

New Zealand.



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1929, No. 28.

Title.

AN ACT to amend the Town-planning Act, 1926.

[8th November, 1929.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Town-planning Amendment Act, 1929, and shall be read together with and deemed part of the Town-planning Act, 1926 (hereinafter referred to as the principal Act).

PART I.

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.

2. Whereas in the principal Act the expression "regional planning scheme" is primarily used to denote a scheme for the planning of areas which, not being within the boundaries of a borough, are possessed of certain urban characteristics, or which, being adjacent to a borough, must be taken into account in the preparation and consideration of an adequate town-planning scheme for that borough: And whereas the use of the term "regional planning scheme" in the limited sense herein referred

Distinction between the term "regional planning scheme" as used in the principal Act and that term in its true technical sense.

to is not in accordance with technical usage: And whereas it is desired to make provision in Part II of this Act for regional planning schemes in the proper sense of the term, and it is therefore necessary in order to avoid confusion that a more appropriate designation be applied to the schemes referred to in the principal Act as regional planning schemes: Be it therefore enacted as follows:—

(1) The expression “extra-urban planning scheme” is hereby substituted for the expression “regional planning scheme” as used in the principal Act.

(2) The principal Act is hereby consequentially amended in the manner indicated in the First Schedule hereto.

RPLD: S. 47 1931 No. 44.

3. Subsection one of section thirteen of the principal Act is hereby amended by omitting the words “nineteen hundred and thirty,” and substituting the words “nineteen hundred and thirty-two.”

Extension of time within which preparation of town-planning schemes must be completed.

4. Section twenty-nine of the principal Act is hereby amended as follows:—

(a) By omitting from paragraph (c) all words after the words “the approval of that scheme by the Town-planning Board”; and

Amending provisions of principal Act defining and restricting the rights of compensation in respect of operation of town-planning schemes.

(b) By adding the following paragraph:—

“(d) In respect of any buildings erected or any contract made or other thing done in contravention of any determination of a local authority under section thirty-four hereof or, as the case may be, in contravention of any determination of the Town-planning Board on appeal from the determination of a local authority under that section.”

5. Subsection one of section thirty-four of the principal Act is hereby repealed, and the following subsection substituted therefor:—

Pending completion and approval of scheme under principal Act, local authority may prohibit the erection of any building or the carrying-out of any work that would contravene the scheme.

“(1) Any local authority that by this Act or by Order in Council under this Act is under an obligation to prepare a town-planning scheme or an extra-urban planning scheme, and any local authority that, not being under an obligation to prepare a scheme as aforesaid, has resolved, pursuant to section thirteen or to section twenty-five of this Act, to prepare a scheme, may at any time before the scheme has been approved by the Town-planning Board absolutely or conditionally refuse its consent to the erection of any building or the carrying-out of any work within its district, or may definitely prohibit the erection of such building or the carrying-out of such work, if it appears to such local authority that the erection of such building or the carrying-out of such work would be in contravention of the scheme if it had been completed and approved, or would be in contravention of town-planning principles, or would interfere with the amenities of the neighbourhood.”

PART II.

REGIONAL PLANNING SCHEMES.

6. (1) Regional planning schemes may be prepared in accordance with the provisions of this Part of this Act.

Authority for preparation of regional planning schemes.

(2) Every such regional planning scheme shall have for its general purpose the conservation and economic development of the natural

resources of the region to which it relates, by means of the classification of the lands comprised therein for the purposes for which they are best suited by nature or for which they can best be adapted, and by the co-ordination of all such public improvements, utilities, services, and amenities as are not limited by the boundaries of the district of any one local authority, or do not relate exclusively to the development of any one such district.

(3) Every regional planning scheme shall be preceded by a comprehensive survey of the natural resources of the area to which it relates and of the present and potential uses and values of all lands within the region in relation to national, regional, or local public utilities, services, and amenities.

7. It shall not be obligatory on any local authority or public body in the performance of its public duties and functions to adhere to the provisions of any regional planning scheme, but the purpose of such scheme shall be to serve as a guide to local authorities engaged in the preparation of town-planning schemes or of extra-urban planning schemes and also as a guide to local authorities, public bodies, and other persons in relation to the conservation or development within the region of the public utilities, services, industries, amenities, and other matters dealt with or adverted to in the scheme.

8. (1) Any two or more local authorities having jurisdiction over adjoining districts may, of their own motion or acting on the recommendation of the Town-planning Board, resolve to unite for the purpose of preparing a regional planning scheme for the whole or for a defined portion of the total area within their several jurisdictions.

(2) No such resolution shall be effective unless and until it has been approved by the Town-planning Board by notice published in the *Gazette*; and the Board, in giving its approval, may extend or reduce the area to be dealt with in the regional planning scheme, and may include therein any area or areas within the jurisdiction of any other local authority or local authorities.

(3) The area to be comprised in any regional planning scheme (hereinafter referred to as a region) shall be defined by notice in the *Gazette* as aforesaid with such particularity as the Board thinks necessary, and may from time to time be in like manner altered by the Board.

(4) If any local authority, having received a recommendation from the Town-planning Board in relation to the constitution of a region, fails to take any steps required to be taken by that local authority for the constitution of such region, the Town-planning Board may proceed to define the region and to include therein such area or areas within the district of that local authority as it thinks fit.

(5) In fixing the boundaries of any region for the purposes of a proposed regional planning scheme regard shall be had to natural geographic boundaries and to common social and economic interests, and, in cases of conflict, such considerations shall prevail over considerations based on the existing boundaries of the districts of the uniting local authorities.

9. (1) For the purposes of every regional planning scheme proposed to be prepared as aforesaid there shall be a regional planning committee consisting of a representative or representatives of the

Regional planning scheme to serve as model, and adherence to its provisions to be optional and not compulsory.

Local authorities may unite in preparation of regional planning scheme.

Regional planning committee.

several local authorities concerned, in accordance with the following provisions, namely :—

(a) The Council of every borough having a population of not less than ten thousand, and situated wholly or partly within the region, shall be entitled to appoint two members.

(b) The Council of every other borough and of every county situated wholly or partly within the region shall be entitled to appoint one member.

(c) The Town Board of every town district not forming part of a county, and situated wholly or partly within the region, shall be entitled to appoint one member.

(2) Every member of a regional planning committee appointed as aforesaid shall hold office during the pleasure of the local authority by which he was appointed.

(3) If any local authority entitled to appoint any member or members of a regional planning committee fails to make any such appointment for thirty days after being called upon to make such appointment by the Town-planning Board, the Governor-General, acting on the recommendation of the Minister of Internal Affairs, may make such appointment. Every person so appointed by the Governor-General shall hold office during the pleasure of the Governor-General, or until the appointment of a member by the local authority concerned has been notified to and confirmed by the Town-planning Board.

(4) For the purposes of this section the Mount Roskill Road Board, the Mount Wellington Road Board, and the One-tree Hill Road Board shall be deemed to be Borough Councils.

10. (1) A regional planning committee may associate with itself any person or persons who, in the opinion of the committee, may be possessed of expert knowledge of advantage to the committee in the exercise of its functions, and every person so associated with the committee shall for the time being be deemed to be a member of the committee.

Associate members
of regional
planning
committee.

(2) Without limiting the generality of the provisions of the last preceding subsection, there may be associated with any regional planning committee a representative or representatives of any Departments of State, or of local authorities or public bodies, or of any organization or society of persons engaged in any profession, calling, or business, or of persons associated for the promotion of any sport or recreation, or associated for any other purpose of public benefit or utility.

11. (1) It shall be the duty of the regional planning committee appointed in respect of any region to prepare or cause to be prepared in relation to the region the preliminary survey of natural resources and other matters referred to in section six hereof, and thereafter to prepare for the region a regional planning scheme, and, having regard to the present and future requirements of the region, to make provision in such scheme for the several matters referred to in the Second Schedule hereto.

Functions of
regional planning
committee.

(2) Every regional planning scheme shall when completed be submitted for approval to the Town-planning Board.

12. (1) Any regional planning committee may appoint an executive sub-committee of not less than five or more than nine members, with power to prepare all surveys, maps, plans, and reports that may

Regional planning
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appoint a
sub-committee.

be necessary towards the preparation of a regional planning scheme, and otherwise to perform the functions of the regional planning committee.

(2) Every member of the regional planning committee and every person for the time being associated with the committee in accordance with the foregoing provisions of this Part of this Act shall be eligible for appointment as a member of such executive sub-committee.

13. (1) A regional planning committee appointed for the preparation of a regional planning scheme shall continue in existence after the completion and approval of the scheme until it is dissolved by resolutions passed by a majority of the local authorities represented thereon.

(2) The functions of such committee after the completion of a regional planning scheme as aforesaid shall be to advise or make recommendations with respect to the preparation of town-planning and extra-urban planning schemes for areas within the region, and also to advise or make recommendations to local authorities and other persons and bodies concerned in the operation of any such scheme, in respect of any matters relative thereto, and from time to time as and when it thinks fit to make recommendations for the amendment or enlargement of any scheme.

14. (1) As soon as possible after its constitution every regional planning committee shall prepare an estimate of the expenditure involved in the preparation of a regional planning scheme, and a copy of such estimate, with the recommendations of the committee as to the apportionment of the expenditure among the several local authorities concerned, shall be submitted to each of those local authorities.

(2) Except with the prior consent of the local authorities concerned, the estimated expenditure aforesaid shall not exceed the amount that would be produced by a rate of one-fiftieth of a penny in the pound on the capital value of all rateable property within the region.

15. (1) For the purposes of the preparation of a regional planning scheme and for matters incidental thereto, the Town-planning Board shall, by notice published in the *Gazette*, declare one of the uniting local authorities to be the principal local authority. Any such declaration may be at any time in like manner revoked or varied.

(2) All expenses and liabilities incurred by a regional planning committee shall be expenses and liabilities of the principal local authority, and all contracts made, rights acquired, and liabilities incurred by the said committee shall be deemed to be made, acquired, and incurred respectively by the principal local authority.

(3) The uniting local authorities shall contribute towards the cost of preparing a regional planning scheme and the other expenditure of the regional planning committee to such extent as is agreed upon by them, and if they are unable to agree as to the manner in which the cost is to be apportioned among them, the Governor-General by Order in Council, after making such inquiry as he thinks proper, may apportion such cost, and the amount to be paid by any local authority other than the principal local authority in accordance with such apportionment shall be recoverable as a debt due to the principal local authority.

Regional planning committee to continue in existence until dissolved.

Committee to prepare estimate of cost of preparation of regional planning scheme.

Town-planning Board to appoint a principal local authority which shall be responsible for expenditure incurred by regional planning committee.

(4) The cost of preparing a regional planning scheme as aforesaid shall for the purposes of this section include such amount as the Town-planning Board may approve in respect of the administrative and other expenses of the principal local authority incurred in relation to the regional planning scheme.

16. Every member of a regional planning committee, including every member for the time being associated with any such committee, shall be entitled to a refund of all expenses reasonably incurred by him in attending meetings of the committee or otherwise in connection with the business of the committee. Save as aforesaid, no such member or associate shall be entitled to receive any payment in respect of his services in connection with the committee except with the special approval of the Minister of Internal Affairs.

Members of regional planning committee to be entitled to refund of expenses.

17. The powers conferred on the Governor-General by section thirty-five of the principal Act are hereby extended to empower the making of all such regulations as may be deemed necessary in relation to the preparation of regional planning schemes under this Part of this Act.

Regulations.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON ADOPTION OF EXPRESSION "EXTRA-URBAN PLANNING SCHEME" IN LIEU OF "REGIONAL PLANNING SCHEME."

Part of Act amended.	Nature of Amendment.
Title ..	Omit the word "Regional," and substitute "Extra-urban."
Section 2 ..	In definition of term "responsible authority," omit the words "a regional" and substitute the words "an extra-urban."
Section 3 ..	Omit the word "regional" wherever it occurs in subsection (2), and in each case substitute "extra-urban."
Section 4 ..	Omit the words "a regional," and substitute the words "an extra-urban."
Section 24 ..	Omit from subsection (4) the words "a regional," and substitute the words "an extra-urban"; omit from subsection (7) the words "any regional," and substitute the words "any extra-urban"; omit from the same subsection the words "a regional planning," and substitute the word "that."
Section 25 ..	Omit from subsection (1) the words "a regional," and substitute the words "an extra-urban"; omit from subsection (2) the words "a regional," and substitute the words "an extra-urban"; omit from the same subsection the words "Every requisition under this section shall be in writing under the seal of the Board, and shall define the area to which it relates"; omit from subsection (3) the words "a regional" wherever they occur therein, and in each case substitute the words "an extra-urban"; omit subsection (4); omit from subsection (5) the word "regional," and substitute "extra-urban."
Section 26 ..	Omit the word "regional," and substitute "extra-urban."

FIRST SCHEDULE—*continued*.

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON ADOPTION OF EXPRESSION
 "EXTRA-URBAN PLANNING SCHEME" IN LIEU OF "REGIONAL PLANNING SCHEME"
 —*continued*.

Part of Act amended.	Nature of Amendment.
Section 27 ..	Omit from subsection (1) the words "a regional," and substitute the words "an extra-urban"; omit from subsection (2) the word "regional," and substitute "extra-urban"; omit from subsection (3) the words "a regional," and substitute the words "an extra-urban"; omit from subsection (4) the word "regional," and substitute "extra-urban."
Section 28 ..	Omit from subsection (1) the word "regional," and substitute "extra-urban"; omit from subsection (4) the word "regional," and substitute "extra-urban"; omit from subsection (5) the words "a regional," and substitute the words "an extra-urban."
Section 29 ..	Omit from subsection (1) the words "a regional," and substitute the words "an extra-urban"; omit from paragraph (a) of subsection (2) the word "regional," and substitute the words "an extra-urban."
Section 30 ..	Omit from subsection (1) the words "town or regional," and substitute the words "town-planning or an extra-urban."
Section 35 ..	Omit from paragraph (a) of subsection (1) the word "regional," and substitute the words "an extra-urban."
Schedule ..	Omit from heading the word "Regional," and substitute "Extra-urban."

SECOND SCHEDULE.

MATTERS TO BE DEALT WITH IN REGIONAL PLANNING SCHEMES.

1. *Communications and Transport Facilities* :—

- (a) Railways.
- (b) First- and second-class arterial and regional roads.
- (c) Omnibus and tram routes.
- (d) Harbours and navigable waterways.
- (e) Airports.

2. *Zoning* :—

- (a) Allocation of areas for—
 - (i) Urban development, differentiating where possible between residential, business, and industrial areas, with special reference to offensive trades :
 - (ii) Agricultural purposes, specifying the particular form of land-utilization recommended, including afforestation.
- (b) Recommendations as to building-lines and the maximum height and bulk of buildings to be prescribed in the statutory town-planning schemes within the region.

3. *Public Utilities* :—

- (a) Land-drainage, sewerage, and sewage disposal.
- (b) Water-supply, including catchment areas.
- (c) Electricity and gas generation and distribution.

4. *Amenities* :—

- (a) Public parks and reserves and recreational facilities.
- (b) Preservation of places of historical or archaeological interest or natural beauty.
- (c) Recommendations for the control of outdoor advertising.