

## 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.

In a residential zone, an accessory building may include but is not limited to: a garage or carport; a workshop; a glasshouse; a sleepout (but not a residential unit); a recreation room; a spa pool or swimming pool.

In a residential zone, an accessory building shall not include a kitchen sink or dishwashing facility.

\* **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.

\* **Average slope angle**

is the slope of the land surface measured by the nearest route from the bottom to the top of an area of land to be disturbed. It should have an accuracy no less than that achieved by a hand held inclinometer or abney level.

\* **Balcony**

a platform on the outside of a building, with access from an upper floor window or door which is not enclosed



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### \* **Boarding House/Hostel**

Means a building used, designed, capable of, or intended to be used for residential accommodation by five or more people/boarders or lodgers (exclusive of the manager and/or manager's family) where the accommodation provided will involve lodging alone; or boarding and lodging; or lodging and the provision of communal food preparation and sanitary facilities, and includes student hostels, but does not include premises with consent under provisions of the Sale of Liquor Act 1989, camping grounds, hotels, tourist complexes, motor camps, self contained residential units (excluding the managers accommodation) or visitor accommodation.

For the purposes of Clause 4B.4 Residential Development Financial Contribution, a boarding house/hostel in its entirety is considered a residential unit. Any manager's accommodation meeting the definition of Residential Unit is also considered as a residential unit for these purposes.

### \* **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 Use of School Facilities**

means the use of any school land or buildings in the Special Purpose 2 zone for community purposes as an adjunct to their primary purpose as educational facilities including classes not directly associated with the primary education function of the school facility, meetings of community groups, church meetings, private functions and activities of a similar character and includes associated parking.

\* **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).



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\* **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.



\* **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.

\* **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



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### \* **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.

### \* **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.

\* **Habitable Room**

means any room in a residential unit excluding a kitchen, laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage

\* **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**

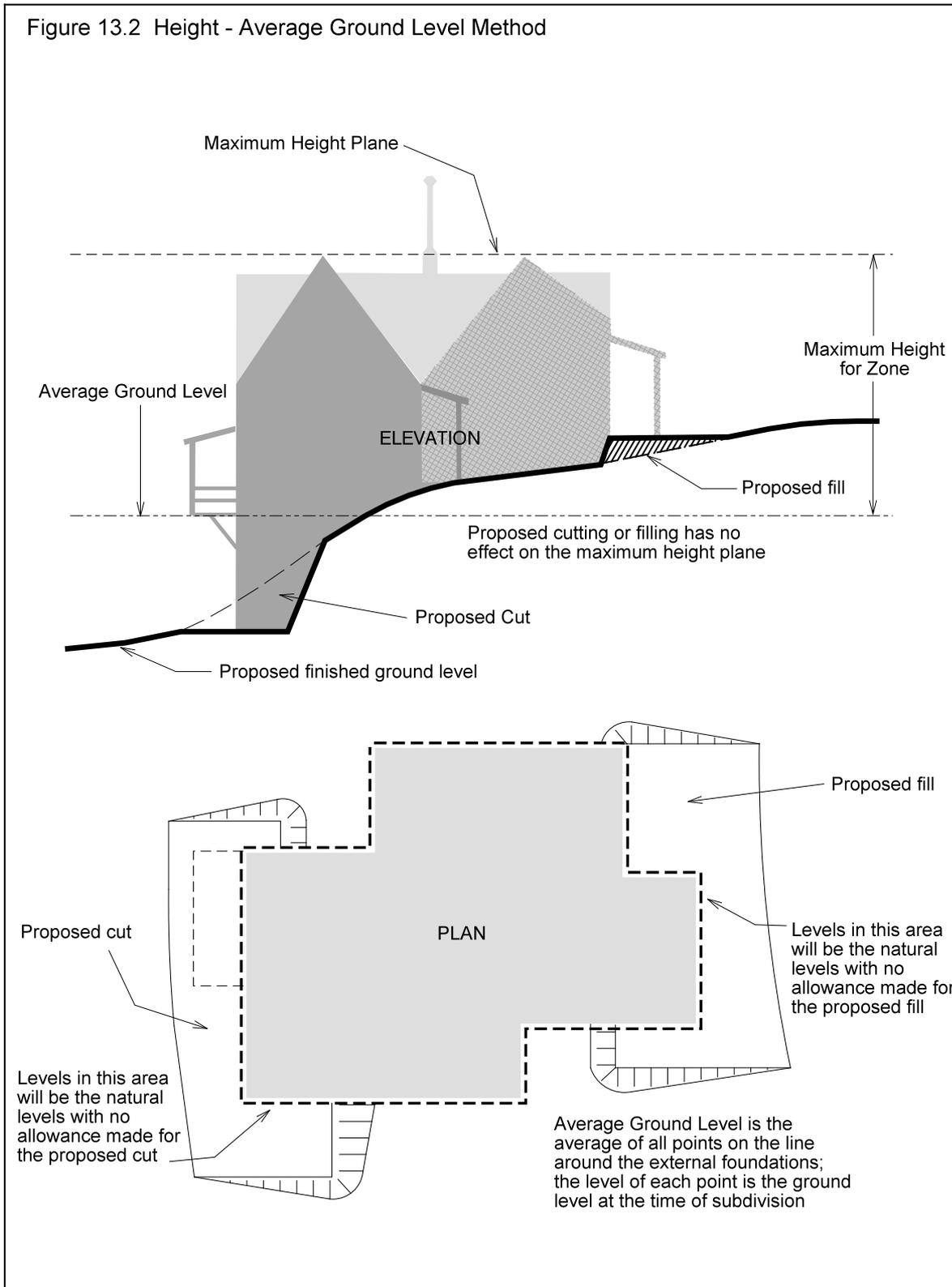
is a person who is engaged in providing services relating to physical and mental health and welfare, and includes:

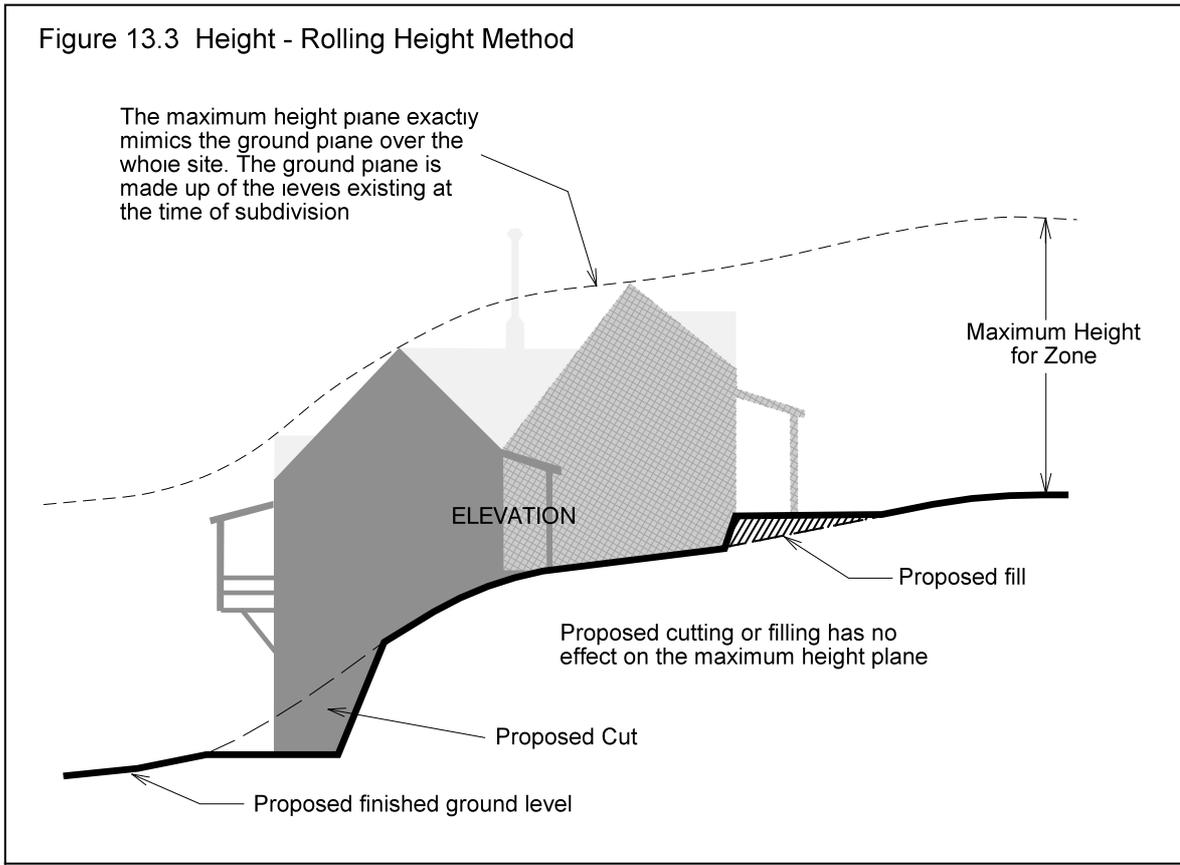
- acupuncturists;
- aromatherapists;
- dietitians;
- chiropodists;
- medical radiographers;
- chiropractors;
- medical social workers and counsellors;
- clinical psychologists;
- medical technologists;
- dentist, and dental technicians;
- nurses;

- medical practitioners;
- occupational therapists;
- naturopaths;
- osteopaths;
- opticians and optometrists;
- physiotherapists;
- pharmacists;
- podiatrists;
- psychotherapists.



Figure 13.2 Height - Average Ground Level Method





\* **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.

and includes a pharmacy that is incidental to any of the above.

\* **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 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.

\* **Housing Development for the Elderly or Disabled**

Means a development which provides residential accommodation for the elderly or disabled, including pensioner housing, kaumatua housing, and housing for persons with disabilities. The development may involve one or more housing or accommodation types such as shared accommodation, bedsits, or small self-contained units. Shared facilities may include cooking facilities and laundry facilities. Where such housing is in the form of fully self-contained units, compliance with the zonal density limitations is not required. Where such a development is not undertaken by a registered charity, society, or public body, independent residential units are to be held either under one title or unit titles under the Unit Titles Act which is encumbered by an appropriate legal instrument which ensures that the use of the unit is confined to such persons. Does not include rest homes, retirement villages, or non-permanent accommodation for care.

For the purposes of Clause 4B.4 Residential Development Financial Contribution, financial contributions will be required for those parts of the development that operate as fully self-contained separate units.

\* **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.



\* **Integrated Housing Development**

Means a residential development on a site with a minimum gross site area of 2000m<sup>2</sup>, complying with the specific density limitations outlined in the activity table in Clause 7.7.1. The development must include an integrated approach in respect to internal accessways, parking, building design and layout, landscaping, lighting, and open space areas.

Residential Development Financial Contributions shall be payable in accordance with Clause 4B.4.

\* **Internal Road**

means a road/street reserve in private ownership which provides for the movement or parking of vehicles within a development.

\* **Intensive Corridors**

Intensive corridors are corridors identified in Schedule 1A of the Regional Policy Statement or Table 1, Appendix 12 of the district plan, that have been selected for urban intensification due to physical or locational characteristics, that include the intensity of existing development, the locality's association with significant transport movements, and/or passenger transport nodes, and/or the locality's capacity for further growth. These localities are earmarked for higher density compact mixed use environments where these are compatible with the principal focus of the movement function of the corridor.

\* **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.

[SECTION CONTINUED](#)

