

PART 16 - DEFINITIONS FOR CENTRAL AREA PLAN

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Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is
subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.





DEFINITIONS FOR CENTRAL AREA PLAN

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ACTIVITIES

How to use the activity definitions.

- a) Activities have been put in categories (eg, Accommodation) which most accurately describe their primary purpose.
- b) A site or development may have more than one primary activity. For example a hotel development that contains a bar that is open to the public falls within the accommodation category for the accommodation part of the use, and within food and beverage for the bar component.
- c) An ancillary activity is one that is located on the same site as the primary activity, but is incidental to it, small in scale, and serving a supportive function. Examples are listed under each primary activity category.
- d) The examples provided are activities common to the category. The names are based on the common meaning of the terms and not necessarily on what specific activities may be called.
- e) The exceptions are those activities that are not included in the activity category.

ACCOMMODATION

Definition

Accommodation means the use of a building or area within the building for permanent accommodation and does not mean non permanent accommodation.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to

- a) hobbies, parking in accordance with the permitted standard, health and fitness facilities for the use of residents.
- b) home occupations meaning the use of a site for an activity which is secondary and incidental to the use of the site for accommodation purposes where it:-
 - i) is performed by a member of the accommodation unit residing on the site and no more than one full-time equivalent person from outside the accommodation unit may be employed in the home occupation activity
 - ii) involves no retail sales made from the site other than goods produced within the area devoted to the home occupation

- iii) generates or causes no objectionable noise, smoke, smell, effluent, vibration, dust or other noxious or dangerous effects, or significant increase in traffic.

Examples

Houses, flats, apartments.

Exceptions

Activities included in other primary activity categories such as Food & Beverage, Entertainment/Gathering, Retail.

COMMUNITY CARE FACILITIES

Definition

Community care facilities mean facilities that provide services of a community or caring nature.

Characteristics

Generally community care facilities provide the service on site or have employees at the site on a regular basis.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to offices, meeting areas, food preparation, parking in accordance with the permitted standard, laboratories, health and therapy and daycare.

Examples

Community centres, hospices, drug and alcohol rehabilitation centres, social service facilities, day care facilities, hospitals and clinics, ambulance stations, police stations, fire stations and city missions.

Exceptions

None

DRIVE-THROUGH FACILITIES

Definition

Drive-through facilities means activities that provide other than vehicle services or products where the driver usually waits in the car before and while the service is performed or the product is delivered.

Characteristics

Drive-through facilities is always classified as a primary activity rather than ancillary activity even when it is in conjunction with other activities.

Ancillary Activities

None



Examples

Drive-through banks and restaurants.

Exceptions

Service stations, unattended card key service stations and quick lubrication services.

EARTHWORKS AND EXCAVATION

Definition

Earthworks and excavation mean earthmoving operations carried out by any means for development purposes.

Ancillary Activities

None

Examples

Quarrying, the removal of vegetation, the disturbance of land surfaces by moving, removing, placing or replacing soil or earth; or by excavation, cutting or filling operations; contouring; road, driveway and access construction.

Exceptions

Gardening for domestic purposes and horticulture, work carried out to provide for effluent disposal systems or pile foundations for buildings, utility trenching

EDUCATION

Definition

Education means activities that provide regular instruction or training and includes the teaching, learning and research functions of those activities.

Ancillary Activities

Ancillary activities include, but are not necessarily limited to, offices, accommodation, food and beverage services, laboratories, health and sports facilities (including pharmacy), books, computers and stationery retail, theatres, meeting areas, parking in accordance with the permitted standard, and maintenance facilities.

Examples

Pre-schools, kohanga reo, primary schools (Kura Kaupapa), secondary schools (Kura Maori), tertiary education institutions and facilities, marae.

ENTERTAINMENT/GATHERING

Definition

Entertainment/gathering means activities that draw people to specific events, shows or recreational activities.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to restaurants, parking in accordance with the permitted standard, offices, concessions and maintenance facilities.

Examples

Conference centres, sports grounds, theatres and cinemas, art galleries, museums, libraries, places of worship, halls, bowling alleys, game arcades, pool halls, gyms and massage parlours licensed under the Massage Parlours Act 1978.

Exceptions

Activities in the services category, activities listed in food and beverage as other than ancillary activities, temporary activities under clauses 15.5.1.3 and 14.7.6.3 of this Plan.

EVENT

Temporary and organised activities including but not limited to organised gatherings, parades, protests, weddings, private functions (independent of premises), festivals, film shoots, concerts, celebrations, multi-venue sports events of significant scale, fun runs, marathons, duathlons, triathlons.

EVENT PERMIT

An Event Permit is a permit that is issued by Auckland City Council under its Consolidated Bylaw and includes a film permit.

FOOD & BEVERAGE

Definition

Food and Beverage means places where people can buy prepared and cooked food and drink either to take away or to consume on the premises.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to administrative offices, storage of goods, parking



in accordance with the permitted standard, manufacture or repackaging of goods for on-site sale.

Examples

Restaurants, cafes, taverns, take aways, taverns, whether indoor or outdoor.

Exceptions

Places where food or drink is sold primarily for preparation and consumption off site such as supermarkets, dairies, grocery and green grocery stores and liquor shops.

INDUSTRIAL STORAGE

Definition

Industrial Storage means the storage or movement of goods or equipment.

Characteristics

Goods are generally delivered to other firms or the final consumer.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to offices, truck fleet parking in accordance with the permitted standard and maintenance areas, rail spur or lead lines, docks and the repackaging of goods.

Examples

Household moving and general freight stores, cold storage plants, wholesale distribution centres, freight terminals, parcel services and towing yards.

Exceptions

Activities that sell products direct to the public on site.

INDUSTRY

Definition

Industry means activities in which goods are manufactured, fabricated, processed, converted, repaired, packaged, assembled, distributed from, or serviced.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to offices, cafeterias, parking in accordance with the permitted standard, employee recreation facilities, repair facilities, truck fleets, caretakers quarters, laboratories and shops not greater than 200m² in area selling goods made or processed by the establishment on the site.

Examples

Factories, warehouses, vehicle repairs and service, transport depots.

Exceptions

The sale of goods direct to the public other than as an ancillary activity, accommodation for other than caretakers, quick vehicle service.

MAJOR EVENT

A Major Event is an event declared as a Major Event in accordance with the provisions of the Major Events Management Act 2007. The duration of the major event shall be limited to the duration of the actual Major Event plus four weeks before the commencement of the event and four weeks after the end of the event.

MOTOR VEHICLE SALES

Definition

Motor vehicle sales means premises for the sale, hire or lease of motor vehicles, trailer boats and/or caravans.

Characteristics

Motor vehicles, trailer boats and/or caravans are displayed for sale, hire or lease in open yards or within showrooms.

Ancillary Activities

Ancillary activities may include administrative offices, sales of parts, vehicle, trailer and/or caravan storage or display areas and parking in accordance with the permitted standards.

Exception

Quick vehicle service and facilities, retail, industry.

NON PERMANENT ACCOMMODATION

Definition

Non permanent accommodation means the use of a building or area within a building for the day to day accommodation of tourists and short-stay visitors, students or persons living away from their normal place of residence offered at a daily tariff or a price structure commensurate with short stay visitor accommodation. It is limited to hotels, motels, backpackers, hostels, serviced apartments and student accommodation.



Ancillary Activities

Any services or amenities provided on-site associated with non permanent accommodation.

Examples

Hotels, Motels, Backpackers, Hostels, Serviced Apartments and Student Accommodation.

OFFICES

Definition

Offices means activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services and includes the personal service elements of these activities offered to consumers or clients.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to cafeterias, health facilities and parking in accordance with the permitted standard.

Examples

Professional services such as lawyers, accountants, engineers, or architects, financial businesses such as brokerage houses, bank headquarters, real estate agents, data processing, sales offices, government offices and public utility offices, TV and radio studios, medical and dental clinics, medical and dental labs and blood collection facilities, travel agents and insurance offices.

Exceptions

Offices that are part of and are located with an activity in another category are considered ancillary to that category's primary activity.

Contractors and others who perform services off site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

Medical facilities where people stay overnight are not included in this category.

PASSENGER TRANSPORT STATIONS

Definition

Passenger Transport Stations means surface passenger terminals for rail, bus or marine transport services.

Ancillary Activities

Ancillary activities include but are not necessarily limited to freight handling areas, offices, passenger waiting facilities, parking in accordance with the permitted

standard kiosks for the sale or provision of information and ticketing and places where people can buy food or drink.

Examples

Bus terminals, rail terminals, ferry terminals and passenger ship terminals.

Exceptions

Bus and rail stops and park and ride facilities permitted by general rules, airport or helicopter terminals and landing pads.

QUICK VEHICLE SERVICE AND FACILITIES

Definition

Quick Vehicle Service and Facilities means activities that provide direct vehicle services or products where the driver generally waits in the car before and while the service is performed.

Characteristics

Quick Vehicle Service and Facilities are always classified as a primary use rather than ancillary activity even when they are in conjunction with other activities (note the exception).

Ancillary Activities

Ancillary activities may include but are not necessarily limited to car repair, tyre sales and sale of convenience goods not exceeding 200m², parking in accordance with the permitted standard.

Examples

Service stations, unattended card key service stations, and quick lubrication services

Exceptions

Refuelling facilities for vehicles that belong to a specific activity (fleet vehicles) which are on the site where the vehicles are kept and are ancillary to that use.

RETAIL

Definition

Retail means the sale, lease or rental of new or used products to the general public.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to offices, parking in accordance with the permitted standard, repair, storage of goods, manufacture or repackaging of goods for on-site sale.



Examples

- a) Stores selling, leasing, or renting consumer, home, and business goods.
- b) Dairies meaning a retail premises which derives a substantial part of its trade from the sale of milk, bread, non-alcoholic beverages, a variety of daily household items and food requirements and does not exceed 150m² in gross floor area.
- c) Kiosks meaning retail premises not exceeding 12m² gross floor area.

Exceptions

Activities in quick vehicle services category or drive-through facilities category, the sale, renting or leasing of motor vehicles, activities that fall within the food and beverage.

SERVICES**Definition**

Services means the provision of personal services, product repair services or services for consumer or business goods.

Ancillary Activities

Ancillary activities may include but are not necessarily limited to offices, storage of goods and parking in accordance with the permitted standard, the production or sale of goods ancillary to and in conjunction with the performance of a service.

Examples

- a) Personal service oriented: bank branches, drycleaners, laundromats, photographic studios, photocopy and plan printing services, hair, tanning and personal care services, and health studios.
- b) Repair oriented: repair of TVs, bicycles, clocks, watches, shoes, appliances and office equipment, photo or laundry drop-off, quick printing, tailor, locksmith and upholsterer.

Exceptions

- a) The sale, renting, leasing, fuelling, servicing and repair of motor vehicles.

DEVELOPMENT CONTROLS**ACCESSORY BUILDING**

In relation to any site, an accessory building means a building the use of which is incidental to that of any other building or buildings on the site, and in relation to a site on which no building has been erected, is incidental to any permitted activity. "Buildings accessory to" shall have a corresponding meaning.

AVERAGE FLOOR AREA

Average Floor Area (AFA) is the average of the horizontal areas measured at 1.5 metres above all floor levels from the external faces of the building, including all voids and the thickness of external and internal walls, provided that:

- a) basement space as defined in this rule shall be exempt from the AFA calculation
- b) approved pedestrian amenities and facilities as described in 6.7.2 shall be exempt from the calculation of AFA
- c) for sites with a gross site area of 2,000 square metres or less, where the horizontal area at any floor level totals less than 20% of the site area, then the horizontal area at that level shall be taken as 20% of the site area for the purpose of calculating AFA
- d) for sites with a gross site area greater than 2,000 square metres, where the horizontal area at any floor level totals less than 400 square metres, then the horizontal area at that level shall be deemed to be 400 square metres for the purpose of calculating AFA
- e) a void forming an integral part of an entrance lobby - foyer (being a primary means of public access to a building) which is open to the public and accessed directly from a public place, shall be exempt from the AFA calculation.

BASEMENT

Basement means any building storey the greater part of the volume of which is below mean street level. Except that for the purpose of calculating average floor area (AFA) and gross floor area (GFA) for a building on a through-site basement means for AFA and GFA:

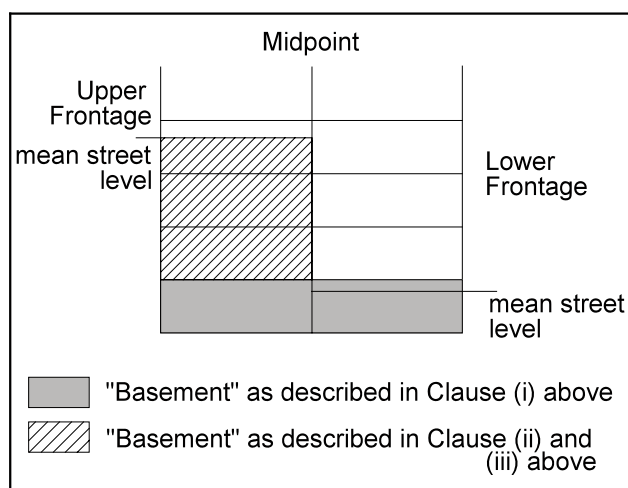


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- i) any space within any building storey where the greater part of the volume of that storey is below the mean street level of the lower frontage
- ii) any space used for carparking (including manoeuvring areas, access aisles and access ramps) occupying any building storey the greater part of the volume of which is below mean street level of the upper frontage to the midpoint measured horizontally between the upper frontage and the lower frontage (see diagram below).

For GFA only it means:

- iii) space for stairs, escalators and elevators as part of a through-site link or where servicing a floor used primarily for car parking or loading, or other space to equivalent maximum floor area ratio of 1 in the Pedestrian Orientated Area only where any of those spaces is occupying any building storey the greater part of the volume of which is below mean street level of the upper frontage to the midpoint measured horizontally between the upper frontage and the lower frontage (see diagram below).



BUILDING

Building means any building or structure or part of a building and, in addition to its ordinary and usual meaning, shall include:

- a) any construction having a roof thereto and a height from floor to ceiling (or to the underside of the rafters where no ceiling is provided) over any portion of the floor of more than 1.7 metres
- b) any grandstand, stadium or other construction which supplies seating or standing accommodation whether or not such construction is enclosed or covered

- c) any retaining wall or breastwork exceeding 1 metre in height
- d) any fence or wall exceeding 2.0 metres height
- e) any pool or tank more than 1.0 metre in height above ground level immediately below, (including a retention tank, swimming pool, spa pool, swirl pool, plunge pool and hot tub)
- f) any vehicle, caravan or construction whether movable or immovable used as a place of residence or business or for assembly or storage purposes
- g) any verandah, bridge or other construction over a public place or any tunnel or excavation beneath the same
- h) any flagpole, mast, radio communication or telecommunication aerial which exceeds 6 metres in height above the point of attachment or its base support
- i) any antennas exceeding 1.2 metres in height above the point of attachment or their base support
- j) any pole supporting lighting which exceeds 6.0 metres in height above original ground level, or above its point of attachment to a building
- k) any permanent tent or marquee or air-supported canopy
- l) any part of a deck or terrace which is more than 1.0m above ground level but does not include any fence or wall, other than a retaining wall, not exceeding 2.0m in height from the lowest ground level adjacent
- m) any structure necessary to support a sign.

BUILDING COVERAGE

Building coverage means that portion of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings (including any part of the eaves and/or spouting projecting more than 1 metre measured horizontally from the exterior wall).

Exceptions

Pergolas.

Underground car parking with landscaping above.

That part of eaves and/or spouting or bay windows projecting 1.0 metre or less horizontally from any exterior wall.

Earthen terracing 1.0 metre or less in height with landscaping above of sufficient depth to allow drainage.

Satellite dishes.

Any swimming pool or tank which is not defined as a building.



FLOOR AREA RATIO

Floor area ratio (FAR) means the relationship between building gross floor area and land area of the site, and is expressed by the formula:

$$\text{FAR} = \frac{\text{gross floor area}}{\text{land area of the site}}$$

For the purpose of computing FAR, land area of the site excludes:

- a) any part of adjoining roads and any portion of the site affected by building lines for the purpose of future road widening unless specifically provided for in this Plan
- b) any part of the site which is made up of an interest in any airspace above or subsoil below a road.

GROSS FLOOR AREA

Gross floor area (GFA) is the sum of the gross of the several floors of all buildings on a site measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings or, in the absence of walls, from the exterior edge of the floor. The measurement point shall be at 1.5 metres above floor level, except for terraces (open or roofed), external balconies and porches when the measurement point shall be at floor level.

In particular gross floor area includes:

- a) Voids except as otherwise provided, where vertical distance between storey levels exceeds 6.0 metres, the gross floor area of the building or part of the building so affected shall be taken as the volume of that airspace in cubic metres divided by 3.6.
- b) Basement space except as specifically excluded by this definition.
- c) Elevator shafts, stairwells and lobbies at each floor unless specifically excluded by this definition.
- d) Interior roof space providing headroom of 2.0 metres or more whether or not a floor has been laid.
- e) Floor spaces in interior balconies and mezzanines.
- f) Floor space in terraces (open or roofed), external balconies, porches if more than 75% of the perimeter of these spaces is enclosed, except that a parapet not higher than 1.2 metres or a railing not higher than 1.4 metres shall not constitute an enclosure.
- g) Car parking spaces permitted including driveways, aisles and manoeuvring aisles other than car parking in basement space.

- h) All other floor space not specifically excluded.

The gross floor area of a building shall not include:

- i) uncovered steps
- ii) interior roof space and storage areas having less than 2.0 metres headroom
- iii) floor space in terraces (open or roofed), external balconies, or porches where not more than 75% of the perimeter of these spaces is enclosed and where a parapet not higher than 1.2 metres or a railing not higher than 1.4 metres does not constitute an enclosure
- iv) pedestrian facilities approved by the Council and eligible for bonus floor space as defined under the relevant development controls
- v) pedestrian circulation space
- vi) basement space for stairs, escalators and elevators essential to the operation of a through-site link whether or not such a link qualifies for bonus floor space under the relevant rules, or servicing a floor used primarily for car parking or loading.
- vii) other basement space to an equivalent maximum FAR of 1 in the Pedestrian Orientated Areas only except that the space excluded shall not be used in the calculation of permitted parking.
- viii) required off-street loading spaces
- ix) car parking in basement space (including manoeuvring areas, access aisles and access ramps) except that the space excluded shall not be used in the calculation of permitted parking.
- x) non-habitable floor space in rooftop structures
- xi) any entrance foyer/lobby or part of it including the void forming an integral part of it (being a primary means of access to a building), which is open to the public, is accessed directly from a public place and has an over-head clearance of not less than 6.0 metres
- xii) floor space within the minimum and maximum frontage heights as assessed under Clause 14.4.8.2(a).
- xiii) For sites within the Quay Park Precinct parking areas in buildings (including manoeuvring areas, access aisles and access ramps) provided in accordance with rule 9.7.1 to an equivalent F.A.R of 1:1. Except that the space excluded shall not be used in the calculation of permitted parking.
- xiv) for sites within Wynyard Quarter, covered cycle parking and storage facilities, changing rooms (including showers).



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In addition particular exemptions apply to scheduled buildings which are subject to an approved conservation plan (see clause 6.7.2.5(g)).

GROUND LEVEL

Ground level means the finished level of the ground at the time of the completion of the most recent subdivision in which additional lots were created, except that where no such subdivision has occurred since January 1975, ground level shall be deemed to be the finished level of the ground on 5 January 1975.

HEIGHT

Height in relation to a building means one of the following:

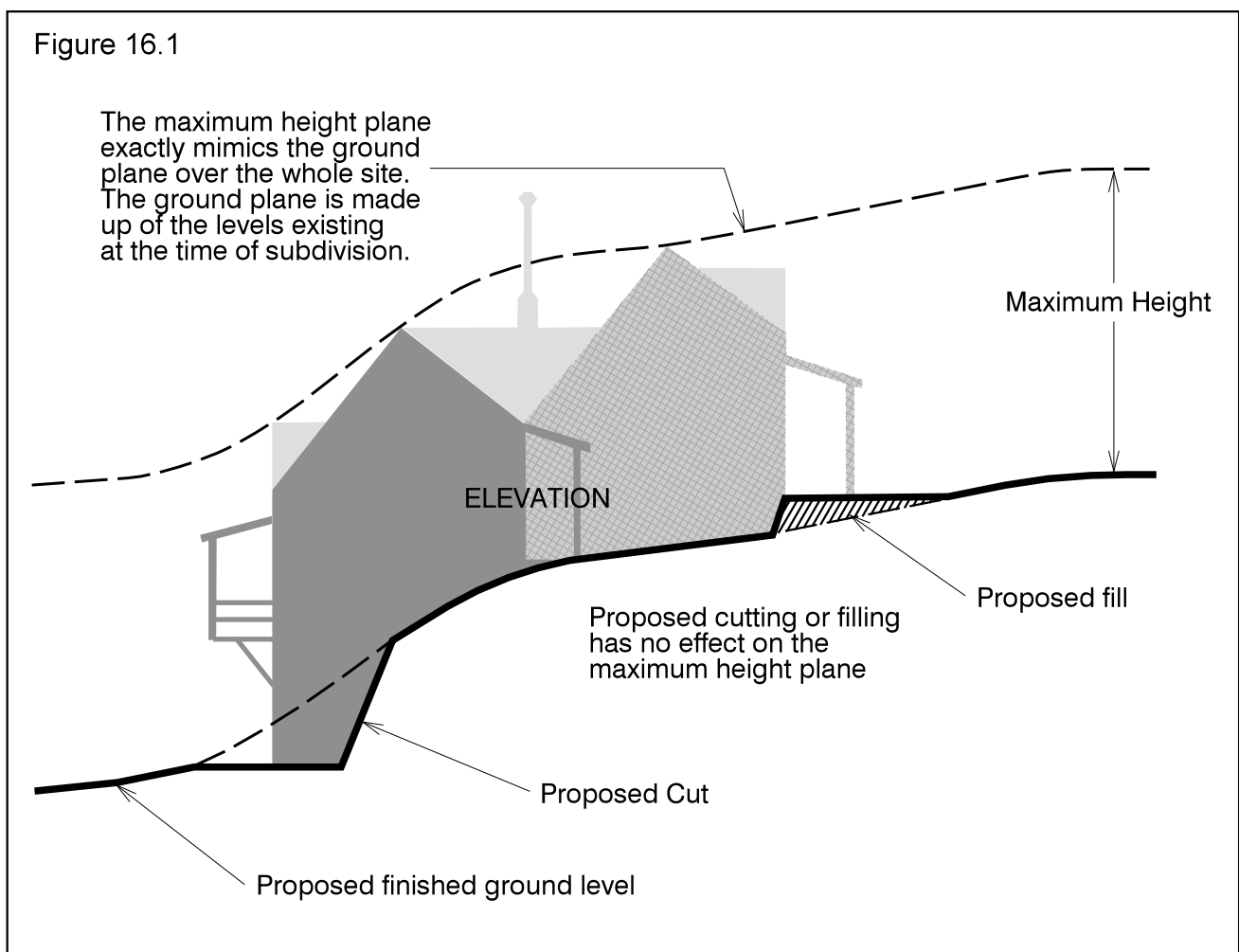
- The vertical distance between ground level at any point and the highest part of the building immediately above that point (see Figure 16.1).
- Where height is specified in relation to Mean Street Level, height shall mean the vertical distance between Mean Street Level and a horizontal plane above that level.

For the purpose of calculating height, account shall be taken of parapets.

Account shall not be taken of:

- Flagpoles, masts and aerials telecommunication and radio communication antennas not exceeding 100mm diameter where the maximum height permitted by the development controls is exceeded by not more than 6 metres.

Figure 16.1



- b) Telecommunication and radio communication antennas where the maximum height permitted by the development controls is exceeded by not more than 1.5 metres.
- c) Towers, turrets, chimneys, lift towers, machinery rooms, water towers or finials where:
- the maximum general height permitted by the development controls is exceeded by not more than:
 - 7 metres for those sites where the maximum permitted height is 50 metres; or
 - 4 metres for those sites where the maximum permitted height is less than 50 metres; and
 - the cumulative area of the projections does not exceed a floor area equal to 10% of the area of the roof to the storey immediately below such structures.

The height exemptions in this part of the definition do not apply to the special height controls, the Viaduct Harbour Precinct or Wynyard Quarter.

LANDSCAPED AREA

Landscaped area, in relation to any site, means any part of that site or any part of a building on that site being not less than 5.0 m² in area which is grassed or planted in trees or shrubs and may include:

- ornamental pools not exceeding 25% coverage of the landscaped area
- areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any such paver does not exceed 650mm; or
- terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1.0 metre in height above the ground immediately below or
- pathways not exceeding 1.0 metre in width;

where the total land area occupied by the feature in (b), (c) and (d) above does not cover more than 25% of the landscaped area; but does not include any area which:

 - falls within the definition of building coverage
 - is paved with a non-permeable surface of more than 1.0 metre width
 - is used for the parking, manoeuvring or loading of motor vehicles.

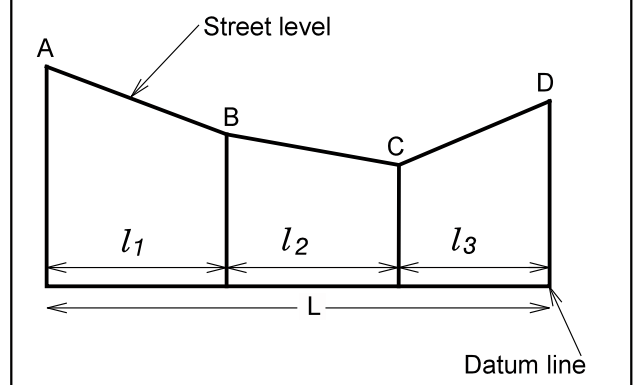
Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.

Note: Refer to clause 14.12.9.3 for a definition of Landscape Area applying only to the Tertiary Education Precinct.

MEAN STREET LEVEL

Mean Street Level (MSL) in relation to any site means the average level of all points on the surface of the street measured at the centre line of the street parallel to the street boundary of the site. Figure 16.2 and the following formula illustrate how MSL should be calculated.

Figure 16.2



(ABCD represent the street levels in relation to a given datum at each point where a change in the gradient of the ground level occurs and L represents the length of the boundary)

$$MSL = \left(\frac{A+B}{2} \times l_1 \right) + \left(\frac{B+C}{2} \times l_2 \right) + \left(\frac{C+D}{2} \times l_3 \right)$$

$$l_1 + l_2 + l_3 = L$$

In the case of a through site, the mean street level at each frontage shall apply for half the distance between those frontages.

In the case of a corner site which is not a through site, the mean street level shall be the average of all points measured at the centre lines of the streets parallel to all street boundaries of the site.

Where a site has three frontages or more it shall be treated as a through site between the highest and lowest frontages.

PEDESTRIAN CIRCULATION SPACE

Pedestrian circulation space applies to a covered public area which:

- contains a minimum horizontal measurement of 5m



- b) has a minimum vertical dimension of 2.5m between the finished ceiling and the floor of the pedestrian area, and which is unobstructed and clear of buildings, retail kiosks and retail display cases.

Pedestrian circulation spaces includes:

- c) escalators, ramps and stairs within the pedestrian circulation space
- d) decorative features such as fountains and planting within the pedestrian circulation space
- e) stages or display areas for free public entertainment associated with any retail centre,

but not:

- f) seating areas for food courts/eating area
- g) any space leased for retail display or sales purposes
- h) any space for entertainment which is either leased or subject to a charge.

YARD

Yard means a part of a site which is to be kept clear and unobstructed by buildings from the ground upwards, except that the eaves of any building and any roof, gutter or downpipe may project over any yard by not more than 600mm.

Special Amenity Yard means an area of land identified as such in this Plan.

SIGNS AND LIGHTING

SIGNS

Signs means a visual public message or notice visible from a public place displayed to advertise, inform or warn the public. It includes but is not limited to any mural, message or notice painted on or affixed to or otherwise incorporated with a building, structure, site, banner, flag, poster, sandwich board, wind sock and blimp. Bunting that has symbols or messages on it is considered to be a sign.

STRUCTURE

Structure means any building, equipment, device, or other facility made by people and which is fixed to land but does not include a sign.

FINANCIAL CONTRIBUTIONS

VALUE OF WORK

Value of work means the value of development or redevelopment (other than subdivision) by:

- constructing, erecting or altering any one or more buildings or other works for the purpose of providing three or more new, or two or more additional, residential units, or
- constructing, erecting, or altering any one or more buildings, fixed plant and machinery, or other works intended to be used solely or principally for any activity listed in the Plan or any combination of these activities.

For the purposes of the above, the construction, erection or alteration of any buildings, fixed plant and machinery, or other works shall include:

- the related fencing, drainage, excavation, filling, or reclamation of land
- the construction of any tramway or railway,

relating to any such construction, erection or alteration; but shall not include the construction or alteration of any pipeline or associated pumping works on land that is not otherwise subject to the development.

For the purposes of the above, the construction, erection or alteration of any buildings fixed plant and machinery, or other works shall not include:

- the refurbishment of any existing buildings fixed plant and machinery, or other works.

Where it is proposed to construct, erect or alter, one or more buildings, fixed plant and machinery or other works in stages and where the total proposed construction, erection, or alteration would, if carried out other 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 Plan.

REFURBISHMENT

Refurbishment means the cosmetic alteration, restoration or redecoration to the interior or exterior of a building or site. This meaning excludes, for example, increases to the gross floor area, conversion of office premises to retail premises and conversion from offices to residential



apartments. Refurbishment would include the replacement of lifts or air-conditioning or other machinery.

TRANSPORTATION

SHORT-TERM PUBLIC VISITOR PARKING

Short-term public visitor parking means parking for use by members of the public on a casual basis and where it is available between the hours of 7:00 am and 6:00 pm, Monday to Friday inclusive (but excluding public holidays), the schedule of pricing is such that it severely penalises parking in excess of 240 minutes. Short-term public visitor parking does not include ancillary parking.

SHORT-TERM PUBLIC VISITOR PARKING AREA AND/OR BUILDING

Short-term public visitor parking means parking for use by members of the public on a casual basis and where it is available between the hours of 7:00 am and 6:00 pm, Monday to Friday inclusive (but excluding public holidays), the schedule of pricing is such that severely penalises parking in excess of 240 minutes. Short-term public visitor parking does not include ancillary parking.

NON-ANCILLARY COMMUTER PARKING

Non-ancillary commuter parking means parking for use by members of the public on a long-stay basis between the hours of 7:00 am and 6:00 pm, Monday to Friday inclusive (but excluding public holidays) for a period of time which exceeds 240 minutes and includes parking that is dedicated for use by a particular person(s) or nominee of that person(s) and on the proviso that an identified carpark(s) may be occupied on a repetitive basis by such person(s) or nominee of that person(s). Non-ancillary commuter parking does not include ancillary parking.

NON-ANCILLARY COMMUTER PARKING AREA AND/OR BUILDING

Non-ancillary commuter parking area and/or building means a facility that accommodates such parking.

ANCILLARY PARKING

Ancillary parking means parking which is dedicated solely to any permitted activity taking place on the site and/or within the confines of a building located on the site. It excludes any parking used in association with activities located outside the boundaries of the site.

HERITAGE

CONSERVATION

Conservation means all the processes of looking after a place in order to retain its cultural significance. It includes general maintenance and may, according to the circumstance, include preservation, restoration, reconstruction and adaptation to new uses, and will be commonly a combination of more than one of these.

CONSERVATION PLAN

Conservation plan means a document which sets out in detail what is significant in a place of broad cultural value and what policies are appropriate to retain that significance in future use and development.

CULTURAL SIGNIFICANCE

Cultural significance means aesthetic, historic, spiritual, traditional, scientific or social value for past, present or future generations.

FABRIC

Fabric means all the physical material of a building site, object, or place of special value.

HERITAGE PROPERTY OR PLACE

A heritage property or place with regard to scheduled items, includes all aspects and fabric of the site, site surrounds, interior and exterior of buildings, objects, places, archaeological feature, geological feature, tree or trees, gardens, open space, waahi tapu, landscape, or modified landscape on, above and below ground, irrespective of age and condition, except where the



scheduled description of the item contained in Appendix 1 specifically deems otherwise.

ICOMOS NZ CHARTER

The ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage value is set out in the Appendices. This charter provides a frame of reference and guidelines for all people who are involved in the conservation of places of cultural heritage value in New Zealand including scheduled items.

INTERIORS

Includes the whole or any nominated part of the interior of a building, object or place (as set out in Schedules A and A2 in Appendix 1) which is particularly relevant or valuable in demonstrating the heritage significance of a place, the alteration of which would detract from the inherent heritage significance and value of the place. Such items will be spaces, components and materials, all finishes and fixtures (but excluding unattached items such as furniture) which are original to the place and/or identifiable as having significant heritage value. Such items may be identified in an approved Conservation Plan or Heritage Inventory, and policies for future conservation, adaptation, and preservation identified in these documents shall apply.

MAINTENANCE

Maintenance means the continuous protective care of the fabric, and is to be distinguished from repair.

PRESERVATION

Preservation means maintaining the fabric in its existing state and retarding deterioration.

RECONSTRUCTION

Reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. (This is not to be confused with restoration, replication, or conjectural reconstruction).

REDECORATION

Redecoration means the renewal, restoration, or new application of, surface finishes, coatings, decorative elements, minor fittings and fixtures, and floor coverings; provided these actions do not destroy, compromise, damage, or impair the appreciation of the heritage values of the element being redecorated.

REPAIR

Repair means restoration or reconstruction beyond the definition of maintenance.

RESTORATION

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions and/or by reassembling existing components without the introduction of new material.

ROOTZONE

Rootzone means the full botanical extent of the root system of a tree.

SCHEDULED ARCHAEOLOGICAL FEATURE

Scheduled archaeological feature means any feature which would normally come within the scope of professional interest in the field of archaeology, together with the land on which that feature is located, which is scheduled in Appendix 3 to the Plan. The land containing the archaeological feature is identified on the planning maps.

SCHEDULED BUILDING, OBJECT, HERITAGE PROPERTY OR PLACE OF SPECIAL VALUE

Scheduled building, object, heritage property or place of special value means any of these or groups of these scheduled in Appendix 1 to the Plan and identified on the planning maps.



SCHEDULED GEOLOGICAL FEATURE

Scheduled geological feature means any feature which would normally come within the scope of professional interest of the field of geology, together with the land on or under the surface of which that feature is located, which is scheduled in the Appendices to the Plan. The land containing the geological feature is identified on the planning maps. In the case of tunnels, voids or caves, a specific noted dimension of the surrounding ground is also deemed to be scheduled.

SCHEDULED MAORI HERITAGE SITES

Scheduled Maori heritage sites means any such site scheduled in Appendix 4 to the Plan, and identified on the planning maps.

SCHEDULE OF NOTABLE TREES

Schedule of notable trees means any tree or group of trees scheduled in Appendix 2 to the Plan, and identified on the planning maps.

SITE SURROUNDS

Site surrounds includes all the curtilage of the place which may be a part of the original design or which has developed in a manner which complements the place, the removal of which would detract from the inherent heritage significance and value. Site surrounds include all those things, such as trees, gardens, buildings and structures that are part of the heritage significance of the place and are located within the areas described above.

Unless otherwise specified in the Schedule in Appendix 1 as including additional lots, or part(s) of lots, site surrounds include all land within the title boundary.

Such otherwise specified dimensions and limits for some specific heritage places are included in the schedule in Appendix 1. The existence of such specific dimensions are indicated by an asterisk alongside the dot in the "surrounds" column and are detailed in the supplementary list.

WAAHI TAPU

Waaahi Tapu means sacred site, place or object.

WAAHI TAPU AREAS

Waaahi Tapu areas means any defined areas within which a significant and sensitive waaahi tapu site is located.

HAZARDOUS FACILITIES

ACCIDENT

An accident means a sudden event causing harm to people, property or the natural environment.

ACUTE TOXICITY

Acute toxicity means adverse effects caused by a toxic agent occurring within a short time following exposure to that agent.

ADJUSTED THRESHOLD

Adjusted threshold means the amount (mass in kg, or m³ for compressed gases) of a substance that has been assessed as generating no or limited off-site effects when released, after taking into account site and substance-specific considerations. The adjusted threshold for a particular effects group is defined in HFSP as:

adjusted threshold = base threshold x adjustment factors.

ADJUSTMENT FACTOR

Adjustment factor means the product of the individual factors for each *Effects Group* (FF for *Fire/Explosion Effects Group*, FH for *Human Health Effects Group*, and FE for *Environmental Effects Group*) that increase or decrease the likelihood and consequences of the release of a hazardous substance.



BASE THRESHOLD

Base threshold means the amount (mass in kg, or m³ for compressed gases) of a substance that has been assessed as posing limited off-site effects when released.

BOD₅

BOD₅ is the biochemical oxygen demand (measured over a five-day period) which is the amount of dissolved oxygen in a body of water required for the breakdown of organic material in the water.

CARCINOGEN

A carcinogen is any substance capable of causing cancer.

CLEANER PRODUCTION

Cleaner production is the employment of techniques to reduce the need for raw materials, energy and the amount of wastes generated. These techniques may include process audits and the use of recyclable materials, less hazardous substances, and renewable resources.

CONTAMINATION

Contamination is a condition or state which represents or potentially represents an adverse health or environmental impact because of the presence of potentially hazardous substances.

CONTAMINATED SITE

A contaminated site is a site at which hazardous substances occur at concentrations above background* levels and where assessment indicates it poses, or is likely to pose, an immediate or long-term hazard to human health or the environment.

*Background levels are the ambient levels of a contaminant in the local area of the site under consideration.

CUMULATIVE EFFECTS

Cumulative effects means the aggregation of environmental effects from multiple hazardous substances on the same site.

EC₅₀

EC₅₀ is a measure of environmental acute toxicity which stands for the effective concentration resulting in a 50% response of a given parameter (eg, reproductive rate, mobility etc) in a given period.

ECOTOXICITY

Ecotoxicity means adverse toxic effects on ecosystems or ecological communities harmful to any living organism or eco-system.

EFFECTS GROUPS

Effects groups means the grouping of effects generated when a hazardous or environmentally damaging substance is released:

Fire/Explosion Effects Group - concerned with damage to property, the built environment and people

Human Health Effects Group - concerned with the well being, health and safety of people.

Environmental Effects Group - concerned with damage to ecosystems and natural resources.

EFFECTS RATIO

Effects ratio means the proposed quantity of a substance or group of substances to be used or stored, in relation to the *Adjusted Threshold*.

EFFECTS RATIO TRIGGER LEVEL

Effects ratio trigger level means the value of the *Effects Ratio* (R) which is used in the *Consents Status Matrix* to define whether a proposed development requires a land use resource consent. The *Effects Ratio Trigger Level* varies for different land uses to account for the difference in acceptable levels of risk.



EMERGENCY PLANS

Emergency Plans serve as an emergency response guide by identifying the elements required to respond to an emergency, and define the responsibilities and specific tasks of key personnel.

ENVIRONMENTALLY DAMAGING SUBSTANCE

An environmentally damaging substance (for example, milk, oil or some pesticides) is any substance which is able to damage an aquatic ecosystem.

ENVIRONMENTALLY SENSITIVE AREA

An environmentally sensitive area is one that should only be subjected to low risks, or which requires additional safeguards when activities are undertaken that exceed the specified low risk. Environmentally sensitive areas may include water ways, wetlands, coastal environments, special ecosystems or species habitats.

HAZARD

A hazard is any intrinsic property of a substance which makes it capable of causing adverse effects on people, the environment or property.

HAZARDOUS FACILITY

A hazardous facility is any facility involving a hazardous substance; a facility where the hazardous substance is stored or handled; and any installations containing a hazardous substance, including vehicles parked at that installation laden with hazardous substances.

“Hazardous Facility” does not include:

- a) the incidental use and storage of hazardous substances in minimal domestic scale quantities;
- b) fuel in motor vehicles, boats and small engines;
- c) retail outlets for domestic scale usage of hazardous substances (ie, supermarkets, hardware shops, pharmacies, home garden centres);
- d) gas and oil pipelines that are part of a network utility service;

- e) trade waste sewers;
- f) waste treatment and disposal facilities;
- g) hazardous activities not involving hazardous substances (refer Clause 1); or
- h) The temporary storage, handling and distribution of international cargo containers in the Port Precinct designed for carriage in a container ship engaged in international or national trade.
- i) Any installation where the combined transformer oil capacity of the electricity transformers is less than 1,000 litres.

HAZARDOUS SUBSTANCE

“Hazardous Substance” means, unless expressly provided otherwise by regulations, any substance -

- a) with one or more of the following intrinsic properties:
 - i) explosiveness
 - ii) flammability
 - iii) a capacity to oxidise
 - iv) corrosiveness
 - v) toxicity (including chronic toxicity)
 - vi) ecotoxicity, 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.

INCIDENT

An incident is a sudden event that is prevented from resulting in an accident by mitigating circumstances.

LC₅₀

LC₅₀ is a measure of acute toxicity. It stands for the lethal concentration (concentration of the substance at which 50% of the test animals die in a given period).

LD₅₀

LD₅₀ is a measure of acute toxicity. It stands for the lethal dose (dose of the substance at which 50% of the test animals die in a given period).



MUTAGEN

Mutagen is any substance capable of causing genetic mutation which may result in heritable genetic defects.

OFF-SITE EFFECTS

Off-site effects are effects on people, property, and the natural environment outside the boundary of a hazardous facility.

POTENTIALLY CONTAMINATED SITES

Potentially contaminated sites are sites that may be contaminated due to specific industries and land uses which have been associated with land contamination. As a guideline for identifying potentially contaminated sites, the Council uses the Hazardous Activities and Industries List (HAIL) attached in Annex 11.

PROCESS

Process has the same meaning as “use”.

PROXIMITY

Proximity means a development that is within 20 metres of environmentally sensitive areas.

REMEDIATION

Remediation is the clean-up or mitigation of pollution or of contamination of soil by various methods.

RISK

Risk is the probability of occurrence of an adverse effect from a substance combined with the magnitude of the consequence of that adverse effect.

SEPARATION DISTANCE

Separation distance is the distance from the edge of the storage area or process area to the nearest site boundary.

The edge for building enclosures or unbunded storage tanks is the nearest wall to the nearest boundary. The edge for outside storage areas is the nearest curb or bund wall to the nearest boundary.

SITE MANAGEMENT SYSTEM

A site management system is the means of ensuring the ongoing safety of a hazardous facility through sound management. It provides a description of organisational structure and responsibilities, including operating, emergency and monitoring procedures, and includes safety policy and performance auditing.

SPILL CONTAINMENT SYSTEM

A spill containment system has a permanent structure which will contain hazardous substances in the event of a spill, and prevent them from entering the stormwater drainage utility system, any water body or land.

SUBSTANCE STORAGE

Substance storage is the keeping of a substance or mixture of substances in a container, either above ground or under ground.

TERATOGEN

Teratogen is any substance capable of causing malformation during the development of the foetus.

UNINTENTIONAL RELEASES

Unintentional releases are unplanned or unwanted releases of hazardous substances over time that may not be detected.

USE

Use is the manufacturing, processing or handling of a substance or mixture of substances for a particular activity without necessarily changing the physical state or chemical structure of the substance involved. This includes mixing, blending and packaging operations, but does not include the filling of or drawing off of substances from bulk storage tanks unless any processing plant is permanently connected to the bulk storage.



NETWORK UTILITY SERVICES

AERIAL

Aerial means that part of a radio communication facility or telecommunication facility used for transmission or reception including the aerial mountings but not any supporting mast or similar structure. This definition excludes any antennas.

ANTENNA

Antenna means any flat, concave, circular, parabolic or similar shaped radio communication or telecommunication apparatus used for transmission or reception including the antenna mounting but not any supporting mast or similar structure. This definition includes any satellite dish.

ELECTRIC LINE

Electric line has the same meaning as in of the Electricity Regulations 1997 and includes pole supports but does not include a substation.

MAST

Mast means any pole, tower or similar structure designed to carry aerials or antennae or otherwise to facilitate radio communication or telecommunication.

NETWORK UTILITY OPERATOR RULES

Network utility operator rules means any Bylaws, terms or conditions prescribed by a network utility operator which control the use of and the means of connecting to their network utility service.

NETWORK UTILITY SERVICE

Network utility service means any activity relating to:

- a) Distribution or transmission by pipe line of natural or manufactured gas petroleum or geothermal energy, or
- b) Telecommunication or radio communication, or

- c) Transformation, transmission, or distribution of electricity, or
 - d) The transmission and distribution of water, (whether treated or untreated), for supply including irrigation, or
 - e) Stormwater drainage or sewerage reticulation systems, or
 - f) Construction, operation and maintenance of railway lines, tramways and roads, or
 - g) Construction, operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990, or
 - h) Lighthouse, navigation aids and beacons, or
 - i) Meteorological services, or
 - j) A project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991.
- and includes
- i) All structures necessary for the operation of the network utility services; and
 - ii) The operation and maintenance of the network utility service.

RADIO COMMUNICATION

Radio communication has the same meaning as in section 2(1) of the Telecommunications Act 1987.

SUBSTATION

Substation has the same meaning as in the Electricity Regulations 1997.

TELECOMMUNICATION

Telecommunication has the same meaning as in section 2 (1) of the Telecommunication Act 1987.

TELECOMMUNICATION LINE

Telecommunication line has the same meaning as in section 2 (1A) of the Telecommunications Act 1987.



SUBDIVISION

ACCESS LOT

Access lot means a lot owned in common in undivided shares by the owners of two or more adjacent lots for the principal purpose of providing road frontage and/or access to those lots, where their interests in the access lot are recorded in the certificates of title for these adjacent lots (see Figure 16.3).

ACCESSWAY

Accessway has the same meaning as in section 315 of the Local Government Act 1974.

ANNUAL EXCEEDANCE PROBABILITY

Annual exceedance probability means the statistically calculated likelihood that a particular event will occur in any one year. (A rainstorm of specified intensity with an annual exceedance probability of 2% has a 1 in 50 likelihood of occurring in any one year, or alternatively, may be expected to occur twice in a hundred years.)

DRAINAGE SYSTEM

Drainage system includes both a foul water system and a stormwater drainage system.

ENTRANCE STRIP

Entrance strip means all that part of a site extending from the road frontage to a point at which it becomes over 7.5 metres wide, measured at right angles to its course. "Course" shall be deemed to mean the bisection of the directions of the boundaries forming the side of the entrance strip. (see Figure 16.3).

FOOTWAY

A footway is a passageway laid out or intended to be laid out for the purposes of providing a convenient route for pedestrians from any road or service lane to another, or to

any other part of that same road or service lane, or to the foreshore, or esplanade reserve.

FRONT SITE

See Site.

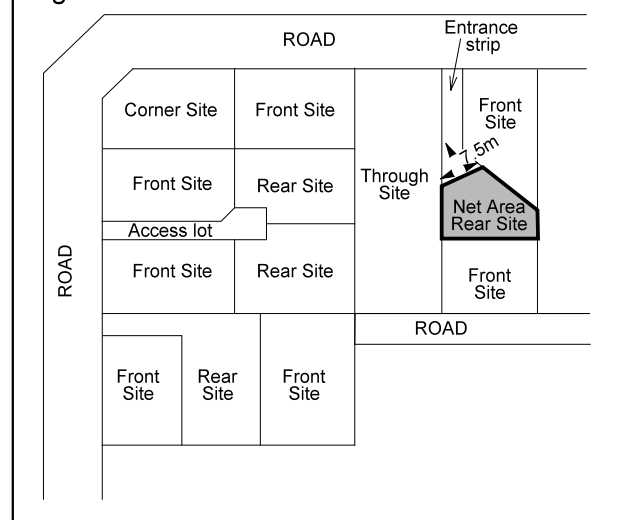
LOT

Lot means an area of land comprised in a single certificate of title, or, defined on an approved survey plan for which a separate title could be issued without further consent of the Council being in any case the smaller area of either; and includes an access lot.

NET SITE AREA

In relation to a rear site net site area means the difference in area between the total area of the site (gross area) and the area of its entrance strip (see Figure 16.3).

Figure 16.3



NON-STANDARD SITE

Refer Site.

PRIVATE ROAD

Private road has the same meaning as in section 315 of the Local Government Act.



PRIVATE WAY

Private way has the same meaning as in section 315 of the Local Government Act and includes a jointly owned access lot.

REAR SITE

Refer Site.

ROAD

Road has the same meaning as in section 315 of the Local Government Act 1974, but it does not include a motorway within the meaning of Transit N.Z. Act 1989.

SITE

Site means:

- a) An area of land which is
 - i) composed of one allotment in one certificate of title or two or more contiguous allotments held together in one certificate of title in such a way that the allotments cannot be dealt with separately without prior consent of the Council; or
 - ii) contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council; being in any case the smaller area of (a) or (b); or
- b) an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are
 - i) subject to a condition imposed under section 37 of the Building Act or section 643 of the Local Government Act 1974; or
 - ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- c) An area of land which is:
 - i) partly made up of land which complies with (a), (b) or (c) above; and
 - ii) partly made up of interest in any airspace above or subsoil below a road; where (i) and (ii) are adjacent and are held together in such a way that they cannot

be dealt with separately without the prior approval of the Council;

except that in the case of land subdivided under the Unit Titles Act 1972, the cross lease system or stratum subdivision, "site" shall be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.

Front site means a site which complies with the subdivisional standards specified in this Plan in respect of a front site, but which does not comply with the requirements for a corner site. (See Figure 16.3)

Corner site means a site which lies within a general change of direction of the abutting road or roads, such change of direction being 45 degrees or more (see Figure 16.3).

Rear site means a site which complies with the subdivisional standards specified in this Plan in respect of a rear site, but which does not comply with requirements for a front site or a corner site. (see Figure 16.3).

Through site means a site, other than a corner site, with two or more road frontages (see Figure 16.3).

Non-standard site means an area of land which does not comply with the subdivisional standards specified in this Plan in respect of a front site or corner site or rear site.

SPECIAL AMENITY YARD

Refer Yard.

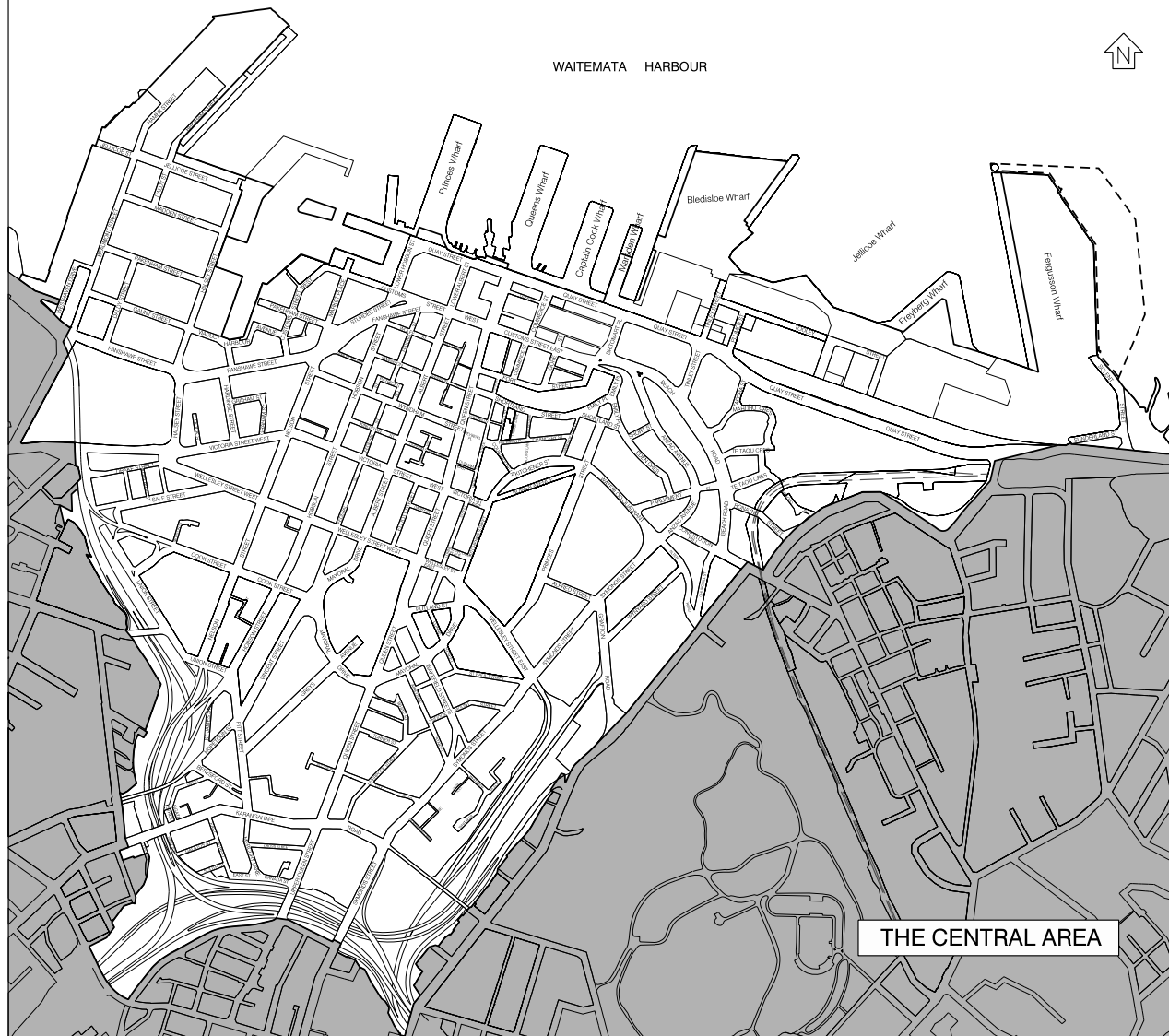
SPECIAL SITE

Special site means a non-standard site for any of the following:

- a) an access lot
- b) a network utility service
- c) a public work including a severance arising from a subdivision for a public work
- d) an access denial strip
- e) access from one public place to another public place
- f) Waahi tapu land
- g) heritage sites
- h) reserves or land similarly protected in perpetuity
- i) leases for complying or approved activities established pursuant to the Reserves Act 1977 or the Conservation Act 1987.



Figure 16.4



GENERAL

THE ACT

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

CENTRAL AREA

Central Area means that part of the inner city as shown in Figure 16.4.

COUNCIL

Council means the Auckland City Council or any Committee, Community Board or elected member of the Council or officer authorised to exercise the functions, duties or powers of the Council. (The Council has prepared a register of delegations, of functions, duties and powers pursuant to sections 114 Q(4) and 715(4) of the Local Government Act 1974, which is available for public inspection.)



HAURAKI GULF ISLANDS

Hauraki Gulf Islands means that part of the Auckland City excluding the Central Area and the Isthmus. see Part 1 of this Plan.

ISTHMUS

Isthmus means that part of Auckland City excluding the Central Area and the Hauraki Gulf Islands. See Part 1 of this Plan.

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.

MANA

Mana includes the authority and dignity of the Maori people who have mana in the area.

MANA WHENUA

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

MANAGER - CITY PLANNING

Manager - City Planning means the manager of City Planning appointed by the Council; or the manager of City Planning's deputy; or the manager, Central Area Planning

OWNER

In relation to any land, owner means the person who is for the time being entitled to the rack rent of the land or who would be so entitled if the land were let to a tenant at a rack rent; and includes the -

- a) owner of the fee simple of the land; and
- b) any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.

PLAN

Plan means this District Plan including all operative plan changes unless the context otherwise requires.

PROTECTED TREE

Protected tree means any tree protected under open Space 1, and 2 and 3 zones or Heritage-trees scheduled in appendix 2.

REGULATIONS

Reference to the Regulations shall mean reference to regulations made under the Resource Management Act 1991, unless otherwise stated.

TANGATA WHENUA

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

