

# ASHBURTON TOWN PLANNING SCHEME

## SCHEME CLAUSES

### PART 1

#### INTRODUCTION AND GENERAL INTERPRETATIONS

##### 1.1 TITLE

This Scheme, which will have the status of a scheme in the course of preparation, shall be known as the Ashburton Town Planning Scheme and shall come into operation on the date fixed by proclamation.

##### 1.2 GENERAL INTERPRETATIONS

In this Scheme, unless the context otherwise requires or clearly indicates, the following meanings have been ascribed to the terms listed below :

###### 1.2.1 Amenity

Means those qualities or conditions in an area, which may be :

- (i) a locality,
- (ii) a precinct,
- (iii) a district, or
- (iv) any defined area,

which contribute to the pleasantness, harmony and coherence of the environment and to the public's enhanced enjoyment of any permitted use.

###### 1.2.2 Amendment

Means the rescinding, alteration or modification of any of the provisions of the Scheme in the

manner prescribed in Section 47 *bis* of the Town Planning Ordinance No 27 of 1949.

### 1.2.3 Appeal

Means a petition to the Appeals Board made in the manner prescribed in Section 67 *ter* of the Town Planning Ordinance.

### 1.2.4 Appeals Board

Means the Town Planning Appeals Board as constituted in terms of Section 73 *bis* of the Town Planning Ordinance.

ASHBURTON TOWN PLANNING SCHEME  
PART 1  
INTRODUCTION AND GENERAL INTERPRETATIONS

### 1.2.5 Basement

Means the lowest part of any Building which is constructed contiguous to the base of the Building's external walls and substantially below the mean ground level.

### 1.2.6 Building

Means any structure or part thereof whether :

- (i) temporary or permanent,
- (ii) moveable or immovable,
- (iii) above, below or at ground level,

but shall exclude boundary walls, fences or garden ornamentations which are less than 1,8 metres above the natural ground level at any one point.

### 1.2.7 By-law

Means any regulation made to enable the Council to exercise the powers and

undertake the duties conferred or imposed on it in terms of the Local Authorities Ordinance No 25 of 1974 (as amended) or any other law.

**1.2.8 Commission**

Means the Town and Regional Planning Commission established in terms of Section 2 of the Ordinance.

**1.2.9 Council**

Means the Ashburton Transitional Local Council or its successors.

**1.2.10 Council's Authority**

Means an authorization given at the discretion of the Council.

**1.2.11 Council's Consent**

Means approval given by the Council to an application made to it in terms of Section 67 *bis* of the Ordinance.

#### 1.2.12 Coverage

Means the proportion of a Lot which is covered by a Building or Buildings and is expressed as a percentage of the surveyed area of the Lot, excluding the area of an access way on a "hatchet-shaped" Lot. Consequently, a coverage of 25 per cent means that only a quarter of a Lot may be covered by any Building or Buildings as shown in the two examples below.

#### 1.2.13 Date of Adoption

Means the date when this Scheme or subsequent amendment was adopted in terms of Section 47 *bis* (4) of the Ordinance.

#### 1.2.14 Density

Means the number of Dwelling Units permitted, which is determined by dividing the surveyed area of a Lot, excluding the area of an access way on a "hatchet-shaped" Lot, by the minimum Lot size which is applicable to the Use Zone in which the Lot is situated and adjusting this figure to the nearest whole number. The permitted Density is expressed in terms of Dwelling Units per hectare.

#### 1.2.15 Development

Means work in the nature of :

- (a) the erection, construction, underpinning, alteration of, addition to, or demolition of, any Building or structure,
- (b) making any material changes in the use of any Building structure or Land, and
- (c) the making of any excavation, or filling for, or incidental to, the erection, construction, underpinning, alteration of, addition to, or demolition of, any Building or structure.

#### 1.2.16 Effective Date

Means the date of the Premier's approval of the Council's resolution to prepare a scheme as listed in the following schedule :-

EFFECTIVE DATE	PORTION OF ASHBURTON	PROCLAMATION NOTICE
26.10.1970	ASHBURTON	No. 15 OF 1968
25.11.1976	LYNNFIELD PARK	No. 65 OF 1974
02.08.1996	PORTIONS OF OCKERTS KRAAL AND VALKOP & DADELFontein	Gazette No. 5151 OF 1996

#### 1.2.17 Existing Building and Existing Development

Means :

- (a) a Building or Development erected, constructed or carried out before the Effective Date,
- (b) a Building or Development which is erected, constructed or carried out in terms of a valid approval which was granted before the Effective Date, and
- (c) a Building or Development begun before the Effective Date in terms of a valid approval.

#### 1.2.18 Existing Lot

Means a Lot existing at the Effective Date or a Lot existing in terms of a

valid approval before the Date of Adoption of the Scheme.

#### 1.2.19 Existing Use

Means, in relation to any Building or Land, the continuation, after the Effective date, of :

- (a) the same use of that Building or Land for which it was being utilised on the Effective Date, provided such use has a valid approval,
- (b) a use which is substantially similar in character to the valid use for which it was being utilised on the Effective Date, provided that, in the opinion of the Council, this use would not be more detrimental to the Amenity of the Zone in which it is situated, and
- (c) the use of a Building or Development, which is erected, constructed, carried out or completed, in terms of a valid approval which was granted before the Effective Date, for the purpose for which it was designed.

ASHBURTON TOWN PLANNING SCHEME  
PART 1  
INTRODUCTION AND GENERAL INTERPRETATIONS

#### 1.2.20 Family

Means :

- (a) a man or woman or both, with or without their parents and with or without the children of one or both of them, living together as a single household,  
or
- (b) no more than four unrelated persons maintaining a common household.

#### 1.2.21 Floor Area

Floor Area or gross Floor Area means the sum of the roofed area of a Building measured at each floor level and including wall thicknesses, corridors, lift wells and staircases.

#### 1.2.22 Floor Area Ratio

Means the ratio of the total Floor Area of a Building or Buildings on a Lot to the surveyed area of the Lot, excluding the area of an access way on a "hatchet-shaped" Lot, and is expressed as a decimal fraction. For example, a Floor Area Ratio of 0,5 means that the total Floor Area of a Building or Buildings permitted on a particular Lot will be equal to half the area of the Lot as shown in the diagrams below.

#### 1.2.23 Frontage

Means the common boundary between any street, which has been declared a public place in terms of the Ordinance, and a Lot.

#### 1.2.24 Front Space

Means the space between the full height of a Building facade and the Frontage.

#### 1.2.25 Height

Means the height of a Building in floors or storeys and is expressed as a number.

#### 1.2.26 Land

Means any portion of the area covered by the Scheme and includes all water bodies.



### 1.2.27 Lot

Means a registered subdivision of Land in an existing township or a subdivision that is capable of being registered in terms of the provisions of the Ordinance.

ASHBURTON TOWN PLANNING SCHEME  
PART 1  
INTRODUCTION AND GENERAL INTERPRETATIONS

### 1.2.28 Mean Width

Means the average of the combined length of the Frontage and Rear Boundary of a Lot.

### 1.2.29 Net Floor Area

Means the floor area of a commercial, industrial or office use excluding the area set aside for the purposes of :

- kitchen facilities,
- lift, meter and similar rooms,
- public access passages,
- staff rest rooms,
- storage, and
- toilets.

### 1.2.30 Ordinance

Means the Town Planning Ordinance No 27 of 1949, as amended.

### 1.2.31 Owner

Means, in relation to a Building or Land :

- (a) the person in whose name the title is registered,
- (b) the person vested with the administration of the estate of another person, who may be deceased, insolvent or mentally disabled,
- (c) the guardian of a minor, or
- (d) any other legal representative of the person in whose name the title is registered.

#### 1.2.32 Premier

Means the Premier of the Province of KwaZulu-Natal acting upon the advice of the Cabinet of the said province.

#### 1.2.33 Publish

Means to :

- (a) publish in the Official Gazette of the Province of KwaZulu-Natal in terms of the provisions of section 109 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and
- (b) publish in a newspaper in terms of the provisions of section 110 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

#### 1.2.34 Rear Boundary

Means the boundary of a Lot that is furthest from its Frontage and which does not intersect or meet any street boundary.

#### 1.2.35 Rear Space

Means the space between the full height of a Building facade and the Rear Boundary.

#### 1.2.36 Regulations

Means :

- (a) the regulations made to enable the Council to exercise the powers and undertake the duties conferred or imposed on it in terms of the Local Authorities Ordinance No 25 of 1974 (as amended) or any other law, bylaw, and
- (b) an appendix to the Scheme, which contains regulations, which have been adopted in accordance with Section 47 *bis* of the Ordinance, that the Council considers necessary to assist in the administration of and giving effect to the provisions of the Scheme.

#### 1.2.37 Reservation

Means an area of Land set aside for the purposes indicated in Part 6 of the Scheme.

#### 1.2.38 Scheme

Means the Ashburton Town Planning Scheme in the course of preparation.

#### 1.2.39 Scheme Map

Means the maps forming part of the Scheme as advertised and adopted by Council in terms of Section 47 *bis* of the Ordinance.

#### 1.2.40 Side Boundary

Means any boundary of a Lot, other than a Rear Boundary or Frontage.

#### 1.2.41 Side Space

Means the space between the full height of a Building facade and a Side Boundary.

#### 1.2.42 Site

Means the same as Lot.

#### 1.2.43 Special Consent

Means the consent of the Council where such consent relates to any application made in terms of Section 67 *bis* of the Ordinance.

ASHBURTON TOWN PLANNING SCHEME  
PART 1  
INTRODUCTION AND GENERAL INTERPRETATIONS

#### 1.2.44 Storey

Means a room or set of rooms on the same level, subject to the following qualifications :

- (a) A Storey shall not be higher than 4,5 metres. If a Storey is higher than this, each 4.5 metres or part thereof shall be counted as a Storey.
- (b) The ground floor of a Building may be on several levels and counted as a single storey.
- (c) A roof shall not be counted as a Storey unless it contains a habitable room.
- (d) The Basement floors of a Building shall not be counted as a Storey if they are primarily used for the purpose of :
  - (i) parking vehicles,
  - (ii) service installations, and
  - (iii) storage,

provided that they are not used for any residential, commercial or industrial purposes.

- (e) Lift, meter and similar rooms, water storage tanks, electricity sub-stations or transformer rooms, ornamental towers and other architectural features which are in proportion to the Building shall not be counted as a Storey.

#### 1.2.45 Use Zone

Means a portion of Land, other than any portion which is reserved for the purposes indicated in Part 6 of the Scheme, which is shown on the Scheme Map, by means of distinctive colouring, hatching or edging or in some other distinctive manner, for the purpose of indicating the restrictions on the erection and use of Buildings and Land which have been imposed by the Scheme.

### 1.3 AREA OF SCHEME

Means the area lying within the inner edge of the boundary line coloured red on the Scheme Map ASM/1/1997.

### 1.4 RESPONSIBLE AUTHORITY

The Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

### 1.5 SCHEME MAP

The Scheme Map comprises plan ASM/1/1997.

## PART 2

## USE OF LAND AND BUILDINGS : INTERPRETATION OF USE GROUPS

### 2.1 AGRICULTURAL

The interpretation of Land and Building uses comprising the Agricultural Use Group is :

#### 2.1.1 Agricultural

Means farming activities related to any of the following :

- (a) bee keeping,
- (b) breeding and keeping of livestock - including any animal kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land,
- (c) crop growing,
- (d) dairy farming,
- (e) fruit growing,
- (f) grazing, meadow and pasture land,
- (g) horticulture,
- (h) market gardens,
- (i) nursery grounds,
- (j) seed growing, and
- (k) woodlands which are ancillary to the farming of land.

#### 2.1.2 Agricultural Building

Means a Building or part of a Building, not exceeding two (2) Storeys in height, which are designed for use in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the Lot, on which that Building is situated, as Agricultural Land.

#### 2.1.3 Agricultural Land

Means Land used for Agricultural activities.

## 2.2 COMMERCIAL

The interpretation of Land and Building uses comprising the Commercial Use Group is :

### 2.2.1 Betting Depot

Means a Building or portion of a Building designed and used for the purpose of a bookmaker's premises or totaliser agency as defined in terms of the Horse Racing and Betting Control Ordinance (Ordinance No. 28 of 1957 as amended).

ASHBURTON TOWN PLANNING SCHEME  
PART 2  
USE OF LAND AND BUILDINGS :  
INTERPRETATION OF USE GROUPS

### 2.2.2 Home Business

Means the conducting of an occupational activity or use in, or in conjunction with a Dwelling or a structure erected on the Lot of an existing Dwelling, provided that the activity or use shall :

- (a) be limited to being conducted by the Owner of the Lot, who shall be resident therein, provided that the Council may, in exceptional circumstances which do not prejudice the continued use of the Dwelling as a residence, permit the activity or use to be conducted by a person other than the Owner,
- (b) not require the regular parking of :
  - (i) more than five motor vehicles, or
  - (ii) any vehicle with a tare mass exceeding 2 500 kg, on or adjacent to the Lot at any one time, and that such parking

shall be located to the rear of the Dwelling, where possible,

- (c) not involve the regular congregation of more than five persons, in addition to members of a Family, on the Lot,
- (d) not require the employment of more than three persons in addition to the domestic employees,
- (e) not produce a noise level exceeding 7 db, measured along the boundaries of the Lot, above the prevailing noise level in the surrounding area,
- (f) not involve any work between the hours of 20.00 hours (8.00 pm) and 06.00 hours (6.00 am),
- (g) not occupy a floor area in excess of 25 % of the floor area of the Dwelling, subject to a maximum floor area of 50 m<sup>2</sup>,
- (h) not impose a greater load on any public utility service than that which is ordinarily required by other uses permitted in the area in which the activity or use is situated,
- (i) not detrimentally affect the Amenity of the surrounding area through the emission of; ash, dust, fumes, grit, noise, oil, smell, smoke, soot, steam, vapour, vibration, waste products, and
- (j) be limited to the erection of a sign, indicating the nature of the activity, which shall :
  - (i) not be larger than 600 mm by 450 mm,
  - (ii) be placed on the main wall of the Building,
  - (iii) be in compliance with the Council's Bylaws, and
  - (iv) and shall compliment the character of the Dwelling.



### 2.2.3 Launderette

Means a Building or portion of a Building designed and used for the purpose of washing and drying of clothing and household fabrics, provided that the machines used are :

- (i) electrically operated,
- (ii) quiet running,
- (iii) of the type which process each customer's articles individually, and
- (iv) which may be operated by the customer,

and the washing agent used shall not cause harmful effluent to be discharged into the sewerage system.

### 2.2.4 Local Shop

Means a Building or portion of a Building, not exceeding 100 m<sup>2</sup> in Floor Area, designed and used primarily for the sale of foodstuffs or which is determined by the Council to serve the needs of the surrounding precinct in which it is situated.

### 2.2.5 Petrol Filling Station

Means a Building or portion of a Building designed and used for :

- (a) the fuelling of motor vehicles,
- (b) the sale by retail or wholesale of petrol, oils or other petroleum products,
- (c) the servicing, repair, washing, oil changing or lubrication of motor vehicles,
- (d) the sale by retail of spare parts, tyres, accessories for motor vehicles or motor vehicles,
- (e) the installation of accessories in or on motor vehicles, or

(f) the top overall of motors, or the restorations of suspensions and transmissions,

and includes ancillary Offices, storerooms, restrooms, Local Shops and Restaurants, but excludes panel beating activities.

#### 2.2.6 Public House

Means a Building or portion of a Building designed and used primarily for the sale of alcoholic beverages for consumption on the premises.

ASHBURTON TOWN PLANNING SCHEME  
PART 2  
USE OF LAND AND BUILDINGS :  
INTERPRETATION OF USE GROUPS

#### 2.2.7 Restaurant

Means a Building or portion of a Building designed and used for the preparation and sale of food, confectionary and beverages for consumption on the premises and includes -

milk bar

take-away

#### 2.2.8 Shop

Means a Building or portion of a Building designed and used for the purpose of carrying on of any retail trade or business wherein the primary purpose is :

- (a) the sale of goods and appliances by retail,
- (b) the sale of food and drink for consumption off the premises,
- (c) the conducting of a personal service, or

(d) the reception of goods to be washed, cleaned, altered, dry cleaned or repaired,

and includes ancillary Buildings ordinarily incidental to the conduct of the retail business. A retail business shall include :

auction room or mart (contained within an enclosed Building)	greengrocer
beauty parlour	hairdresser
bookshop or news agent	jewellery shop
boutique	market
butchery	motor vehicle showroom (contained within an enclosed Building)
cafe	saddler
cleaner's reception depot	supermarket
department store	ticket office
fishmonger	
florist	

but excludes a use specifically defined elsewhere under clause 2.2.

#### 2.2.9 Warehouse

Means a Building or portion of a Building designed and used for the storage of goods, except those of an offensive or dangerous nature, and the carrying out of commercial transactions involving the sale of such goods by wholesale.

## 2.3 CONSERVATION

The interpretation of Land and Building uses comprising the Conservation Use Group is :

### 2.3.1 Conservation Area

Means Land zoned for the conservation of :

- (a) areas deemed to be of scenic beauty,
- (b) habitats of indigenous flora or fauna,
- (c) places of historic or scientific interest, and
- (d) water courses or water bodies,

which is either owned and managed by the Council and accessible to the general public or owned and managed by a private person or other body and not accessible to the general public.

## 2.4 EDUCATIONAL

The interpretation of Land and Building uses comprising the Educational Use Group is :

### 2.4.1 Child Minder

Means a Building or portion of a Building which is used for the daytime care of six or less children.

### 2.4.2 Creche

Means a Building or portion of a Building used, in accordance with the regulations of the Provincial Health Department, for the daytime care of seven or more pre-school aged children.

### 2.4.3 Nursery School

Means the same as Creche.

#### 2.4.4 Playschool

Means the same as Creche.

#### 2.4.5 Local Educational Building

Means a Building or portion of a Building, other than a Child Minder, used for the daytime care of pre-school aged children. This group includes :

Creche  
Nursery School

Playschool

ASHBURTON TOWN PLANNING SCHEME  
PART 2  
USE OF LAND AND BUILDINGS :  
INTERPRETATION OF USE GROUPS

#### 2.4.6 Educational Building

Is a Building or portion of a Building designed for use, in accordance with the requirements of the Provincial Education Department, as place of education or instruction and includes ancillary Residential Buildings and Outbuildings, but does not include a certified reformatory or industrial school. This group includes :

academy

primary school

convent

research laboratory

college

(non offensive)

educational centre

secondary school

gymnasium

technical institute

lecture hall

training centre

monastery

university

pre-primary school

### 2.5 INDUSTRIAL

The interpretation of Land and Building uses comprising the Industrial Use Group is :

#### 2.5.1 Commercial Workshop

Means a Light Industrial Building which caters only for retail trade wherein the primary purpose is the selling of goods or services by retail and where the processes are operated specifically in conjunction with a Shop or office to which the public, as customers, has access. This group includes :

blacksmith	valet service
electrician	watch repairer
jobbing printer	wireless and television
shoe repairer	repairer

#### 2.5.2 Extractive Industry

Means the process of extracting minerals from the ground, including gravel, sand and stone and includes Buildings connected with such operations and crushing plant. This group includes :

brickfield	sand, gravel or stone quarry
limestone quarry	

#### 2.5.3 General Industrial Building

Means a Building or portion of a Building designed and used for Industrial purposes.

#### 2.5.4 Industrial

Means the undertaking of any one or more of the following activities :

- (a) the making of any article or part of any article,
- (b) the altering, assembling, breaking up, cleaning, dyeing, finishing, ornamenting, packaging, painting, polishing, reconstruction, renovating, repairing, sorting, spraying or washing of any article,
- (c) letterpress, lithography, photograuve, printing or any other activity associated with the printing industry,
- (d) the production and storage of gas in a holder of more than 141.6 cubic metres storage capacity,
- (e) the chilling, freezing or cold storage of any article,
- (f) the slaughtering of livestock,
- (g) the generation of electricity, together with
- (h) any activity that is ordinarily incidental to a defined Industrial activity, but
- (i) excluding uses that :
  - (i) have been specifically defined elsewhere in Clause 2.5 of the Scheme,
  - (ii) are not required to be registered in terms of Section 13 of the Factories, Machinery and Building Work Act, 1941 as amended, and
  - (iii) are only incidental to the permitted predominant use of a Building.

### 2.5.5 Light Industrial Building

Means a Building or portion of a Building designed and used for Industrial purposes (not being a Special Industrial Building) where :

- (a) no solid fuels are used in connection with any processes used,
- (b) only electrically driven machinery is used, with no single motor being rated at more than 7.5 kw, and
- (c) the processes carried on, the machinery used and the goods and commodities carried to and from the premises will not cause a nuisance to surrounding uses, or be prejudicial to the Amenity of the locality in which the use is situated through the emission of; ash, dust, fumes, grit, noise, oil, smell, smoke, soot, steam, vapour, vibration and waste product.

ASHBURTON TOWN PLANNING SCHEME  
PART 2  
USE OF LAND AND BUILDINGS :  
INTERPRETATION OF USE GROUPS

### 2.5.6 Service Industrial Building

Means a Building or portion of a Building designed and used for Industrial purposes which cater specifically for the local customer. This group includes :

bakery	dry cleaners
builder's yard and allied trades	laundry
dairy depot	

### 2.5.7 Special Industrial Building

Means a Building or portion of a Building intended for use for any of the purposes set out in Schedule A of the Offensive Trade Regulations of Natal made under Section 138 of the Public Health Act No 36 of 1919 and published in Government



Notice 1047 of 25th June 1924. This group includes :

bacon factory

brewery and distillery

brick burning and lime burning works

chemical works

depositing sites or works for the treatment of house refuse, trade works, street refuse and sewage

destructors

dye works

fat melting or tallow melting works

fell mongery

fish canning works

glue or size factory

gut scraping works

knackers yard

manure, superphosphate, or fertilizer stores or works

sausage factory

soap and candle works

sugar mill and refinery

tanning and leather dressing works

tripe cleaning or boiling works

wattle bark works (grinding or extracting)

works or premises used for the storing, drying, preserving or otherwise dealing with bones, horns, hoofs or hides

works or premises dealing with bones, blood, offal or other animal organic matter

## 2.6 INSTITUTIONAL

The interpretation of Land and Building uses comprising the Institutional Use Group is :

### 2.6.1. Institution

Means a Building or portion of a Building, whether public or private, designed and used as a charitable institution for the care of inmates in temporary or permanent residence and includes ancillary Residential Buildings, administration offices and Outbuildings, but does not include uses specifically defined as a Restricted Building.

This group includes :

clinic	nursing home
convalescent home	old age home
home for mentally or physically disabled children	orphanage
hospital	sanatorium

### 2.6.2. Restricted Building

Means a Building or portion of a Building, whether public or private, designed and used for the following :

- (a) clinic, dispensary, hospital or sanatorium for the treatment of infectious or contagious diseases,
- (b) home or hospital for mentally disabled adults,
- (c) reformatory,
- (d) industrial or special school, or
- (e) prison.

## 2.7 OFFICE

The interpretation of Land and Building uses comprising the Office Use Group is :

### 2.7.1 Office Building

Means a Building or portion of a Building designed and used for the purpose of private administration, the practice of a profession or the carrying on of a business other than that of a retail or wholesale nature, but does not include uses specifically defined as a Public Office. This group includes :

bank	physiotherapists' rooms
building society	professional practice
dentists' consulting rooms	radiologists, rooms
doctors' consulting rooms	travel agency
estate agency	veterinary surgeons'
insurance office	consulting rooms
post office	

ASHBURTON TOWN PLANNING SCHEME  
PART 2  
USE OF LAND AND BUILDINGS :  
INTERPRETATION OF USE GROUPS

### 2.7.2 Public Office

Means a Building or portion of a Building designed and used for Central, Provincial or Local Government administration purposes. This group includes :

administrative office	police station
court house	public art gallery
fire station	public library
government office	public museum
local authority office	town hall

and Buildings ordinarily ancillary thereto.

## 2.8 RECREATIONAL

The interpretation of Land and Building uses comprising the Recreational Use Group is :

**2.8.1 Active Public Open Space**

Means Land reserved for a sports ground, playing field or Recreation Building which may be used by the general public.

**2.8.2 Passive Public Open Space**

Means Land reserved for recreational purposes, other than formal or organised sporting activities or uses specifically defined as Active Public Open Space, which may be used by the general public. This group includes :

botanical garden	park
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**2.8.3 Place of Public Amusement**

Means a Building or portion of a Building or Land which is used for public entertainment. This group includes :

amusement arcade or park	dance hall
billiard room	fun fair
cinema	race track
commercial exhibition hall	skating rink
concert or music hall	theatre

#### 2.8.4 Private Open Space

Means :

- (a) a sports ground, playing field or Recreation Building of a club, firm or private person or other body.

#### 2.8.5 Recreational Building

Means a Building or portion of a Building designed and used for recreational purposes. This group includes :

clubhouse	sport stadium or arena
gymnasium	squash court
indoor range	tennis court
pavilion	

together with any ancillary shelter, change rooms or other Buildings ordinarily used in conjunction with sporting activities.

### 2.9 RESIDENTIAL

The interpretation of Land and Building uses comprising the Residential Use Group is :

#### 2.9.1 Attached Dwelling Unit

Means a Dwelling in a Building comprising two or more Dwelling Units in which the units are vertically separated from other units by a fire wall together with such Outbuildings as are ordinarily used therewith. This group includes :

Duplex Flats	Terrace Houses
Semi-detached Houses	

### 2.9.2 Bed And Breakfast

Means the provision of accommodation for travellers in, or in conjunction with, a Dwelling or a structure erected on the Lot of an existing Dwelling which is located in the Garden Lot or Special Residential zones, provided that the activity or use shall :

- (a) be limited to being conducted by the Owner of the Lot, who shall be resident therein, provided that the Council may, in exceptional circumstances which do not prejudice the continued use of the Dwelling as a residence, permit the activity or use to be conducted by a person other than the Owner,
- (b) not require the regular parking of :
  - (i) more than five motor vehicles, or
  - (ii) any vehicle with a tare mass exceeding 2 500 kg, on or adjacent to the Lot at any one time, and that such parking shall be located to the rear of the Dwelling, where possible,
- (c) not require the employment of more than three persons in addition to the domestic employees,
- (d) not occupy a floor area in excess of 25 % of the floor area of the Dwelling, subject to a maximum floor area of 50 m<sup>2</sup>,
- (e) not impose a greater load on any public utility service than that which is ordinarily required by other uses permitted in the area in which the activity or use is situated,
- (f) not detrimentally affect the Amenity of the surrounding area, and
- (g) be limited to the erection of a sign, indicating the nature of the activity,

which shall :

- (i) not be larger than 600 mm by 450 mm,
- (ii) be in compliance with the Council's Bylaws, and
- (iii) and shall compliment the character of the Dwelling.

### 2.9.3 Boarding House

Means a Building or portion of a Building, other than a block of Flats, in which three (3) or more persons are accommodated for reward.

### 2.9.4 Caravan Park

Means an area of Land used for the accommodation of caravans and or mobile homes, which are used for temporary or permanent residences, which is provided with adequate ablution, sanitary and laundry facilities, all constructed from permanent materials, and also provided with permanent water points, approved refuse receptacles and containing, within the site, a sufficient open space for recreational purposes.

ASHBURTON TOWN PLANNING SCHEME  
PART 2  
USE OF LAND AND BUILDINGS :  
INTERPRETATION OF USE GROUPS

### 2.9.5 Chalet Development

Means a number of free-standing self-contained Dwelling Units, arranged on a single Lot, with or without separate dining facilities.

### 2.9.6 Cluster Housing

Means a group of two or more free standing Dwelling Houses and/or Semi-Detached Dwelling Houses, which do not exceed two storeys in height and where each Dwelling Unit has direct access to a Private Open Area and Common Land,

which, together with such Outbuildings as are ordinarily used therewith, have been designed as a harmonious entity.

#### **2.9.7 Common Land**

Means the portion of a Cluster Housing development which is jointly owned by, and set aside for the use and enjoyment of, all the occupants of the Dwelling Units comprising the Cluster Housing development. The use and development of this Land may include common vehicular access roads and parking areas, walkways and bridle trails, common horse stables, and structures or buildings intended for the recreational use of the occupants of the Cluster Housing development.

#### **2.9.8 Curtilage**

Means a single defined area of Land forming part of a Cluster Housing development comprising the Land upon which a Dwelling Unit is erected or is intended to be erected, together with such Private Open Area and other areas which are reserved for the exclusive use of the occupants of the Dwelling Unit.

#### **2.9.9 Duplex Flat**

Means a residential unit in a Building, where each unit consists of a ground floor and one upper floor which is connected by an internal staircase and where the unit has direct access to a Private Open Area.

#### **2.9.10 Dwelling**

Means a Building, designed for use as a residence for, and used exclusively by, a single Family and shall comprise a single kitchen and not more than ten (10) habitable rooms, save with the Special Consent of the Council.

#### **2.9.11 Dwelling House**

Means a free standing Dwelling together with such Outbuildings as are ordinarily used therewith.

#### **2.9.12 Dwelling Unit**



Means a Dwelling House or Attached Dwelling House as defined by the Scheme.

#### 2.9.13 Flat

Means a Dwelling Unit in a Building of one or more floors in which each Dwelling Unit is separated from other units, or other accommodation, in the same Building either vertically or horizontally or both, which, if located on an upper floor, shares access by means of common staircases, lifts or balconies, together with such Outbuildings as are ordinarily used therewith.

#### 2.9.14 Outbuilding

Means a Building ancillary to a Dwelling, attached to or separate from a Dwelling, which is used for or as the following :

- (a) the garaging of private motor vehicles,
- (b) a storeroom,
- (c) domestic worker's room and associated ablution facilities, and
- (d) workroom.

#### 2.9.15 Private Open Area

Means a useable area of Land, exclusive of driveways, vehicle parking areas or any other utility areas, which is open to the sky and which is adjacent to and has direct access from a Dwelling Unit in a Cluster Housing development and is reserved for the exclusive use of the occupants of the associated Dwelling Unit.

#### 2.9.16 Self-Contained Residential Unit

Means a Building, ancillary to the main Dwelling, which is used as a residence in accordance with the following requirements :

- (a) the unit shall be for the accommodation of not more than two (2) persons who shall be relatives of the Owners of the main Dwelling,
- (b) the unit shall comprise of not more than one bedroom, a combined lounge and dining room, a kitchen, a bathroom and a toilet, save with the Special Consent of the Council, and
- (c) the unit shall not exceed a Floor Area of sixty (60) m<sup>2</sup>, save with the Special Consent of the Council.

#### 2.9.17 Semi-Detached House

Means a Building comprising 2 Dwellings contained in one Building, both on the ground floor and each provided with a separate entrance.

ASHBURTON TOWN PLANNING SCHEME  
PART 2  
USE OF LAND AND BUILDINGS :  
INTERPRETATION OF USE GROUPS

#### 2.9.18 Residential Building (1)

Means a Building or portion of a Building, other than a Dwelling House or Attached Dwelling Unit, providing residential accommodation, together with such Outbuildings as are ordinarily used therewith. This group includes :

Boarding House	residential hotel
Flats	school hostel

#### 2.9.19 Residential Building (2)

Means a Building or portion of a Building, other than a Residential Building (1), which is designed for or makes provision for accommodation of travellers and the motor vehicles used by them, together with such function rooms and Outbuildings as are ordinarily used therewith. This group includes :

Guest House

Motel

Hotel

A Hotel or Motel may contain one or more of the following uses :

- bookshop or news agent
- boutique
- car hire agency
- curio shop
- florist
- hairdressing salon/beauty parlour
- jewellery shop
- travel agency

#### 2.9.20 Residential Development

Means a development laid out, to the satisfaction of the Council, with roads, essential services, including arrangements for refuse removal, recreational facilities, and communal facilities which may or may not include communal ablution facilities and communal dining facilities and kitchens. This group includes :

Caravan Park

Mobile Home Park

Chalet Development

#### 2.9.21 Terrace House

Means a residential unit in a Building comprising 3 or more Attached Dwelling Units all on the ground floor and each having a separate entrance and direct access to a Private Open Area.

## 2.10 SPECIAL

### 2.10.1 Funeral Parlour

Means a Building, portion of a Building or Land used for the purpose of funeral management and includes a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes, funeral parlour and services ordinarily ancillary to funeral management but does not include a monumental mason, crematorium or chapel.

### 2.10.2 Parking Garage

Means a Building or Land designed and used primarily for the purpose of parking vehicles, other than parking which is required for land uses in terms of the Scheme, together with facilities for the washing of vehicles, but excluding uses specifically defined elsewhere in the Scheme.

### 2.10.3 Special Building

Means Land or a Building or portion of a Building used for any use not specifically defined elsewhere in the Scheme. This group includes :

aerodrome	drive in cinema
airport	Funeral Parlour
armed forces building	memorial monument
barracks	monument
boarding kennels	mortuary
bus station	observatory
cemetery	Parking Garage

crematorium

taxi rank

## 2.11 WORSHIP

### 2.11.1 Place of Worship

Means a Building or portion of a Building used for religious purposes, meetings and gatherings, together with associated Outbuildings. This group includes :

cathedral

oratory

chapel

sunday school

church

synagogue

citadel

temple

mosque

## PART 3

### USE OF LAND AND BUILDINGS : EXISTING AND PREDOMINANT USES

#### 3.1 EXISTING USE RIGHTS

3.1.1 The use of any Buildings or Land which was existing on the Effective Date is deemed to be an Existing Use and shall be permitted to remain and continue subject to the following limitations :

- (a) An existing Building may be increased on the Lot as a permitted use by an amount not greater than 12.5 % of the total floor area which existed at the Effective Date, provided that the completed Building is in conformity with the other provisions of the Scheme.
- (b) The use of Land may be increased on the Lot as a permitted use by an amount not greater than 12.5 % of the area of Land occupied which existed at the Effective Date.
- (c) An existing Building may be demolished and replaced by a new Building on the same Lot and the existing use may continue in the new Building provided that the proposed new Building shall :
  - (i) contain no greater volume above ground level than the existing Building,
  - (ii) have no greater superficial area on the ground floor than the existing Building, and
  - (iii) be in conformity with all the other provisions of the Scheme applicable to the Use Zone in which it is situated.
- (d) Any new Building shall be commenced within a period of 18 months after the date upon which the demolition of the existing Building is commenced. Any failure to commence rebuilding within this period of 18 months shall

be deemed to terminate the Existing Use.

- (e) Any alteration or addition or change of use which materially alters the character of an existing Building or use of Land shall automatically remove such Building or Land from the status Existing Use.
- (f) Where the Existing Use of any Building or Land is discontinued for a continuous period of 18 months or longer, such Existing Use shall be deemed to have lapsed and shall not be recommenced.
- (g) The Council may, upon application being made for its Special Consent, approve a use, which is not in conformity with the provisions of the Scheme which are applicable to the Use Zone in which it is situated, to replace or be in addition to an Existing Use provided that it is satisfied that the new or additional use will not be more detrimental to the Amenity of the area in which the Existing Use is situated.

3.1.2 If the Council refuses to grant its authority for any extension to an Existing Use, any person aggrieved by such refusal may Appeal to the Town Planning Appeals Board.

ASHBURTON TOWN PLANNING SCHEME  
PART 3  
USE OF LAND AND BUILDINGS :  
EXISTING AND PREDOMINANT USES

### 3.2 PREDOMINANT USE OF LAND OR BUILDINGS

Where Land or a Building is used, or a proposed Building is designed, for more than one use, it shall be treated as being used or designed partially for each of these uses, but where the various uses cannot be clearly defined, it shall be treated as being used or designed only for its predominant use, and the Council may, if the Owner or developer of the Building makes the application for the use, decide which is the predominant use, and shall notify the applicant of its decision. The applicant may Appeal if aggrieved by such a decision.

## PART 4

### ERECTION AND USE OF BUILDINGS AND USE OF LAND

#### 4.1 CALCULATION OF COVERAGE AND FLOOR AREA RATIO

The calculation of Coverage and Floor Area Ratio shall take account of the following :

##### 4.1.1 Coverage

In calculating the Coverage, the proportion of a Lot, which is covered by an Existing Building or Buildings, shall be added to the proportion of a Lot which is to be covered by an additional Building or Buildings unless the Existing Building or Buildings are to be demolished.

##### 4.1.2 Floor Area Ratio

In calculating the Floor Area Ratio of a Building no account shall be taken of :

- (a) the Floor Area of any part of a Building's Basement which is more than 2 metres below the mean level of the ground surrounding the Building,
- (b) the Floor Area of any :
  - canopies,
  - electricity sub-stations or transformer rooms,
  - external access passages,
  - external stairs,
  - lift, meter and similar rooms,
  - lift wells,
  - ornamental spires, towers, turrets and other architectural features,
  - water storage tanks,



which are in proportion to the Building,

- (c) the Floor Area of a mezzanine floor unless the total area of such floor is more than twenty per cent (20 %) of the Floor Area of the Storey immediately beneath it,
- (d) the Floor Area of any portion of a Building which is used for the parking of vehicles, except in the case of a Building designed and used for a Parking Garage, and
- (e) the Floor Area of any pedestrian concourse within a shopping precinct, unless the total area of such concourse exceeds twenty per cent (20 %) of the total Floor Area of the Building.

ASHBURTON TOWN PLANNING SCHEME  
PART 4  
ERECTION AND USE OF BUILDINGS  
AND USE OF LAND

## 4.2 ERECTION OF BUILDINGS

4.2.1 No person shall erect, alter or add to any Building without applying to and obtaining the permission of the Council.

4.2.2 No Building shall be erected, altered or extended so as to exceed :

- (a) the Coverage applicable to a Building, as specified in the appropriate Clause which is applicable to the Use Zone in which it is situated,
- (b) the Floor Area Ratio applicable to a Building, as specified in the appropriate Clause which is applicable to the Use Zone in which it is situated,
- (c) the Height stipulated for a Building, as specified in the appropriate Clause

which is applicable to the Use Zone in which it is situated, and

- (d) the Density specified in the appropriate Clause which is applicable to the Use Zone in which the Lot is situated.

#### 4.3 USE OF BUILDINGS AND LAND

4.3.1 The use of Buildings and Land is restricted by the provisions of the specified Use Zone in which the Lot is situated, which stipulates uses that :

- (a) are expressly permissible, subject to other appropriate provisions of the Scheme, with the permission of the Council,
- (b) may only be permitted by the Council's Consent in accordance with the provisions of Section 67 *bis* of the Ordinance and other appropriate provisions of the Scheme, and
- (c) are expressly prohibited and may only be considered if the Scheme is amended in terms of Section 47 *bis* A of the Ordinance and other appropriate provisions of the Scheme.

4.3.2 The Council may not consider an application related to the erection or use of a Building or the development or use of Land, which, under the provisions of the scheme requires the Council's Consent or and amendment to the Scheme, until the applicant has completed the requirements of Section 67 *bis* or Section 47 *bis* A of the Ordinance respectively.

4.3.3 When considering an application to erect or use a Building or to develop or use Land, the Council may determine the position and number of vehicular and pedestrian access points and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries of a Lot and require that a suitable fence or wall be erected to prevent such access.

4.3.4 In respect of Lots fronting onto any Provincial Road, the Council's approval of the position and number of vehicular and pedestrian access points will be subject to the prior permission of the Provincial Roads authority.

PART 5

USE OF BUILDINGS AND LAND IN USE ZONES

5.1 SPECIAL RESIDENTIAL ZONE 1

5.1.1 Reference to Scheme Map

Coloured : pink

5.1.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

	CLAUSE	EXPRESSLY PERMITTED	PERMITTED BY SPECIAL CONSENT
	2.1.2		X
	2.1.3		X
	2.2.2		X
	2.3.1	X	
	2.4.1		X
	2.4.5		X
	2.9.2		X
	2.9.6		X
	2.9.11	X	
	2.9.14	X	

	2.9.16		X
	2.9.17		X
	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.1.2 (a) above.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
SPECIAL RESIDENTIAL ZONE 1

### 5.1.3 Provisos to Clause 5.1.2 (a)

(a) The Special Consent procedure may be waived in respect of the following uses, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained :

Home Business

Self Contained Residential Unit

Child Minder

Bed And Breakfast

(b) The development of Cluster Housing shall be subject to the additional requirements of Appendix 1 of the Scheme.

(c) The Special Consent procedure may be waived in respect of Cluster Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Council and

the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.1.4 Minimum Lot Size

(a) The minimum size of a Lot on which a Dwelling is to be erected shall be :

1 600 m<sup>2</sup>

(b) The minimum size of a Lot on which a Cluster Housing development is to be erected shall be :

3 200 m<sup>2</sup>

#### 5.1.5 Minimum Frontage and Mean Width

(a) The minimum Frontage of a Lot on which :

(i) a Dwelling is to be erected shall be :

4 metres, and

(ii) a Cluster Housing development is to be erected shall be :

6 metres

(b) The minimum Mean Width of a Lot shall be :

20 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.1.6 Density

The maximum number of Dwelling Units permitted in a Cluster Housing development shall be :

6.25 units per hectare,

adjusted to the nearest whole number.

#### 5.1.7 Coverage, Floor Area Ratio and Height

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COVERAGE	FLOOR AREA RATIO	HEIGHT
25%	0,35	2 Storeys

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.1.8 Front Space

(a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

7,5 metres

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not apply to the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.
- (c) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

#### 5.1.9 Side and Rear Space

- (a) All Buildings, including swimming pools but excluding Dwelling Units in a Cluster Housing development and a boundary wall or fence, shall observe a Side and Rear space of :

**1,5 metres**

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) All Buildings in a Cluster Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of :

**5 metres**

- (c) The Side and Rear Space requirements shall not apply to :

- (i) an existing Dwelling on a Cluster Housing Site which is incorporated as part of the development, and
- (ii) the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.

- (d) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 5.1.10 Eaves Overhang



The eaves of any Building or structure shall not overhang the Front, Side and Rear Space by more than 600 mm.

5.1.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
RESIDENTIAL	
CLUSTER HOUSING	2 BAYS PER DWELLING UNIT AND 1 VISITOR'S BAY PER 2 DWELLING UNITS
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.
- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
SPECIAL RESIDENTIAL ZONE 2

**5.2 SPECIAL RESIDENTIAL ZONE 2**

**5.2.1 Reference to Scheme Map**

Coloured : pink vertical hatch

**5.2.2 Use of Land and Buildings**

(a) Uses that are expressly permitted or permitted by Council's Consent -

		EXP RESSLY	PERMITTED
TYPE	CLAU SE	PER MITTED	BY SPECIAL CONSENT
AGRICULTURAL			
AGRICULTURAL BUILDING	2.1.2		X
AGRICULTURAL LAND	2.1.3		X
COMMERCIAL			
HOME BUSINESS	2.2.2		X
CONSERVATION			
CONSERVATION AREA	2.3.1	X	
EDUCATIONAL			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X
RESIDENTIAL			
BED AND BREAKFAST	2.9.2		X
CLUSTER HOUSING	2.9.6		X
DWELLING HOUSE	2.9.11	X	
OUTBUILDING	2.9.14	X	
SELF CONTAINED RESIDENTIAL UNIT	2.9.16		X
SEMI-DETACHED HOUSE	2.9.17		X
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.2.2 (a) above.

### 5.2.3 Provisos to Clause 5.2.2 (a)

- (a) The Special Consent procedure may be waived in respect of the following uses, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained :

Home Business

Self Contained Residential Unit

Child Minder

Bed And Breakfast

- (b) The development of Cluster Housing shall be subject to the additional requirements of Appendix 1 of the Scheme.
- (c) The Special Consent procedure may be waived in respect of Cluster Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

### 5.2.4 Minimum Lot Size

- (a) The minimum size of a Lot on which a Dwelling is to be erected shall be :

2 000 m<sup>2</sup>

- (b) The minimum size of a Lot on which a Cluster Housing development is to be erected shall be :

4 000 m<sup>2</sup>

#### 5.2.5 Minimum Frontage and Mean Width

(a) The minimum Frontage of a Lot on which a :

(i) a Dwelling is to be erected shall be :

4 metres, and

(ii) a Cluster Housing development is to be erected shall be :

6 metres

(b) The minimum Mean Width of a Lot shall be :

30 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
SPECIAL RESIDENTIAL ZONE 2

#### 5.2.6 Density

The maximum number of Dwelling Units permitted in a Cluster Housing development shall be :

5 units per hectare,

adjusted to the nearest whole number.

### 5.2.7 Coverage, Floor Area Ratio and Height

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COV	FLOOR	HI
		2 \$

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

### 5.2.8 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

**7,5 metres**

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not apply to the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.
- (c) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any

Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.



### 5.2.9 Side and Rear Space

- (a) All Buildings, including swimming pools but excluding Dwelling Units in a Cluster Housing development and a boundary wall or fence, shall observe a Side and Rear space of :

3 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) All Buildings in a Cluster Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of :

5 metres

- (c) The Side and Rear Space requirements shall not apply to :

- (i) an existing Dwelling on a Cluster Housing Site which is incorporated as part of the development, and
- (ii) the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.

- (d) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

### 5.2.10 Eaves Overhang

The eaves of any Building or structure shall not overhang the Front, Side and Rear Space by more than 600 mm.

5.2.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
RESIDENTIAL	
CLUSTER HOUSING	2 BAYS PER DWELLING UNIT AND 1 VISITOR'S BAY PER 2 DWELLING UNITS
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.
- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.



### 5.3 SPECIAL RESIDENTIAL ZONE 3

#### 5.3.1 Reference to Scheme Map

Coloured : yellow

#### 5.3.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

		EXP RESSLY	PERMITTED BY
TYPE	CLAU SE	PER MITTED	SPECIAL CONSENT
AGRICULTURAL			
AGRICULTURAL BUILDING	2.1.2		X
AGRICULTURAL LAND	2.1.3		X
COMMERCIAL			
HOME BUSINESS	2.2.2		X
CONSERVATION			
CONSERVATION AREA	2.3.1	X	
EDUCATIONAL			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X

RESIDENTIAL			
BED AND BREAKFAST	2.9.2		X
CLUSTER HOUSING	2.9.6		X
DWELLING HOUSE	2.9.11	X	
OUTBUILDING	2.9.14	X	
SELF CONTAINED RESIDENTIAL UNIT	2.9.16		X
SEMI-DETACHED HOUSE	2.9.17		X
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.3.2 (a) above.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
SPECIAL RESIDENTIAL ZONE 3

### 5.3.3 Provisos to Clause 5.3.2 (a)

(a) The Special Consent procedure may be waived in respect of the following uses, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained :

Home Business  
Child Minder

Self Contained Residential Unit  
Bed And Breakfast

- (b) The development of Cluster Housing shall be subject to the additional requirements of Appendix 1 of the Scheme.
- (c) The Special Consent procedure may be waived in respect of Cluster Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.3.4 Minimum Lot Size

- (a) The minimum size of a Lot on which a Dwelling is to be erected shall be :

4 000 m<sup>2</sup>

- (b) The minimum size of a Lot on which a Cluster Housing development is to be erected shall be :

8 000 m<sup>2</sup>

#### 5.3.5 Minimum Frontage and Mean Width

- (a) The minimum Frontage of a Lot on which a :

- (i) a Dwelling is to be erected shall be :

4 metres, and

- (ii) a Cluster Housing development is to be erected shall be :

6 metres

- (b) The minimum Mean Width of a Lot shall be :

30 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

### 5.3.6 Density

The maximum number of Dwelling Units permitted in a Cluster Housing development shall be :

**2.5 units per hectare,**

adjusted to the nearest whole number.

### 5.3.7 Coverage, Floor Area Ratio and Height

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COVERAGE	FLOOR AREA RATIO	HEIGHT
25%	0,35	2 Storeys

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.



### 5.3.8 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

7,5 metres

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not apply to the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.
- (c) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

### 5.3.9 Side and Rear Space

- (a) All Buildings, including swimming pools but excluding Dwelling Units in a Cluster Housing development and a boundary wall or fence, shall observe a Side and Rear space of :

3 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) All Buildings in a Cluster Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of :

5 metres

- (c) The Side and Rear Space requirements shall not apply to :

- (i) an existing Dwelling on a Cluster Housing Site which is incorporated as part of the development, and
- (ii) the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.

- (d) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

### 5.3.10 Eaves Overhang

The eaves of any Building or structure shall not overhang the Front, Side and Rear Space by more than 600 mm.

5.3.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
RESIDENTIAL	
CLUSTER HOUSING	2 BAYS PER DWELLING UNIT AND 1 VISITOR'S BAY PER 2 DWELLING UNITS
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.
- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.



## 5.4 INTERMEDIATE RESIDENTIAL ZONE

### 5.4.1 Reference to Scheme Map

Coloured : red

### 5.4.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

		EXP RESSLY	PERMITTED BY
TYPE	CLAU SE	PER MITTED	SPECIAL CONSENT
AGRICULTURAL			
AGRICULTURAL BUILDING	2.1.2		X
AGRICULTURAL LAND	2.1.3		X
COMMERCIAL			
HOME BUSINESS	2.2.2		X
CONSERVATION			
CONSERVATION AREA	2.3.1	X	
EDUCATIONAL			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X

RESIDENTIAL			
ATTACHED DWELLING UNIT	2.9.1	X	
CLUSTER HOUSING	2.9.6	X	
DWELLING HOUSE	2.9.11	X	
OUTBUILDING	2.9.14	X	
SELF CONTAINED RESIDENTIAL UNIT	2.9.16		X
SEMI-DETACHED HOUSE	2.9.17	X	
RESIDENTIAL BUILDING 1	2.9.18		X
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.4.2 (a) above.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
INTERMEDIATE RESIDENTIAL ZONE

#### 5.4.3 Provisos to Clause 5.4.2 (a)

(a) The Special Consent procedure may be waived in respect of the following uses, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained :

Home Business

Self Contained Residential Unit

Child Minder

- (b) The development of Cluster Housing shall be subject to the additional requirements of Appendix 1 of the Scheme.

#### 5.4.4 Minimum Lot Size

- (a) The minimum size of a Lot on which a Dwelling is to be erected shall be :

1 600 m<sup>2</sup>

- (b) The minimum size of a Lot on which a Cluster Housing development is to be erected shall be :

1 600 m<sup>2</sup>

#### 5.4.5 Minimum Frontage and Mean Width

- (a) The minimum Frontage of a Lot on which a :

- (i) a Dwelling is to be erected shall be :

4 metres, and

- (ii) a Cluster Housing development is to be erected shall be :

6 metres

- (b) The minimum Mean Width of a Lot shall be :

20 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.



#### 5.4.6 Density

The maximum number of Dwelling Units permitted in a Cluster Housing development shall be :

15 units per hectare,

adjusted to the nearest whole number.

#### 5.4.7 Coverage, Floor Area Ratio and Height

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COVERAGE	FLOOR AREA RATIO	HEIGHT
30%	0,35	2 Storeys

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.4.8 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

7,5 metres

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not apply to the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.
- (c) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

#### 5.4.9 Side and Rear Space

- (a) All Buildings, including swimming pools but excluding a gate house, boundary wall or fence, shall observe a Side and Rear space of :

5 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Side and Rear Space requirements shall not apply to :
- (i) an existing Dwelling on a Cluster Housing Site which is incorporated as part of the development, and
  - (ii) the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.
- (c) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 5.4.10 Eaves Overhang

The eaves of any Building or structure shall not overhang the Front, Side and Rear Space by more than 600 mm.

#### 5.4.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
<b>RESIDENTIAL</b>	
ATTACHED DWELLING UNIT	2 BAYS PER DWELLING UNIT AND 1 VISITOR'S BAY PER 2 DWELLING UNITS
CLUSTER HOUSING	2 BAYS PER DWELLING UNIT AND 1 VISITOR'S BAY PER 2 DWELLING UNITS
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING
RESIDENTIAL BUILDING 1 - FLATS	1 BAY PER FLAT AND 1 VISITOR'S BAY PER TWO FLATS
RESIDENTIAL BUILDING 1 - BOARDING HOUSE, GUEST HOUSE AND RESIDENTIAL HOTEL	1 BAY PER HABITABLE ROOM AND 1 VISITOR'S BAY PER TWO HABITABLE ROOMS

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.

- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.
  
- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.

## 5.5 GARDEN LOT ZONE 1

### 5.5.1 Reference to Scheme Map

Coloured : green with a white stipple

### 5.5.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

TYPE	CLAU SE	EXP RESSLY	PERMITTED BY
		PER MITTED	SPECIAL CONSENT
AGRICULTURAL			
AGRICULTURAL BUILDING	2.1.2		X
AGRICULTURAL LAND	2.1.3		X
COMMERCIAL			
HOME BUSINESS	2.2.2		X
CONSERVATION			
CONSERVATION AREA	2.3.1	X	
EDUCATIONAL			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X

RESIDENTIAL			
BED AND BREAKFAST	2.9.2		X
CLUSTER HOUSING	2.9.6		X
DWELLING HOUSE	2.9.11	X	
OUTBUILDING	2.9.14	X	
SELF CONTAINED RESIDENTIAL UNIT	2.9.16		X
SEMI-DETACHED HOUSE	2.9.17		X
RESIDENTIAL BUILDING 2	2.9.19		X
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.5.2 (a) above.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
GARDEN LOT ZONE 1

### 5.5.3 Provisos to Clause 5.5.2 (a)

(a) The Special Consent procedure may be waived in respect of the following uses, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained :

Home Business

Self Contained Residential Unit

Child Minder

Bed And breakfast

- (b) The development of Cluster Housing shall be subject to the additional requirements of Appendix 1 of the Scheme.
- (c) The Special Consent procedure may be waived in respect of Cluster Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.5.4 Minimum Lot Size

- (a) The minimum size of a Lot on which a Dwelling is to be erected shall be :

1 ha

- (b) The minimum size of a Lot on which a Cluster Housing development is to be erected shall be :

2 ha

#### 5.5.5 Minimum Frontage and Mean Width

- (a) The minimum Frontage of a Lot on which a :

- (i) a Dwelling is to be erected shall be :

4 metres, and

- (ii) a Cluster Housing development is to be erected shall be :

6 metres

- (b) The minimum Mean Width of a Lot shall be :

40 metres



save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.5.6 Density

The maximum number of Dwelling Units permitted in a Cluster Housing development shall be :

**1 unit per hectare,**

adjusted to the nearest whole number.

#### 5.5.7 Coverage, Floor Area Ratio and Height

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COVERAGE	FLOOR AREA RATIO	HEIGHT
25%	0,35	2 Storeys

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

### 5.5.8 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

7,5 metres

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not apply to the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.
- (c) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

#### 5.5.9 Side and Rear Space

- (a) All Buildings, including swimming pools but excluding Dwelling Units in a Cluster Housing development and a boundary wall or fence, shall observe a Side and Rear space of :

3 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) All Buildings in a Cluster Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of :

5 metres

- (c) The Side and Rear Space requirements shall not apply to :

- (i) an existing Dwelling on a Cluster Housing Site which is incorporated as part of the development, and
- (ii) the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.

- (d) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 5.5.10 Eaves Overhang

The eaves of any Building or structure shall not overhang the Front, Side and Rear Space by more than 600 mm.

### 5.5.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
RESIDENTIAL	
CLUSTER HOUSING	2 BAYS PER DWELLING UNIT AND 1 VISITOR'S BAY PER 2 DWELLING UNITS
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING
RESIDENTIAL BUILDING 2	1 BAY PER HABITABLE ROOM AND 15 ADDITIONAL BAYS FOR HOTELS CONTAINING A PUBLIC RESTAURANT

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.

- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.

## 5.6 GARDEN LOT ZONE 2

### 5.6.1 Reference to Scheme Map

Coloured : green diagonal hatch

### 5.6.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

		EXP RESSLY	PERMITTED BY
TYPE	CLAU SE	PER MITTED	SPECIAL CONSENT
AGRICULTURAL			
AGRICULTURAL BUILDING	2.1.2		X
AGRICULTURAL LAND	2.1.3		X
COMMERCIAL			
HOME BUSINESS	2.2.2		X
CONSERVATION			
CONSERVATION AREA	2.3.1	X	
EDUCATIONAL			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X

RESIDENTIAL			
BED AND BREAKFAST	2.9.2		X
CLUSTER HOUSING	2.9.6		X
DWELLING HOUSE	2.9.11	X	
OUTBUILDING	2.9.14	X	
SELF CONTAINED RESIDENTIAL UNIT	2.9.16		X
SEMI-DETACHED HOUSE	2.9.17		X
RESIDENTIAL BUILDING 2	2.9.19		X
RESIDENTIAL DEVELOPMENT	2.9.20		X
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.6.2 (a) above.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
GARDEN LOT ZONE 2

### 5.6.3 Provisos to Clause 5.6.2 (a)

(a) The Special Consent procedure may be waived in respect of the following uses, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained :

Home Business  
Child Minder

Self Contained Residential Unit  
Bed And Breakfast



- (b) The development of Cluster Housing shall be subject to the additional requirements of Appendix 1 of the Scheme.
- (c) The Special Consent procedure may be waived in respect of Cluster Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.6.4 Minimum Lot Size

- (a) The minimum size of a Lot on which a Dwelling is to be erected shall be :

2 ha

- (b) The minimum size of a Lot on which a Cluster Housing development is to be erected shall be :

4 ha

#### 5.6.5 Minimum Frontage and Mean Width

- (a) The minimum Frontage of a Lot on which a :

- (i) a Dwelling is to be erected shall be :

4 metres, and

- (ii) a Cluster Housing development is to be erected shall be :

6 metres

- (b) The minimum Mean Width of a Lot shall be :

50 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.6.6 Density

The maximum number of Dwelling Units permitted in a Cluster Housing development shall be :

0.5 units per hectare,

adjusted to the nearest whole number.

#### 5.6.7 Coverage, Floor Area Ratio and Height

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COVERAGE	FLOOR AREA RATIO	HEIGHT
25%	0,35	2 Storeys

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

### 5.6.8 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

7,5 metres

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not apply to the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.
- (c) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

#### 5.6.9 Side and Rear Space

- (a) All Buildings, including swimming pools but excluding Dwelling Units in a Cluster Housing development and a boundary wall or fence, shall observe a Side and Rear space of :

3 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) All Buildings in a Cluster Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of :

5 metres

- (c) The Side and Rear Space requirements shall not apply to :

- (i) an existing Dwelling on a Cluster Housing Site which is incorporated as part of the development, and
- (ii) the individual Curtilages within a Cluster Housing development except along the Frontage of the Cluster Housing Site.

- (d) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 5.6.10 Eaves Overhang

The eaves of any Building or structure shall not overhang the Front, Side and Rear Space by more than 600 mm.

### 5.6.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
RESIDENTIAL	
CLUSTER HOUSING	2 BAYS PER DWELLING UNIT AND 1 VISITOR'S BAY PER 2 DWELLING UNITS
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING
RESIDENTIAL BUILDING 2	1 BAY PER HABITABLE ROOM AND 15 ADDITIONAL BAYS FOR HOTELS CONTAINING A PUBLIC RESTAURANT

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.

- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.

## 5.7 COMMERCIAL ZONE

### 5.7.1 Reference to Scheme Map

Coloured : dark blue

### 5.7.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

TYPE	CLAU SE	EXP RESSLY	PERMITTED BY
		PER MITTED	SPECIAL CONSENT
AGRICULTURAL			
AGRICULTURAL BUILDING	2.1.2		X
AGRICULTURAL LAND	2.1.3		X
COMMERCIAL			
BETTING DEPOT	2.2.1		X
HOME BUSINESS	2.2.2	X	
LAUNDERETTE	2.2.3		X
LOCAL SHOP	2.2.4	X	
PETROL FILLING STATION	2.2.5		X
PUBLIC HOUSE	2.2.6		X



RESTAURANT	2.2.7	X	
SHOP	2.2.8	X	
WAREHOUSE	2.2.9		X
<b>CONSERVATION</b>			
CONSERVATION AREA	2.3.1	X	
<b>EDUCATIONAL</b>			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X
<b>INDUSTRIAL</b>			
COMMERCIAL WORKSHOP	2.5.1	X	
SERVICE INDUSTRIAL BUILDING	2.5.6		X
<b>INSTITUTIONAL</b>			
INSTITUTION	2.6.1		X
<b>OFFICE</b>			
OFFICE BUILDING	2.7.1	X	
PUBLIC OFFICE	2.7.2	X	

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
COMMERCIAL ZONE

(a) Uses that are expressly permitted or permitted by Council's Consent  
(continued) -

USE GROUPS		EXPRESSLY	PERMITTED BY
TYPE	CLAUSE	PERMITTED	SPECIAL CONSENT
<b>RECREATIONAL</b>			
PLACE OF PUBLIC AMUSEMENT	2.8.3		X
RECREATIONAL BUILDING	2.8.4		X
<b>RESIDENTIAL</b>			

BED AND BREAKFAST	2.9.2	X	
DWELLING HOUSE	2.9.11	X	
SEMI-DETACHED HOUSE	2.9.17	X	
RESIDENTIAL BUILDING 1	2.9.18	X	
RESIDENTIAL BUILDING 2	2.9.19	X	
SPECIAL			
PARKING GARAGE	2.10.2	X	
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.7.2 (a) above.

#### 5.7.3 Provisos to Clause 5.7.2 (a)

(a) All residential uses, except a Residential Building 2, shall be located above the ground floor.

#### 5.7.4 Minimum Lot Size

The minimum size of a Lot shall be :

1 000 m<sup>2</sup>

**5.7.5 Minimum Frontage and Mean Width**

(a) The minimum Frontage of a Lot shall be :

**20 metres**

(b) The minimum Mean Width of a Lot shall be :

**20 metres**

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

**5.7.6 Density**

The maximum number of Dwelling Units permitted shall be :

**9 units per hectare,**

adjusted to the nearest whole number.

**5.7.7 Coverage, Floor Area Ratio and Height**

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COVERAGES	FLOOR AREA RATIO	HEIGHT

50%	0,50	3 Storeys
-----	------	-----------

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.7.8 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

**7.5 metres**

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

#### 5.7.9 Side and Rear Space

- (a) All Buildings shall observe a Side and Rear space of :

**0 metres**

- (b) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 5.7.10 Projections Over Space About Buildings

- (a) Architectural features, balconies, bay windows, canopies and porches which are above the level of the first floor of a Building shall not overhang the

Front Space by more than 1,5 metres.

### 5.7.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
<b>COMMERCIAL</b>	
ALL COMMERCIAL USES EXCEPT, HOME BUSINESS, PETROL FILLING STATION, WAREHOUSE	6 BAYS PER 100 M <sup>2</sup> OF NET FLOOR AREA
WAREHOUSE	1 BAY PER 100 M <sup>2</sup> TOTAL FLOOR AREA
<b>INDUSTRIAL</b>	
ALL INDUSTRIAL USES	1 BAY PER 100 M <sup>2</sup> TOTAL FLOOR AREA
<b>INSTITUTIONAL</b>	
ALL INSTITUTIONAL USES	1 BAY PER 3 HABITABLE ROOMS
<b>OFFICE</b>	
OFFICE BUILDING	4 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
PUBLIC OFFICE	2 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
<b>RECREATIONAL</b>	
PLACE OF PUBLIC AMUSEMENT AND RECREATIONAL BUILDING	2 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
<b>RESIDENTIAL</b>	
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING
RESIDENTIAL BUILDING 1 - FLATS	1 BAY PER FLAT AND 1 VISITOR'S BAY PER TWO FLATS
RESIDENTIAL BUILDING 1 - BOARDING HOUSE,	1 BAY PER HABITABLE ROOM AND

GUEST HOUSE AND RESIDENTIAL HOTEL	1 VISITOR'S BAY PER TWO HABITABLE ROOMS
RESIDENTIAL BUILDING 2	1 BAY PER HABITABLE ROOM AND 15 ADDITIONAL BAYS FOR HOTELS CONTAINING A PUBLIC RESTAURANT

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
COMMERCIAL ZONE

- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.
- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.



## 5.8 LIMITED COMMERCIAL ZONE

### 5.8.1 Reference to Scheme Map

Coloured : light blue

### 5.8.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

		EXP RESSLY	PERMITTED BY
TYPE	CLAU SE	PER MITTED	SPECIAL CONSENT
<b>AGRICULTURAL</b>			
AGRICULTURAL BUILDING	2.1.2		X
AGRICULTURAL LAND	2.1.3		X
<b>COMMERCIAL</b>			
HOME BUSINESS	2.2.2	X	
LOCAL SHOP	2.2.4	X	
RESTAURANT	2.2.7		X
SHOP	2.2.8		X
<b>CONSERVATION</b>			
CONSERVATION AREA	2.3.1	X	

EDUCATIONAL			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X
OFFICE			
OFFICE BUILDING	2.7.1		X
PUBLIC OFFICE	2.7.2		X
RESIDENTIAL			
DWELLING HOUSE	2.9.11	X	
SEMI-DETACHED HOUSE	2.9.17	X	
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.8.2 (a) above.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
LIMITED COMMERCIAL ZONE

### 5.8.3 Provisos to Clause 5.8.2 (a)

(a) All residential uses shall be located above the ground floor or at the rear of the Lot.

### 5.8.4 Minimum Lot Size

The minimum size of a Lot shall be :

1 200 m<sup>2</sup>

**5.8.5 Minimum Frontage and Mean Width**

(a) The minimum Frontage of a Lot shall be :

20 metres

(b) The minimum Mean Width of a Lot shall be :

20 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

**5.8.6 Density**

The maximum number of Dwelling Units permitted shall be :

9 units per hectare,

adjusted to the nearest whole number.

**5.8.7 Coverage, Floor Area Ratio and Height**

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COV	FLOOR AREA RATIO	HEIGHT
		2.5

save with the Council's Consent. The Special Consent procedure may be waived

provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.8.8 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

**10 metres**

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

#### 5.8.9 Side and Rear Space

- (a) All Buildings shall observe a Side and Rear space of :

**2 metres**

- (b) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 5.8.10 Projections Over Space About Buildings

- (a) Architectural features, balconies, bay windows, canopies and porches which are above the level of the first floor of a Building shall not overhang the Front Space by more than 1,5 metres.
  
- (b) The eaves of any Building or structure shall not overhang the Side and Rear Space by more than 600 mm.

### 5.8.11 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
<b>COMMERCIAL</b>	
ALL COMMERCIAL USES EXCEPT, HOME BUSINESS, PETROL FILLING STATION, WAREHOUSE	6 BAYS PER 100 M <sup>2</sup> OF NET FLOOR AREA
<b>OFFICE</b>	
OFFICE BUILDING	4 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
PUBLIC OFFICE	2 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
<b>RESIDENTIAL</b>	
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.

- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.

## 5.9 ADMINISTRATION ZONE

### 5.9.1 Reference to Scheme Map

Coloured : yellow brown

### 5.9.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

		EXP RESSLY	PERMITTED BY
TYPE	CLAU SE	PER MITTED	SPECIAL CONSENT
COMMERCIAL			
LOCAL SHOP	2.2.4	X	
RESTAURANT	2.2.7		X
CONSERVATION			
CONSERVATION AREA	2.3.1	X	
EDUCATIONAL			
CHILD MINDER	2.4.1	X	
LOCAL EDUCATIONAL BUILDING	2.4.5	X	
INSTITUTIONAL			
INSTITUTION	2.6.1	X	
RESTRICTED BUILDING	2.6.2	X	
OFFICE			
OFFICE BUILDING	2.7.1	X	
PUBLIC OFFICE	2.7.2	X	
RECREATIONAL			



PLACE OF PUBLIC AMUSEMENT	2.8.3	X	
RECREATIONAL BUILDING	2.8.5	X	
RESIDENTIAL			
DWELLING HOUSE	2.9.11		X
WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.9.2 (a) above.

ASHBURTON TOWN PLANNING SCHEME  
PART 5  
USE OF BUILDINGS AND LAND IN USE ZONES  
ADMINISTRATION ZONE

### 5.9.3 Minimum Lot Size

The minimum size of a Lot shall be :

1 000 m<sup>2</sup>

### 5.9.4 Minimum Frontage and Mean Width

(a) The minimum Frontage of a Lot shall be :

20 metres

(b) The minimum Mean Width of a Lot shall be :

20 metres

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.9.5 Density

The maximum number of Dwelling Units permitted shall be :

**9 units per hectare,**

adjusted to the nearest whole number.

#### 5.9.6 Coverage, Floor Area Ratio and Height

The maximum Coverage, Floor Area Ratio and Height permitted for all uses on any Lot shall be :

COVERAGE	FLOOR AREA RATIO	HEIGHT
50%	0,25	2 Storeys

save with the Council's Consent. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

#### 5.9.7 Front Space

- (a) All Buildings, including swimming pools but excluding a boundary wall or fence, shall observe a Front Space of :

**7,5 metres**

save with the Council's Consent and, in respect of Lots fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Special Consent procedure may be waived provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

- (b) The Front Space requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Lots fronting onto any Provincial Road, the Provincial Road Ordinance No. 10 of 1968 as amended, and shall be adjusted to meet these requirements accordingly.

#### 5.9.8 Side and Rear Space

- (a) All Buildings shall observe a Side and Rear space of :

**2 metres**

- (b) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 5.9.9 Eaves Overhang

The eaves of any building or structure shall not overhang the Front, Side and Rear

Space by more than 600 mm.

### 5.9.10 Provision of On-Site Parking

- (a) Parking requirements for uses that are expressly permitted or permitted by Council's Consent shall be -

USE GROUPS	ON-SITE PARKING REQUIREMENTS
<b>COMMERCIAL</b>	
ALL COMMERCIAL USES EXCEPT, HOME BUSINESS, PETROL FILLING STATION, WAREHOUSE	6 BAYS PER 100 M <sup>2</sup> OF NET FLOOR AREA
<b>INSTITUTIONAL</b>	
ALL INSTITUTIONAL USES	1 BAY PER 3 HABITABLE ROOMS
<b>OFFICE</b>	
OFFICE BUILDING	4 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
PUBLIC OFFICE	2 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
<b>RECREATIONAL</b>	
PLACE OF PUBLIC AMUSEMENT AND RECREATIONAL BUILDING	2 BAYS PER 100 M <sup>2</sup> NET FLOOR AREA
<b>RESIDENTIAL</b>	
DWELLING HOUSE AND SEMI DETACHED HOUSE	1 BAY PER DWELLING

save with the Council's Consent.

- (b) Covered parking for residential uses shall be designed in harmony with the Dwelling Unit.
- (c) The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking

respectively.

- (d) All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Council's Consent who may impose conditions relating to screening and landscaping.
- (e) On site parking requirements for other uses shall be in accordance with the requirements of those uses, as specified elsewhere in the Scheme.

## 5.10 AGRICULTURAL ZONE

### 5.10.1 Reference to Scheme Map

Coloured : light yellow with a brown stipple

### 5.10.2 Use of Land and Buildings

(a) Uses that are expressly permitted or permitted by Council's Consent -

TYPE	CLAU SE	EXP RESSLY PER MITTED	PERMITTED BY SPECIAL CONSENT
AGRICULTURAL			
AGRICULTURAL BUILDING	2.1.2	X	
AGRICULTURAL LAND	2.1.3	X	
COMMERCIAL			
HOME BUSINESS	2.2.2		X
CONSERVATION			
CONSERVATION AREA	2.3.1	X	
EDUCATIONAL			
CHILD MINDER	2.4.1		X
LOCAL EDUCATIONAL BUILDING	2.4.5		X
RESIDENTIAL			
BED AND BREAKFAST	2.9.2		X
DWELLING HOUSE	2.9.11	X	
OUTBUILDING	2.9.14	X	
SELF CONTAINED RESIDENTIAL UNIT	2.9.16		X

WORSHIP			
PLACE OF WORSHIP	2.11.1		X

(b) Uses expressly prohibited -

All uses not specified in Clause 5.10.2 (a) above.



## 5.11 CONSERVATION ZONE

### 5.11.1 Reference to Scheme Map

Coloured : light green

### 5.11.2 Use of Land and Buildings

No Development shall be carried out on Land situated within a Conservation Zone without the Council's Authority.

### 5.11.3 Provisos to Clause 5.11.2

(a) The portion of a Lot situated within a Conservation zone shall be regarded as being part of the surveyed area of the Lot for the purposes of calculating the :

- (i) Minimum Lot Size,
- (ii) Minimum Frontage and Mean Width,
- (iii) Density,
- (iv) Coverage, and
- (v) Floor Area Ratio,

in accordance with the clauses which are applicable to the Use Zone in which the Lot is situated.

## 5.12 PRIVATE OPEN SPACE ZONE

#### **5.12.1 Reference to Scheme Map**

Coloured : green cross hatch

#### **5.12.2 Use of Land and Buildings**

For sports ground, playing field or Recreation Building of a club, firm or private person or other body, together with any ancillary Buildings which may ordinarily be used therewith.

## PART 6

### RESERVATION OF LAND

#### 6.1 ACTIVE PUBLIC OPEN SPACE

##### 6.1.1 Reference to Scheme Map

Coloured : green with a yellow stipple

##### 6.1.2 Use of Land and Buildings

For a sports ground, playing field or Recreation Building which may be used by the general public, together with any ancillary Buildings which may ordinarily be used therewith.

#### 6.2 PASSIVE PUBLIC OPEN SPACE

##### 6.2.1 Reference to Scheme Map

Coloured : dark green

##### 6.2.2 Use of Land and Buildings

For recreational purposes, other than formal or organised sporting activities or uses specifically defined as Active Public Open Space, which may be used by the general public, together with any ancillary Buildings which may ordinarily be used therewith.

#### 6.3 LOCAL AUTHORITY PURPOSES

##### 6.3.1 Reference to Scheme Map

Coloured : brown cross hatch with magenta border

### **6.3.2 Use of Land and Buildings**

For uses and activities associated with the operation and maintenance of public utilities.

## **6.4 NEW STREETS AND WIDENING OF EXISTING STREETS**

### **6.4.1 Reference to Scheme Map**

Coloured : red hatch

### **6.4.2 Use of Land and Buildings**

For new streets and the widening of existing streets which shall become effective at dates to be determined and thereafter, the Council or its authorised agent shall have the power to execute street works upon such Land.

ASHBURTON TOWN PLANNING SCHEME  
PART 6  
RESERVATION OF LAND

## **6.5 SAVING FOR NEW STREETS AND ROAD WIDENING NOT SHOWN ON THE SCHEME MAP**

6.5.1 The Council may at any time, subject to the provisions of Chapter III of the Ordinance, reserve Land for new streets or the widening of existing streets for which no reservation has been made on the Scheme Map.

6.5.2 Land reserved in terms of Clause 6.6.1 shall thereafter be subject to the provisions of Clause 6.5 of the Scheme.

## **6.6 RAILWAY PURPOSES**

#### 6.6.1 Reference to Scheme Map

Coloured : grey

#### 6.6.2 Use of Land and Buildings

For uses and activities associated with the operation and maintenance of a rail service.

### 6.7 ERECTION OF BUILDINGS ON RESERVED LAND

6.7.1 Any Land reserved under this part of the Scheme may continue to be used for the purpose for which it was used on the Effective Date.

6.7.2 Save with the Council's Authority, no person shall erect a Building, execute Developments or make excavations upon Land reserved under this part of the Scheme after the Effective Date, except for Buildings or Developments ancillary to the purpose for which the Land has been reserved, public conveniences and Buildings which the Council deems necessary for essential services.

6.7.3 No person shall spoil or waste Land reserved under this part of the Scheme after the Effective Date so as to destroy or impair its use for which it has been reserved.

6.7.4 In giving its authority to the use of Land, reserved under this part of the Scheme, for purposes other than that for which it is reserved for, the Council shall be satisfied that the use will not interfere with the intended use and may impose conditions regarding :

- (a) the removal or the alteration of a Building or Developments,
- (b) the reinstatement of the Land, and
- (c) the removal of waste materials or refuse.

6.7.5 Nothing in this part of the Scheme shall be construed as prohibiting the reasonable fencing of the Land.

## 6.8 ACQUISITION OF LAND

Land in private ownership that has been reserved for Active and Passive Public Open Space, new streets and street widening or railway purposes may be acquired by the Council or other public authority, either by agreement or expropriation, in terms of the provisions of Section 67 *sept* and *oct* of the Ordinance.

## 6.9 ALTERNATIVE USE OF LAND RESERVATIONS

In the event that a reservation of Land is rescinded, the use of such Land and Buildings erected thereon, shall be restricted by the provisions of the specified Use Zone in which the Lot is situated.

## PART 7

### SUBDIVISION OF LAND

#### 7.1 GENERAL RESTRICTIONS

7.1.1 No subdivision of any Land shall be made without the Council's Authority and in accordance with provisions of Sections 11 and 33 of the Ordinance and the Minimum Lot Size of the specified Use Zone in which the Land is situated.

7.1.2 Notwithstanding the provisions relating to Mean Width, specified for each Use Zone elsewhere in the Scheme, the shape of a Lot should be capable of containing, within its boundaries, a rectangle, not exceeding the ratio of 4 to 1 in proportion, having an area of 50 % of the Minimum Lot Size of the specified Use Zone in which the Lot is situated.

7.1.3 Notwithstanding the provisions relating to Minimum Lot Size, specified for each Use Zone elsewhere in the Scheme, the Council may consent to :

(a) the relaxation of the area of two (2) subdivisions in any new township comprising four or more subdivisions, including a remainder, by not more than 30 % of the Minimum Lot Size of the specified Use Zone in which the Lot is situated, provided that the Density of the specified Use Zone in which the Lot is situated is not exceeded,

(b) the subdivision of an Existing Lot in order to facilitate the execution of public works provided that a fully motivated application is submitted to the Council and the area of such subdivision shall not be less than 70 % of the Minimum Lot Size of the specified Use Zone in which the Lot is situated, and

(c) the subdivision of an Existing Lot to create up to three (3) subdivisions,

including a remainder, with one (1) subdivision being not less than 70 % of the Minimum Lot Size of the specified Use Zone in which the Lot is situated.



## 7.2 "HATCHET-SHAPED" LOT

The Council may consent to the subdivision of a "hatchet-shaped" Lot, shown in the diagram below, subject to the following conditions :

### 7.2.1 Minimum Width of Access Way

USE TYPES	MINIMUM WIDTH OF ACCESS WAY
Dwelling House	4 metres
Cluster Housing	6 metres
all other use types	9 metres

save with the Council's Consent.

### 7.2.2 Maximum Length of an Access Way

100 metres

## PART 8

### GENERAL AMENITY AND CONVENIENCE

#### 8.1 EXTERNAL APPEARANCE OF BUILDINGS

- 8.1.1 The character, design and external appearance of Buildings, including the materials used in their construction, shall be subject to the approval of the Council and no Building may be erected without the Council's Authority.
- 8.1.2 In considering any application the Council shall have regard to the character of the locality in which it is proposed to erect a Building and shall take into account whether the Building will be injurious to the Amenity of the locality by reason of its external appearance or the materials to be used for construction.
- 8.1.3 Any person who proposes to alter, extend or erect a Building or Buildings shall submit to the Council three drawings, one copy on a durable material and two paper copies, at an approximate scale of 1 : 100 and coloured in accordance with the requirements of the National Building Regulations, showing :
- (a) the plans and elevations of the proposed Building or Buildings including boundary walls if necessary,
  - (b) the location of the Building on the Lot, and
  - (c) giving particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs together with whatever other indications the Council may require.
- 8.1.4 Within forty-two days from the date of submission of the drawings and particulars the Council shall approve, either unconditionally or subject to such conditions as it may deem fit, or disapprove the proposal for the external appearance of such Building or Buildings giving the reason for such a decision.

8.1.5 Any person aggrieved by any decision shall have the right to appeal to the Town Planning Appeals Board.

8.1.6 The approval by the Council of the design and external appearance of the proposed Building or additions or alterations shall not be deemed to be an approval in terms of any other provisions of the Scheme, Bylaws or the National Building Regulations, which approval shall first be applied for and obtained before any Building work is commenced.

## 8.2 PRESERVATION OF AMENITY

8.2.1 All Land and Buildings shall be maintained so as to preserve the Amenity of the locality in which they are situated.

ASHBURTON TOWN PLANNING SCHEME  
PART 8  
GENERAL AMENITY AND CONVENIENCE

## 8.3 INTEGRATED ENVIRONMENTAL MANAGEMENT

8.3.1 Any person submitting an application for :

- (a) the establishment of a township in accordance with the provisions of Chapter III of the Ordinance,
- (b) the Council's Consent for a Cluster Housing development, or
- (c) an Amendment to the Scheme,

shall complete an environmental checklist as provided for in Annexure C of the Scheme.

## 8.4 PRESERVATION OF TREES

8.4.1 The Council, having regard to the Amenity of any Land, may, in consultation with the Owner of the Land, register any growing tree which, in its opinion, ought to be preserved.

8.4.2 The register of trees shall be maintained by the Council and shall be open to inspection at the Council offices during normal office hours.

8.4.3 A tree, in whole or any part, registered in terms of this clause shall be subject to the following conditions :

(a) no person shall cut, injure or destroy such tree except :

(i) in compliance with an obligation imposed by any Regulation or by-law, or

(ii) in the case of the Council, in the exercise of any powers conferred on it, or

(iii) only to an extent which may be necessary to prevent the tree from constituting a nuisance, or

(iv) with the Council's Authority.

(b) The Council may at any time cancel the registration of a tree and shall amend the register of trees and inform the Owner of the Land on which it is growing accordingly.

## 8.5 ADVERTISEMENTS AND HOARDINGS

8.5.1 No advertisements shall be displayed or hoarding erected without the Council's Authority.

8.5.2 No hoardings or advertisements shall be permitted which is likely to cause injury to the Amenity of the area in which it is to be erected.

8.5.3 The provisions of this clause shall not apply to :

- (a) name plates not exceeding 0,4 sq metres in extent, and
- (b) casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings, provided they are not considered to be, in the opinion of the Council, unduly ostentatious.

## PART 9

### EXEMPTIONS

- 9.1 Without prejudice to the powers of the Council which are derived from any other law, nothing in the provisions of the Scheme shall prohibit or restrict :
- (a) the letting of part of a Dwelling House or Outbuilding otherwise than as a separate tenement or Boarding or Guest House,
  - (b) the conversion of a Dwelling House which was existing at the Effective Date for use as two Flats by Council's Consent,
  - (c) the use of a place of work, a place of instruction, place of public assembly, Place of Worship or Institution as a place of Public Amusement, provided such use is restricted to not more than twenty days in each calendar year,
  - (d) the winning of minerals by underground or surface working by Council's Consent.

## PART 10

### APPLICATIONS

#### 10.1 GENERAL

10.1.1 After the Effective Date no person shall erect a Building or institute Development which is not in conformity with the provisions of the Scheme relating to the use of Land and Buildings.

10.1.2 After the Effective Date no person shall:

- (a) erect a new Building or alter or add to an existing Building or carry out any other proposed Development, or
- (b) develop or use any Land or Building for any purpose different from the purpose for which it was being developed or used on such date, or
- (c) use any Building erected after such date for a purpose or in a manner different from the purpose for which it was erected,

without the Council's prior written authority, either with or without conditions.

10.1.3 The person making an application to the Council shall satisfy the Council that :

- (a) he or she is the Owner of the Land, or
- (b) that the application is being made with the knowledge or consent of the Owner.

10.1.4 The Council's Authority or Consent shall lapse and cease to be valid if,

- (a) within a period of 18 months from the date of notification of the granting of such permission, or
- (b) where an appeal is lodged, within a period of 18 months from the date of



notification of the outcome of such appeal,

the Building or Land is not used for the purpose referred to in such authority or Consent, provided that, in the case of a new Building, the authority shall remain valid if Building operations are commenced within this period of 18 months or there has been no interruption of Building operations over a period longer than 18 months.

10.1.5 The Council's Authority shall lapse and cease to be valid if at any time after the permitted use has been established such use is discontinued for a continuous period of 18 months.

10.1.6 Ordinary applications under the National Building Regulations and the Council's bylaws and regulations shall be sufficient notice for the purpose of administering the Scheme, provided that the Council may call upon persons making such applications to provide any additional information or plans it deems necessary.

10.1.7 The Council may call upon any Building Owner who proposed to alter a Building or put it to a new use to provide a fresh Building survey of the Lot.

ASHBURTON TOWN PLANNING SCHEME  
PART 10  
APPLICATIONS

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## 10.2 APPLICATION FOR THE COUNCIL'S AUTHORITY

10.2.1 All applications for the Council's Authority, whether in terms of any Regulations or not, shall be made in writing and be subject to the furnishing of any plans and information it deems necessary.

## 10.3 APPLICATION FOR THE COUNCIL'S CONSENT

10.3.1 Any person making an application for the Council's Consent shall do so in accordance with the procedures laid down in Section 67 *bis* of the Ordinance and reproduced as a guideline in Annexure A.

#### 10.4 APPLICATION FOR A PROHIBITED USE

10.4.1 Any application for the use of Land or a Building which is expressly prohibited shall be deemed to be an application to amend the Scheme and may only be considered in terms of the procedures laid down in Section 47 *bis* A of the Ordinance and reproduced as a guideline in Annexure B.

10.4.2 If the Council desires to rescind, alter or amend any of the provisions of the Scheme it shall follow the procedures laid down in Section 47 *bis* of the Ordinance.

#### 10.5 APPLICATION FOR CLUSTER HOUSING

10.5.1 Any person wishing to develop Cluster Housing shall apply for the Council's Consent in terms of the provisions of Section 67 *bis* of the Ordinance and in accordance with the provisions of Appendix 1 of the Scheme.

## PART 11

### MISCELLANEOUS

#### 11.1 APPEALS

Any person who is aggrieved by the exercise of any power or discretion given in terms of the provision of the Scheme, may appeal to the Town Planning Appeals Board.

#### 11.2 APPROPRIATION OF LAND

Land belonging to the Council for the purposes of the Scheme, other than Land reserved under Part 6 of the Scheme, and not required for any of those purposes, may be appropriated for any other purpose approved by the Premier, providing that this would be consistent with the provisions of the Scheme.

#### 11.3 BINDING FORCE OF CONDITIONS

Conditions imposed by the Council in connection with its approvals, Consents, Authorities or permissions made in terms of the provisions of the Scheme, shall have the same force and effect as if they were part of the Scheme.

#### 11.4 CONFLICT OF SCHEME WITH LAWS OR CONDITIONS OF TITLE

11.4.1 Any bylaw or Regulation made by the Council in terms of the powers conferred upon it by any other law, which is in conflict with any other the provisions of the Scheme shall have be of no effect.

11.4.2 Where the provisions of the Scheme are in conflict with the National Building Regulations, the latter shall apply.

11.4.3 No provision in the Scheme shall absolve any Owner or occupier of Land from complying with any conditions or servitudes registered against the title to such Land.

11.4.4 An application for the alteration, suspension or removal of any condition of title, which restricts the realisation of the provisions of the Scheme, may be made to the Premier in terms of Section 31 (1) of the Ordinance.

#### **11.5 CONTRAVENTION OF THE SCHEME**

Any person who commits or knowingly permits a transgression of the provisions of the Scheme, or approvals, Consents, Authorities or permissions made in terms of the provisions of the Scheme and any conditions imposed in connection therewith, shall be deemed to have contravened the provisions of the Scheme and the Council shall, notwithstanding the provisions of Section 77 of the Ordinance, exercise the powers conferred upon it under Section 56 (2) of the Ordinance.

#### **11.6 DISPOSAL OF LAND**

The Council may, with the consent of the Premier, and in conformity with the Local Authorities Ordinance, sell, lease or exchange any Land which has been acquired by it for any purpose of the Scheme and is no longer required for that purpose.

ASHBURTON TOWN PLANNING SCHEME  
PART 11  
MISCELLANEOUS

#### **11.7 INSPECTION OF SCHEME**

The Council shall allow any person to inspect the Scheme during normal office hours.

#### **11.8 PROVISION OF FACILITIES FOR LOADING AND UNLOADING**

No Building shall be used for commercial or industrial purposes unless a loading area has been set aside, to the satisfaction of the Council, for the purposes of loading and unloading vehicles which are likely to be involved in connection with the use of the Building and the Lot on which it is situated.

## 11.9 REGISTER OF DECISIONS

The Council shall, in accordance with the requirements of Section 67 *quin* of the Ordinance, keep, so as to be available for inspection during normal office hours, a register of all its approvals, Consents, Authorities or permissions made in terms of the provisions of the Scheme and any conditions imposed in connection therewith.

## 11.10 REGULATIONS

11.10.1 The Council may, from time to time, make Regulations with respect to any matter or matters which the Council considers necessary to assist in the administration of and giving effect to the provisions of the Scheme.

11.10.2 Such Regulations shall be in the form of an appendix to the Scheme clauses and shall be read in conjunction therewith. Such regulations shall only become effective upon adoption as part of the Scheme in accordance with the provisions of Section 47 *bis* of the Ordinance.

## 11.11 SAVING FOR POWERS OF COUNCIL

Nothing in the Scheme shall prevent the Council from erecting, maintaining or using a Building or Land for the purpose of carrying out any undertaking which it is empowered to do under any other law.

## 11.12 SCHEDULES

11.12.1 The Council may append schedules to the Scheme with respect to :

- (a) various procedures for applications which are contained in other legislation,
- (b) details of delegations of authority, or
- (c) any other matter which the Council deems necessary to assist with the administration of the Scheme.

11.12.2 Such schedules shall not be of a statutory nature and may be added to or amended by a resolution of the Council.

ASHBURTON TOWN PLANNING SCHEME  
PART 11  
MISCELLANEOUS

### 11.13 SERVICING OF NOTICES

Any notice, order or document required to be given or served upon any person in terms of the provisions of the Scheme, shall be deemed to be effectively served if :

- (a) sent to such person, or a duly authorised representative, by registered post to either a place of residence or business, or
- (b) if such person is absent and has left no human representative, by publication in the gazette.

## APPENDIX 1

### CLUSTER HOUSING

#### GENERAL CONDITIONS AND DESIGN CRITERIA

In addition to the general provisions of the Scheme, the following shall apply to a Cluster Housing Development.

#### 1 DESIGN CRITERIA

##### 1.1 Site Area / Frontage

1.1.1 The minimum site area for a Cluster Housing development shall be in accordance with the Minimum Lot Size of the Use Zone in which it is situated.

##### 1.2 Density

The number of Dwelling Units permitted in a Cluster Housing development shall be determined by dividing the surveyed area of the Lot, excluding the area of an access way on a "hatchet-shaped" Lot, by the minimum Lot area which is applicable to the Use Zone in which the Lot is situated and adjusting this figure to the nearest whole number.

##### 1.3 Height

The height of a building in a Cluster Housing development shall be limited to 2 Storeys.

##### 1.4 Front, Side and Rear Spaces and Eaves Overhang

1.4.1 The Front, Side and Rear Space and Eaves Overhang requirements of a Cluster Housing development shall be in accordance with the requirements of the Use Zone in which the Lot is situated.

## 1.5 Provision of On-Site Parking

- 1.5.1 Two parking spaces shall be provided for every Dwelling Unit with covered parking being designed in harmony with the Dwelling Unit.
- 1.5.2 Visitor's parking shall be provided on the basis of 1 space per 2 Dwelling Units.
- 1.5.3 The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- 1.5.4 On-Site parking shall be located behind the Front, Side or Rear Space save with the consent of the Council who may impose conditions relating to screening and landscaping.

## 1.6 Size of a Private Open Area

The minimum size of a Private Open Area shall be 250 m<sup>2</sup>.

ASHBURTON TOWN PLANNING SCHEME  
APPENDIX 1  
CLUSTER HOUSING  
GENERAL CONDITIONS AND DESIGN CRITERIA

## 1.7 Provision of Infrastructural Services

- 1.7.1 The provision of all internal services within a Cluster Housing development, such as roads, stormwater drainage, kerbing and channelling, sewage disposal system, water, fire hydrants, electricity and internal refuse collection system, shall be the responsibility of the developer at his/her cost.
- 1.7.2 The design standard of the internal services shall be submitted to the Council for approval. In case of roadways the minimum surfaces width shall be 3 metres in respect of one-way carriageways and 5 metres in respect of two-way carriageways. The roadway reserve for these types of carriageways shall be 5 metres and 8 metres respectively.



- 1.7.3 A turning space shall be provided, to the satisfaction of the Council, at the end of each cul-de-sac in a Cluster Housing development.
- 1.7.4 Where, in the opinion of the Council, a road within a Cluster Housing development should serve the public, the Council may require the road reserve to be registered as a public road, provided that :
- (a) the area of the road reserve shall be included in the gross area of the site for the purposes of calculating the number of Dwelling Units permitted; and
  - (b) the Council shall be responsible for the maintenance of the road and reserve.
- 1.7.5 Provision shall be made for the access of fire tenders and commercial vehicles to the satisfaction of the Council.
- 1.7.6 The maintenance of all internal services within a Cluster Housing development shall be the responsibility of the Body Corporate or Home Owner's Association established to administer the development.

## 1.8 Design of a Cluster Housing Development

1.8.1 A Cluster Housing development shall be harmoniously designed to the satisfaction of the Council with careful attention being given to the aesthetic and functional aspects of the design.

1.8.2 When granting its Special Consent, the Council shall have regard to and may impose any conditions concerning :

- (a) the goals and policies of the Ashburton Structure Plan;
- (b) any objections received in response to the statutory advertisement;
- (c) the nature and character of the uses surrounding the site;
- (d) the physical characteristics of the site such as land form, gradient, soil types, surface drainage and vegetation cover;
- (e) the design and disposition of the buildings;
- (f) the suitability of proposed landscape treatment;
- (g) the alignment of the internal carriageways and bridle paths and the positioning of driveways and parking spaces;
- (f) the availability of external services which are supplied by the Council; and
- (g) any other related matter.

## 2 OWNERSHIP AND MANAGEMENT OF A CLUSTER HOUSING DEVELOPMENT

2.1 In the event of the Curtilages being transferred to more than one person, the Council shall require that :

- (a) the Common Land shall be owned exclusively by the registered owners of the Curtilages in co-ownership; and
- (b) no co-owners shall be entitled to require the partition of the Common Land according to the proportion of his/her share.

2.2 A Body Corporate or Home Owner's Association shall be established. Such bodies shall administer and maintain the Common Land and internal services, control the external appearance of and extensions to buildings within the Cluster Housing development and deal with any other matters pertaining to the Cluster Housing development which is of interest to its members. The affairs of the Body Corporate or Home Owner's Association shall be regulated by Statute or a Memorandum and Articles of Association respectively. The Memorandum and Articles of Association shall have been submitted to the Council who shall have certified that it has no objections to these documents.

ASHBURTON TOWN PLANNING SCHEME  
APPENDIX 1  
CLUSTER HOUSING  
GENERAL CONDITIONS AND DESIGN CRITERIA

2.3 No Dwelling Unit Curtilage within the whole or portion of the Cluster Housing development shall be transferred or separately registered before the whole Cluster Housing development, or the portion of the development within which the Curtilage is situated, has been developed to the satisfaction of the Council.

### 3 PROCEDURE FOR SUBMITTING CLUSTER HOUSING PROPOSALS

3.1 Any person wishing to develop Cluster Housing shall apply to the Council for its Special Consent in terms of the provisions of Section 67 *bis* of the Ordinance and simultaneously submit to the Council :

- (i) A sketch layout plan or plans at an approximate scale of between 1 : 500 to 1 : 1 000 showing :

- (a) the position, nature and extent of all proposed and existing buildings on the site and adjoining properties;
  - (b) the position, nature and extent of any proposed utility areas on the site;
  - (c) the position and dimensions of all roads and parking areas;
  - (d) the boundaries of Dwelling Unit Curtilages, Private Open Areas and Common Land;
  - (e) the existing contours, areas of natural vegetation, watercourses and other topographical features on the site;
  - (f) the position and nature of any proposed recreation facilities;
  - (g) the proposed landscaping of the site; and
  - (h) the proposed method and nature of sewage disposal.
- (ii) A set of sketch plans or outline drawings at an approximate scale of 1 : 100 showing the plans and elevation of the proposed individual Dwelling Unit and a typical group of Dwelling Units and giving particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs.
- (iii) A memorandum outlining the motivation for the application and providing an assessment of the environmental impact of the development;
- (iv) Information concerning the total area of the site and the total number of Dwelling Units proposed and any other documents which the Council may reasonable require.

3.2 The granting of the Council's Consent shall be conditional on the submission of Building Plans in terms of the National Building Regulations. These plans shall include inter alia :

(i) A set of plans prepared at a scale of 1 : 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs, together with both front and rear elevations of each typical group of Dwelling Units at a scale of 1 : 100.

(ii) A set of plans showing the position, dimensions and materials to be used in :

(a) the construction of all roads, driveways, parking areas, squares and hardened pedestrian ways;

(b) the laying of water pipes, stormwater drainage, electricity cables and fire hydrants; and

(c) installation of a sewage disposal system.

(iii) A table indicating :

(a) the total area of the site;

(b) the total number of Dwelling Units proposed;

(c) the total floor area and height of buildings;

(d) the total number of parking spaces provided for residents and visitors; and

(e) the extent of the Common Land, the smallest Private Open Area and the smallest Dwelling Unit Curtilage.

3.3 The Special Consent procedure may be waived in respect of Cluster Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Council and the written consent of the Owners of all abutting and any other properties determined by the Council is obtained.

APPENDIX 2

SCHEDULE OF AMENDMENTS RELATING TO INDIVIDUAL PROPERTIES

	STREE T ADDRE SS	DETAILS OF AMENDMENT
5	66 OLD MAIN ROAD	<p>(1) DESPITE THE REQUIREMENTS OF CLAUSE 5.5.4 OF THE SCHEME, THE PROPERTY MAY BE SUBDIVIDED IN ACCORDANCE WITH PLAN NO. 12386B, DATED SEPTEMBER 1998, PREPARED BY TARBOTON HOLDER ROSS &amp; PARTNERS.</p> <p>(2) DESPITE CLAUSE 7.1.3 (b) OF THE SCHEME, THE COUNCIL MAY CONSENT TO THE FURTHER RELAXATION OF THE PROPOSED REM BY NOT MORE THAN 30 % AND ONLY FOR THE PURPOSE OF FACILITATING THE EXECUTION OF PUBLIC WORKS.</p>

ANNEXURE A

GUIDELINES FOR AN APPLICATION FOR THE COUNCIL'S SPECIAL CONSENT

IN TERMS OF SECTION 67 *bis* OF THE NATAL TOWN PLANNING ORDINANCE

ORDINANCE NO 27 OF 1949 AS AMENDED

CONTAINING THE INFORMATION LISTED AND PAYS A PRESCRIBED FEE

APPLICATION BY :
ADVERTISEMENTS IN THE LOCAL NEWSPAPER/S, PRO FORMA ADVERTISEMENT DOCUMENTATION IS AVAILABLE FOR 14 DAYS, FROM THE DATE OF THE MEETING WITH THE COUNCIL SHOWING THE BOUNDARY OF THE APPLICATION LOT AND THE SURROUNDING LOTS AND ANY

PRESENTATIONS AND OBJECTIONS,

APPROVE THE APPLICATION SUBJECT TO CERTAIN CONDITIONS

REASONS OF ITS DECISION

--



EXPIRY OF A PERIOD OF  
OBJECTORS ARE NOTIFIED  
  
COUNCIL, WITHIN TWENTY-EIGHT (28)  
INTENDS TO APPEAL, IN TERMS OF  
CONDITIONS TO BE IMPOSED  
  
APPEALS BOARD DECISION

**PAGE 7**  
  
MEMORANDUM WITH THE SECRETARY OF  
THE REASONS FOR THE APPEAL,  
NOTICE OF THE INTENTION TO APPEAL

**PAGE 8**  
  
ALL RELEVANT PARTIES WHO ARE SUBSEQUENTLY

**ANNEXURE A {1}**

**ASHBURTON COUNCIL**

**APPLICATION FOR THE COUNCIL'S SPECIAL CONSENT**

**IN TERMS OF SECTION 67 *bis* OF THE TOWN PLANNING ORDINANCE**

**ORDINANCE NO 27 OF 1949 AS AMENDED**

**APPLICATION FORM**

THE ASHBURTON COUNCIL  
P.O. BOX 2001  
ASHBURTON  
3200

\_\_\_\_\_ 19

I,                    the                    undersigned                    (name                    in                    full)

being the registered owner/duly authorised agent of the registered owner, of the Land described below, do hereby apply for the Ashburton Council's Special Consent and submit the following particulars :

**1            PARTICULARS OF APPLICATION**

1.1        Title Deed description of the Lot which is the subject of the application.

1.2        Title Deed number/s.

1.3        Street address of Lot.

1.4        Name of registered owner.

1.5        Name of applicant.

1.6        Address of applicant.

1.7        Reference number of General Plan or Survey Diagram/s.

1.8        Area of Lot in ha or m<sup>2</sup>.

1.9        Existing Zoning.

1.10      Proposed use of Lot for which Special Consent is required.

**2 THE FOLLOWING DOCUMENTS ARE INCLUDED IF APPLICABLE :**

**2.1 Two copies of a memorandum motivating the application which includes, where applicable, information regarding the following :**

**2.1.1 A description of the physical characteristics of the application Lot :**

- locality,
- topography,
- geology and soils,
- watercourses, and
- vegetation.

**2.1.2 A description of the existing use of the Lot and the buildings on it.**

**2.1.3 A description of the uses of the surrounding properties and the buildings on them.**

**2.1.4 A description of the zoning of the application Lot and the surrounding properties.**

**2.1.5 A description of the existing infrastructural services including the local road network which provides access to the Lot.**

**2.1.6 An explanation of the need for and the desirability of the proposed use for which the Special Consent is required.**

**2.1.7 A description of the proposed use of the application Lot.**

**2.1.8 An assessment of how the proposed use will impact on :**

- the physical characteristics of the site,
- the amenity of the surrounding area, and
- the road network and infrastructural services.

**2.2 Two copies of supporting plans and diagrams which shall include where applicable :**

**2.2.1 A locality plan which shows the application Lot within the context of the surrounding properties.**

**2.2.2 An extract of the General Plan or a copy of the Survey Diagram which gives**

dimensions of the application Lot.

2.2.3 A plan which shows the existing land use of the Lot and its surroundings.

2.2.4 A plan which shows the existing zoning of the Lot and its surroundings.

2.2.5 Sketch plans and elevations of any new buildings which will comprise the proposed development for which the Council's Special Consent is required.

### 2.3 Additional Documents

2.3.1 Power of attorney if the applicant is not the owner of the Lot for which the application is being submitted.

2.3.2 Integrated Environmental Management Checklist. A pro forma checklist is given in Annexure C

**Note :** Applicants should note that the Council's Special Consent does not absolve the Owner or occupier of the Lot from complying with any conditions or servitudes which are registered against the title.

## ANNEXURE A {2}

WORDING FOR PRESS ADVERTISEMENT IN RESPECT OF

AN APPLICATION FOR THE COUNCIL'S SPECIAL CONSENT

**ASHBURTON COUNCIL**

**DRAFT TOWN PLANNING SCHEME**

**SPECIAL CONSENT APPLICATION**

In terms of Section 67 *bis* of the Town Planning Ordinance (No 27 of 1949), notice is hereby given that I, the undersigned, have applied to the Ashburton Council for permission to establish;

\_\_\_\_\_.

on this site,

\_\_\_\_\_.

Street address being;

\_\_\_\_\_.

Plans and/or particulars may be inspected during normal office hours at;

\_\_\_\_\_.

Any person having any objections to the approval of this application must lodge such objection together with the grounds therefor with the Town Clerk P O Box 20001, Ashburton, 3200 and the undersigned in writing no later than

ANNEXURE A {3}

SITE NOTICE

ANNEXURE B

GUIDELINES FOR AN APPLICATION TO AMEND THE SCHEME

IN TERMS OF SECTION 47 *bis* OF THE NATAL TOWN PLANNING ORDINANCE

ORDINANCE NO 27 OF 1949 AS AMENDED

<b>STAGE 1</b>
TO THE COUNCIL, CONTAINING THE INFORMATION LISTED {1}, AND PAYS A PRESCRIBED FEE WHICH INCLUDES ING COSTS

<b>STAGE 2</b>
MENT AND ADVERTISES THE APPLICATION TION 47 <i>bis</i> (1) (a)
TE IN AT LEAST TWO OF THE OFFICIAL LANGUAGES C NOTICE BOARD RING PROPERTIES ORTING MEMORANDUM IS MADE AVAILABLE FOR ICES DURING NORMAL OFFICE HOURS TE OF THE ADVERTISEMENT IS GIVEN FOR OGED WITH THE COUNCIL

<b>STAGE 3</b>
ETHER WITH REPRESENTATIONS AND OBJECTIONS, ECTION 47 <i>bis</i> (2)

<b>STAGE 4 B</b>
IF THE COUNCIL RESOLVES TO DECLINE TO PROCEED WITH THE AMENDMENT

<b>STAGE 5 B</b>
------------------

THE APPLICANT MAY APPEAL TO THE TOWN  
AND REGIONAL PLANNING COMMISSION  
AS OUTLINED IN ANNEXURE B{2}

GE 6

APPEAL AND NOTIFIES THE COUNCIL OF ITS DECISION

GE 7

AMENDMENT IN ACCORDANCE WITH THE OPINION OF  
MS OF SECTION 47 *bis* (4)

ANNEXURE B {1}

## ASHBURTON COUNCIL

APPLICATION TO AMEND THE TOWN PLANNING SCHEME

IN TERMS OF SECTION 47 *bis* OF THE TOWN PLANNING ORDINANCE

ORDINANCE NO 27 OF 1949 AS AMENDED

### APPLICATION FORM

THE ASHBURTON COUNCIL  
P.O. BOX 2001  
ASHBURTON  
3200

\_\_\_\_\_ 19



I,                    the                    undersigned                    (name                    in                    full)

being the registered owner/duly authorised agent of the registered owner, of the Land described below, do hereby apply for the amendment of the Ashburton Town Planning Scheme and submit the following particulars :

**1            PARTICULARS OF APPLICATION**

1.1            Title Deed description of the Lot which is the subject of the application.

1.2            Title Deed number/s.

1.3            Street address of Lot.

1.4            Name of registered owner.

1.5            Name of applicant.

1.6            Address of applicant.

1.7            Reference number of General Plan or Survey Diagram/s.

1.8            Area of Lot in ha or m<sup>2</sup>.

1.9            Existing Zoning.

1.10          Proposed use of Lot.

1.11          Proposed Zoning.

**2 THE FOLLOWING DOCUMENTS ARE INCLUDED**

**2.1 Three copies of a memorandum motivating the application which includes, where applicable, information regarding the following :**

2.1.1 A description of the physical characteristics of the application Lot :

- locality,
- topography,
- geology and soils,
- watercourses, and
- vegetation.

2.1.2 A description of the existing use of the Lot and the buildings on it.

2.1.3 A description of the uses of the surrounding properties and the buildings on them.

2.1.4 A description of the zoning of the application Lot and the surrounding properties.

2.1.5 A description of the existing infrastructural services including the local road network which provides access to the Lot.

2.1.6 An explanation of the need for and the desirability of the proposed use for which the amendment is required.

2.1.7 A description of the proposed use of the application Lot.

2.1.8 An assessment of how the proposed use will impact on :

- the physical characteristics of the site,
- the amenity of the surrounding area, and
- the road network and infrastructural services.

**2.2 Three copies of supporting plans and diagrams which shall include where applicable :**

2.2.1 A locality plan which shows the application Lot within the context of the surrounding properties.

2.2.2 An extract of the General Plan or a copy of the Survey Diagram which gives dimensions of the application Lot.

2.2.3 A plan which shows the existing land use of the Lot and its surroundings.

2.2.4 A plan which shows the existing zoning of the Lot and its surroundings.

2.2.5 Sketch plans and elevations of the buildings which will comprise the proposed development for which the amendment is required.

### 2.3 Additional Documents

2.3.1 Power of attorney if the applicant is not the owner of the Lot for which the application is being submitted.

2.3.2 Integrated Environmental Management Checklist. A pro forma checklist is given in Annexure C

**Note :** Applicants should note that the Council's approval to amend the Scheme does not absolve the Owner or occupier of the Lot from complying with any conditions or servitudes which are registered against the title.

## ANNEXURE B {2}

### GUIDELINES FOR AN APPLICANT'S APPEAL

#### REGARDING THE COUNCIL'S DECISION

NOT TO PROCEED WITH AN APPLICATION WHICH WAS SUBMITTED,

IN TERMS OF SECTION 47 *bis* OF THE TOWN PLANNING ORDINANCE,

IN ORDER TO AMEND THE ASHBURTON TOWN PLANNING SCHEME

GE 1

PLICATION TO AMEND THE TOWN PLANNING SCHEME,  
MS OF SECTION 47 *BIS* A (1)

THE TOWN AND REGIONAL PLANNING COMMISSION

**PAGE 2**

WITHIN TWENTY-EIGHT (28) DAYS OF THE DATE  
OF THE COUNCIL'S DECISION

OUTLINING THE GROUNDS OF THE APPEAL  
ADDRESSED TO :

SECRETARY  
PLANNING COMMISSION  
BAG X9038  
BRITZBURG  
00

**PAGE 4**

COUNCIL AND ANY OTHER PERSON WHO LODGED AN  
RESPONSE TO THE ADVERTISEMENT OF THE APPLICATION

**PAGE 5**

LODGED AN OBJECTION OR MADE REPRESENTATIONS, MAY  
SUBMIT ADDITIONAL COMMENTS TO THE APPEALS BOARD WITHIN  
RECEIVING A COPY OF THE APPEAL

**PAGE 6**

ISSUES A DECISION WITHIN NINETY (90) DAYS AFTER THE  
ADDITIONAL COMMENTS HAVE BEEN LODGED

**PAGE 7**

ISSUES A DECISION WHICH, IF DIFFERENT FROM THE  
ORIGINAL DECISION, CONSTITUTES A MODIFICATION, AMENDMENT OR ABANDONMENT OF THE  
APPLICATION IN ACCORDANCE WITH SECTION 48 (1) OF THE TOWN PLANNING ORDINANCE

**Note :** The Ordinance does not make provision for objectors to lodge an appeal as all objections and representations are submitted to the Commission together with the application and the Council's resolution.

ANNEXURE C

ASHBURTON COUNCIL

INTEGRATED ENVIRONMENTAL MANAGEMENT CHECKLIST

1.0 GENERAL INFORMATION

1.1.1 Developer's Name and Address

1.1.2 Name and Address of the person/firm undertaking the Environmental Assessment

1.2.1 Lot number

1.2.2 Street Address

1.3.1 Zoning

1.3.2 Density controls

### 1.3.3 Details of Application

### 1.4 Size of Lot

### 1.5 Road Access to Lot

## 2.0 THE NATURAL ENVIRONMENT

### 2.1.1 Proximity of a stream or drainage line

### 2.1.2 Affect on the proposal by the 1 : 50 year floodline associated with the closest

watercourse

2.2 Proximity of a wetland

2.3. Existing trees on the Lot

2.4 Removal of trees to facilitate the development

2.5 Terracing required to facilitate the development

2.6 Pollution

2.6.1 By products, emissions, solid and waste products generated during manufacturing

2.6.2 Spent process materials or liquids resulting from the manufacturing process

2.6.3 Noise pollution - potential emissions

2.6.4 Air pollution - potential emissions

2.6.5 Water pollution - potential emissions

2.7 Waste disposal - proposed method of disposal



2.8 Sources of energy to be used on site

### 3.0 THE BUILT/CULTURAL ENVIRONMENT

3.1 Existing structures

3.2.1 Requirements for the demolition of any existing structures

3.2.2 Process of demolition of existing structures and disposal of rubble

3.3 Structures on properties adjacent to the boundaries of the application site

(a) Above the site

(b) To the right of the site

(c) Below the site

(d) To the left of the site

3.4 Archaeological or historical remains on the site

3.5 Requirement for palliative measures to minimise the impact of the proposed use, with particular reference to design, landscaping, planting and refurbishment measures

3.6 Impact on the general amenity of the area

4.0 SOCIO-ECONOMIC ENVIRONMENT

4.1 Provision of community facilities within the development or in close proximity to the site

4.2 Creation of employment opportunities

4.3 Requirement for the upgrading of physical infrastructure

4.4 Use of machinery on the site

4.5 Traffic Generation

4.5.1 Vehicular traffic generated

4.5.2 Pedestrian traffic generated

4.6 Financial implications for the Ashburton Council

5 CONCLUSION, INTEGRATED ENVIRONMENTAL MANAGEMENT EVALUATION

# ASHBURTON TOWN PLANNING SCHEME

## DRAFT SCHEME CLAUSES

### INDEX

	PAGE
<b>PART 1 INTRODUCTION AND GENERAL INTERPRETATIONS</b>	
1.1 TITLE .....	1
1.2 GENERAL INTERPRETATIONS .....	1
1.3 AREA OF SCHEME .....	8
1.4 RESPONSIBLE AUTHORITY .....	8
1.5 SCHEME MAP .....	8
<b>PART 2 USE OF LAND AND BUILDINGS : INTERPRETATION OF USE GROUPS</b>	
2.1 AGRICULTURAL .....	9
2.2 COMMERCIAL .....	9
2.3 CONSERVATION .....	13
2.4 EDUCATIONAL .....	13
2.5 INDUSTRIAL .....	14
2.6 INSTITUTIONAL .....	17
2.7 OFFICE .....	17
2.8 RECREATIONAL .....	18

2.9	RESIDENTIAL .....	19
2.10	SPECIAL .....	24
2.11	WORSHIP .....	24

**PART 3 USE OF LAND AND BUILDINGS : EXISTING AND PREDOMINANT USES**

3.1	EXISTING USE RIGHTS.....	25
3.2	PREDOMINANT USE OF LAND OR BUILDINGS.....	26

**PART 4 ERECTION AND USE OF BUILDINGS AND USE OF LAND**

4.1	CALCULATION OF COVERAGE AND FLOOR AREA RATIO.....	27
4.2	ERECTION OF BUILDINGS.....	28
4.3	USE OF BUILDINGS AND LAND .....	28

**INDEX**

**PAGE**

**PART 5 USE OF BUILDINGS AND LAND IN USE ZONES**

5.1	SPECIAL RESIDENTIAL ZONE 1 (1 600 m <sup>2</sup> ) .....	29
5.2	SPECIAL RESIDENTIAL ZONE 2 (2 000 m <sup>2</sup> ) .....	34
5.3	SPECIAL RESIDENTIAL ZONE 3 (4 000 m <sup>2</sup> ) .....	39
5.4	INTERMEDIATE RESIDENTIAL ZONE .....	44
5.5	GARDEN LOT ZONE 1 (1 ha).....	49
5.6	GARDEN LOT ZONE 2 (2 ha).....	54
5.7	COMMERCIAL ZONE .....	59
5.8	LIMITED COMMERCIAL ZONE .....	65
5.9	ADMINISTRATION ZONE .....	69
5.10	AGRICULTURAL ZONE .....	73
5.11	CONSERVATION ZONE .....	74

5.12	PRIVATE OPEN SPACE ZONE .....	74
------	-------------------------------	----

## PART 6 RESERVATION OF LAND

6.1	ACTIVE PUBLIC OPEN SPACE .....	75
6.2	PASSIVE PUBLIC OPEN SPACE .....	75
6.3	LOCAL AUTHORITY PURPOSES .....	75
6.4	NEW STREETS AND WIDENING OF EXISTING STREETS .....	75
6.5	SAVING FOR NEW STREETS AND ROAD WIDENING NOT SHOWN ON THE SCHEME MAP .....	76
6.6	RAILWAY PURPOSES .....	76
6.7	ERECTION OF BUILDINGS ON RESERVED LAND .....	76
6.8	ACQUISITION OF LAND .....	77
6.9	ALTERNATIVE USE OF LAND RESERVATIONS .....	77

## PART 7 SUBDIVISION OF LAND

7.1	GENERAL RESTRICTIONS .....	78
7.2	"HATCHET-SHAPED" LOTS .....	79

## PART 8 GENERAL AMENITY AND CONVENIENCE

8.1	EXTERNAL APPEARANCE OF BUILDINGS .....	80
8.2	PRESERVATION OF AMENITY .....	80
8.3	INTEGRATED ENVIRONMENTAL MANAGEMENT .....	81
8.4	PRESERVATION OF TREES .....	81
8.5	ADVERTISEMENTS AND HOARDINGS .....	81

PART 9	EXEMPTIONS .....	83
--------	------------------	----

## INDEX

	PAGE
<b>PART 10 APPLICATIONS</b>	
10.1 GENERAL .....	84
10.2 APPLICATION FOR THE COUNCIL'S AUTHORITY .....	85
10.3 APPLICATION FOR THE COUNCIL'S CONSENT .....	85
10.4 APPLICATION FOR A PROHIBITED USE .....	85
10.5 APPLICATION FOR CLUSTER HOUSING.....	85
<b>PART 11 MISCELLANEOUS</b>	
11.1 APPEALS .....	86
11.2 APPROPRIATION OF LAND .....	86
11.3 BINDING FORCE OF CONDITIONS .....	86
11.4 CONFLICT OF SCHEME WITH LAWS OR CONDITIONS OF TITLE.....	86
11.5 CONTRAVENTION OF THE SCHEME.....	86
11.6 DISPOSAL OF LAND .....	86
11.7 INSPECTION OF SCHEME .....	87
11.8 PROVISION OF FACILITIES FOR LOADING AND UNLOADING .....	87
11.9 REGISTER OF DECISIONS.....	87
11.10 REGULATIONS .....	87
11.11 SAVING FOR POWERS OF COUNCIL.....	87
11.12 SCHEDULES.....	87
11.13 SERVICING OF NOTICES .....	88
<b>APPENDICES</b>	



- 1 CLUSTER HOUSING - GENERAL CONDITIONS AND DESIGN CRITERIA
- 2 SCHEDULE OF AMENDMENTS RELATING TO INDIVIDUAL PROPERTIES

#### ANNEXURES

- A GUIDELINES FOR AN APPLICATION FOR THE COUNCIL'S SPECIAL CONSENT
- A {1} SPECIAL CONSENT APPLICATION - APPLICATION FORM
- A {2} SPECIAL CONSENT APPLICATION - PRESS ADVERTISEMENT
- A {3} SPECIAL CONSENT APPLICATION - SITE NOTICE
- B GUIDELINES FOR AN APPLICATION TO AMEND THE SCHEME
- B {1} APPLICATION TO AMEND THE SCHEME - APPLICATION FORM
- B {2} APPLICATION TO AMEND THE SCHEME - GUIDELINES FOR AN APPEAL
- C INTEGRATED ENVIRONMENTAL MANAGEMENT CHECKLIST

**PLANNING SCHEME**

**CLAUSES**

MAY 1997

**PART 1**

**INTRODUCTION AND GENERAL INTERPRETATIONS**

## PART 2

### USE OF LAND AND BUILDINGS : INTERPRETATION OF USE GROUPS

**PART 3**

**USE OF LAND AND BUILDINGS : EXISTING AND PREDOMINANT USES**

**PART 4**

**ERECTION AND USE OF BUILDINGS AND USE OF LAND**

**PART 5**

**USE OF BUILDINGS AND LAND IN USE ZONES**



**PART 6**

**RESERVATION OF LAND**

**PART 7**

**SUBDIVISION OF LAND**

**PART 8**

**GENERAL AMENITY AND CONVENIENCE**

**PART 9**

**EXEMPTIONS**

**PART 10**

**APPLICATIONS**

**PART 11**

**MISCELLANEOUS**

**APPENDIX 1**

**CLUSTER HOUSING**

**GENERAL CONDITIONS AND DESIGN CRITERIA**

**APPENDIX 2**

**SCHEDULE OF AMENDMENTS RELATING TO INDIVIDUAL PROPERTIES**



**ANNEXURE A**

**GUIDELINES FOR AN APPLICATION FOR**

**THE COUNCIL'S SPECIAL CONSENT**

ANNEXURE A {1}

APPLICATION FOR THE COUNCIL'S SPECIAL CONSENT

APPLICATION FORM

ANNEXURE A {2}

APPLICATION FOR THE COUNCIL'S SPECIAL CONSENT

APPLICATION FORM

ANNEXURE A {3}

APPLICATION FOR THE COUNCIL'S SPECIAL CONSENT

SITE NOTICE

**ANNEXURE B**

**GUIDELINES FOR AN APPLICATION TO AMEND THE SCHEME**

ANNEXURE B {1}

APPLICATION TO AMEND THE SCHEME

APPLICATION FORM

ANNEXURE B {2}

GUIDELINES FOR AN APPLICANT'S APPEAL

**ANNEXURE C**

**INTEGRATED ENVIRONMENTAL MANAGEMENT CHECKLIST**



