

# Chapter 18 — Definitions

## Accessory Building

means any building or structure which is detached from, and the use of which is incidental to that of the principal building or buildings on the site; and in relation to a site on which no principal building stands, means a building or structure the use of which is incidental to the use which may be permitted on the site. A fence or a free-standing wall of a height greater than 2.0m shall be deemed to be an accessory building. An accessory building may include sleeping and ablution facilities, but no facilities for food preparation or cooking.

[AM60]

## Access way

means any passage way, laid out or constructed by the authority of the Council or the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or public open space to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or public open space to another part of that same road, service lane, or public open space.

## The Act

means the Resource Management Act 1991, and includes any amendments thereto.

## Activity Sensitive to Aircraft Noise or “ASAN”

means household units, minor household units, pre-school/education facilities, schools, other educational facilities, child care centres and other care centres, residential centres, hospitals, other health care facilities, rest homes and other homes for the aged.

## Activities Sensitive to Air Discharges

means Retail Sales Activities, Cafes, Restaurants, Takeaway Food Premises, Carparking areas and buildings not ancillary to a permitted activity, Care centres, Educational facilities, Entertainment facilities and activities, Farming of any kind, Funeral directors premises, Hospitals, Household Units, Markets and stalls, Motor vehicle sales and service premises, Offices, Personal and other services, Places of assembly, Public Open Spaces, Taverns, Transport Centres, and Travellers accommodation.

## Adaptation

means modifying a building or object to suit it to a compatible activity, involving the least possible loss of cultural heritage value.

## Agrichemical

means any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, which is used in any agricultural, horticultural or related activity, to eradicate, modify or control flora and fauna.

**Aircraft Noise Community Consultative Group or ANCCG**

is that group referred to in Rule 17.6.17.1.

**Aircraft Noise Notification Area or ANNA**

is an area that is outside the HANA and MANA and that will have future noise levels between Ldn 55dBA and Ldn 60dBA; and is shown in green on Appendix 2F to the Planning Maps.

**Aircraft Operations**

means:

- the landing and take-off of any aircraft;
- the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the Airport to another;
- aircraft flying along any Flight Path, within the Airport Zone or the area subject to Designation 231: or
- the HANA, MANA or ANNA; or
- the area of the Control Zone surrounding the Airport shown on Figure 2 of Designation 231.

**Airport Authority or Airport Operator**

means the person or body that has the necessary statutory authority for (or where no such authority is required, the body or person that is otherwise responsible for or in control of) the establishment, maintenance, operation or management of the Auckland International Airport; and without limiting the above, includes AIAL acting in accordance with the authority conferred on it under the Airport Authorities Act 1966.

**Air Shows**

for the purpose of Rule 17.6.16.1 means a sequence of unscheduled aircraft operations of a maximum of three days duration, occurring at a frequency not exceeding one per year, which is organised to provide a spectacle for members of the public.

**Annual Aircraft Noise Contour or AANC**

means an Ldn contour published by AIAL annually as a prediction of noise from Aircraft Operations for the following 12 months (excluding noise excepted from the limit in Rule 17.6.16). The prediction is based on monitoring undertaken in accordance with Rule 17.6.16.1.1(b).

**Auckland International Airport Limited or AIAL**

means Auckland International Airport Limited, acting in accordance with the authority conferred on it under the Airport Authorities Act 1966. AIAL is the requiring authority under Designations 231 and 232.

**Amenity Values**

means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

**Amusement Gallery**

means premises providing wholly or mainly for indoor entertainment, and includes a billiards, snooker or video parlours, a bowling alley (including ten-pin bowling), premises containing machines and video games, and other premises used for like purposes.

**Antenna**

means any telecommunication, radiocommunication and broadcasting apparatus used for transmission or reception including the antenna mounting but not any supporting mast or similar structure. This definition includes any satellite dish.

**Archaeological site**

means any site, whether recorded or unrecorded, that either was associated with human activity that occurred before 1900 and is, or may be able, through investigation by archaeological methods to provide evidence relating to the history of New Zealand. All archaeological sites whether recorded or unrecorded are protected under the Historic Places Act 1993.

**Average Lot Size (only applies to the Flat Bush Structure Plan Area)**

Average lot size in the Residential 1 and 2 zones in the Flat Bush Structure Plan Area shall be calculated by totalling the net area of all future residential lots (exclusive of back lanes, private ways, jointly owned access lots, and entrance strips) which are not located in the special policy areas and which are less than 1,000m<sup>2</sup> in area, together with those lots up to 2,000m<sup>2</sup> in area that are committed to development at a specified density greater than one household unit per lot (in which case a new lot shall be deemed to be created for each of the additional committed household units on such lots for the purposes of calculating average lot size), and dividing that sum by the number of such lots and deemed lots.

Average lot size in the Flat Bush Countryside Transition zone shall be calculated by taking the gross area of a site minus all land identified for:

- Roads and road widening purposes; and
- Public Open Space 6 zone and/or overlying area plus the area of any land to be vested for roading purposes adjoining such areas; and
- Stormwater Management Area, (but excludes any land identified as Conservation/Stormwater Management Policy Area); and
- Stormwater Ponds

AND

then dividing the balance area by the number of residential lots.

[AM50]

**Background Sound Level — L<sub>95</sub>**

means the mean minimum sound level, measured in decibels, in the absence of the noise being assessed at the relevant time and place of measurement. When statistical analysis methods are used, the background sound level is the L<sub>95</sub> exceedance level for the observation time, in the absence of the noise being assessed. It is the component of sound that is subjectively perceived as continuously present.

**Bar Space**

means that part of licensed premises which is used principally or exclusively for the sale, supply or consumption of liquor.

**Bed and Breakfast Accommodation**

means overnight accommodation for paying guests complying with the following:

- (i) it is allowed only within a permitted household unit on the site;
- (ii) the owner or occupier lives on the property ; and
- (iii) is limited to six guests for each household unit on the site used for Bed and Breakfast Accommodation.

[AM50]

**Boardinghouse (Hostel)**

means a residential building in which board or lodging is provided or intended to be provided for boarders or lodgers, and includes a half-way house or any premises providing (with or without payment), residential accommodation on a temporary basis, to persons in need of emergency housing and shelter; but excludes a hotel or building forming part of a motor camp or motel.

**Boundary**

means:

- (a) in relation to fee simple subdivision, the site boundary;
- (b) in relation to cross-lease subdivision, the boundary of the restrictive covenant area;
- (c) in relation to unit title subdivision, the boundary of the accessory unit associated with a particular principal unit.

**Bridle Trails (only applies to the Flat Bush Structure Plan Area)**

means a path or trail set aside for the purpose of horse riding.

[AM50]

**Building**

means any structure of any kind, whether temporary or permanent, moveable or immovable, but excludes the following:

- (a) any fence or wall not exceeding 2.0m in height;
- (b) any retaining wall not exceeding 1.5m in height and not incurring a surcharge;
- (c) any scaffolding or falsework erected temporarily for maintenance or construction purposes;
- (d) any vehicle, trailer, tent, caravan or boat, whether fixed or moveable, unless it is used as a place of accommodation, business or storage;
- (e) any swimming pool with walls not more than 1.2m above the ground level at any point;
- (f) any deck not more than 1.0m above the ground level at any point;
- (g) any other structure or building not more than 2 metres in height and having a floor area of not more than 10m<sup>2</sup> which is located a distance equal to or greater than its own height from the boundary.

**Building Frontage (only applies to the Flat Bush Structure Plan Area)**

Is the total width of all buildings across a site

[AM50]

**Building Improvement Centre**

means premises used for the storage, assembly, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings, and includes builders' supply and plumbing supply centres, and home and building display centres.

**Buildings and Facilities used for Educational, Recreational, Cultural, Social or Community Purposes**

means land and/or buildings associated with:

- (a) places of assembly such as a marae complex, and churches;
- (b) schools;
- (c) country clubs, and/or sports activities such as tennis, golf, bowls, croquet and football, but excludes entertainment facilities, taverns, community and health care services and facilities and hospitals.

**Built Form**

means mix of building types and styles, building spacing and orientation, scale and massing, building height, roof forms, and extent of site coverage.

**Bus Depot**

means a facility for the parking, servicing and repair of buses, and includes associated administrative offices and passenger transfer facilities.

**Camping Ground**

means any area of land used (for rent, hire or reward) for the purposes of temporary living places (such as a tent or other structure or shelter, caravan or other vehicle) capable of being occupied either wholly or in part for human habitation by two or more families or parties living independently of each other, and whether or not entrances, water supplies, cookhouses, sanitary conveniences or other premises and equipment are used in common.

**Care Centre**

means any land or buildings where:

- (a) three or more children (in addition to the children of the centre manager) aged younger than 6 years, are educated and cared for, and may be licensed as such by regulation; and/or
- (b) three or more children aged 6 years or older (in addition to the children of the centre manager) are cared for out of school hours; and/or
- (c) elderly persons are cared for during the day; and/or
- (d) persons with disabilities are educated and cared for during the day.
- (e) and includes creches, playcentres, kindergartens, childcare centres, pre-schools, kohanga reo and play group facilities.

**Church**

means premises used predominantly for religiously-orientated activities, including worship, ceremonies, instruction and meetings. Ancillary uses may include educational, recreational, cultural, social, charitable activities, vicarages and community purposes meetings, but schools or recreation and entertainment facilities are excluded.

**Citizen's Advice Bureau**

means any premises used for providing advice to citizens including the provision of advisory services where the advice and services are provided without a view to profit.

**Class II Heliport**

means a heliport used by helicopters engaged in the emergency delivery of accident victims or other persons requiring treatment at the hospital or medical premises at which the heliport is situated, but excludes any facilities for helicopters engaged in commercial operations or flight training operations.

**Cleanfill**

means any earthwork operating to dispose of clay, soil, rock, brick or concrete including demolition material (with no more than 5% of timber, steel, road bitumen, iron, gibboard or other structural materials or materials other than the above), free of combustible and organic material, but excludes organic or hazardous wastes, and materials subject to biological, physical or chemical breakdown.

**Clearing**

means the act of detaching a tree, bush or scrub from the ground, but does not include thinning for silvicultural and agricultural purposes, or the removal of gorse and other noxious plants.

**Clubroom**

means the construction and use of premises providing for the use, convenience and enjoyment of a recreational or community organisation, but excludes sports clubrooms.

**Coastal Protection Works**

means any works associated with protecting land and/or property from damage, loss or danger arising from coastal hazards.

**Commercial Service**

means a service operated from any premises, where the service consists of, or is similar in character to, the repair and servicing of household and domestic goods and equipment, clothing and footwear, lawn mowers, garden equipment, bicycles (whether or not spare parts and accessories are offered for sale in conjunction with the service provided on the premises) and includes dry cleaning, laundries and the like.

**Community and Healthcare Services and Facilities**

means premises providing healthcare by healthcare providers, and includes services which involve giving information, counselling, advice or other like assistance conducive to personal welfare, including services relating to physical and mental health and welfare performed by duly qualified health care providers, hospitals, medical laboratories or clinics and veterinary clinics and includes any ancilliary administrative offices such as citizens advice bureaux, legal aid and the offices of charitable organisations where the facility is operated by a non-profit making organisation; but excludes gymnasias, saunas, figure control clinics or similar.

**Community buildings (not exceeding 150 m<sup>2</sup>)**

means premises for the purpose of providing for libraries, pre-school education facilities, Plunket rooms, guide and scout buildings, community houses, and Citizens Advice Bureaux.

**Community buildings and facilities (exceeding 150m<sup>2</sup>)**

means premises for the purpose of providing for recreation centres, swimming pools, libraries, halls, community houses, marae, clubrooms, arts and cultural centres, theatres, and includes rooms and buildings used for education, indoor recreation, cultural or social purposes, but excludes sports clubrooms.

**Composite Sign**

means a planned arrangement of signs (see separate definition), where each display face is used to advertise separate goods or services available from, or premises situated on, the site, and which are contained within or affixed to one principal support structure.

**Composite Yard**

see Yards.

**Conference Facilities**

means lecture halls, seminar rooms and eating and drinking facilities provided for the specific purpose of holding organised conferences, seminars and meetings.

**Conservation**

means the preservation and protection of natural and physical resources, including heritage resources for the purpose of maintaining their intrinsic values.

**Construction Work**

means any work in connection with the construction, erection, installation, carrying out, repair, maintenance, cleaning, painting, renewal, alteration, dismantling, or demolition of:

- (a) Any building, erection, edifice, structure, wall, fence, or chimney, whether constructed wholly or partly above or below ground;
- (b) Any road, motorway, harbour works, railway, cableway, tramway, canal, or aerodrome;
- (c) Any drainage, irrigation, or river control work;
- (d) Any electricity, water, gas, telephone, telecommunication, or cable television reticulation;
- (e) Any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;
- (f) Any scaffolding;

and includes any work in connection with any excavation, site preparation or preparatory work carried out for the purpose of any construction work; and also includes use of any plant, tools, gear, or materials for the purpose of any construction work.

**Convenience Shop**

means premises used for the sale of food (including dry goods, fish and meat) groceries, tobacco, pharmaceutical goods, stationery, newspapers, periodicals, video film hire and sale, self service laundromats and depots used for the receipt and delivery only of articles to be dry cleaned, or dyed elsewhere.

**Corner Site**

see “Site”.

**Council**

means the Manukau City Council, or any committee, sub-committee, or person to whom the Council's powers, duties and discretions under the Plan have lawfully been delegated.

**Coverage**

See “Site Coverage”.

**Cultural Heritage Value**

means possessing historical, archaeological, architectural, technological, aesthetic, educational, scientific, spiritual, social, traditional or other special cultural significance, associated with human activity.

**Day/Night Level, or Day/Night Average Sound Level ( $L_{dn}$ )**

means the time-average sound level, in decibels, over a 24 hour period (from midnight to midnight), obtained after the addition of 10 decibels to sound levels in the night (from midnight to 7.00am and from 10.00pm to midnight).

**Defined Area**

means in relation to any cross lease, company lease or unit title subdivision that area of land contained wholly within the restrictive covenant or accessory unit boundaries defining the area set aside for the exclusive use of any unit.

**Designated**

means designated under the Act for a public work, project or work, and “designation” has a corresponding meaning.

**Development**

means development or redevelopment, including site development (other than subdivision) by:

- (a) Constructing, erecting, or altering any one or more buildings or other works for the purpose of providing 2 or more new, or 1 or more additional household units including a minor household unit; or  
[AM60]
- (b) Constructing or carrying out works for the purpose of providing a relocatable home park; or
- (c) Constructing, erecting, or altering any one or more buildings, fixed plant and machinery, or other works intended to be used solely or principally for administrative, business purposes or any combination of those purposes where the accumulative value of the works on site since 1979 has reached \$100,000; except that for the

purpose of Rule 15.15.2.3.5.1 — Business Development Contributions, the assessed value of the works is in excess of \$250,000; and in the case of network utilities where no staff are employed or stationed only the value of those works requiring building consent or resource consent shall be assessed ; or

- (d) Works that alter the natural contours of the land and have a subsequent effect on erosion, instability, land drainage or flooding, or detrimentally affect the provision of public utility services; or
- (e) The construction of any building except residential, on unserviced land, or land serviced with public utilities, provided by the Council as a result of contributions to those services made by subdividers or developers of any other land.

*Provided that* where it is proposed to construct, erect, or alter one or more buildings, and plant and machinery, or other works in stages, and the total proposed construction, erection, or alteration would, if carried out otherwise than in stages, constitute a development as defined in the foregoing provisions of this definition, the total construction, erection, or alteration shall constitute one development for the purposes of this definition.

### **Development (Public Open Space)**

In the case of development on public open space, 'development' means development or redevelopment (other than subdivision) by:

- (a) Construction, erection or alteration of any one or more buildings or sports facilities (eg. sportsfields); or
- (b) Works that alter the natural contours of the land for the purposes of providing specific recreational facilities such as sportsfields, courts, bowling and croquet greens and artificial sports surfaces; or
- (c) The construction or alteration of cycleways, walkways, boardwalks, bridges and bridle-trails; or
- (d) Drainage and landscape work such as planting or the construction of water features, paving; or
- (e) The construction, erection or alteration of identification and interpretation signs and plaques and entrance structures; or
- (f) The construction or alteration of carparking areas, vehicle barriers, and security lighting; or
- (g) The provision of park furniture; or
- (h) The construction or alteration of childrens' playgrounds and fitness trails; or
- (i) Constructing, erecting, or altering any one or more buildings, fixed plant and machinery, or other works intended to be used solely or principally for administrative, business purposes or any combination of those purposes where the accumulative value of the works on site since 1979 has reached \$100,000.

### **Dripline of tree**

means the line formed when a vertical line from the outermost extent of the spread of the tree's branches or canopy meets the ground.

**Earthworks**

means any alteration to land contours, including the excavation and backfilling or recompaction of existing natural ground and the stripping of vegetation and topsoil.

**Educational Facility**

means land and/or buildings used to provide regular instruction or training in accordance with a systematic curriculum, by suitably qualified instructors, and includes schools, technical institutes, teachers colleges and universities, kura kaupapa (primary school), and kura maori (high school), and their ancillary administrative, cultural and communal, retail (for example tuck shops, stationery shops and uniform shops) and ancillary health facilities (for example counselling facilities and dental clinics) and also includes ancillary recycling facilities to a maximum size of 30m<sup>2</sup>.

**Electric Line**

means the structure of works or electrical installations carrying conductors above or below ground; and includes the conductors and fittings used in conjunction with the conductors; but does not include fixed wiring.

**Entertainment Facilities**

means land or buildings in which facilities are provided (at a charge to the public, or by private reservation) for:

- recreation and entertainment
- the promotion of physical health or beauty culture

and may include theatres, cinemas, casinos, cabarets, clubs, amusement galleries, video hire outlets, gymnasiums, sauna or figure control clinics and premises controlled by the Massage Parlour Act 1978.

**Entrance Strip**

means that narrower part of a rear site extending back from a road and affording access to the principal part of the site.

**Environment**

as defined in the Resource Management Act 1991 under Part 1, section 2 and includes:

- (a) ecosystems and their constituent parts, including people and communities;
- (b) all natural and physical resources;
- (c) amenity values, and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs a) to c) of this definition or which are affected by those matters.

**Environment Centre / Information Centre**

A building where information is available to explain the natural, physical, and/or cultural heritage of a particular area. Information may be made available in the following ways:

- displays, posters, photographs, or narrative on walls,
- pamphlets
- video or films
- exhibits
- live performance and/or demonstrations
- or in any other way the Council sees fit.

The centre may include public toilets and public carparking. The centre may also include a tea-room and/or shop but these activities must be subsidiary to the main purpose of the building which is the dissemination of information.

The centre may also be used as appropriate, for community meetings, civic functions, weddings and any other purpose, with the agreement of the Council.

**Ephemeral Stream**

In respect of the Whitford Rural Area means any stream or part of a stream that is not a Perennial Stream within the Whitford Rural Area.

Note:

This definition does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply for electricity power generation, farm drainage canal and roadside drain and water-table except where the roadside drain or water-table is a modified element of a natural drainage system).

[AM99]

**Erection**

means the construction of a building and includes the re-erection or structural alteration of, or the making of any addition to the building, or the relocating of a building whether on another position on the same site, or elsewhere; and “erect” and “erected” have corresponding meanings.

**Existing Building**

means any building:

- existing at 10 December 2001 for an ASAN; or
- for which a resource consent for an ASAN has been granted by 10 December 2001; or
- shown on an outline plan that has been lodged with the Council under section 176A of the Resource Management Act 1991 (“RMA”) and is beyond challenge.

**Farming**

means forms of primary production which rely on the productive capacity of the soil of the site, and includes farm forestry, horse training, and beekeeping, but excludes pig keeping and pig farming and intensive farming.

**Farm Forestry**

means any plantation or planting of trees on a farm for the purpose of providing for the timber requirements of that farm; shelter belts for plants or crops grown on the farm, or for the maintenance of soil stability and the conservation of water; or the growing of widely spaced trees as a secondary operation on any farm.

**Farm Produce**

in relation to a permitted selling place means eggs, honey, fruit and vegetables produced on the farm, and includes the unprocessed extracted juices of fruit and vegetables, but excludes fruit or vegetables which have been processed beyond cutting and cleaning.

**Farmstay Accommodation**

means rural residential accommodation in which board or lodging is provided on a temporary basis by a farm owner living on the premises.

**Flat Bush Cluster Housing Subdivision**

means a comprehensive subdivision and development framework for cluster housing proposals on sites in the Flat Bush Countryside Transition Zone that have a minimum parent site size of 20ha and which do not exceed an overall density of 1 household per 5000m<sup>2</sup>

[AM50]

**Flat Bush Zones (only applies to the Flat Bush Structure Plan Area)**

includes, Public Open Space 6 zone, Flat Bush Residential 1 zone, Flat Bush Residential 2 zone, Flat Bush Countryside Transition zone, Flat Bush Town Centre zone, Flat Bush Neighbourhood Centre zone.

[AM50]

**Flight Path**

means the actual path of an aircraft in flight, following takeoff from or prior to landing at the Airport, for so long as that aircraft remains subject to air traffic control at the Airport.

**Floodlights for Recreational Use**

means exterior artificial lighting which enables sporting and entertainment activities to be conducted when natural lighting is insufficient.

**Foreshore**

means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.

**Front Site**

see “Site”.

**Front Yard**

see “Yard”.

**Front Yard Set Back Area (only applies to the Flat Bush Structure Plan Area)**

is the area between the front yard minimum and front yard maximum

[AM50]

**Funeral Directors’ Premises**

means premises used for the purposes of directing or conducting funerals and related matters, and may include mortuary facilities and buildings or parts thereof set aside as funeral chapels.

**Future Aircraft Noise Contour or FANC**

means each of the long term predicted noise contours shown on Appendix 2G to the Planning Maps.

**Garden Centre**

means premises for the sale of plants and associated merchandise (excluding power driven equipment) for the home gardener, and includes premises for the propagation, display or storage of plants for sale to the public.

**General Advertising Sign**

means a structure supporting display panels or rotating Trivision panels, upon which advertising matter which is not related to the activities of the site may be painted, printed, written, carved, inscribed, endorsed or otherwise affixed.

**Glare**

means a condition of vision, in which there is discomfort (discomfort glare) or a reduction in the ability to see (disability glare), or both, caused by an unsuitable distribution or range of luminance, or by extreme contrasts in the field of vision.

**Greenhouse**

means any building within which plants (except fungi) are grown and includes a glasshouse, shadehouse, tunnel house and plastic house.

**Gross Floor Area**

means the sum of the gross area of all floors of a building measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.

**Gross Shopping Floor Area**

Means that portion of gross floor area used for the selling of goods or the display of goods for sale including associated counter, teller and aisle areas.

**Habitable Room**

means a space used for activities normally associated with domestic living, including a bedroom, but excludes any conservatory, bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for an extended period.

**Hapu**

means a group of families who have an ancestor in common, and who are the tangata whenua who have “te mana o te whenua” status over a particular area. Hapu are a sub-tribe of iwi.

**Hazardous Facility**

means activities involving hazardous substances and sites, including vehicles for their transport, at which these substances are used, stored, handled and disposed of. Hazardous facility does not include the incidental use and storage of hazardous substances in minimal domestic scale quantities.

**Hazardous Substance**

means any substance —

- (a) with one or more of the following intrinsic properties:
- explosiveness;
  - flammability;
  - a capacity to oxidise;
  - corrosiveness;
  - toxicity (both acute and chronic);
  - exotoxicity, with or without bioaccumulation; or

- (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

### Healthcare Providers

means people who are engaged in providing services relating to physical and mental health and welfare, and includes amongst others:

- acupuncturists
- chiropractors
- clinical psychologists
- dentists, and dental technicians
- dietitians
- medical practitioners
- medical radiographers
- medical social workers and counsellors
- medical technologists
- naturopaths
- nurses
- occupational therapists
- opticians and optometrists
- osteopaths
- pharmacists
- physiotherapists
- podiatrists
- psychotherapists

### Healthcare Services

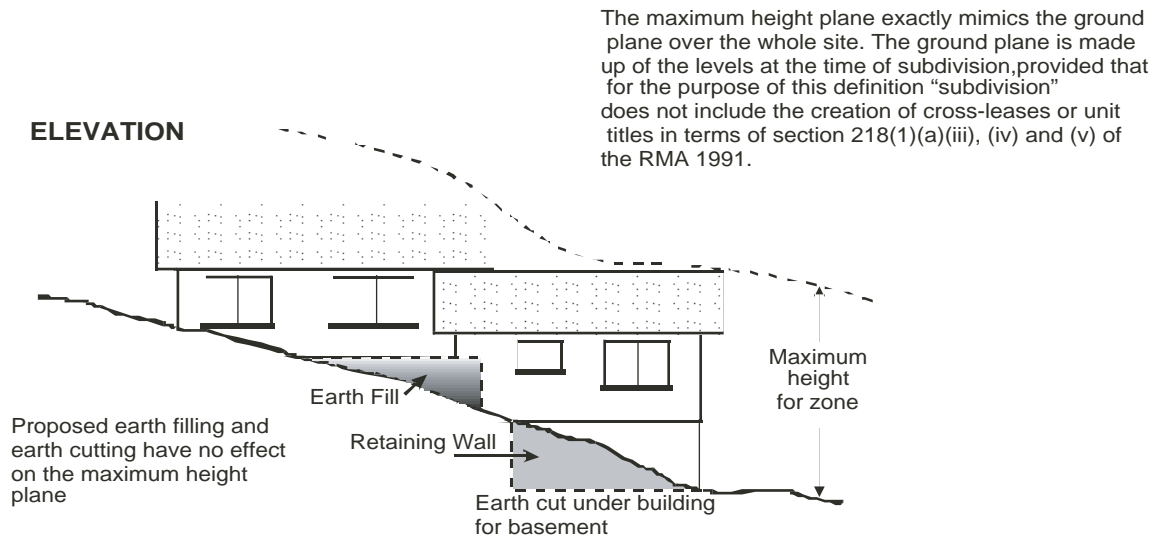
means land and buildings:

- (a) used by one or more health care providers for the purpose of carrying out their profession; or
- (b) used as a medical laboratory or clinic; or
- (c) used as a veterinary clinic.

## Height

in relation to any building and unless specifically provided for in any other part of the Plan, means:

The vertical distance between the natural ground level (see definition in this part of the Plan) at any point and the highest part of the building immediately above that point (see Figure 18.1):



**FIGURE 18.1 HEIGHT: ROLLING HEIGHT METHOD**

### For the purpose of this definition:

"Highest Part of the Building" means the highest part of the main structure of the building, including parapets, without taking account of projections measuring not more than 2m in a horizontal plane and projecting not more than 1.5m above the maximum permitted height of the main structure.

The definition of Height excludes antennas on existing or proposed buildings, provided they do not project more than 2m above the maximum permitted height of the main structure for the zone in which they are located and do not exceed 2m in any horizontal direction.

## Heliport

means a facility for the landing, take-off, parking, storage, refuelling and maintenance, but not overhaul, of helicopters; and may include one or more helipads, 'off-pad' parking, and such terminal and storage buildings, car parking and other facilities as are necessary for the operation of the heliport. A commercial heliport means a facility used on more than five days per annum by helicopters flying for hire and reward.

## Helistop

means a facility for the landing, take-off and parking but not storage, refuelling, maintenance or overhaul, of helicopters; and may include a helipad, 'off-pad' parking, car parking and such other facilities as are necessary for its operation. A commercial helistop means a facility used on more than five days per annum by helicopters flying for hire or reward.

**Heritage**

means those attributes, from the distant and more recent past, that establish a sense of connection to former times, contribute to community identity and sense of place, and spirituality, that people have a responsibility to safeguard for current and future generations.

**Heritage Resource**

is a generic term used in the District Plan and means buildings, objects, trees, sites, areas or waahi tapu of heritage value.

**Heritage Order**

means a provision made in the District Plan to give effect to a requirement made by a heritage protection authority.

**Heritage Protection Authority**

means any Minister of the Crown; a local authority acting either on its own motion or on the recommendation of an iwi authority; the New Zealand Historic Places Trust and; any body corporate approved as a heritage protection authority under Section 188 of the Resource Management Act.

**High Aircraft Noise Area or HANA**

is the area outside the area covered by Designation 231 that will have future noise levels greater than Ldn 65 dBA and is that area shown in purple on Appendix 2F to the Planning Maps.

**High Quality Soils**

means soils defined as Land Use Capability Classes I, II and III in the New Zealand Resource Inventory.

**Home Enterprise****[AM61]**

The use of a site for an activity which is subordinate and incidental to the use of the site for residential/ domestic purposes, where:

- Home enterprise excludes activities which are solely an extension of a business activity primarily based on another site;
- Home enterprise excludes the following activities: panel beating; spray painting; motor vehicle repairs; motor vehicle dismantling; wrecking of motor vehicles; motor body building; servicing of internal combustion engines; fibre glassing; sheet metal work; wrought iron work or manufacture; any process which involves the use of power tools, hammering or welding which exceeds the noise emission standards for the respective zone; bottle or scrap metal storage, rubbish collection, fish processing, establishments for boarding domestic pets, funeral parlours, the sale/trading of motor vehicles as defined under the Motor Vehicle Sales Act 2003, and any activity that requires the obtaining of a Liquor Licence under the Sale of Liquor Act 1989;

- Provided that the owner or occupier of a household unit is not prevented by this provision from carrying out normal maintenance and repair of domestic equipment (including a motor vehicle) which is owned and used by the aforesaid owner and occupier for domestic purposes; and
- It complies with the standards specified for Home Enterprises in Rule 5.18.5.

For the avoidance of doubt, if an activity does not comply with any of the standards specified, it is not a home enterprise.

### **Homes for the Aged**

means the use of premises for the care of aged persons and includes rest homes and retirement homes/villages.

### **Horticulture**

means the growing of vegetables, fruit, berries, nuts, vines, flowers, plants in nurseries, and includes market gardening and orcharding.

### **Hostel**

see "Boardinghouse".

### **Hotel**

means premises in which accommodation is provided for the travelling public, and in which liquor is sold for consumption on the premises (whether or not liquor is also sold therein or therefrom for consumption off the premises) and which is licensed in accordance with the Sale of Liquor Act 1989. Ancillary uses may include recreational, sporting, community and entertainment uses.

### **Household Unit**

means a building or part of a building intended to be used as an independent residence, and includes any apartment, townhouse, dwelling house, flat or home unit, but excludes a minor household unit and a temporary household unit.

### **Icomos NZ Charter**

sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It is written in the spirit of the International Charter for the Conservation and Restoration of Monuments and Sites.

### **Indigenous People**

means first nation people or native population.

**Industry**

means the production, processing, packing, assembly, servicing, testing, repair, and/or storage and warehousing of any materials, goods or products, live produce, vehicles or equipment and also includes transportation.

**Informal recreation and leisure**

means unstructured recreation, and includes resting, sitting, walking, jogging, enjoying nature, picnicking, barbecuing, spontaneous informal games of not more than 20 people, and kite flying.

**Information Centre/Interpretation Facility**

means premises used for the primary purpose of storing and displaying information relating to particular features/resources of educational, scientific or heritage value found within the public open space the building is located on. An interpretation facility includes structures such as signs and plaques.

**INM**

means United States of America Federal Aviation Authority Integrated Noise Model.

**Integrated Intensive Housing**

means the construction of household units, where development is assessed against those elements contained in Chapter 13 Appendix 1 "Design Code for Intensive Housing", either prior to subdivision at a density which may be greater than 1 household unit per 400m<sup>2</sup> of net site area or on lots which may be less than 400m<sup>2</sup> net site area, subject to approval being given to subdivision in conjunction with approval for the construction of services, landscaping, the siting and design of buildings and, where necessary, the construction of streets.

**Intensive Farming**

means the intensive farming of animals, poultry and fungi which are frequently, but not necessarily, carried out under building cover. It includes, but is not restricted to animal feedlots, rabbit and mushroom farming, but excludes pig keeping and pig farming.

**Internal Road**

means a privately owned carriageway constructed entirely within a site used for business purposes.

**Iwi**

means major tribes who are tangata whenua.

**Iwi Authority**

means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

**Kainga**

means place of abode.

**Kaitiaki**

means the tangata whenua guardian who exercises the ancestral responsibilities of Kaitiakitanga.

**Kaitiakitanga**

means the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

**Kaumatua Housing**

means housing for elders.

**Kiosk**

means a small area of 12m<sup>2</sup> or less either inside a building located on a public open space, or which is an independent (permanent or temporary) structure located on a public open space, from which items such as food, drink, and sports and leisure items, that are directly related to the activities taking place on the public open space the kiosk is located on, are sold or hired.

**Kokiri Centre**

means any premises in which training and tuition is given in respect of any of the following matters:

- (a) any trade, profession, or occupation;
- (b) Maori language, Maori customs and traditions, Maori arts and handicrafts, and other aspects of Maori culture essential to the identity of Maori;
- (c) any skill, art, language, customs or traditions that promote the general social well-being of the community.

**Land Development**

means the modification of land for the purpose of development.

**Land form**

means topography, or geographical feature (e.g. a river or mountain).

**Land Modification**

includes any physical works, land development, removal of vegetation, earthworks, changes to landform or natural drainage patterns and all works preparatory to and associated with subdivision and development.

**Landscape Features (within road zones)**

means special features other than planting and contouring, built or established to enhance the amenity values or character of a vicinity or area and includes sculptures, walls, fences, screens, benches, entrance features and signs.

**L<sub>10</sub>**

means that sound level, measured in decibels, which is equalled for 10% of the measurement period.

**Ldn Contour**

means a line connecting points of equal day/night sound level (Ldn dBA).

**Light Spill**

means light from both direct and indirect sources, which falls outside the area that is required to be artificially lit. Light spill is measured in lux (lumens per square metre) while light intensity is measured in candelas per square metre. Measurement of both the horizontal and vertical components is required.

**Loading Space**

means a space on a site which is set aside for the sole purpose of loading or unloading a vehicle.

**Main Living Room**

means a lounge, kitchen, dining room, or family room which is identified by an applicant as a main living room for the purpose of Rule 13.11.2.1.

**Maintenance**

means the protective care of a resource.

**Mana o te whenua status**

means the hapu which has the rangatiratanga rights and kaitiaki responsibilities over ancestral lands.

**Maori Land**

means Maori customary land and Maori freehold land.

**Mana whenua**

means customary authority exercised by an iwi or hapu in an identified area.

**Marae atea**

means open space before house, courtyard.

**Marae Complex**

means land and buildings generally associated with hapu or iwi, which are used for whanau, community, cultural, social and educational gatherings (including tangi hanga), and includes wharenui (meeting house), wharekai (kitchen/dining hall) and ablution facilities.

**Market**

means two or more stalls which are open to the public for no more than two consecutive days at a time.

**Market Value**

means and has the same meaning as “Land Value” as defined by the Valuation of Land Act 1951 which is “in relation to any land, means the sum which the owner’s estate or interest therein, if unencumbered by any mortgage or other charge thereon, might be expected to realise at the time of valuation if offered for sale on such reasonable terms and conditions as a bona fide seller might be expected to impose, and if no improvements (as hereinbefore defined) had been made on the said land.”

**Marina Complex**

means an area of protected water and associated land used for berthing private and commercial boats, servicing, maintaining and repairing boats, launching and retrieval facilities for boats, building and manufacturing boats and boating equipment, sale of fuels and lubricants for boats, hire and charter of boats, sailing schools, locker and storage facilities for boats, car, trailer and boat parking, administration offices associated with the marina including offices for the sale, lease and hire of boats, clubrooms, household units for the accommodation of employees whose duties require them to live on the premises, chandleries, shops (convenience) and tearooms, and other services directly associated with marine recreation.

**Mast**

means any mast, pole, tower or similar structure designed to carry antennas to facilitate telecommunications, radiocommunications and broadcasting.

**Maximum A-Weighted Sound Pressure Level, or Maximum Sound Level ( $L_{max}$ )**

means a level 10 times the logarithm, to the base 10, of the ratio of the square of the maximum sound pressure, obtained with a standardised A-frequency weighting and a standardised exponential time weighting, during a stated time period, to the square of the reference sound pressure.

**Maximum Block Length (only applies to the Flat Bush Structure Plan Area)**

is the longest distance measured between two different roads when calculating a perimeter block. For the purpose of calculating maximum block length cul de sacs and other roads which adjoin the same street more than once shall be excluded.

[AM50]

**Medical Services Premises**

means premises used to provide health services and services ancillary thereto, such as x-ray facilities and medical laboratories but excludes health studios, recreation centres and gymnasia.

**Mineral Extraction Activities**

includes the excavation of overburden and rock, blasting, processing (crushing, screening, washing and blending), storage, distribution and sale of industrial minerals, deposition of overburden, treatment of waste water and rehabilitation works including clean filling.

**Mineral Extraction Buffer Area**

means the specified area extending beyond a Quarry Zone or a lawfully established quarry area or site boundary as identified in the Planning Maps (including Appendix 9 of the Planning Maps).

[AM36]

**Minor Deviation for a Network Utility Service**

means a minor deviation from the standard location and position for network utility services as shown in Chapter 7, Fig 7.1 Location in Roads, or the location identified within a resource consent, the need for which arises from unforeseen circumstances limited to the insitu location of other network utility services, technical reasons, unsuitable ground conditions or obstructions such as tree roots, which are identified after Council's consent under this District Plan or the relevant Utilities Act has been obtained to install the network utility service in the road, and for which Council's consent for the new location has been obtained pursuant to the relevant Utilities Act.

**Minor Household Unit**

means the smaller of two household units sharing a site and complying with the following:

- (a) it shall be located on a site with a net area of not less than 600m<sup>2</sup>;  
[AM60]
- (b) the gross floor area of the unit shall not exceed 60m<sup>2</sup>;
- (c) the land on which it is located shall not be disposed of separately from the principal household unit.

**Minor Upgrading (of electric lines)**

All existing overhead electric lines (including those conveying electricity at a voltage at or above 110Kv) may be maintained, replaced and upgraded as a Permitted Activity. Replacement of support structures or poles is to occur in the same or similar location ( i.e.. where a structure or pole cannot be replaced in the same location it is to be located adjacent to the existing structure or pole) and to be of the same or similar scale and character. The height of support structures and poles can only be increased for the purposes of the addition of earthwire peaks or ensuring that the lines comply with the clearance distances specified in NZECP 34. Upgrading shall be limited to the following minor upgrading:

An increase in the carrying capacity, efficiency or security of electricity lines utilising the existing support structures or poles or structures of a similar scale and character, and including:

- (i) the addition of conductors
- (ii) the reconductoring of the line with higher capacity conductors;
- (iii) the resagging of conductors;
- (iv) the addition of longer or more efficient insulators;
- (v) the addition of earthwires (which may contain telecommunication lines), earthpeaks and lightning rods.

Minor upgrading does not include a change in the voltage of a line unless the line was constructed to operate at a higher voltage, but has been operating at a reduced voltage and there will be no physical change to the line.

Any increase in the power carrying capacity of any line must not result in the magnetic fields generated by the transmission lines exceeding International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for 24 hour public exposure (100 microtesla)

#### **Moderate Aircraft Noise Area or MANA**

comprises two areas (one being around the HANA) that will have future noise levels between Ldn 60 dBA and 65 dBA. The two areas are shown in orange on Appendix 2F to the Planning Maps.

#### **Motel**

see “Travellers Accommodation”.

#### **Motor Sport Activities**

means the use of land and/or buildings for motorised and non-motorised vehicle based recreational activities, including but not limited to: speedway, go kart, jet sprint, motocross, 4-wheel drive, bmx, mountain bike, blokart and radio controlled car racing and rallying, and includes ancillary activities including car parking and earthworks, clubrooms, food kiosks and public events related to these activities.

[AM73]

#### **Motor Vehicle Trailer Parking Space**

means a parking space having minimum dimensions of 10m (length) by 3m (width) on which a motor vehicle and its trailer can be parked and from which a motor vehicle and its trailer has unimpeded access to a road at all times whether or not adjoining parking spaces are occupied by other vehicles.

#### **Mountain Bike Trails (only applies to the Flat Bush Structure Plan Area)**

means a path or trail set aside for the purpose for mountain bike riding.

[AM50]

#### **Multiple Household Unit**

means one of two or more household units, excluding minor or temporary household units, located on the one site.

#### **Native Tree**

means any wooded species of plant which is indigenous to New Zealand in that it is commonly recognised as a species which has not been introduced into New Zealand from another country. Included among

native tree species are those species listed under the heading Native Trees in Schedule 6C — Chapter 6 Heritage.

### **Native Bush**

means an area containing native trees higher than 6 metres and the foliage and branches of these trees form a continuous canopy and includes any native vegetation beneath the trees and for a distance of 10m from the trunk of any such trees on the edge of the area of native bush.

### **Native Vegetation**

means plants indigenous to New Zealand.

### **Natural Ground Level**

means the finished ground level of an approved subdivision.

### **Net Site Area**

means the total area of the site less any area owned in common with the owners of other sites or subject to easement of right of way.

Exceptions:

- In relation to a rear site, net site area means the total area, less the area of the entrance strip, provided that for the purpose of this definition the entrance strip shall be deemed to be limited to all that part of the site which extends from the road frontage and has a width of up to and including 15m if the site is in a business zone, or 7.5m if it is in any other zone.
- In the case of cross lease, company lease or unit title subdivision for the purposes of the application of development and performance standards in Sections 12.11, 13.11, 13.15 and 14.11 net site area means the portion of a site on which an independent household unit is erected or proposed to be erected together with the area surrounding or adjacent to that household unit which is intended/required to be available for the exclusive use of the occupants of that unit but excludes the area of the entrance strip to that unit.

For the purposes of calculating Residential Density, land in the following Stormwater Management Areas (as shown on Stormwater Management Underlying Zone Diagrams 27/1 and 45/1) is included in Net Site Area, provided that the underlying zoning is Residential.

### **Network Utility Services**

means any activity listed below:

- (i) Distribution or transmission by pipeline, of natural or manufactured gas, petroleum or geothermal energy; or
- (ii) Telecommunication or radiocommunication; or
- (iii) Distribution or transmission of electricity; or
- (iv) Distribution or transmission of water for supply, including irrigation; or
- (v) Stormwater drainage or sewerage reticulation systems; or
- (vi) Meteorological services;

- (vii) Airport Control Services outside Special Area 17.6.

and includes:

- (a) All structures necessary for the operation of the network utility service; and
- (b) The operation and maintenance of the network utility service.
- (c) Airport control services outside Special Area 17.6 Airport Activities.

### **Network Utility Site**

means a dedicated lot created in accordance with Rules 9.8.2, 9.9.3.4, 9.11 and 9.12.11.

### **Noise Management Plan or NMP**

means the noise management plan described in Rule 17.6.17.

### **Noise Minimisation Procedures**

includes:

- procedures and measures adopted to ensure compliance with noise limits for:
  - Aircraft Operations in Rule 17.6.16.1; and
  - Engine Testing on Aircraft in Rule 17.6.16.2;
- Civil Aviation Authority (“CAA”) noise rules applicable to the Airport from time to time;
- voluntary or self imposed procedures or measures for the reduction of aircraft noise.

### **Notional Boundary**

means a line 20 metres from the facade of any rural dwelling, or the legal boundary where this is closer to the dwelling and applies, for the purposes of noise assessment, to buildings used for business purposes in rural zones.

### **Notional Site Value**

means the assessed market value (which is inclusive of Goods and Services Tax) of that portion of a site on which an independent household unit or business unit is erected, or proposed to be erected together with the surrounding land (which may or may not be included in a restrictive covenant area) together with any common property thereof.

### **Offices**

means professional administrative and commercial offices and includes real estate offices, travel agencies and banks.

**Outdoor Recreation**

means the use of land and buildings for outdoor recreational activities, including but not limited to: camping grounds, group recreational camps, golf courses, horse and dog racing, polo grounds, motor car, motor cycle and go-cart racing and rallying, trial and trail bike riding, model aircraft flying, shooting ranges and showgrounds.

**Papa**

means earth floor or site of a native house.

**Papakainga**

means a traditional Maori settlement area on ancestral lands and includes activities associated with residential living such as urupa, agricultural activity, the exchange of goods and a marae complex.

**Papakainga Housing**

means the provision of housing (more than two household units) on Maori Land for the tangata whenua who have “te mana o te whenua” status.

**Park and Ride Facilities and Related Activities**

means a carpark provided primarily for the patrons of a nearby passenger transport service for the purpose of people travelling by car to the park and ride facility and transferring modes to the passenger transport service.

**Park Depot**

means a building and area which is located on a public open space for the purpose of storing plants and machinery (mainly mowing equipment) and stockpiling materials (such as bark for gardens) for use on public open space areas.

**Park Furniture**

means structures designed to facilitate the use and enjoyment of a public open space and include park benches, shelters, rubbish bins, drinking fountains, and sculptures.

**Parking Bays (within roads or proposed roads)**

means parking spaces and associated manoeuvring areas formed completely or partially outside of the standard carriageway of a road or proposed road (as defined by the kerb) which are accessed directly from the road.

**Peak Level (L<sub>PEAK</sub>)**

means a sound level, measured in decibels, 10 times the logarithm to the base 10 of the ratio of the square of the maximum instantaneous sound pressure to the square of the reference sound pressure.

**Perennial Stream within the Whitford Area**

means any natural water body that is indicated on Figures 12A.1 and 12A.2 and/or has continuous flow or exists as stable pools during late summer, or has any of the following aquatic fauna: native fish, crayfish, aquatic snails or shrimp, mayflies, stoneflies or caddisflies. This margin shall also include any wetland areas in the catchment.

[AM99]

**Perimeter Block (only applies to the Flat Bush Structure Plan Area)**

is the total distance measured around the inside of a block but does not include cul de sacs and other roads which adjoin the same street more than once.

[AM50]

**Personal and Other Services**

means activities engaged in providing personal and other services and includes laundry or dry-cleaning services, gardening services, hairdressing and beauty salons, chauffeur service, escort agency service and massage service.

**Pig Farming**

means the keeping, raising or breeding of pigs for any purpose in numbers exceeding those defined as “pig keeping” and includes:

- Intensive Pig Farming means the keeping of pigs mainly within buildings, or outdoors without ground cover being maintained.
- Outdoor (extensive) Pig Farming means where all stock is in paddocks with ground cover maintained.

**Pig Keeping**

means the keeping, raising or breeding for any purpose, of not more than five pigs which have been weaned, or two sows, providing that any progeny are not retained beyond the weaner stage.

**Place of Assembly**

means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character, and includes churches, church halls, church yards and a marae complex. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit-making basis.

**The Plan**

means this District Plan, including maps and plans comprising it.

**Practicable Building Platform**

means a platform of sufficient area to enable a building or buildings to be erected on it in compliance with all relevant requirements of the Plan.

**Precinct Boundary**

where a proposed lot falls across a precinct boundary, that lot shall be deemed to be within the precinct in which the greatest portion of that lot is contained.

[AM50]

**Preservation**

in relation to a resource, means the maintenance, so far as practicable, of its intrinsic values.

[AM6]

**Pre-School/Education Facilities**

Means premises used for kohanga reo, language nests, kindergartens and playcentres.

**Primary Building Frontage**

means any part of the front façade of a dwelling facing the street that is at least 4m in width at ground floor level but excludes any garage door and surrounding façade. The Primary Building Frontage must be located at least 0.5 metres in front of a garage and/or carport.

[AM50]

**Principal Living Room**

means the room which the owner of a building identifies as the principal living room, and includes the main dining room in the building if it is separate from the former.

**Private Road**

has the meaning ascribed to it by Section 315 of the Local Government Act 1974 and means any roadway, place, or arcade laid out or formed on private land, whether before or after the commencement of Part XXI of the Local Government Act 1974 by the owner thereof, but intended for the use of the public generally.

**Private Way**

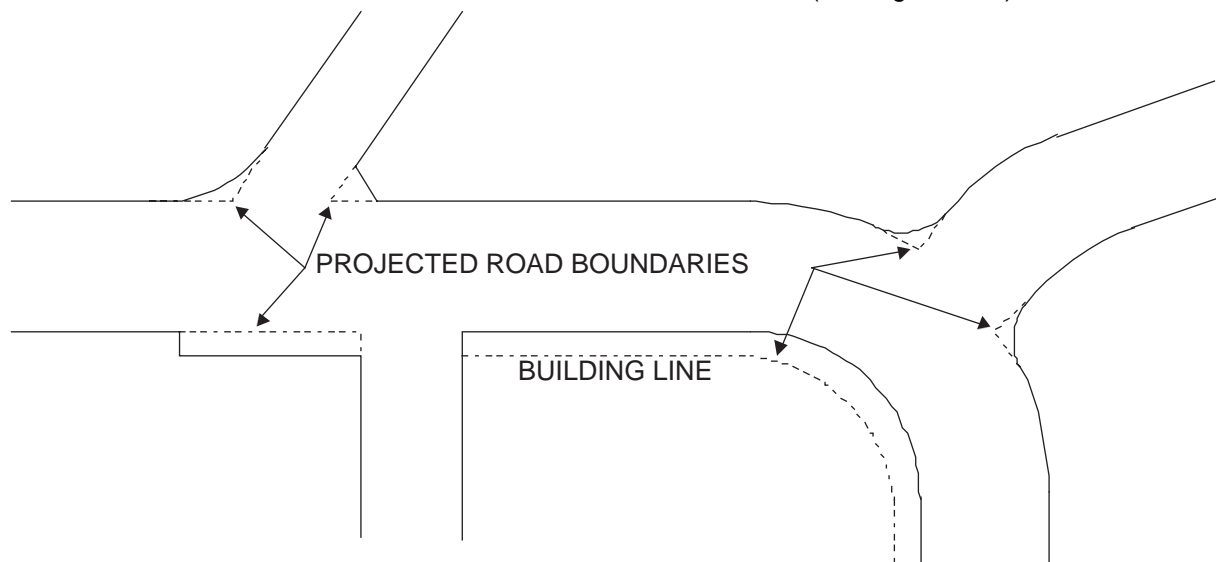
has the meaning ascribed to it by Section 315 of the Local Government Act 1974 and means any way or passage whatsoever over private land within the City, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally. It may comprise separately owned entrance strips subject to rights of way or a separate lot which is jointly owned and used by adjacent lots or an area reserved for common access in a cross lease, company lease or unit title subdivision.

### Production Forestry

means the management of intensively planted forests principally for commercial wood production, and includes planting, pruning, felling and removal of trees from the site.

### Projected Road Boundary

means the theoretical projection of any existing or proposed road boundary to a point where it meets the similar extension of the existing or proposed boundary of any intersecting road. If the road boundary is curved, then the theoretical extension shall follow the same curvature (see Figure 18.2).



**FIGURE 18.2 PROJECTED ROAD BOUNDARIES**

For the purposes of this definition, land indicated within the Planning maps for road widening purposes is deemed to be indicative of the future road boundary.

### Protection

protection in relation to resource, means its maintenance, so far as is practicable, in its current state; but includes —

- (a) Its restoration to some former state; and
- (b) Its augmentation, enhancement, or expansion.

### Public Open Space

means land above mean high water springs which is relatively free of buildings and/or surface infrastructure, and is owned by either a central, regional or local government agency for the purpose of providing:

- (i) public access to open land, foreshore, rivers and streams, and areas of heritage significance;

- (ii) a stock of land including coastal land for the purposes of heritage protection, the protection of biodiversity, landscape enhancement, recreation opportunity, education and environmental protection.

Public Open Space represents land commonly known as park, reserve, esplanade reserve, beach, civic area and those land areas acquired by the Council for flood protection/water quality purposes which also have recreation potential.

### **Public Place**

means a place that is owned by or under the control of the Manukau City Council and that is open to, or being used by, the public. It includes Council controlled reserves, parks, civic areas, beaches and roads (including footpaths and carriageways).

[AM98]

### **Public Utility Services**

means public road systems and accessways; land drainage and stormwater and flood control facilities; sanitary and wastewater collection, treatment and disposal facilities; water supply treatment and distribution facilities; networks for the purposes of providing power, telecommunications, gas, and other forms of energy.

### **Radiocommunications**

means any transmission, emission, or reception of signs, signals, writing, images, sounds, or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 3,000 kilohertz, propagated in space without artificial guide.

### **Rangatiratanga**

means full chieftainship, absolute authority over taonga.

### **Rapid Transit System**

means a dedicated passenger transit mode in which single vehicles or trains of vehicles ride on, or are suspended from rails, beams, tubes, or guideways and shall include trains, monorails, light or conventional rail, trams or dedicated passenger busways. The system may be elevated above ground and includes vehicles, rail or guide system, support columns, stations and service reticulation.

### **Rear Site**

see "Site".

### **Rear Yard**

see "Yard".

### **Reassembly**

means putting existing but dismembered parts back together.

**Reconstruction**

means to build again in the original form using old or new material.

**Recreational Trail**

means an area of reserve land used for either walking, cycling or horse riding but not used for motorised vehicles.

[AM99]

**Reduced Level (RL)**

means the height above a fixed datum, which is mean sea level (Lands and Survey Datum).

**Reinstatement**

means putting components of earlier material back in position.

**Repair**

means making good decayed or damaged material.

**Reserve Contribution**

means a contribution made in the form of land, cash, or works on subdivision and development for residential and business purposes to be used by Council for the acquisition and development of land for public open space purposes.

**Residential Activities**

means the use of a household unit for any domestic or related purpose by persons living alone, in whanau/ family and/or non-family groups but excludes all of the following:

- (a) home enterprises, hotels, motels, camping grounds, motor camps or other travellers' accommodation where residential accommodation for five or more travellers is offered at a daily tariff or other specified time; and
- (b) homes for the aged where more than 15 persons (inclusive of owners, family and staff) are accommodated; and
- (c) any premises gazetted as a prison; and
- (d) a residence established in accordance with section 364 of the Children, Young Persons and Their Families Act 1989 or replacement thereof;
  - (i) for young persons subject to a supervision with residence order under that Act;
  - or
  - (ii) where more than 10 persons reside at any such residence. For the sake of clarity, where staff reside at a residence but their presence is on a shift basis, the 10 person threshold includes the 24 hour equivalent of the shift workers. For

example, a residence with one staff member always present will have one person included in the calculation of those accommodated regardless of whether that staff member may represent three different people working 8 hour shifts.

- (e) any Residential Centre.

[AM48]

### **Residential Building**

means any building or part of a building used or intended to be used for human habitation.

### **Residential Centre**

means the use of a household unit (which, for the purposes of section 13.11.2.10 of the District Plan, includes a minor household unit and/or a temporary household unit on the same site) for any domestic or related purpose by persons living in non-family groups where more than 10 persons (inclusive of owners, staff and their respective families but exclusive of their children of less than 16 years old) are accommodated and where management, care and/or support services are provided (whether or not on a 24 hour basis and which may include any ancillary administrative office activity) excluding:

- (a) hotels, motels, camping grounds, motor camp or other travellers' accommodation; and
- (b) home enterprises, homes for the aged, childcare services and facilities, and, community and healthcare services and facilities; and
- (c) any premises gazetted as a prison; and
- (d) a residence established in accordance with section 364 of the Children, Young Persons and Their Families Act 1989 or replacement thereof.

For the sake of clarity, where staff reside at a residential centre but their presence is on a shift basis, the 10 person threshold includes the 24 hour equivalent of the shift workers. For example, a residential centre with one staff member always present will have one person included in the calculation of those accommodated regardless of whether that staff member may represent three different people working 8 hour shifts.

[AM48]

### **Restaurant**

means any premises on or in which meals are sold for consumption on the premises, and includes a tea room and coffee bar.

### **Rest Home**

means premises for the care of aged persons, but does not include a hospital.

### **Restoration**

means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of extraneous additions.

**Retail Sales**

means the sale of goods to final consumers for personal or household consumption, and includes the display or hire of goods to the public, ancillary workrooms, but excludes sales from restaurants, cafes or takeaway food premises, or service stations.

**Retail Activity**

means the sale or offering for sale of goods at retail or wholesale but excludes:

- (a) the comprehensive storage or warehousing of goods and materials in bulk in readiness for their distribution;
- (b) the sale of goods which are manufactured or processed on the premises from which they are sold.

**Retirement Home/Village**

means premises for the care of aged persons.

**Riparian Vegetation**

means all vegetation, including but not limited to, trees, shrubs, ferns, and grasses but excluding noxious plants, which lie adjacent to streams, rivers, lakes, wetlands, or coastal foreshore, and which form part of the natural environment.

**Road**

means the whole of any land within the City and which immediately before the commencement of Part XXI of the Local Government Act 1974 was a road or street or public highway, or is laid out by the Council as a road or street after the commencement of this Act, or is vested in the Council for the purpose of a road as shown on a deposited survey plan, or is vested in the Council as a road or street pursuant to any other enactment. It excludes service lanes.

Road types are classified as per Appendix 2 contained within Chapter 9 of the Plan.

**Road Works**

means the installation, alteration, or removal of the following: road markings, traffic signs, road levels, footpaths, islands, traffic signals or roundabout, medians, cycleways, toll facilities, kerb lines, pavement markers, chicanes, humps and traffic control devices, carriageway widening or narrowing (including slip lanes and non-standard crossings), pedestrian crossings or facilities, and initial construction of roads and accessways but excludes vehicle crossings permitted under the provisions of the District Plan and complying with Rule 8.11.7.

**Runway**

means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft.

**Rural Services**

means activities which provide services of a rural nature to the rural community, and which have some form of depot, base, or storage area, from which the activity is normally commenced or performed. They include but are not limited to agricultural, forestry and fencing contractors. They exclude freight or transportation services and trucking depots.

**Service Lane**

means any lane laid out or constructed and vested as a service lane either by the authority of the Council or the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

**Service Station**

means premises used for:

- (a) the retail sale of motor fuels (including sale of LPG from an installation permitted as of right in the zone or from an installation for which planning consent has been given), kerosene, lubricating oils;
- (b) the ancillary retail sale or hire of any goods, provided that the trading space provided within a building devoted to their display, sale or hire shall be as specified in the zone in which the service station is located;
- (c) the mechanical repair and servicing (including car wash facilities) of motor vehicles (other than heavy diesel-powered vehicles), motor cycles, caravans, boats, light trailers, bicycles and domestic garden equipment, or equipment of a similar nature;
- (d) the ancillary hire of motor vehicles and light trailers, not exceeding a combined total of eight such vehicles per service station, except where this is a permitted use in the zone.

but excludes premises for:

- (e) panelbeating, spray painting, engine reboring, crankshaft grinding, and machining or similar processes; or
- (f) the sale or leasing of motor vehicles.

**Sewer Drain**

means a drain primarily for the reception and discharge of pollutants.

**Shop**

means premises on or in which goods are sold, exposed or offered for sale or hire, but excludes a warehouse and premises for the sale of fuel for motor vehicles.

**Show home**

means a residential building designed and erected to display the design, construction materials, building techniques, and equipment that is available to potential house purchasers. The show home may extend to

and include outside living areas and gardens. The show home is likely to include an office and is available for inspection by the public.

**Side Yard**

see “Yard”

**Sign**

means any advertising, informational or directional device or advertising matter, whether consisting of a specially constructed device, structure, erection or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected on to, placed or otherwise affixed to or displayed upon any building, wall, fence, rock, tree or other object, structure or erection of any kind whatsoever.

**Single Household Unit**

means a household unit on a site where there is no other household unit, other than a minor, or temporary household unit.

**Site**

means an area of land which

- complies with the provisions of the Plan as regards minimum frontage, area, and configuration or which existed at 1 August 1995 and (being all the land comprised in one Certificate of Title) may be disposed of separately, but excludes:
  - (a) a parcel of land which has been or may be disposed of separately for the purpose of a public reserve or public work or which may be disposed of to an adjoining owner subject to a condition imposed by Section 220 (2) of the Resource Management Act 1991 (requiring the issue of one Certificate of Title for more than one allotment); and
  - (b) an allotment comprising a building or part of a building shown or identified separately on a survey plan for the purposes of the issue of cross leases or company leases or a principal unit or accessory unit on a unit plan.

Or, for the purposes of the assessment of a subdivision consent application means an area of land which

- is shown as a lot on a plan of proposed fee simple subdivision ; or
- is shown as a delineated area for exclusive use on a proposed plan of cross lease subdivision; or
- comprises a principal unit and its accessory unit entitlements on a proposed unit title subdivision.

**Front Site**

means a site which complies with the subdivisional standards specified in the Plan in respect of a front site.

**Corner Site**

means a site which complies with the subdivisional standards specified in the Plan in respect of a corner site.

**Rear Site**

means a site which complies with the subdivisional standards specified in the Plan in respect of a rear site.

**Site Coverage**

means that portion of the net area of a site that is permitted to be covered by buildings. Included in the term “buildings” for the purpose of this definition are accessory buildings, and those parts of the site covered by overhanging buildings, but not eaves, pergolas, slatted open decks, or similar structures of a substantially open nature.

**Site Coverage (Public Open Space)**

means that portion of the net area of a public open space that is permitted to be covered by buildings, courts, bowling and croquet greens, and synthetic playing surfaces.

**Site (Building) Coverage (Residential Rule 13.11.1.3(B), and Papakainga and Maori Purposes Rule 17.2.11.5(a) and (b) [AM91]**

means that portion of the net area of a site which is permitted to be covered by buildings.

For a multiple household unit site, site (building) coverage means that portion of the net area of a site on which the household unit is erected or proposed to be erected, together with surrounding land appurtenant to that unit, together with a proportionate share of any common property contained within that net area, except where a covenant is registered on the certificate of title of each household unit forming part of the composite site that meets the provisions of Rule 13.11.1.4.2(a) (i),(ii),and (iii).

Included in the term “buildings” for the purpose of this definition are accessory buildings, and those parts of the site covered by overhanging buildings, but not by eaves, pergolas, slatted open decks, or similar structures of a substantially open nature.

**Site Layout**

means the arrangement of buildings/structures, landscape elements on a site and includes patterns of vehicle and pedestrian access.

**Small Court Games**

means an area of public open space not exceeding 500m<sup>2</sup> dedicated to playing games court games including basketball, netball and tennis.

[AM50]

**Sports Clubroom**

means the premises used for the convenience and enjoyment of sports groups associated with the particular public open space area.

**Sportsfield**

means an area which has been formed or prepared to provide an appropriate physically demarcated playing surface, which at certain times is set aside for the exclusive use of an organised sporting code, and

includes among others a rugby or soccer field, cricket oval, athletic or cycling track, bowling green, tennis or netball court

### **Spray Applications of Agrichemicals on Production Land**

means the spray application of agrochemicals on land used for horticulture, silviculture, rearing of livestock, soil fumigation or maintenance of pasture by the owner or occupier of that property or by any person or agency acting on behalf of the owner or occupier of that property.

### **Stall**

means any land, building or part of a building not exceeding 15m<sup>2</sup> from which goods are sold or offered for sale, and includes a table, trailer, barrow, platform, box or any other structure or vehicle used for that purpose.

### **Stormwater Drain**

means a drain primarily for the reception and discharge of stormwater.

### **Stormwater Management Area**

means land which is expected to be inundated or affected as a result of a 100 year flood, or by any other level of flood identified as part of a Comprehensive Discharge Permit or other approved discharge permit.

### **Street**

shall have the same meaning as road

[AM50]

### **Street Planting**

means trees and other vegetation used for landscape treatment purposes within roads or proposed roads, but excludes grassing.

### **Street Trading**

means an activity undertaken by any person or organisation involving the sale of goods in a public place or the performance of a service in a public place for payment, including but not limited to the keeping of stalls or stands, outdoor business displays, outdoor dining areas, market operations, mobile shop operations, and busking. Trading in public places includes any of the foregoing activities that occur in a public place, notwithstanding that such activity may be undertaken as part of or in association with any business conducted on adjacent private premises.

[AM98]

### **Streetscape**

means the visual appearance of a street and its surrounds, and includes geometry of street pattern and subdivision, width and length of streets, degree of enclosure, building setbacks from the street, fencing and street design and the contribution that vegetation makes to the appearance of the street.

**Structure**

means any building, equipment, device or other facility made by people and which is fixed to land.

**Subdivision**

has the meaning ascribed to it in Section 218 of the Resource Management Act of 1991 and means:

- (a) The division of an allotment —
  - (i) By an application to a District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or
  - (ii) By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
  - (iii) By a lease of part of the allotment which, including renewals, is or could be for 20 years or longer; unless that part of the allotment is in the coastal marine area, and that lease is allowed for a term of 20 years or longer by a coastal permit or by a rule in a regional coastal plan; or
  - (iv) By the grant of a company lease or cross-lease in respect of any part of the allotment; or
  - (v) By [the deposit of a unit plan, or] an application to a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- (b) An application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226, and the term “subdivision” has a corresponding meaning.

**Substation**

means those parts of works or electrical installations, being a building, structure, or enclosure, incorporating fittings that are used principally for the purposes of the control of the distribution of electricity.

**Takeaway Food Premises**

means premises where food is prepared and sold generally for consumption off the premises, and includes fast food outlets with or without facilities for food to be consumed on the premises and with or without drive-through facilities.

**Tangata whenua**

in relation to a particular area, means the iwi, or hapu that holds mana whenua over that area.

**Tangata whenua’s ancestral associational rights**

means the right of individuals to maintain an interest in a traditional area after having left it or the right of an iwi or hapu to maintain its connection or interest in an area formerly occupied for generations and from which they have moved and the right to speak at a place on account of ancestral land connections and includes spiritual associations.

**Taonga**

means everything that is held precious, including the less tangible aspects like culture and spirituality.

**Tavern**

means premises principally used or intended to be used for the provision of liquor and other refreshments for consumption by the public on the premises, whether or not the liquor is also sold for consumption off the premises. Ancillary uses may include recreational, sporting, community and entertainment uses.

**Tearooms**

means premises where only snacks, light meals, beverages and confectionery are sold for consumption on or at the premises during daylight hours.

**Telecommunications**

means the conveyance from one device to another of any sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature.

**Telecommunication Line**

means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

**Temporary Household Unit**

means a relocatable household unit of not more than 60m<sup>2</sup> gross floor area for the accommodation of a person or persons meeting one or more of the following criteria:

either:                      an aged or disabled person or persons who without the physical care and support of the persons occupying the larger household unit on the same site would be incapable of an independent existence;  
[AM49]

or:                              a person, without whose physical care and support the aged or disabled occupant(s) of the larger household unit on the same site would be incapable of an independent existence.

*Provided that* where the occupiers of both units are not related by blood or marriage, it can be established that the link between them is of a permanent nature or brought about by the employment of a person for the purpose of providing physical care and support.

**Tikanga Maori**

means Maori customary values and practices

**Topsoil**

means that uppermost soil level of a site which is dark in appearance through the presence of organic material.

**Traffic Sign**

means a sign which may contain any one of the following:

- regulatory instructions which road users are required to obey;
- warnings of temporary or permanent hazards which may not be self-evident;
- directions and distances to destinations within the immediate proximity of the road ahead or on an intersecting road;
- an indication of road user services and tourist/establishments within the immediate proximity to the road ahead, or on an intersecting road.

**Transport Centre**

means a facility for passengers to board, alight from, or transfer between passenger transport services, and includes park and ride facilities, transit centres and transit interchanges. It would usually be located at a passenger transport focal point and may include passenger and vehicle parking and waiting areas, shelters, ticketing and other passenger facilities. A transport centre does not include the servicing and repair of buses.

**Travellers Accommodation**

means premises used on a transient basis for accommodation and includes motels, holiday flats, motor tourist lodge and a tourist house licensed in accordance with the Sale of Liquor Act 1989, all rental residential accommodation offered at a daily tariff, conference and retail facilities which are ancillary to and form an integral part of the travellers accommodation but does *not* include an hotel or camping ground, *provided that* travellers' accommodation in any residential zone shall not incorporate conference or retail facilities or more than 60 bedrooms.

**Treaty of Waitangi (Te Tiriti o Waitangi)**

has the same meaning as the word 'Treaty' as defined in Section 2 of the Treaty of Waitangi Act 1975.

**Trip**

means a single one direction movement to or from a point.

**Truckstop**

means a stand-alone facility for the refuelling of heavy vehicles. It excludes facilities for the retail sale or hire of any goods, or for the mechanical repair and servicing of motor vehicles.

**Tupapaku**

means corpse

**Urban Design**

*Urban Design is concerned with the design of the buildings, places, spaces and networks that make up our towns and cities, and the ways people use them. (Source - New Zealand Urban Design Protocol)*

Urban Design is an iterative process that shapes the three dimensional spatial structure or network of the city by creating physical design solutions of the built form relative to the natural and / or altered landform at a range of scales. The spatial structure of the city consists of both public and private spaces. The design solutions are informed by principles that are based on human characteristics and relate to aspects such as street patterns and hierarchy, building height, alignment, footprints and relationships, and car parking. The design of the public domain and guidelines for the resolution of the architecture are commonly referred to as urban design.

[AM98]

**Urupa**

means a Maori burial ground.

**Vacant residential land**

means:

- (a) un-subdivided vacant residential land; or
- (b) subdivided unoccupied residential land; or
- (c) residential lots or sections which are only partly occupied, with potential for further development

**Waahi Tapu**

means an area or place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense, for example pa, ara (tracks), urupa, battle sites and tauranga waka (canoe landings).

**Wholesale Trade**

means the bulk sale of goods to businesses or institutions but not to the general public.

**Working Days**

are those days defined by the Resource Management Act 1991.

**Yard**

means the space within and adjacent to the boundaries of a site which is required to be left unobstructed by buildings and structures from the ground up having the dimensions (depending upon its location on the site) specified in the Rules for the relevant zone to that site.

- **Front Yard**

means a yard between the road frontage of a site and a line parallel thereto, extending across the full width of the site.

- **Rear Yard**

means (in any site other than a corner site) a yard between the rear boundary of the site, and a line parallel to that boundary extending across the full width of the site; *provided that* a rear yard in respect of any rear site means a continuous yard bounded by all the boundaries of the site (except any boundary fronting a road).

- **Side Yard**

means a yard which, except for any portion of the site comprised in front or rear yard, lies between the full length of a side boundary and a line parallel thereto: *provided that* in respect of a corner site every boundary not being a street frontage shall be deemed to be side boundary.

- **Composite Yard**

means the sum or total dimension of the two side yards on any one site.

- **Coastal Yard**

means a yard extending along the full length of the sea and its bays, inlets and 'tidal creeks where a site adjoins the line of the mean high water spring tide.