the omission or inaccuracy, in the opinion of the Appeal Board, has affected or is likely to affect the substance of the scheme as finally approved.

20. (1) The First Schedule to the principal regulations is hereby amended as follows:

(a) In form No. 8, by omitting from paragraph (e) of clause (2) the words "all of the local authorities having jurisdiction in the district and", and substituting the words "to the best of my knowledge and belief all of the local authorities having jurisdiction in the district and the Councils of":

(b) In form No. 10, by inserting, after the words "proposed changes of the scheme", the word "or".

(2) The First Schedule to the principal regulations is hereby further amended by revoking paragraph (i) of clause (2) of form No. 8, and substituting the following paragraph:

"(i) The district scheme was submitted to the Minister of Works for consideration in conjunction with public works on 19.....; and was likewise submitted on 19..... to each of the local authorities

having jurisdiction within the district being the local authorities referred to in the first column of the list set out hereunder in this paragraph; and, after all alterations and modifications required by the Minister and the local authorities were made, the Minister certified by memorandum dated that the provisions of section 21 of the Town and Country Planning Act 1953 had been complied with, and the said local authorities so certified on the dates set opposite their names in the second column of the following list:

Local Authorities	Dates of Certificates

21. (1) Part I of the Second Schedule to the principal regulations, being the Part relating to notations for planning data maps, is hereby amended as follows:

- (a) In the item relating to motorways, by omitting from the second column the notation consisting of black parallel lines with an uncoloured space between, and substituting a notation consisting of like parallel lines with the space between coloured red brown 1; by inserting in the third column the words "Red Brown 1"; and by inserting in the fourth column the words "Venetian Red":
- (b) In the item relating to forest and scrub, by inserting in the box of the notation for scrub in the second column the word "Scrub".

(2) Part II of the Second Schedule to the principal regulations, being the part relating to notations for district planning maps, is hereby amended as follows:

- (a) In the item relating to streets to be closed, by inserting between the parallel lines in the second and third columns a series of St. Andrew's crosses, thus $\times \times \times \times \times \times$:
- (b) In the item relating to existing motorways, by omitting from the third column the notation consisting of black parallel lines with an uncoloured space between, and substituting a notation consisting of like parallel lines with the space between coloured red brown 1; by inserting in the fourth column the words "Red Brown 1"; and by inserting in the fifth column the words "Venetian Red".

22. The form of scheme statement in the Third Schedule to the principal regulations is hereby amended as follows:

- (a) In paragraph (b) of clause 4, by inserting, above the column for figures, the words "Census 19....."; and also by inserting, on the right-hand side of that column a further column for figures headed "Estimate 1.4.19.....":
- (b) In paragraph (d) of clause 4, by omitting the word "working", and substituting the word "employed":
- (c) In paragraph (d) (iv) of clause 4, by inserting after the word "Building", the word "and":

- (d) In paragraph (d) (v) of clause 4, by omitting the words “and professions”, and substituting the words “professions, finance, etc.”:
 - (e) In paragraph (d) (vi) of clause 4, by omitting the words “Numbers at Peak of Season”, and substituting the words “Numbers at Lowest Point of Year”:
 - (f) By omitting the words “Main and Other Streets” where they appear as a heading to clause 11, and substituting the word “Communications”:
 - (g) By omitting the word “Communications” where it appears as a marginal note opposite clause 11, and substituting the words “Main and Other Streets”.
23. (1) The form of the code of ordinances in the Fourth Schedule to the principal regulations is hereby amended as follows:
- (a) In ordinance 2, by inserting, after the definition of the term “Building”, the following definition:
 “Camping ground” means a camping ground within the meaning of the Camping Ground Regulations 1936*; and includes every area of land that would be a camping ground within the meaning of those regulations if the words “and includes any building whether permanent or temporary occupied either wholly or in part as a temporary living place for human habitation” were added to the definition of the term “living place” in regulation 3 of those regulations:
 - (b) In ordinance 2, by omitting from the definition of the term “Conditional use” the words “public interest”, and substituting the words “interests of the neighbours or of the public in general”:
 - (c) In ordinance 2 by inserting in the definition of the term “Dwelling-house”, after the word “building”, the words “or group of residential buildings”:
 - (d) In ordinance 2, by omitting from the definition of the term “Height” the word “main” where it appears in the proviso to paragraph (b), and substituting the word “mean”:
 - (e) In ordinance 9 by omitting, from paragraph (a) of the provisions relating to conditional uses in rural zones, the words “accommodation houses”, and substituting the words “camping grounds”:
 - (f) In ordinance 9, by inserting, after the word “Educational” in paragraph (b) of the provisions relating to conditional uses in rural zones, the words “and residential”:
 - (g) In ordinance 9 by inserting, after the words “Apartment houses” in paragraph (g) of the provisions relating to conditional uses in residential A zones, the words “and camping grounds”:
 - (h) In ordinance 9, by revoking paragraph (b) of the provisions relating to conditional uses in residential B zones:
 - (i) In ordinance 9, by omitting, from paragraph (a) of the provisions relating to predominant uses in commercial A zones, all words after the word “purposes”, and substituting the words “including such shops where dwelling accommodation is incorporated in the same building if there is not more than one dwelling unit per shop”:

- (j) In ordinance 9, by omitting, from paragraph (c) of the provisions relating to conditional uses in commercial B zones, the words "for sale", and substituting the words "most of which are sold":
- (k) In ordinance 9, by omitting from paragraph (e) of the provisions relating to conditional uses in commercial C zones, the words "for sale", and substituting the words "most of which are sold":
- (l) In ordinance 9, by omitting from the column headed "Density" in the table of bulk and location requirements in respect of industrial A zones, the words "Where commercial and residential uses are combined", and substituting the words "Where residential uses are combined with commercial or industrial uses":
- (m) In ordinance 9, by omitting from the column headed "Density" in the tables in respect of bulk and location requirements in respect of industrial B zones, industrial C zones, and industrial D zones, the word "commercial", and substituting in each case the word "industrial":
- (n) In ordinance 10, by omitting from subclause (1) the words "(c) Any other residential building" where they appear in the second column of the table, and substituting the words "(c) Any dwellinghouse or other building":
- (o) In ordinance 10, by omitting from subclause (5) the words "and average width":
- (p) In ordinance 10 by inserting, after the word "perches" in paragraph (b) of subclause (7), the words "exclusive of any land giving access from the street":
- (q) In ordinance 13 by omitting from the marginal note the word "residential".
- (r) By omitting from ordinance 24 and also from ordinance 25 the word "locality", and substituting in each case the word "neighbourhood".

(2) The form of the code of ordinances in the Fourth Schedule to the principal regulations is hereby further amended by adding to ordinance 10 the following subclause:

"(9) Notwithstanding that a scheme of subdivision may comply with the requirements of the scheme in respect of frontage and area the Council shall not approve the scheme if the arrangement of sites or shape of any proposed site is not in conformity with the principles of town and country planning."

(3) The form of the code of ordinances in the Fourth Schedule to the principal regulations is hereby further amended by adding to the proviso to ordinance 13 the following paragraph:

"(f) Notwithstanding the provisions of this ordinance, where the scheme prescribes a building line on any site, whether by reference to any street boundary or otherwise, 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.

(4) Appendix B to the form of the code of ordinances in the Fourth Schedule to the principal regulations is hereby amended by omitting the words "Cement manufacture".

24. The Fifth Schedule to the principal regulations is hereby amended by inserting, before the words "Ordinance 15", the following words:

"Ordinance 14
"Three-quarters."

PART II

REGIONAL PLANNING

Principal Council

25. Every Regional Planning Authority shall, unless the principal Council has been appointed before the commencement of this regulation, submit to the Minister within one month of its constitution its recommendation as to which of the uniting Councils shall be the principal Council under section 14 of the Act.

Gazetting of Area

26. Every Regional Planning Authority shall, unless its region has been notified in the *Gazette* before the commencement of this regulation, submit to the Minister through the Commissioner of Works a proper description of its region, together with a map or maps in triplicate drawn to a scale which will make readily discernible the boundaries of the region, and shall request that the Minister publish in the *Gazette* a description of the region.

Regional Planning Data

27. The regional planning data shall comprise maps and written information in tabulated or other compact form under appropriate headings showing the date as at which the details are recorded and constituting the materials and information on which the regional planning scheme is based.

Public Works

28. (1) Before any regional planning scheme or section thereof is completed and submitted for approval in accordance with subsections (3) and (4) of section 10 of the Act, the Authority shall supply to the Minister two complete copies thereof and one copy of the regional planning data.

(2) The Minister shall as quickly as possible supply to the Authority details of the provisions he requires for each public work of regional significance which is proposed to be undertaken within the region and for which he has financial responsibility, and the Authority shall make the required provision in the regional planning scheme or the section thereof to the satisfaction of the Minister.

(3) When all such alterations and modifications (if any) have been made to his satisfaction, or where no alterations or modifications are required, the Minister shall certify in writing addressed to the Authority that the provisions of section 10 (2) of the Act have been complied with to his satisfaction in respect of that scheme or any section thereof.

Public Notification of Regional Planning Scheme

29. On receipt of the certificate given by the Minister under regulation 28 hereof and the subsequent approval of the regional planning scheme in accordance with subsections (4) to (7) of section 10 of the Act, the Authority shall publicly notify the scheme and shall send two certified copies of the scheme to the Minister.

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 make minor variations in the procedure and forms to be used in the preparation of district planning schemes and in connection with appeals relating thereto. They also provide briefly for the procedure to be adopted in connection with the preparation of regional planning schemes.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 13 September 1956.
These regulations are administered in the Ministry of Works.