

## PART 13 - INTERPRETATIONS AND DEFINITIONS

**NOTE:** Interpretations and definitions particular to heritage are found in Part 5C.

In this District Plan, unless the context otherwise requires:

\* **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 Fig. 13.4).

\* **Accessory Building**

in relation to any site, 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.

\* **Accessway**

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

\* **The Act**

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

\* **Ancillary Activities**

means an activity located on the same site as the primary activity, where such activity is small in scale and incidental to the primary activity and serves a supportive function to the primary activity. Ancillary activity includes ablution facilities and staff facilities.

\* **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.]

\* **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.

\* **Auckland War Memorial Museum**

means building or buildings or place used for war memorial purposes and for the exhibition, interpretation, preservation, storage and study of objects of historical, artistic, scientific, cultural or educational interest, together with ancillary activities.

\* **Auckland War Memorial Museum Secondary Activities**

means secondary activities associated with the museum for the purpose of enhancing the museum's functions and/or its public use, such as retail activities, and restaurant activities.



## PART 13 - INTERPRETATIONS AND DEFINITIONS

### \* **Building**

means any building or construction or part of a building and in addition to its ordinary and usual meaning shall include the following:

- (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 1.7m;
- (b) any grandstand, stadium or other construction which supplies seating or standing accommodation at any racecourse, sports ground, recreation ground or similar place, whether or not such construction is enclosed or covered;
- (c) any retaining wall or breastwork exceeding 1m in height;
- (d) any fence or wall exceeding 2.0m height;
- (e) any pool or tank more than 1.0 metres 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 or television aerial or dipole antenna which exceeds 6m in height above the point of attachment or its base support;
- (i) any pole supporting lighting which exceeds 6m in height above original ground level;
- (j) any permanent tent or marquee or air supported canopy;
- (k) any part of a deck or terrace which is more than 1m 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;
- (l) any satellite dishes exceeding 1.0 metre in height above ground level immediately below.

### \* **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 1m measured horizontally from the exterior wall).

The following shall not be included in Building Coverage:

- pergolas;
- underground carparking with landscaping above;
- that part of eaves and/or spouting or bay windows projecting 1m or less horizontally from any exterior wall;
- earthen terracing 1m 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.

### \* **Building Improvement and Hire Centres**

means premises used for the display, storage and sale of building and plumbing materials, timber and joinery, and/or the hiring of materials, equipment, tools or machinery.

### \* **Bulk Stores**

means facilities used for the storage, handling and distribution of materials, articles, or goods under the following conditions:

- (a) on land in the open air; or
- (b) in a detached building without direct access to and from another building and with a floor area of at least 250 sq.m; or
- (c) in a room within or attached to a building, and with a floor area of at least 250 sq.m;

but does not include any retail premises, or areas where goods are displayed.

### • **Bus Transfer Stations**

means premises used for the receipt, dispatch and congregation of passengers in transit and passenger service vehicles, and may include one or more of the following:

- (a) passenger waiting facilities;
- (b) kiosks for the sale or provision of information and ticketing.



\* **Bus Depot**

means premises used as a depot for passenger service vehicles and may include one or more of the following:

- (a) the service, repair and cleaning of motor vehicles;
- (b) the supply and/or sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) to passenger service vehicles only;
- (c) offices ancillary to the dominant activity on the site.

\* **Camping Ground**

means an area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living-places for occupation by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water-supplies, cook houses, sanitary fixtures, or other premises and equipment; and includes a motor camp.

\* **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;

and includes: creches, playcentres, kindergartens, childcare centres, kohanga reo, play groups.

\* **Central Area**

means that part of the inner city as shown in Figure 13.1.

\* **Cliff Face**

means any land with a slope of 60° or more.

\* **Commercial Carparking**

means land and/or buildings providing short term public parking and/or commuter parking for a charge and excludes parking required under Clause 12.8.1 PARKING of the Plan.

\* **Community Welfare Facility**

means premises used for providing information, counselling and material welfare of a personal nature.

Includes personal and family counselling, citizens advice bureaux, legal aid and the offices of charitable organisations where the facility is operated by a non-profit making organisation.

\* **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 114Q(4) and 715(4) of the Local Government Act 1974, which is available for public inspection).

\* **Dairy**

means a retail premises in a residential zone which derives a substantial part of its trade from the retail sale of milk, bread, non-alcoholic beverages, a variety of daily household items and food requirements and does not exceed 150m<sup>2</sup> in gross floor area.

\* **Drainage System**

includes both a foulwater system and a stormwater drainage system.

\* **Drive-Through Facility**

means premises where the service offered or the product sold can be acquired by a customer while in his/her vehicle, placing a request for the service/product at an order microphone or similar device and then driving his/her vehicle through to a collection point where the service or product can be received and may include a drive-through facility attached to a takeaway restaurant, service station, bank or car wash.



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### \* Earthworks

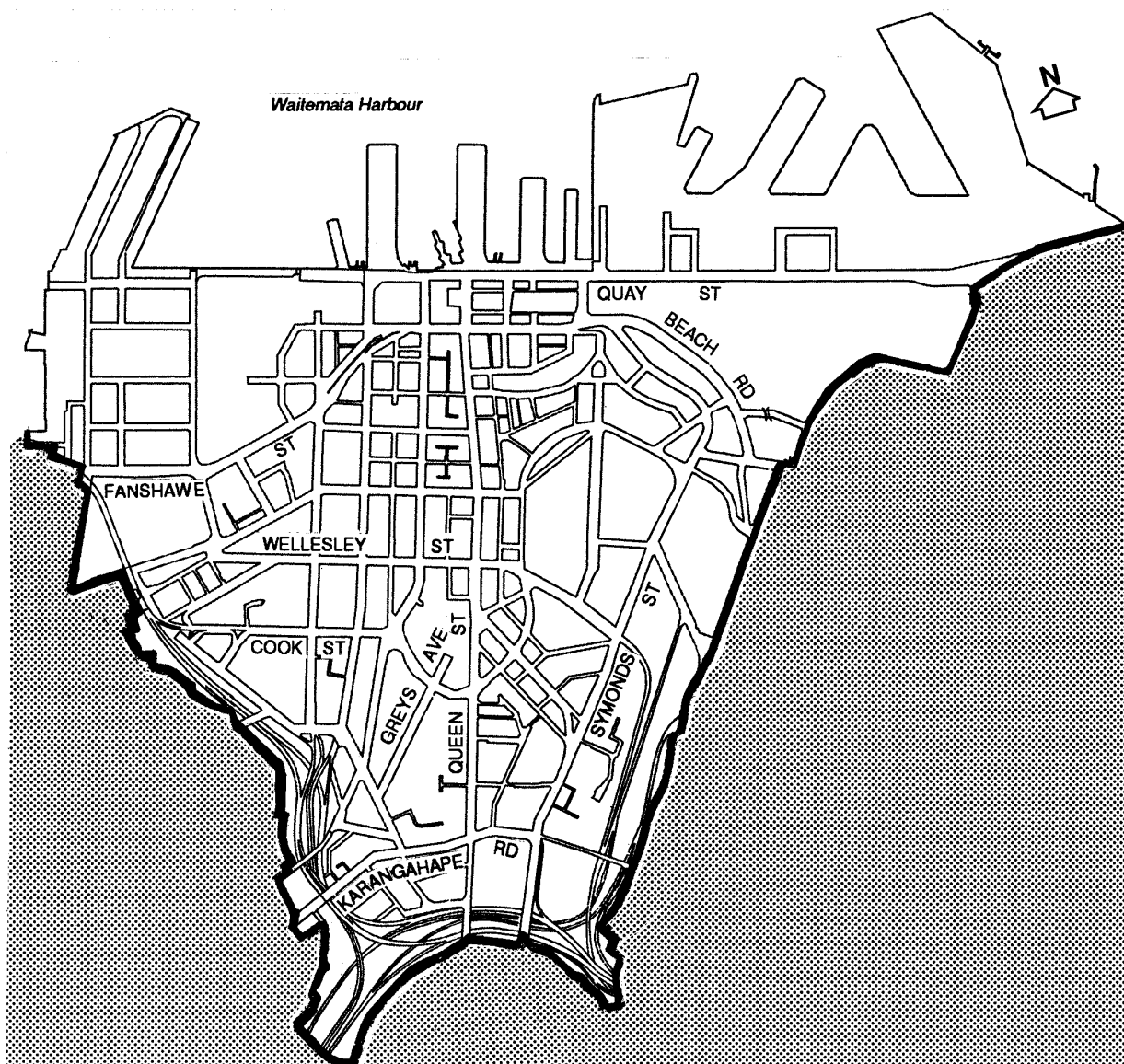
means earthmoving operations carried out by any means for development purposes and includes:

- a) the removal of vegetation;
- b) the disturbance of land surfaces by moving, removing, placing or replacing soil, or by excavation or cutting or filling operations;
- c) contouring;
- d) road, driveway and access construction.

### \* 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, health, retail and communal facilities.

Figure 13.1 The Central Area



\* **Electric Line**

has the same meaning as in Regulation 2 of the Electricity Regulations 1993 and includes pole supports but does not include a substation.

\* **Entertainment Facilities**

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

- recreation and entertainment;
- premises designed for the promotion of physical health or beauty culture;

and may include premises licensed under the Sale of Liquor Act, theatres, cinemas, casinos, cabarets, clubs, amusement galleries, gymnasiums, sauna or figure control clinics and premises controlled by the Massage Parlours Act 1978.

\* **Entrance Strip**

means all that part of a site extending from the road frontage to a point at which it becomes over 7.5m 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 13.4).

\* **Erection of a Building**

includes the re-erection of a building and the making of any structural alterations, repair or addition to any building erected and the removal either in whole or in part of a building from a place within or outside the district to any place within the district or from one position to another position on the same site, and "erect" has a corresponding meaning;

but does not include:

- prefabrication of a building or part of a building on a site within the district where such building or part of a building will not be used as a place of residence, business, or for storage purposes on that site;
- maintenance work of a decorative nature, reglazing, repapering, and repainting.

\* **Excavation**

means digging out material from the ground, but does not include normal gardening activities, digging of post holes or trenching for drains or utilities.

\* **Floor Area Ratio**

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

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

For the purpose of calculating FAR site area is the total area of the site, excluding any part of adjacent 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.

\* **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.

\* **Front Yard**

see Yard

\* **Funeral Parlour**

means premises used as:

- a mortuary;
- a viewing room associated with a funeral business;
- a workshop, service area and/or garage associated with a funeral business;
- a facility for the purposes of directing or conducting funerals.



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### \* **Garden Centres**

means premises which are used for the propagation, storage, display and sale of plants together with associated indoor and outdoor gardening goods and equipment, and any activity ancillary to these activities.

### \* **Geological Feature**

means any feature which would normally come within the scope of professional interest in the field of geology, together with the land on or under the surface of which that feature is located.

### \* **Gross Floor Area**

(GFA) is the sum of the gross area 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.

Except as otherwise provided, where floor to floor vertical distance exceeds 6m, the gross floor area of the building or part of the building so affected shall be taken as the volume of that space in cubic metres divided by 3.6.

In particular, gross floor area includes:

#### (a) **Basement space**

except as specifically excluded by this definition;

#### (b) **Elevator shafts, stairwells and lobbies**

at each floor unless specifically excluded by this definition;

#### (c) **Interior roof space**

providing headroom of 2.4m or more whether or not a floor has been laid;

#### (d) **Floor spaces in interior balconies and mezzanines**

#### (e) **Floor space in terraces (open or roofed), external balconies, breezeways, porches**

if more than 50% of the perimeter of these spaces is enclosed, except that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m shall not constitute an enclosure;

#### (f) **All other floor space**

not specifically excluded.

The gross floor area of a building shall not include:

- Uncovered steps;

- Interior roof space having less than 2.4m headroom;
- Floor space in terraces (open or roofed), external balconies, breezeways or porches. (A “breezeway” is a roofed outdoor area). Provided that not more than 50% of the perimeter of these spaces is enclosed and provided that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m, shall not constitute an enclosure;
- Pedestrian facilities approved by the Council and eligible for bonus floor spaces as defined under the relevant development controls;
- Pedestrian circulation space;
- Space for stairs, escalators and elevators
  - essential to the operation of a through-site link whether or not such link qualifies for bonus floor space under the relevant rules, or
  - servicing a floor or that part of a floor used only for carparking or loading;
- Required off-street parking and/or loading spaces;
- Carparking in basement space (including manoeuvring areas, access aisles and access ramps);
- Non-habitable floor space in approved structures;
- 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 overhead clearance of not less than 6m.

In addition, particular exemptions apply to selected buildings which are subject to protection.

Also refer to [Clause 12.8.1.3 ASSESSMENT AND FORMATION OF PARKING AND LOADING AREAS](#) when calculating GFA for the purpose of determining required carparking space.

### \* **Ground Level**

Shall be deemed to be 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.



\* **Handicrafts**

are goods produced by hand by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose. The person producing such goods must design the goods and have direct, complete and variable control over the production of every stage of the product.

\* **Hauraki Gulf Islands**

Means that part of the Auckland City as shown in Part 1 of this Plan.

\* **Hazardous Substances**

has the same meaning as in Part XIII of the Act.

\* **Healthcare Provider**

is a person who is engaged in providing services relating to physical and mental health and welfare, and includes:

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



Figure 13.2 Height - Average Ground Level Method

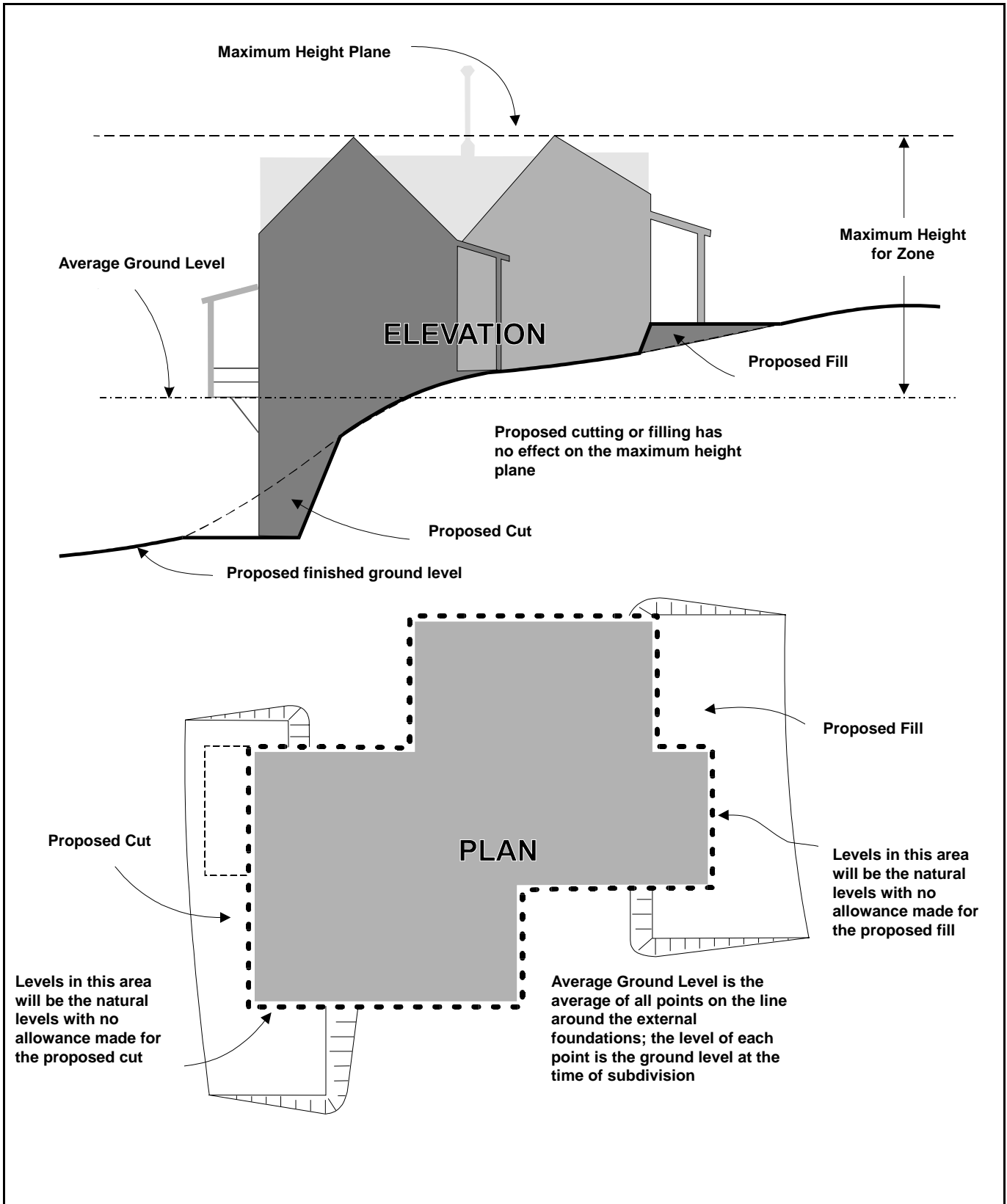
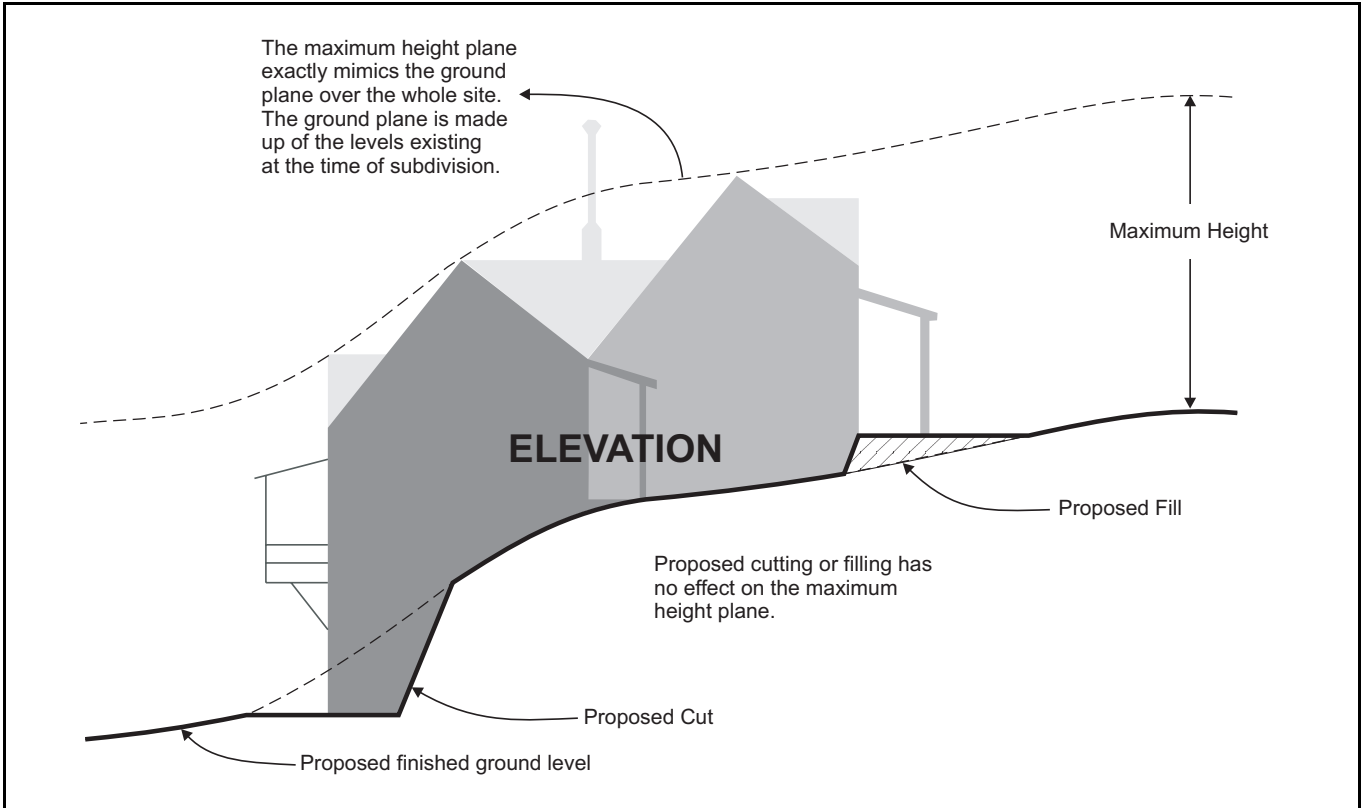




Figure 13.3 Height - Rolling Height Method



\* **Healthcare Services**

Means land and buildings:

- (a) used by one or more healthcare providers for the purpose of carrying out his/her profession; or
- (b) used as a medical laboratory or clinic; or
- (c) used as a veterinary clinic.

\* **Height**

In relation to a building means one of the following:

- A. the vertical distance between the highest part of the building and the average ground level, being the average level of the ground at the external foundations of the building (see Figure 13.2); or
- B. the vertical distance between ground level at any point and the highest part of the building immediately above that point (see Figure 13.3).

For the purpose of calculating height in the residential and open space zones, the Business 1 and 2 zones, and special purpose activity zones, account shall be taken of parapets but not of:

- (a) radio or television aerials; or
- (b) chimneys, (not exceeding 1.1m in any horizontal direction); or

(c) finials;

where the maximum height normally permitted by the rules for these zones is exceeded by not more than 2.5m by structures in (a) and by not more than 1.5m by structures in (b) and (c).

For the purpose of calculating compliance with the maximum height control only, in the Business 3, 4, 5, 5a and 6 zones, (but not the calculation of height for the building in relation to boundary control) account shall be taken of parapets but not of:

- (a) radio or television aerials, chimneys, cranes fixed to land, lift towers, machinery rooms, water towers or finials where:
  - (i) the maximum height normally permitted by the rules for the zone is exceeded by not more than 6m, and
  - (ii) 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.

For the purpose of calculating compliance with the maximum height control only, in the Business 5a zone, no account shall be taken of mobile cranes, mobile derricks, or mobile cargo stacking and lifting devices.



\* **Home for the Aged**

means a building or part of a building used as a home under the Old People's Homes Regulations 1987 or any regulation in substitution thereof. Includes old people's homes, rest homes.

\* **Home Occupation**

means the use of a site for an activity which is secondary and incidental to the use of the site for residential purposes, where:

- it is performed by a member of the household unit residing in a residential unit on the site;
- it is carried on either wholly within the residential unit or within an accessory building erected or modified for the purpose, except where fruit and vegetables are grown, such activity may be located outside a building; and
- the generated effects are not significantly different from those of other permitted uses in the zone.

Refer Clause [7.8.1.14 Additional Controls for Home Occupations](#).

\* **Horticulture**

means the growing and cultivation of flowers, vegetables, and other plants for commercial purposes, but does not include a garden centre.

\* **Hospital**

means:

- (a) any hospital or other institution for the reception and treatment of persons requiring medical treatment or suffering from any disease; or
- (b) any maternity hospital; or
- (c) any convalescent home;

and includes all clinics, dispensaries, out-patient departments, services, offices and undertakings maintained in connection with, or incidental to, the primary healthcare activity. Such undertakings may include the following ancillary activities associated with a hospital: cafeterias and coffee shops, retail premises, educational facilities, buildings used for recreation, laboratories and research facilities.

\* **Household Unit**

means a separate housekeeping unit, consisting of either:

- (a) one person; and up to four people unassociated with the household; or
- (b) two or more persons related by blood, marriage or adoption or by legal guardianship; and up to four people unassociated with the household; or
- (c) a group of not more than eight persons unrelated by blood, marriage, adoption or legal guardianship.

and includes any of the normal domestic household activities which may occur on the premises.

\* **Industry**

means premises used for manufacturing, fabricating, processing, packing, storage or the conversion of substances, into new products and the servicing, repair and storage of goods and vehicles, whether by machinery or hand, and can include a works depot, but does not include quarrying or a refuse transfer station and composting plant.

\* **Innovative Housing Development**

means any residential development of five or more residential units, (incorporating activities provided for in the residential zone), which may not comply with one or more of the requirements relating to subdivision, density, development controls or parking.

The development may but is not required to include pensioner housing, housing for the elderly or disabled, papakainga, and other group housing schemes where the accommodation ranges from shared accommodation to individual residential units. Ancillary facilities may but are not required to include medical care, recreation, personal training, restaurants, bars or other communal facilities which offer exclusive service to the residents of the development.

\* **Isthmus**

means that part of Auckland City excluding the Central Area and the Hauraki Gulf Islands. See [PART 1 - DISTRICT PLAN STRUCTURE](#) of this Plan.



- \* **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 residential accommodation for elders.
- \* **Kiosk**  
means premises for the sale of refreshments including snack food and drinks for consumption only off the premises not exceeding 12m<sup>2</sup> GFA.
- \* **Kohanga Reo**  
means premises where preschool children are taught and cared for in accordance with tikanga Maori (Maori customs).
- \* **Kokiri Centre**  
means skills training centre.
- \* **Kura Kaupapa**  
means primary schooling designed for children from kohanga reo, and undertaken in accordance with tikanga Maori (Maori customs).
- \* **Kura Maori**  
means secondary schools.
- \* **Laboratories**  
means land and/or buildings used for scientific, industrial and medical research.  
(This definition does not include activities that are prohibited in the District Plan, namely the manufacture, production and use of radioactive material).
- \* **Landscaped Area**  
in relation to any site, means any part of that site being not less than 5 m<sup>2</sup> in area which is grassed and planted in trees or shrubs and may include:  
(a) ornamental pools not exceeding 25% coverage of the landscaped area;

- (b)
- i) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one such paver does not exceed 650mm; or
  - ii) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below; or
  - iii) pathways not exceeding 1m in width;
    - where the total land area occupied by the feature in (i), (ii) and (iii) 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; or
      - is paved with a non-permeable surface of more than 1m width; or
      - 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.

- \* **Landscaped Permeable Surface**  
in relation to any site means any part of that site being not less than 5m<sup>2</sup> which is grassed or planted in trees or shrubs, and is capable of absorbing water.  
It does not include any area which:
- falls within the definition of building coverage;
  - falls within the definition of paved impermeable surface;
  - is used for parking, manoeuvring or loading of motor vehicles.
- \* **Lot - is an area of land:**
- a) comprised in a single certificate of title; or
  - b) 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 (a) and (b);  
and includes an access lot.



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### \* **Mana**

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

### \* **Mana Whenua**

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

### \* **Marae**

means the complex including meeting house, dining hall, educational and associated facilities and residential accommodation associated with the marae.

### \* **Minor Upgrading**

In the context of Rules 4A.4.6B(i) and (iii)

(a) Minor Upgrading means:

An increase in the power carrying or operating capacity, efficiency or security of electricity and associated telecommunications lines, where this utilises the existing support structures.

For the avoidance of doubt, minor upgrading includes:

- (i) An increase in the power carrying or operating capacity, provided that this shall be limited to the circumstances specified in (b)(i)-(iv) below;
- (ii) Maintenance and repair of existing support structures, but only replacement where necessary and by structures of the same character and scale;
- (iii) Modification of existing support structures only where:
  - the mechanical loading requirements make this necessary in order to undertake reconductoring, or
  - when modifications to structures are required to meet mechanical loading requirements

provided that the height and profile of any modified support structures remains the same or similar as existed prior to the improvements.

(b) Minor Upgrading includes:

- (i) the provision of additional above-ground conductors on the existing support structures of the Otahuhu-Penrose C Transmission Line, provided that the maximum operating capacity

of that transmission line shall not exceed 1500 MVA (winter 75°C power rating) after the provision of such additional conductors;

(ii) the reconductoring of lines with higher capacity conductors where they are the modern equivalent of the existing conductors;

(iii) the re-sagging of conductors;

(iv) the installation of longer and/or more efficient insulators;

(v) the addition of earthwires (which may contain telecommunications lines) and earthpeaks.

(c) Minor Upgrading shall not include any works which result in:

(i) an increase in the voltage of the line;

(ii) an increase in operating capacity that exceeds 750 MVA (winter 75°C power rating) per circuit on 220 kV lines or exceeds 100 MVA (winter 75°C power rating) per circuit on 110 kV lines;

(iii) an increase in the electric and magnetic field levels beyond the limits specified in the 1998 guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for exposure of the general public over a 24 hours/day period to 50/60 Hertz electric and magnetic fields.

### \* **Motor Vehicle Sales and Service Premises**

means premises in which one or more of the following uses are undertaken:

- (a) the sale and/or hire of motor vehicles and/or caravans and/or trailer boats, whether in the open air or within a building;
- (b) the sale of spare parts for motor vehicles and/or outboard motors and/or trailer boats;
- (c) the servicing and repair of vehicles and/or outboard motors, including motor vehicle body building, panelbeating or engine reconditioning.

### \* **Motor Vehicle Wrecking**

means any land and/or building used for the dismantling of motor vehicles and for storing used vehicle parts.



\* **Net Site Area**

in relation to a rear site means the difference in area between the total area of the site (gross area) and the area of its entrance strip. (See Figure 13.4).

\* **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 radiocommunication; 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.

\* **Non-Permanent Accommodation**

means land or buildings used, designed or capable of being used for residential accommodation by 5 or more people (exclusive of the manager and/or manager's family).

Where the accommodation provided may involve:

- a) lodging alone; or
- b) boarding and lodging; or

- c) lodging and the provision of communal food preparation and sanitary facilities; or
- d) accommodation including kitchen, dining and sanitary facilities designed for the exclusive use of an individual or household that is offered for independent occupation.
- e) accommodation in shared ownership involving common facilities and resident housekeeper (for example the Abbeyfield Concept).

Does not include premises with consent under provisions of the Sale of Liquor Act 1989, camping grounds, hotels or motor camps.

\* **Non-Permanent Accommodation for Care**

Means land or buildings used, designed or capable of being used for residential accommodation by up to 8 people (exclusive of the manager and/or manager's family) where:

- a) management, care and support are provided during the continuance of the activity; and
- b) the premises are not used by members of the travelling public or persons required by law to reside in particular premises

\* **Non-Standard Site**

refer Site.

\* **Observation Areas, Viewing Platforms and Related Structures**

means structures used for informal recreation and excludes seating of spectators associated with active sport and use as a function area.

\* **Office**

means an administrative, professional, or commercial office but does not include a banking chamber as defined in the retail premises definition.

\* **Owner**

in relation to any land, 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



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land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.\*Papakainga Housing

means residential accommodation on any land owned by Maori.

### \* **Papakainga Living**

means village life.

### \* **Paved Impermeable Surface**

in relation to any site means any part of that site which is impermeable and includes:

- decks less than 1m in height above the ground immediately below;
- pools which protrude less than 1.0 metre in height above ground level immediately below;
- any area used for parking, manoeuvring, access or loading of motor vehicles;
- any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks.

The following shall not be included in paved impermeable surface

- paths of less than 1m in width.

### \* **Pedestrian Circulation Space**

Applies to a covered public area which:

- a) 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 Space includes:

- Escalators, ramps and stairs within the pedestrian circulation space;
- decorative features such as fountains and planting within the pedestrian circulation space;
- Stages or display areas for free public entertainment associated with any retail centre.

But does not include:

- seating areas for food courts/eating area;

- any space leased for retail display or sales purposes;
- Any space for entertainment which is either leased or subject to a charge.

### \* **Place of Assembly**

means land and/or buildings used for the public and/or private assembly of people, for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, community service and functions of a community character.

May include a church, church hall, church yard and marae. 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.

### \* **Plan**

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

### \* **Premises for Cultural Activity and/or Natural Display**

means land and/or buildings to which the public are admitted, and which are used for the storage and display of objects, books and exhibits and includes:

- art galleries;
- museums;
- zoos;
- aquaria;
- libraries.

### \* **Private Road**

has the same meaning as in Section 315 of the Local Government Act.

### \* **Private Way**

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

### \* **Protected Tree**

means any tree protected under the following provisions:

- Cliffline Tree Amenity Yards;



- Coastal Protection Yards;
- Open Space 1 and 2 zones;
- Heritage:
  - trees on roads and unzoned land
  - trees on the Schedule of Notable Trees (see Scheduled Tree)
  - general tree protection.

\* **Quarrying**

means the excavation of rock and clay and includes blasting and processing (crushing, screening and washing), storage, distribution, ancillary earthworks, deposition of overburden, treatment of wastewater, rehabilitation works and ancillary buildings and structures.

\* **Radiocommunication**

has the same meaning as in Section 2(1) of the Telecommunications Act 1987.

\* **Rear Site**

refer Site.

\* **Rear Yard**

refer Yard

\* **Regulations**

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

\* **Residential Unit**

means a building, a room or a group of rooms, used, designed or intended to be used exclusively by one or more persons as a single, independent and separate household unit.

\* **Restaurant, Cafes and Other Eating Places**

means any land and/or building on or in which food is sold to the public generally for consumption on the premises, and may include premises licensed under the Sale of Liquor Act.

Part of the trade of the premises may be derived from the sale of food for consumption off the premises.

\* **Restoration**

For the purposes of Clause 7.7.1 **ACTIVITIES IN ALL RESIDENTIAL ZONES** 'restoration' means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or removal of extraneous additions.

\* **Retail Premises**

means land and/or buildings from which goods, merchandise, equipment or services are sold, exposed, displayed or offered for sale or direct hire to the public and includes:

- a market;
- a showroom;
- a takeaway foodbar;
- a banking chamber (being that part of a bank which includes all the tellers areas and all areas to which the public generally has access);
- off-licensed premises;

but does not include a service station, motor vehicle sales and service premises, or a restaurant, cafe and other eating places.

\* **Scheduled Archaeological Feature**

means any feature or features together with the land on which the feature or features are located and which is identified in the schedule of archaeological features in Appendix 3 to the Plan and is identified on the Planning Maps.

\* **Scheduled Building, Object, Heritage Properties or Place of Special Value**

means any building, object, place or heritage property or groups of heritage items scheduled in Appendix 1 to the Plan and identified on the Planning Maps.

\* **Scheduled Geological Feature**

means any geological feature or features together with the land on which the feature/features are located and which is identified on the schedule of geological features in Appendix 3 to the Plan and is identified on the Planning Maps.



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### \* **Scheduled Maori Heritage Sites**

means any Maori Heritage Site scheduled in [APPENDIX 4](#) to the Plan, and identified on the Planning Maps.

### \* **Scheduled Tree(s)**

means any tree or group of trees scheduled in [APPENDIX 2](#) to the Plan, and identified on the Planning Maps.

### \* **Service Station**

means any site where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may also include any one or more of the following:

- the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- a retail premises with a maximum gross floor area of 200m<sup>2</sup>;
- mechanical repair and servicing of motor vehicles (including motor cycles, caravans, boat motors, trailers) and domestic gardening equipment; and
- warrant of fitness testing; and
- car wash facility.

### \* **Site**

means:

(a) an area of land which is:

- i) comprised in a single certificate of title; 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 land area of (i) or (ii); or

(b) an area of land which is composed of two or more contiguous lots held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or

(c) 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

(d) 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 an 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 or the cross lease system, "site" shall be deemed to be the whole of the land subject to the unit development or cross lease.

### **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 13.4](#)).

### **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 13.4](#)).

### **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 the requirements for a front site or a corner site. (See [Figure 13.4](#)).

### **Through Site**

means a site, other than a corner site, with two or more road frontages. (See [Figure 13.4](#)).

### **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 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.

\* **Side Yard**

refer Yard.

\* **Special Yard**

refer Yard.

\* **Substation**

Has the same meaning as in Regulation 2 Electricity Regulations 1993.

\* **Tangata Whenua**

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

\* **Tavern**

means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments; and which is licensed as such under the Sale of Liquor Act.

\* **Telecommunication**

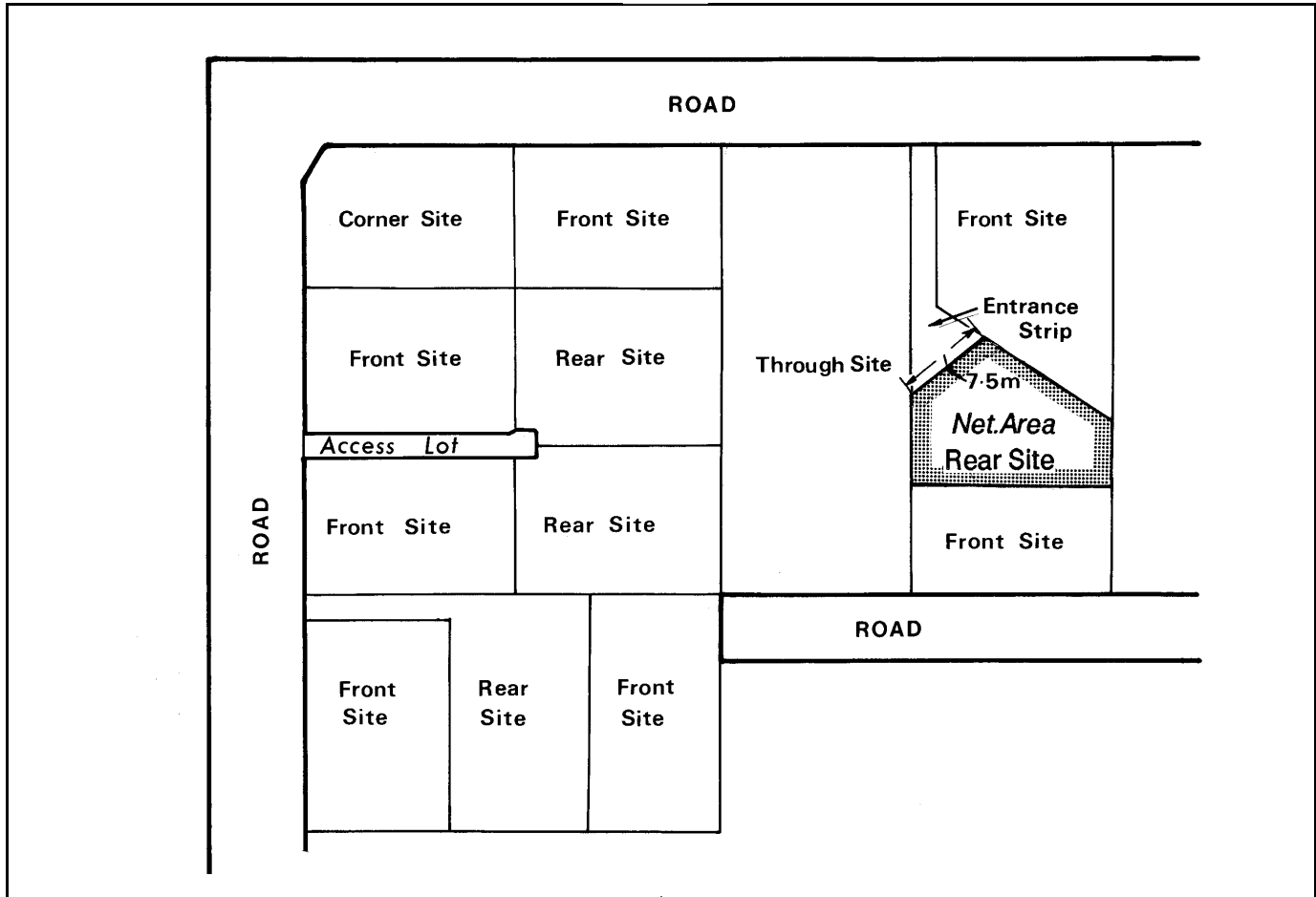
has the same meaning as in Section 2(1) of the Telecommunication Act 1987.

\* **Telecommunication Line**

means 'line' as defined in Section 2(1A) of the Telecommunications Act 1987.



Figure 13.4 Sites



\* **Tourist Complex**

means 'non-permanent accommodation' that:

- a) includes an integrated complex of residential, visitor, service and recreation facilities (including restaurants and conference facilities) without limiting such non-residential activities to members of the travelling public; and/or
- b) has consent to lawfully sell liquor under the Sale of Liquor Act 1989.

\* **Towing Service**

means land and/or building used for the storage of impounded or disabled vehicles and associated activities and includes the garaging of tow trucks.

\* **Transport Depots**

means any land or building which is primarily used for the receipt, despatch or consolidation of goods in transit being transported by road, where the goods are not owned or processed by the owner or occupier of that land or building, and includes a carrier's depot,

trucking depot, and mail distribution centre but does not include a refuse transfer station and composting plant.

\* **Turangawaewae**

means standing place, tribal foothold.

\* **Urupa**

burial ground.

\* **Waahi Tapu**

means sacred site, place or object. This includes urupa.

\* **Waahi Tapu Areas**

mean any defined areas within which a significant and sensitive waahi tapu is located.



\* **Warehousing and Storage**

means land or buildings used for the receipt, storage, handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer. Includes the direct collection of materials, articles or goods by traders but does not include a retail premises, transport depot or bulk store.

\* **Whare Hui**

means meeting house.

\* **Wharekai**

means dining hall.

\* **Wharekaraki**

means church.

\* **Wharemoe**

means sleeping quarters.

\* **Whenua Tupuna**

means ancestral land.

\* **Workrooms**

means a building or room in which articles, goods or produce are prepared and/or repaired for sale or rent from the retail premises attached to the workroom.

\* **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.

Except as otherwise provided for by this Plan -

(a) **Front Yard**

means a yard between the road and a line parallel thereto, extending across the full width of the site, (except that where any building line is shown on Planning Map No. 2 this line shall be substituted for the existing road line).

(b) **Rear Yard**

means a yard in any site other than a corner site, such yard being bounded by the rear boundary of the site and a line extending across the full width of the site; except that a rear yard in respect of any rear site means a yard which, except for any portion of the site comprised in a front yard, lies between the full length of all boundaries of the site and a line parallel thereto.

(c) **Side Yard**

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

(d) **Special Yard**

means an area of land identified in this Plan as a 'special yard'.

(e) **Coastal Protection Yard**

means a yard measured in a horizontal plane in a landward direction from MHWST mark.

For the purposes of calculating yards, where a residentially zoned site abuts a pedestrian footway, no front yard shall be required abutting the length of that footway.

Where, in respect of any yard any doubt arises as to whether any boundary of a site in a zone is a front, rear or side boundary, the Council shall, on application of the owner of that site, designate that boundary as a front boundary or a rear boundary or a side boundary as shall appear to the Council to be appropriate, having regard to the road frontage, shape, topography and outlook of the site.

