

<b>21</b>	<b>Definitions</b>	<b>21-1</b>
21A:	Building Height Controls.....	21-34
21A:	Building Height Controls (Continued).....	21-35
21B:	Building Height for All Business Zones Except Business 3 Are Taken at Mean Ground Level at Site Frontage .....	21-36
21C:	Diagram Illustrating Site and Yard Definition .....	21-37
21D:	Definitions from the RMA and the Hazardous Substances and New Organisms Act 1996, provided for information purposes .....	21-38
21E:	Foreshore Yard Widths .....	21-42
21F:	Protected Root zone around Trees .....	21-52

## 21. Definitions

Where, in this Plan, reference is made to any enactment or statutory regulation, then unless the context requires otherwise it shall be deemed to include reference to any subsequent enactment passed or amending regulation.

All words or terms defined in the District Plan that are also defined in the Resource Management Act 1991 (RMA) will have the same meaning as in the Resource Management Act. Some definitions from the Hazardous Substances and New Organisms Act 1996 (HSNO Act 1996) are also referred to in the District Plan definitions. The relevant sections of the RMA and the HSNO Act 1996 are attached for information purposes in [Appendix 21D](#).

In this Plan, unless the context otherwise requires:

### Abbreviations

ha	means hectares
km	means kilometres
kV	Thousands of volts (which are a measure of electric pressure)
Ldn	means day-night average sound level
Lo1	means a noise level which is equalled or exceeded for 1% of a particular measurement period
L10	means a noise level which is equalled or exceeded for 10% of a particular measurement period
Lmax	means a maximum noise level recorded during a particular measurement period
Leq	means the value of the steady continuous weighted sound pressure level over the measurement period
m	means metre
mm	means millimetre
m <sup>2</sup>	means square metre
m <sup>3</sup>	means cubic metre
MHWS	means mean high water spring tides
MVA	Millions of volt amperes (which are units of electric power)

### Accessory Building

Means a building the use of which is incidental to that of any other building or activity on the site, and includes garages, carports, workshops and garden sheds.

### Accommodation:

Means residential living accommodation facilities within the Special Purpose 14 Naval Base zone and includes centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities. Examples of this activity are currently provided in the Wardroom, Cruiser Block and Naval Barracks.

### Act

Means the Resource Management Act 1991 and Regulations and includes any amendments thereto.

### Activity

Refer to Permitted, Controlled, Discretionary, Non-Complying and Prohibited activities.

### **Activity emitting radio frequency fields**

Means an activity or equipment which is capable of transmitting or emitting electromagnetic energy for communication purposes with frequencies in the range of 3 KHz to 300 GHz but excluding

- a) common residential based radiofrequency devices such as baby monitors, radio controlled toys, electronic door openers, cell phones, and mobile phones; and
- b) hand held amateur radio transceivers operating on the amateur UHF and VHF bands.

### **Acute Toxicity**

Adverse effects caused by a toxic agent occurring within a short time following exposure to that agent.

### **Adaptation**

Means, in relation to a scheduled item, modifying a place to suit it to a compatible use, involving the least possible loss of cultural heritage value.

### **AEP**

Annual Exceedance Probability, which is the probability of exceeding a given storm discharge or flood level within a period of one year. Equivalent return period terms are:

1% AEP	= 1 in 100 year
2% AEP	= 1 in 50 year
10% AEP	= 1 in 10 year
20% AEP	= 1 in 5 year
50% AEP	= 1 in 2 year

### **Aerial**

Means any array of rods, wires or tubes, that is part of a radio communication facility or telecommunication facility that is used or intended for transmission or reception, including the aerial mountings (which includes a support structure), but not any supporting mast. No part of any aerial excluding the mountings should be greater than 150mm diameter. This definition excludes any antenna.

### **Allotment or Lot**

This has the same meaning as in section 218(2) and (3) of the RMA.

### **Alteration**

When referring to alteration to trees or vegetation means: any siteworks within the root zone, or the pruning, damaging, or cutting of any tree or vegetation other than that covered by the definition of 'Trimming' and 'Removal'.

### **Alternative Servicing Systems**

Means a system for the disposal of stormwater and sewage, or for the supply of water, which is not dependent on the reticulation systems provided by the Council or any network utility operator.

### **Amenity Values**

This has the same meaning as in section 2 of the RMA.

### **Amenity**

Means that which is agreeable; pleasantness.

### **Antenna**

means any device including any dish or panel that receives or transmits radio communication or telecommunication signals, but does not include any aerial. This includes the antenna's mountings (including any support structure or head arrangement such as shrouds or antenna covers) and radio frequency unit or similar device, but

excludes any mast or Global Positioning System antenna smaller than 110mm in diameter and 200mm in height. The diameter or area of an antenna means:

- a) In relation to any panel antenna or any other type of antenna that has a length and a width, the area measured by calculating the largest surface area;
- b) In relation to any other antenna, the diameter measured by taking the cross section of the widest part of the antenna;

The mountings of any antenna and any radio frequency equipment or similar device is not included in the measurement of area or diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself. (Note: any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna, and the measurement is of each individual antenna and is not a cumulative measurement.)

### **Apartment Building**

Means a single building comprising two or more residential units.

### **Approved Building Platform**

Means the finished ground on which a building is to be placed for which a building consent and any necessary resource consents have been granted.

### **Archaeological Site**

Means any place that was associated with human activity which occurred before 1900 and is, or may be able, through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

### **Average Gradient**

Means the maximum natural gradient of the land to be subdivided where that gradient exceeds the gradient specified in the rules in this District Plan for more than 10.0% of the land area.

### **Bioaccumulation**

This has the same meaning as in section 2 of the HSNO Act 1996.

### **Bio-Retention**

Means a device designed and constructed to collect stormwater runoff, attenuating peak flows and achieving stormwater treatment and volume reduction by filtering stormwater through specially prepared soil/planting medium. In clay soils an under-drain is required. Commonly used bio-retention devices include rain gardens and stormwater planters.

### **Boardinghouse**

Means a residential building in which board and/or lodging is provided or intended to be provided for reward or payment for three or more boarders or lodgers (other than members of the family of the occupier or person in charge or control of the building) but does not include a licensed hotel or building forming part of a motor camp or hostel.

### **BOD<sub>5</sub>**

Five day biochemical oxygen demand is a measure of the amount of oxygen required by organisms to consume organic matter over a five-day period.

### **Branch**

Means any limb of a tree excluding the main stem or trunk.

### **Breeding and Boarding Establishment for Animals**

Means the breeding, caring for or boarding of more than two animals which do not normally reside on the site, and includes all catteries.

## **Brownfields development**

### **Buffer Area (Motorway)**

Means a strip of land 50 metres in width, measured from the edge of the carriageway of the Northern Motorway and indicated on the Albany Structure Plans, as required for the purposes of visual and acoustic protection.

### **Buffer Strip**

Means a strip of land consisting of those parts of any business zoned site which lie within 30 metres of a residential zone boundary. As an exception to this rule, the Glenfield Road frontage of Glenfield Mall (Lot 1 DP 61951 and Lot 1 DP 57889) shall not form part of the Buffer Strip.

For the purpose of measuring the 30 metres, where a road lies between sites zoned for residential purposes and those zoned for business, the zone boundary will be the centre line of the road reserve. As an exception to this rule, in relation to Shore City Galleria (Lot 1 DP 68654), the 30 metres shall be measured from the residential zone boundary on the opposite side of Anzac Street.

### **Building**

Means any structure, whether temporary or permanent, movable or immovable, and includes a deck, terrace or steps greater than 0.5 metres in height and any swimming pool, but excludes any fence, boundary wall or combination thereof less than 2.0 metres in height above natural ground level and any retaining wall less than 1.5 metres in height above natural ground level, except as provided elsewhere in this Plan for the foreshore yard.

### **Building Coverage**

Means that proportion of the net site area, of any site, which may be covered by buildings or parts of buildings, and includes overhangs and eaves, but excludes any part of any eave or spouting projecting 1 metre or less, measured horizontally from any external wall, and also excludes any uncovered deck, terrace, steps or swimming pool or parts thereof less than 1 metre above ground level, or a pergola or similar structure of a substantially open nature.

### **Building Line**

Means a line which is used to indicate that no part of any building or of any required yards, parking or manoeuvring areas shall be located between the building line and the site boundary to which the building line relates. All building lines are shown in Appendix 5 of the District Plan Maps, and in the case of Eadys Bush in [Appendix 16C](#) of the District Plan.

### **Camping Ground**

Means any 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 two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment.

### **Childcare Centre**

Means any premises where children principally of pre-school age who do not normally reside on the site are cared for or educated, and includes a creche, Kohanga Reo, day care centre, kindergarten and play centre. Care may also be provided for older children before and after school hours.

### **Chronic Toxicity**

Adverse effects caused by a toxic agent which occur either after prolonged exposure or an extended period after initial exposure.

**Church**

Means any premises used primarily for spiritual activities, meditation, public or private worship, religious ceremonies, religious instruction, church meetings and functions, and includes a church hall and associated facilities, and a churchyard.

**Clearance**

Means the act of removing a tree or other vegetation from the ground. Clearance also means the transplanting/replanting of any tree or vegetation. Also see 'alteration'.

**Cliff Face**

Means land with a slope of 60° or more and with a vertical height in excess of 2 metres.

**Clubrooms**

Means premises which are set aside for the use, convenience and enjoyment of a recreational or community organisation and may be licensed to hold a club licence under the Sale of Liquor Act 1989.

**Coastal Conservation Area**

Means land shown as Coastal Conservation Area on the District Plan maps and generally having any of the following elements:

- a) Any habitat or association of flora adjacent to the foreshore which derives its intrinsic character from a maritime location.
- b) Any landform adjacent to the foreshore which has been formed or modified by processes of marine erosion or deposition.
- c) Any feature, either natural or physical, which substantially contributes to the visual amenity of the coastal environment.
- d) Any site or part thereof adjacent to the foreshore from which natural surface drainage may flow to the Coastal Marine Area.
- e) Any reserve or part thereof adjacent to or adjoining Mean High Water Springs where activities may take place which have a connection with or impact on the Coastal Marine Area.
- f) Any commercial or industrial land use located adjacent to the foreshore which engages in any activity, which may have a direct impact on the coastal environment.
- g) Any part of any road or any transport or communication facility including any wharf, jetty or quay located adjoining Mean High Water Springs.

The Coastal Conservation Area includes dunes, beaches, sea cliffs, promontories, tors, sand bars, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, coastal wetland, coastal escarpments (where these are not within the coastal marine area) as well as urbanised coastal esplanades.

**Coastal Inundation Area**

The area adjacent to the coast where natural ground level is below the expected 1% AEP sea level for the year 2050 causing it to be subject to inundation from coastal waters. The 1% AEP sea level is the sea level which has a 1% chance of occurring or being exceeded in any single year and takes sea level rise (climate change), storm surge and wave setup into account.

**Coastal Marine Area**

This has the same meaning as in section 2 of the RMA.

**COD**

Refer directly to the definitions contained in the HSNO Act 1996 and the RMA.

**Commercial Recreation Activity**

Means any outdoor activity involving the sale or hire of sundry goods relating to outdoor recreational activities, takeaway food, and recreation equipment, excluding motorised items.

### **Communal Open Space**

Means an area of open space for the outdoor enjoyment of residents of a multiple residential unit development. The communal open space is to be clear from the ground upwards of all buildings, parking and manoeuvring space except for the following:

- a) Pools
- b) Building eaves
- c) Structures to enhance the use and enjoyment of the communal open space by the residents
- d) Decks and terraces.

### **Community Building or Community Facility**

Means any building or land where people congregate on an organised basis or for community activities such as recreation, worship, education, culture, deliberation, and includes community centres, marae, RSA and any other premises having a club licence under the Sale of Liquor Act 1989 and its amendments, but does not include schools, premises having an on-licence or off-licence, or community houses.

### **Community House**

Means premises which are set aside for the use of the local community only, for social, cultural, recreational, educational, health, welfare and religious activities.

### **Community Welfare Centre**

Means any centre providing information, counselling, advice and material welfare of a personal nature and which is staffed by volunteers or professionally qualified workers.

### **Company Lease**

Means a lease or licence or other right of occupation of any building or part of any building on, or to be erected on, any land:

- a) That is granted by a company owning an estate or interest in the land; and
- b) That is held by a person by virtue of being a shareholder in the company, and includes a licence within the meaning of Section 121A of the Land Transfer Act 1952.

### **Concert**

In relation to Special Purpose 12 zone: North Shore Domain and Stadium, concert means any vocal or instrumental musical performance of up to five hours duration which exceeds the maximum noise levels specified for the public address system and for any other activity except concerts as specified in [Rule 20.16.2.10](#) (d).

### **Conservation**

Means, in relation to a scheduled item in [Section 11](#), processes of caring for a place so as to safeguard its cultural heritage value.

### **Contaminant**

This has the same meaning as in [Section 2](#) of the RMA.

### **Continuous, naturally occurring area**

When referring to vegetation means native remnant areas and pockets of native bush and includes all native vegetation within these areas, including undergrowth and ground covers.

### **Controlled Activity**

This has the same meaning as in section 77B of the RMA.

### **Convenience Store**

Means a dairy/superette, newsagent/stationer, post office, hairdresser, drycleaner or pharmacy, or a store engaged in specialised foot retailing, liquor retailing, takeaway food retailing, video hire, shoe repair or key cutting.

**Corner Site - see Site**

**Corridors**

Means the District's strategic and arterial road, bus, rail alignments, and adjoining land located adjacent to these corridors, which generally link the Region's centres, and includes but is not limited to Intensive Corridors. Such corridors may have a range of functions, for example Public Transport and Freight.

**Council**

Means the North Shore City Council or any committee, sub-committee, officer or commissioner to which the Council has given a delegation under the RMA or any other Act.

**Coverage - see Building Coverage**

**Cutting**

See 'alteration'.

**Cycle Storage Facilities**

Means an area set aside for the secure storage of bicycles and related equipment and includes fully enclosed lockers, locked compounds and structures to which the bicycle frame and wheels can be located.

**Cycle Lanes**

Means a lane designed to provide for the safe movement of bicycles and includes vehicle lanes which are sufficiently wide to permit a demarcated strip for the sole use of bicycles.

**Dairy**

Means a retail premises not exceeding 100m<sup>2</sup> gross floor area in a Residential zone or Urban Expansion zone, which derives a substantial part of its trade from the retail sale of milk, bread, non-alcoholic beverages and other day-to-day household requirements, but excludes takeaway food bars.

**Delineated Area**

Means an area which is available for the exclusive use of the residential unit to which it relates, or which comprises part of a Communal Open Space in accordance with [Rule 16.6.2.4](#). It must have an area of at least the relevant zone density, and comply with the requirements of [Section 16.6.2.2](#).

**Designation**

This has the same meaning as in section 166 of the RMA.

**Development**

Means any activity undertaken in order to change the scale, character or intensity of any use of land, and includes any building activity but excludes site works.

**Development Envelope**

Means an area identified on Appendix 9A to the District Plan in which all buildings and structures are to be located, excluding vehicle access and fencing.

**Directory Sign**

Means a comprehensively designed sign comprising a number of individual signs identifying businesses on a site.

**Disabled Persons' Housing**

Means residential units designed specifically to meet the needs of people with disabilities.

**Discretionary activity**

This has the same meaning as in Section 77B of the RMA.

### **Domestic Gardening**

The practice of growing plants for utility or ornament about one's residence done primarily for pleasure and/or to produce goods for consumption by the household and not for commercial purposes.

### **Drive Through Activity**

Means any activity which is designed to service customers in their vehicles and includes service stations, drive-through banks and drive-through food outlets.

### **Dual Purpose Rain Tank**

Means a rainwater collection tank providing a portion of its volume for harvesting and a portion for detention. The tank shall be plumbed into a building providing non-potable water use for the purposes of harvesting, and the detention is to be used to attenuate peak stormwater flows. Any reference to the size of the rain tank refers to the working volume of the tank between the lowest outlet and the overflow.

### **EC<sub>50</sub>**

The effective toxicant concentration resulting in a 50% response of a given parameter at a specific time of exposure (for example, reduced reproduction rate). This may include mortality effects, expressed as lethal concentration (LC).

### **Ecological Corridor**

Means a geographical connection between natural habitats which provides for the movement of organisms between those habitats or provides a further habitat for organisms.

### **Ecopark**

Ecopark activities and facilities means activities and projects orientated towards promoting environmental awareness and includes organic gardening, organic horticulture, organic education facilities, local composting, composting demonstrations, sale of compost made on the site, sale of garden and horticultural produce grown on the site, sale of crafts made on the site, displays of alternative environmentally aware structures and building materials, alternative environmentally aware technology and energy supply displays, recycling and waste reduction schemes and demonstrations, children's farm including varieties of birds, fowls and small animals, and outdoor education pursuits including intermittent camping for educational purposes. The intent of the ecopark activities and facilities is to create a community focus on the site, to encourage community involvement and to provide broad-based educational opportunities and experiences.

### **Ecosystem**

Ecosystems means a community of organisms, interacting with one another, plus the environment in which they live and with which they also interact.

### **Ecotoxicity**

This has the same meaning as in [Section 2](#) of the HSNO Act 1996.

### **Effect**

This has the same meaning as in [Section 3](#) of the RMA.

### **Electric (or Electricity) Line or Lines**

means all conductors (including fittings supporting, or connected to, those conductors), whether above or below ground, that are used, or intended to be used, in, or in connection with, the supply of electricity from the outgoing terminals of a generating station, a building, enclosure, or other structure to -

- a) the incoming terminals of any other building, enclosure, or other structure; or
- b) an electrical appliance, in any case where the electrical appliance is supplied with electricity other than from a terminal in a building, enclosure, or other structure.

### **Entrance Strip**

Means that part of any site extending from the street frontage which has a width less than 7.5 metres.

### **Environment**

This has the same meaning as in [Section 2](#) of the RMA.

### **Environmentally Damaging Substance**

Any substance which, by effects other than toxicity, is able to damage an aquatic ecosystem (for example, milk or oil).

### **Environmentally Persistent Substance**

The resistance of a toxic or environmentally damaging substance to the natural breakdown in the environment. The measure used for environmental persistence in this document is the BOD<sub>5</sub>/COD ratio.

### **Excessive Noise**

Means any noise that is, under human control, of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any:

- a) Aircraft being operated during, or immediately before or after, flight; or
- b) Vehicle being driven on a road (within the meanings of [Section 2\(1\)](#) of the Transport Act 1962); or
- c) Train, other than at a railway station or in railway yards.

Without limiting the above, the term 'excessive noise' may include any noise emitted by any:

- a) Musical instrument; or
- b) Electrical appliance; or
- c) Machine, however powered; or
- d) Person or group of persons; or
- e) Explosion or vibration (Section 326 of the RMA).

### **Exhibition Centre**

Means any building or land used for displays of art, craft, products or equipment which are held on a temporary basis and for which an entry fee may be charged.

### **Exotic**

Means a species of vegetation that is not native (indigenous) to New Zealand.

### **Factory Farming**

Means the raising of plants or animals in artificially controlled conditions, other than glasshouse growing, and includes pig farming, poultry farming and rabbit farming where these activities are carried out substantially within buildings. Factory farming generally is independent of soil fertility, depends on a high input of food or fertiliser from beyond the site, and may produce a high output of wastes.

### **Financial Contribution**

This has the same meaning as in section 108(9) of the RMA.

### **Flood plain**

Means the area typically adjacent to a waterway which becomes inundated with flood waters during a flood event. The 1% AEP flood plain is the area which is likely to be flooded during a rainfall event which has a 1% chance of occurring or being exceeded in any single year.

### **Flood Sensitive Area**

The area bordering the 1% AEP flood plain which is within 0.5 metres in elevation of the predicted flood level.

### **Floor Area Ratio (FAR)**

Means Gross Floor Area divided by Net Site Area. For FAR calculations GFA excludes off-street car parking and parking access, lift plant rooms, water towers.

### **Foreshore**

This has the same meaning as in [Section 2](#) of the RMA.

### **Foreshore Yard - see Yard**

### **Forest Strata**

Means the different layers of plant associations which comprise the total forest ecosystem and include the forest floor, understorey, shrub layer, canopy trees and emergents together with lianes and perching plants.

### **Forestry**

Means the ongoing management of trees or stands of trees for the production of timber, for water control or waste water disposal or purification purposes, and includes planting, pruning, felling and removal from the site of trees, and may be carried out in conjunction with other agricultural activities **but does not include** the processing of timber.

### **Front Face of the Dwelling**

Means the building elevation, excluding any architectural features, on a front or corner site as viewed from the street. On a corner site, the elevation containing the front door shall be deemed the front face of the dwelling. All facades of the building that are at an angle of 45<sup>0</sup> or less measured parallel with the adjacent street from boundary shall be included.

### **Front Site - see Site**

### **Front Yard - see Yard**

### **Fully Mitigated**

Means (for the purposes of Rules 8.4.7. and 8.4.8), mitigation of the effects of increased impervious surfaces by managing stormwater quantity. Quantity shall be managed by ensuring post-development peak flow rates are limited as far as practicable to pre-development peak flow rates for rainfall events from the 3 month event up to the 10% Annual Exceedance Probability (AEP) event; and average annual runoff volumes are limited as far as practicable to pre-development volumes.

### **Garage**

Means a building or part of a building used for the housing of motor vehicles which is incidental to the use of any residential unit, and includes any carport.

### **Garden Centre**

Means any land or building used for the sale of plants and merchandise for domestic gardening and includes, but only in conjunction with a garden centre, the propagation, display or storage of plants.

### **Girth**

When referring to trees, means the circumference measured at 1.4 metres above natural ground level. In the case of a tree with multiple trunks (such as Pohutukawa) the girth measurement shall be the aggregate or collective measurement of all trunks which have a circumference of 250mm or more.

### **Glasshouse**

Means any building used principally for the purpose of growing plants (including fungi) and includes a greenhouse, shadehouse, tunnel house and plastic house.

**Grazing**

Means the grazing of livestock on existing pasture land.

**Greenfields development****Green Roof**

Means a roof covered by vegetation in a growing medium on top of a waterproof membrane that has been designed and constructed to manage stormwater runoff and acts as a sustainable vegetated surface.

**Gross Floor Area (GFA)**

Means the sum of the area of all floors of all buildings on any site measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two abutting buildings, but excluding:

- a) Car parking
- b) Loading docks
- c) Vehicle access and manoeuvring areas/ramps
- d) Plant and equipment enclosures on the roof; and
- e) Service station canopies.

**Gross Leasable Area (GLA)**

Means the total of the areas available for exclusive use by lessees or tenants, as defined on the lease plan to be produced to the Council and shall be measured as follows:

- a) Measurements shall be taken between internal faces of external walls. Where there is no fixed wall between the leasable and non-leasable areas, the leaseline shall, unless inconsistent with the design layout, be a straight line between the extremities of each side wall where these meet the non-leasable area.
- b) The leasable area shall include recessed entries and the like, and all areas set aside for the exclusive use of the lessee such as toilets, storerooms, stairs and loading bays.

Provided that, in any case where retail floor space is held in a form of tenure other than leasehold, the gross retail floor space occupied for retail purposes measured in the manner defined for GLA shall be regarded as equivalent to GLA.

**Guesthouse**

Means a residential unit, the owners or occupiers of which offer accommodation at a daily tariff within the residential unit, but excludes licensed premises.

**Habitable Residential Building**

Means;

- a) Any part of a residential unit, excluding the following: garages, carports and windowless storerooms
- b) A building containing any part of a residential unit (as described in a)) located on the ground floor.

**Habitable Room**

Means principally any indoor living or recreation area, separate dining area, or bedroom, in any residential unit.

**Habitat**

Means the natural home of a plant or animal. It includes the physical and biotic characteristics that are relevant to the plant or animal concerned.

**Hazard**

Any inherent property of a substance which makes it capable of causing adverse effects to people or the environment.

### **Hazardous Activity**

Activities which do not use, store, transport or dispose of hazardous and environmentally damaging substances but which pose a risk to the environment or the community (for example earthworks).

### **Hazardous Facility**

Any activity involving a hazardous substance, sites where the hazardous substance is stored or handled or which might be contaminated by hazardous substance, and any installations containing a hazardous substance including vehicles for its transport. For the purpose of the Hazardous Facility Screening Procedure (HFSP), Hazardous facility does not include:

- The incidental use and storage of hazardous substances in minimal domestic scale quantities
- Fuel in motor vehicles, boats and small engines
- Retail outlets for domestic scale usage of hazardous substance (ie. supermarkets, hardware shops, pharmacies)
- Gas and oil pipelines
- Trade waste sewers and waste treatment and disposal facilities, or
- Hazardous activities not involving hazardous substances.

### **Hazardous Substance**

Means any substance which may impair human, plant, or animal health or may adversely affect the health or safety of any person or the environment, and whether or not contained in or forming part of any other substance or thing and:

- a) Includes any substance prescribed by regulations as a hazardous substance; but
- b) Does not include any substance prescribed by regulations as not being a hazardous substance.

### **Health Care Centre**

Means any land or building used by one or more persons directly engaged in medical or paramedical services and includes industrial health clinics but excludes medical insurance brokers and medical testing laboratories.

### **Health Care Provider**

Refers to a person acting in an independent and separate role providing medical or paramedical patient/client services relating to physical and mental health and welfare, whether in a part or full-time capacity, and includes:

Acupuncturists, Chiroprodists, Dentists, Dental technicians, Nurses, Medical Doctors, Occupational therapists, Naturopaths, Osteopaths, Opticians, Optometrists, Physiotherapists, Podiatrists, and Psychotherapists.

For the avoidance of doubt, a person acting only in a support capacity for another Health Care Provider on the same site is not deemed to be acting in an 'independent and separate role' for the purposes of determining staff numbers at the site.

### **Height (in relation to any building)**

There are three techniques available for establishing building height as follows:

1. **Natural Ground Level Method (NGL)** where height means the vertical distance between natural ground level at any point and the highest part of any building vertically above that point (Refer [Appendix 21A\(i\)](#), Diagram A).
2. **Mean Ground Level Method (MGL)** where height means the vertical distance between the highest part of any building and the mean ground level being the sum of natural ground levels measured at one metre intervals around the perimeter of a building divided by the number of measurements made. Provided that in all residential zones (except for the Residential 8 zone), no part of any building shall exceed 10m, as measured by Clause 1 above (Refer to [Appendix 21A\(ii\)](#), Diagram

C).

3. **Mean Frontage Level Method (MFL)** where height means the vertical distance between the highest part of the building and the mean ground level measured along the road frontage boundary (Refer [Appendix 21B](#)). Where a site has more than one road frontage the highest of the road frontages shall be used, except for the Business 2 Suburban zone of Glenfield, where the total road frontage shall be used, and the Business Park 7 zone, Area A at Smale's Farm, where heights for the entire zone shall be determined in relation to the average height of the Taharoto Road frontage of the zone.

The different techniques shall be used in the following zones:

- Residential, Recreation, Rural and all Special Purpose zones except the North Shore Theatre and Conference Centre site in the Special Purpose 9 zone and the Special Purpose 11 zone, must use either the Natural Ground Level Method or the Mean Ground Level Method
- All business zones except the Business 3 zone Area A, must use the Mean Frontage Level Method, however rear sites and sites with a crossfall in any direction of greater than two metres may use the Mean Ground Level Method
- Sites in the Business 12 - Mixed Use Zone on the northern side of Bute Road must use the Mean Frontage Level Method regardless of crossfall.
- Business 3 zone Area A must use the Natural Ground Level Method
- Special Purpose 9 zone North Shore Theatre and Conference Centre site must use the Mean Frontage Level Method, and the Special Purpose 11 zone Albany Centre Amenity Area must use the Natural Ground Level Method.

The following shall be excluded from any height determination:

Chimneys, spouting external to a fascia board, fire escapes, hot water overflow pipes and terminal vents.

Where the Plan requires height to be measured in respect of a distance from a site boundary, and for sloping height planes and height in relation to site boundaries, and heights of fences, boundary walls and retaining walls, the height measurement shall be made at natural ground level at the site boundary (Refer [Appendix 21A\(i\)](#), Diagram B).

The following shall be excluded from any height determination in all business zones and the North Shore Theatre and Conference Centre site in Special Purpose 9 zone, and Areas B, C and D in the Residential 8 zone (see Precinct Plan A in [Appendix 16Q](#)):

Lift motor rooms, fly towers, machinery rooms, water towers, towers and turrets provided such do not exceed a height of 3 metres above the maximum height permitted in the relevant zone and do not exceed 10% of the area of the roof to the storey immediately below.

### **Heritage character defining**

For the purpose of the Business Policy Overlay B1 provisions (Business Built Heritage Areas) means those buildings which make a strong or clearly significant contribution to heritage character.

### **Heritage character supporting**

For the purpose of the Business Policy Overlay B1 provisions (Business Built Heritage Areas) means those buildings which make a moderate but still significant contribution to heritage character.

### **High Density Centres**

Means specific centres, as identified in Table 6.1, selected for urban intensification due to physical or locational characteristics that include the intensity of existing development, the locality's generation of, and association with, significant transport movements, and/or passenger transport nodes, and/or the locality's capacity for further growth. These localities are identified as sub regional and town centres and are earmarked for higher density development. High Density Centres are higher density mixed use communities focussed on: a strong and diverse core of commercial activities which supports a wide

range and high intensity of activities; and associated and supporting areas of higher density housing. Such centres have strong links with the public transport network and provide a wide range of community, recreational, social and other activities.

### **High Noise Route**

Means those areas identified in [Appendix 10](#) of the Plan.

### **High pressure gas line**

Any gas line with the capacity to operate at a gauge pressure of more than 2000 kilopascals.

### **High voltage transmission line**

Means an electric line of 110 kV or greater.

### **Home Occupation**

Means any occupation, business, trade, craft or profession which is carried out in association with a residential unit, and:

- a) Is incidental to the residential activity.
- b) Is engaged in by at least one person who resides in the residential unit.
- c) Which does not produce any air emissions or vibration.
- d) Does not utilise equipment that creates electrical interference with any type of receiver.
- e) Does not exceed the prescribed noise levels for the appropriate zone.
- f) But excludes any activity involving any panel beating, spray painting, motor vehicle repairs, fibre glassing, sheet metal work, wrecking of motor vehicles, bottle or scrap metal storage, rubbish collection service (except that empty clean drums may be stored in a suitable screened area), servicing of internal combustion engines, wrought iron work or manufacture, motor body building, fish processing, massage parlours, breeding or boarding of dogs or cats or any process which involves regular use of power tools, hammering or welding; providing that the owner or occupier of a residential unit is not prevented by this provision from carrying out normal maintenance and repair of domestic equipment (including motor vehicles) which is owned and used by the aforesaid owner and occupier.

### **Horticulture**

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

### **Hospital**

Means any hospital or other institution for the reception and treatment of persons requiring medical assistance or suffering from any disease; or any maternity establishment; or any convalescent facility, and includes all hospital clinics, dispensaries, out-patient departments, operations and maintenance support services (such as laundries, kitchens, cafeterias, refreshment facilities, generators, substation, storage facilities, workshops), hospital administration offices, ancillary retail facilities and undertakings maintained in connection with, or incidental to, the hospital activity, and includes a hospice.

### **Housing for the Elderly and Disabled**

Means 10 or more residential units designed specifically to meet the needs of elderly or people with disabilities, and which are occupied by elderly or persons with disabilities and their spouses.

(Developments of less than ten units fall outside this definition, come under the definition for residential units, and are thus subject to the rules for residential units applying in the relevant zone).

**Impervious Area**

Means any part of a site which is covered in a surface constructed of materials which are resistant to water passing through them and includes any area which:

- a) Falls within the definition of building coverage
- b) Is paved with concrete, asphalt, pervious paving, roofed areas and areas covered by decks
- c) Is an unpaved or metalled driveway and/or parking area
- d) Is occupied by a swimming pools

But shall not include:

- i) Paths and paving stones less than 1 metre in width, provided they are separated from other impervious areas by at least 1 metre (including strip driveways with 0.5 metres between strips)
- ii) Retaining or garden walls within garden / lawns
- iii) Rain tanks up to 5m<sup>2</sup> in surface area.

Note:

- 1. Pervious paving, green roofs, uncovered wooden slatted decks and swimming pools are counted as impervious with respect to calculating maximum impervious areas as per Table 17B.12. However, the extent of perviousness of these structures will be taken into account when calculating mitigation of stormwater under 17B.5.3.10

**Infill Development**

Means any development where two or more units (excluding minor residential units) are located on the same site which has earlier been subdivided and a single unit has been erected.

**Infrastructure**

Means part or all of any facility, not being a building, placed on, over or under the surface of any land in relation to sewage or stormwater disposal; water, gas or electricity supply; telephone or other communications systems and includes any road, whether public or private.

**Integrated Development Scheme (IDS), and Approved Integrated Development Scheme**

means a scheme of development that addresses, in one comprehensively designed proposal, the use, development or protection of all the parts of the Residential 2A Chelsea Special zone, and provides for no more than 375 residential sites or residential units, whether in attached, detached, semi-detached or any other form.

And "Approved Integrated Development Scheme" means an IDS that has received consent as a Discretionary activity.

**Integrity (of Native Bush)**

Means the natural value of a forest, which is usually determined through the level of completeness or wholeness or the extent to which the chosen forest exists in an unimpaired condition.

**Intensive Corridors**

Means specific corridors, as identified in Table 6.1 or in Schedule 1 of the Regional Policy Statement, 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 movement function of the corridor.

### **Intensive Housing**

Means an integrated development of residential units on a site of 1500m<sup>2</sup> or more within the Residential 6 zone, complying with specific site, density, height and living court controls.

### **Intermittent Stream**

Any stream or part of a stream that is not a Permanent stream and where a formed channel exists.

Note:

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

### **Interpretation Facilities**

Means any land or building used to provide education or information relating to that land.

### **Intrinsic Values**

This has the same meaning as in [Section 2](#) of the RMA.

### **Iwi**

Means a Maori tribe, usually comprising a number of hapu having a common ancestor.

### **Iwi Management Plans**

Means plans prepared by any iwi for the management of resources within its rohe (area within which the iwi claims traditional association and mana whenua).

### **Kaitiakitanga**

This has the same meaning as in [Section 2](#) of the RMA.

### **Key Routes**

Means any road identified as a Key Route on the Structure and Neighbourhood Unit Plan Maps in [Appendix 17A/ A](#) to [Appendix 17A/ J](#).

### **Land Associated with Each Additional Lot**

(For the purpose of calculating a financial contribution) means:

- a) For any cross-lease, the same proportion of the total land as the undivided share in the land owned by the lessee of that lease;
- b) For any company lease, the same proportion of the total land as the number of shares held by the grantee of that company lease bears to the total number of shares in the company;
- c) For any unit title, the same proportion of the total as the unit entitlement held by the proprietor of that unit bears to the total of all unit entitlements on the unit plan.

### **Lakeside Yard - see *Yard***

### **Land disturbance/earthworks**

Means any disturbance of the existing ground surface of any site, including the excavation or depositing of any soil, spoil or other material and the cultivation of paddocks for commercial purposes, but shall not include any disturbance of the land directly associated with domestic gardening, tree planting or revegetation incidental to rural-residential activity of a non-commercial nature, or areas totalling up to 100m<sup>2</sup> occupied by temporary stockpiling incidental to on-site building works during the construction period of 1 October to 30 April and subject to appropriate stormwater management/sediment control measures.

### **Landscaping**

Means the planned planting of trees, shrubs and plants and includes grassed and paved areas, earth mounding and fencing.

**Landscape Amenity Yard - see Yard****Landscape Plan**

Means a plan which shows the scale, placement and design of site landscaping, and the planting size and spacing of species used.

**Land Subject to Natural Hazards**

Means any land identified in the Council's Hazard Register as susceptible to any natural hazard, and any land not included in the Hazard Register which is identified at any time by the Council as susceptible to any natural hazard.

**LC<sub>50</sub>/LD<sub>50</sub>**

The concentration/dose of a substance required to kill 50% of a target population in a given time period.

**Licensed Amateur Radio Operator**

Means a person who holds a current General User Radio License for Amateur Radio Operators issued by the Ministry of Economic Development and operates an amateur radio station. The infrastructure to which any special provisions apply must be solely for the purpose of amateur radio activities.

**Licensed Premises**

Means any premises on which liquor may be sold pursuant to an on-licence or club licence issued under the Sale of Liquor Act 1989 and its amendments, and includes chartered clubs, but excludes Community Buildings and Facilities. This definition includes the sale of liquor ancillary to the principal use of the site, for example at sporting/recreation events and with the provision of meals and entertainment.

**Limited Discretionary Activity**

This has the same meaning as 'restricted discretionary activity' in Section 77B of the RMA.

**Living Room**

Means a lounge or family room or such other similar room in a residential unit.

**Loading Space**

Means any space required under this Plan for the use of vehicles which are loading or unloading goods or people. Such a space does not constitute and may not be counted as a vehicle parking space required by this Plan.

**Local Shop**

Means an activity occupying or comprising less than 300m<sup>2</sup> of gross floor area, in a Residential zone, which falls within the following classifications of the *Australian and New Zealand Standard Industrial Classification 1993*, and which is not licensed or required to be licensed in terms of the Sale of Liquor Act 1989:

Food Retailing	SIC 51
Personal and Household Good Retailing	SIC 52
Cafes and Restaurants	SIC 573

**Lot - see Allotment****Luminance**

Means the physical measure of stimulus which produces the sensation of brightness measured by the luminous intensity of light emitted or reflected in a given direction from a surface element divided by the area of the element in the same direction. Unit of measurement: candela per square metre (cd/m<sup>2</sup>).

**Lux**

Means unit of illumination, being 1 lumen per m<sup>2</sup>.

### **Main Glazing**

Means any large glazed window or door. It shall not include glazing with a minimum sill height of 1.5m above any floor level with an outlook from that window, or any glazing on the face of a wall associated with a living room where the total glazed area is less than 1 sqm. Main glazing shall not comprise any glazing that consists of opaque or non-transparent glass.

### **Major Tenant**

Any tenant of a Large Comprehensively Designed Shopping Centre occupying greater than 1,800m<sup>2</sup> gross floor area.

### **Major Traffic Routes**

Means the following roads:

- a) within the Albany Structure Plans Zone: Oteha Valley Road;
- b) within the Greenhithe Structure Plans Zone: Upper Harbour Drive, State Highway 18 (Proposed Upper Harbour Highway), Albany Highway.

### **Mana Whenua**

This has the same meaning as in [Section 2](#) of the RMA.

### **Manoeuvring Area**

Means an area which is formed, finished with an all-weather, dust free surface and drained to enable vehicle access to parking and loading spaces and to facilitate turning in order that vehicles may enter and exit a site in a forward manner. The manoeuvring area must be free of parking or loading spaces.

### **Marae**

Means any land and buildings which represent a focal point of Maori cultural, spiritual, social, political and economic activity and may include a meeting house, dining hall, developments such as kaumatua (elders) housing, kohanga reo (language nest), kokiri units (skills training centres), and other supporting facilities.

### **Market Value**

Means the price at which an interest in a property might reasonably be expected to be sold at the date of valuation assuming:

- a) A willing seller, and a willing buyer.
- b) A reasonable period within which to negotiate a sale, taking into account the nature of the property and the state of the market.
- c) That values remain static throughout the period.
- d) The the property is freely exposed to the open market.
- e) That no account be taken of any higher prices that might be paid by a purchaser with a special interest.

### **Mast**

Means any pole, tower or similar structure designed to carry aerials or antenna to facilitate telecommunications, radio-communications and broadcasting and which is fixed to the ground (and not on a building or structure). this definition excludes 'pole aerials' contained in 14.5.3.4

### **Mean Ground Level - see *Height***

### **Minimum Net Site Area Per Residential Unit**

Means the 'net site area' of the site being developed divided by the number of units proposed, and is the formula used to determine density, provided that areas to be vested as either public reserves or road are to be subtracted from the 'net site area' to determine density.

### **Minimum Unit Size**

Minimum unit size means the minimum interior area for each residential unit, and excludes any private outdoor living space, common areas, storage areas not within the main part of the unit and car parking areas.

### **Minor Boundary Adjustment**

Means a subdivision for adjustment or relocation of boundaries between two or more existing and adjoining lots, provided that:

- The area of land to be transferred from one lot(s) to another does not:
  - exceed 10% of the minimum net site area of the existing lot from which it is transferred
  - increase the minimum net site area of the existing lot with which it is amalgamated by more than 10%.
- It does not result in the non-conformity of any existing lot or development with the provisions of the Plan
- It does not increase the net site area of the existing lot with which the area of land transferred is to be amalgamated so as to permit further subdivision of the amalgamated lot in accordance with the subdivision provisions for the zone, or the erection of additional units on the amalgamated lot in accordance with the density provisions applicable to the zone.

### **Minor Residential Unit**

Means a residential unit on any site in addition to another larger residential unit on the same site provided that the minor residential unit shall not be disposed of independently or otherwise be given separate title from its associated larger residential unit.

### **Minor Traffic Routes**

Means the following roads:

- a) within the Albany Structure Plans Zone: Spencer Road, including its realignment to link with McClymonts Road, Masons Road replacement, the section of McClymonts Road between Hugh Green Drive and Masons Road;
- b) within the Greenhithe Structure Plans Zone: Kyle Road, Greenhithe Road, Schnapper Rock Road and the Key Route through Greenhithe North.

### **Minor Upgrading**

Upgrading of electricity transmission lines of 110kV or greater where supported by steel tower structures, is limited to the following:

- i) The replacement of existing conductors with higher capacity conductors;
- ii) The resagging of existing conductors;
- iii) The replacement of existing insulators with more efficient insulators;
- iv) There being a maximum of one earthpeak and/or lightning rod per tower structure;
- v) There being not more than two earthwires which may contain a telecommunication line;
- vi) The replacement of existing cross arms with cross arms of an alternative design.
- vii) Minor ancillary transmission line equipment such as spacers, dampers, weights and hanger brackets.
- viii) Tower replacement in the same position and of the same or lesser height. The applicant must provide plans showing the location and height of both the existing and proposed replacement towers, to confirm the Permitted activity status. These must be provided to the Manager of Consents: Environmental Services no less than 10 working days prior to the commencement of construction.

The above changes must not involve or result in:

- i) An increase in the voltage of the line unless the line was originally constructed with the capacity to operate at the higher voltage.

- ii) An increase in the number of conductors.
- iii) Magnetic fields generated by the transmission line that exceed the guidelines for 24 hour public exposure of the International Commission on Non-Ionising Radiation Protection (ICNIRP).

### **Minor utility structure**

Means any above ground box like structure or cabinet associated with a network utility or that receives or transmits to or from any part of a network utility. It does not include electric or telecommunication lines, aerials, antennas, masts, transport equipment, street furniture, bus shelters, public letterboxes, postal holding boxes or telecommunication kiosks.

### **Motor Vehicle**

Means a car, bus, truck, motorcycle, or any form of motorised transport including any caravan or trailer.

### **Moving aerial or antenna**

A moving aerial or antenna is one that has a visible moving or spinning part where that part;

- has a dimension greater than 60cm in diameter, and
- rotates at more than 2 revolution per minute or changes direction more than once every minute.

### **Native**

When referring to vegetation, means those species native (indigenous) to New Zealand.

### **Natural Character of the Coastal Environment**

Means those ecological, physical, landscape and aesthetic qualities of the coastal environment which, in their aggregate, give the coast of North Shore City its own recognisable character.

### **Natural Ground Level**

Means the natural surface of the ground undisturbed by any site works but in the case of any earthworks involving an area of 10 hectares or greater, the resulting ground level shall be the natural ground level or in the case of any earthworks for which a subdivision consent has been granted, the resulting ground level under the most recent subdivision that included approved earthworks shall be the natural ground level.

### **Natural Hazards**

This has the same meaning as in [Section 2](#) of the RMA.

### **Natural Heritage**

Means the natural heritage of North Shore which includes indigenous flora and fauna, terrestrial, marine and freshwater ecosystems and habitats, landscapes, landforms, geotechnical features, soils, and the natural character of the coastline.

### **Navy Hospital Hyperbaric Unit:**

Means the Navy Hospital Hyperbaric Unit at HMNZ Naval Base which provides hyperbaric recompression or hyperbaric oxygen therapy to people with acute conditions such as decompression illness, air or gas embolism and carbon monoxide poisoning. The hyperbaric chamber is an independently controlled twin locked horizontal multiplace chamber capable of treating five people simultaneously, or two prone. It is built to NATO and AS1210 Australian safety standards and certified to 8.5 atmospheres. Various elective conditions may also be treated by the Hyperbaric Unit.

### **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. In relation to a front, corner or through site, net site area, gross area and area shall have the same meaning.

**Network Utility**

Means the same as Network Utility Operation.

**Network utilities**

means those works undertaken by network utility operators as defined in Section 166 of the Act and for the purpose of the District Plan also includes:

- a) navigation and survey aids, beacons and meteorological activities
- b) services reticulation networks of local authorities
- c) all structures necessary for the operation of the network utility
- d) privately owned aerals and antennas; and
- e) the operation and maintenance of the network utility.

**Network Utility Operation/Operator**

These have the same meaning as in Section 166 of the RMA.

**Non-Complying activity**

This has the same meaning as in Section 77B of the RMA.

**NZEC P 34:2001**

Means the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001.

**Office**

Means a professional, commercial or administrative office, and includes typing, photocopying, draughting and similar services but excludes a bank or medical centre.

**On-Site Detention**

Means to attenuate peak stormwater flows by ensuring post-development peak flow rates are limited to pre-development peak flow rates for the 10% and 50% Annual Exceedance Probability (AEP) rainfall events.

**Open Air Amusement Facility**

Means any type of uncovered recreational or entertainment facility, either on land or water and either temporary or permanent, for which an entry fee may be charged.

**Outdoor Living Space**

Means an area of outdoor open space (not being communal open space) for the exclusive use of the occupants of a residential unit and which is located wholly within the delineated area of the unit to which it relates, clear of any parking space or manoeuvring area. Any court is to be clear of any buildings from the ground upwards except for the following:

- a) Pools.
- b) Building eaves.
- c) Pergolas, lattice fences or similar open structures to enhance the use and enjoyment of the living court by the residents of the unit.
- d) Decks and terraces.

**Outdoor Recreation Based on the Natural Resources of the Area**

Means the use of land for any recreational purpose the establishment of which requires no, or only minimal, alteration to the natural environment as a result of earthworks or clearing, and includes activities such as pony clubs, kennel clubs, dog trials, orienteering and hiking but which excludes any sport or recreation involving equipment which by its nature will create a noise nuisance, such as guns (including those used in war/target games), go-carts, or four wheel drive vehicles.

**Overland Flow Path**

Means the concentration of surface water runoff (stormwater) flowing overland along the path of least resistance. Overland flow paths include secondary overland flow paths. For

the purpose of the provisions in the District Plan, an overland flow path is deemed to begin when a catchment size of 4000m<sup>2</sup> is reached.

### **Parking Space**

Means any land for vehicle parking required under the provisions of this Plan and designed in accordance with the standards of this Plan, but does not include a loading space.

### **Passenger Transport Nodes**

Means localities within the Metropolitan Urban Limits associated with a station or terminal on a Rapid Transport Network or a ferry terminal on the Quality Transit Network, and may be part of a Town Centre, High Density Centre or Intensive Corridor as identified in Schedule 1 or district plans. A passenger transport node is generally defined as the area within a walkable distance (generally a 400m radius, or a 5 minute walk), of a station or terminal.

### **Pastoral Farming**

Means the growing of grass and fodder crops and the grazing of livestock thereon.

### **Perimeter Yard - see *Yard***

### **Permanent River or Stream**

Downstream of the uppermost reach of a river or stream which meets either of the following criteria:

- a) as continual flow; or
- b) as natural pools having a depth at their deepest point of not less than 150 millimetres and a total pool surface area that is 10m<sup>2</sup> or more per 100 metres of river or stream bed length;

The boundary between Permanent and Intermittent river or stream reaches is the uppermost qualifying pool in the uppermost qualifying reach.

Notes:

- 1. This definition does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply for electricity power generation, farm drainage canal and roadside drain and water-table except where the roadside drain or water-table is a modified element of a natural drainage system).
- 2. Where there is uncertainty over the status of any stream the Council will provide assistance and advice concerning the steps involved in making that determination.
- 3. Assessment for determining Permanent rivers or streams and Intermittent streams may be undertaken at any time of the year. Once a reach of a river or stream has been assessed as satisfying the criteria for categorising the stream as an Intermittent stream, upstream of the point of assessment will continue to be considered an Intermittent stream. Details of the assessment should be retained for the purposes of demonstrating the stream's status as an Intermittent stream.

### **Permitted Activity**

This has the same meaning as in Section 77B of the RMA.

### **Pervious Paving**

Means paving of a layered construction to enable rainwater filtration to an underdrain connected to an approved stormwater outlet, which provides a pervious surface layer specifically designed to infiltrate rainfall events up to the 10% AEP, that is installed on top of a sand bedding layer (25mm minimum) over a gravel basecourse layer which has a void ratio of at least 30% and depth of at least 200mm.

### **Plan**

Means this North Shore City District Plan including any change or variation as provided for in terms of the RMA.

### **Postal Holding Boxes**

Means any receptacle provided by a postal operator (as defined in the Postal Services Act 1998) for the purpose of storing postal articles temporarily, and which are not used by the public.

### **Preferred Road**

Means the indicative location of a road which will be required in the future to service a particular area, as shown on the District Plan maps.

### **Primary Flow Path**

Means the route that stormwater will follow as a preferred route either via pipes and culverts or overland via overland flow paths and channels or within streams and rivers as it makes its way to the sea.

### **Private Helipad/Helicopter Landing Area**

Means land or a place approved for use as a private aerodrome or heliport under Civil Aviation Rules and used for landing, take off and parking, but not for storage, refuelling, maintenance or overhauls of any helicopter, provided that the use of any helicopter is for private personal transport (non-commercial) purposes.

### **Prohibited Activity**

This has the same meaning as in Section 77B of the RMA.

### **Proposed Road**

Means the location of a road, as shown on the District Plan maps, which will be required in the future but which may or may not be designated.

### **Proposed Service Lane**

Means the location of a service lane, as shown on the District Plan maps, which will be required in the future but which may or may not be designated.

### **Pruning**

See 'alteration'

### **Public Letterbox**

Has the same meaning as in S2 of the Postal Services Act 1998 - any receptacle that is provided by a postal operator for the purpose of receipt of postal articles for conveyance by that postal operator.

### **Public Work**

This has the same meaning as in [Section 2](#) of the RMA.

### **Radio Communication**

means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz (kHz) and 3000 gigahertz (GHz), propagated in space without artificial guide.

### **Rear Site - see *Site***

### **Rear Yard - see *Yard***

### **Recognised Carcinogen**

A carcinogenic substance causes a statistically significant increase in the incidence of tumours.

### **Recognised Mutagen**

A mutagenic substance causes heritable change in genetic material.

### **Recognised Teratogen**

A teratogenic substance causes non-transmissible changes in off-spring.

### **Regulations**

Means any regulations under the RMA and includes any amendments thereto.

### **Removal**

When referring to the removal of trees or vegetation means the felling or complete destruction of any individual tree or clearance of a group of trees or area of bush.

### **Repair**

Means making good decayed or damaged material.

### **Reserve**

Means land defined as reserve in the Reserves Act 1977, and also includes private or public land used for recreation purposes which has been zoned Recreation.

### **Residential Care Centre**

Means any building in which board, lodging, and live-in mental or physical health support is provided, including emergency housing, refuge centres and halfway houses, but excludes private or public hospitals.

### **Residential Unit**

Means any self-contained residence of one or more persons as a single household which in each case contains one kitchen sink or dishwashing facility, and includes any dwelling house, flat, home unit or townhouse or papakaia housing on ancestral land.

### **Rest Home**

Means premises for the care of the elderly but does not include a hospital.

### **Restoration**

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

### **Retirement Complex**

Means a comprehensive residential development including housing, recreation, welfare or medical facilities which is intended principally or solely for elderly or retired persons.

### **Ridgeline Height Control Line**

Means a line that defines the top of the ridge identified on Appendix 11B to the District Plan Maps. The specific location of the line for individual sites is as determined at the time of subdivision and as set out in the covenant required by 17B 4.4.4.4.

### **Riparian Margin**

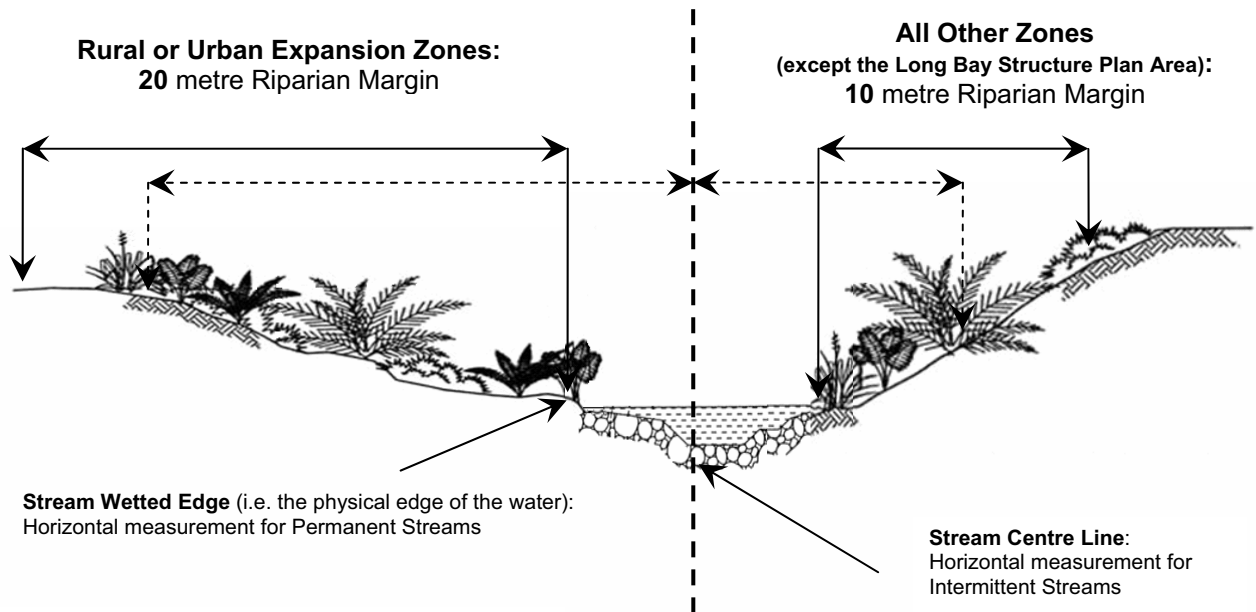
Means an area of land immediately adjacent to a stream measured horizontally from:

- the stream wetted edge, being the physical edge of the water at the time of measurement for a permanent stream;
- the stream centre line for an intermittent stream; and
- the uppermost point of the formed channel in an arc for an intermittent stream;

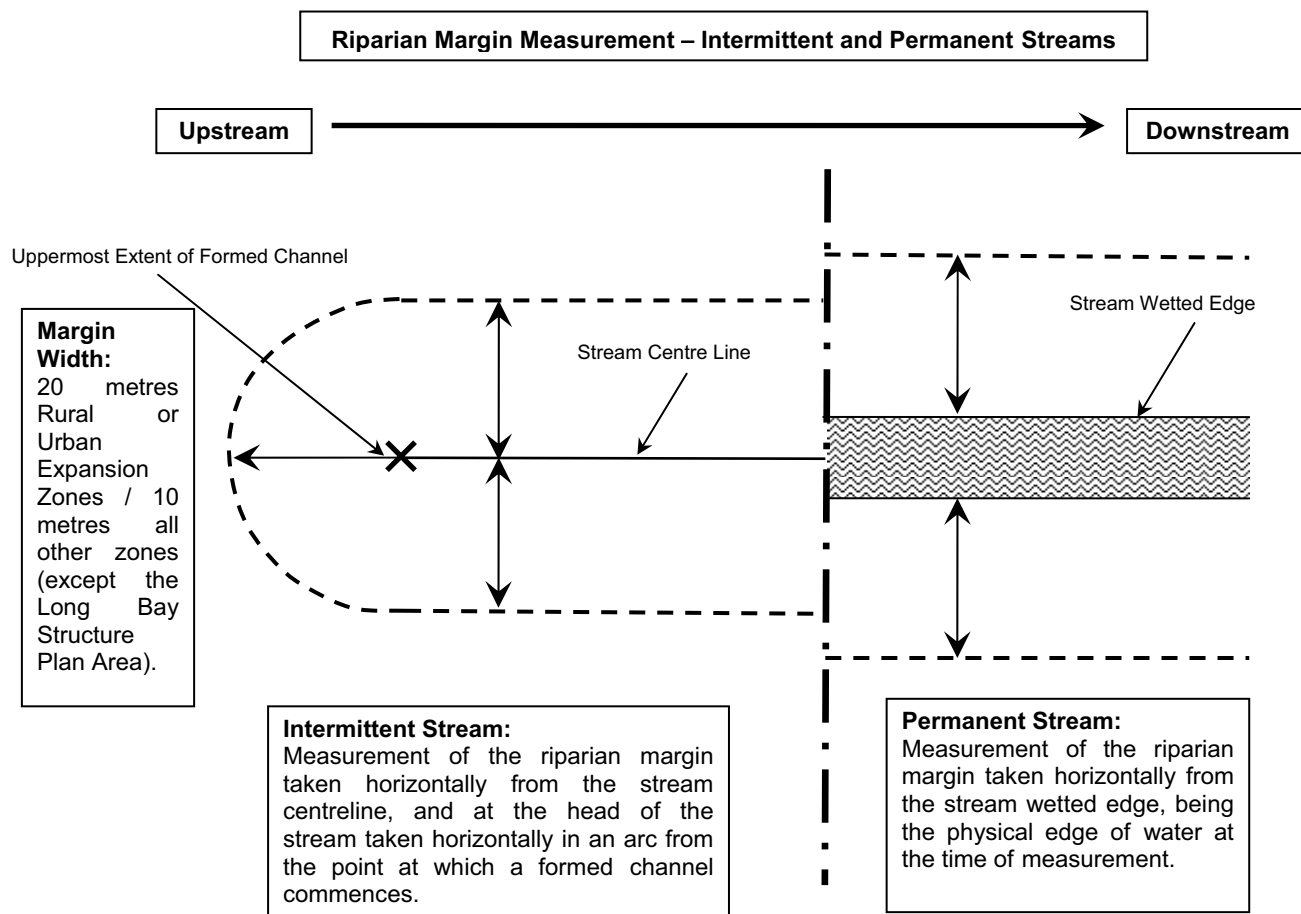
as applicable.

Refer to Diagrams A and B.

Diagram A



## Diagram B



## Risk

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

## River

This has the same meaning as in [Section 2](#) of the RMA.

## Root Zone

The area of ground around a tree trunk created by taking a radius equal to the greatest radial spread of the canopy/foliage of the tree, measured from the trunk and rotating that radius in a full circle around the trunk. See [Appendix 21F](#).

## Rural Character

Means the distinctive combinations of qualities which make an area "rural" rather than "urban". These include the dominance in the landscape of natural vegetation and pastoral regimes and the absence or subservience of man-made structures other than those related to primary production or to activities, including countryside living, for which provision is made in the District Plan applying to that area.

### **Rural Cluster Development**

Means a type of rural housing where small groups of dwellings are clustered in close proximity to one another but an overall low density compatible with a rural area is maintained in respect of the total site area".

### **Sale of Produce**

Means the sale of produce, including plants, that has been grown on the site of sale or any adjacent site normally used in association with the site, but does not include produce or plants that have been brought onto the property for the purpose of sale.

### **Scheduled Item**

Means a building, object or place of heritage significance scheduled in [Appendix 11A](#), 11B, or a tree, or site of significance scheduled in [Appendix 8A](#), [Appendix 8B](#) or [Appendix 8C](#) for protection under the Plan.

### **School**

Means any land and buildings used for the purposes of education, learning and training and includes kura kaupapa Maori (primary schools) and kura Maori (secondary schools). School land and buildings may be used for community purposes as an adjunct to their primary purpose as school facilities, as long as the activity does not generate any significantly different adverse effects.

### **Secondary Overland Flow Path**

The route taken by excess stormwater when the capacity of the primary flow path system is exceeded or blocked.

### **Self Mitigating Surfaces**

Means the following surfaces, which count towards maximum impervious area for the purposes of Rule 8.4.7, but are deemed to fully mitigate stormwater runoff from the area of the relevant device or structure, and for the purposes of Rule 8.4.8 do not require mitigation:

- Pervious paving
- Green roofs
- Uncovered slatted wooden deck over natural ground
- Swimming pools

### **Service/Connection Lines**

Means any line that connects a network utility to the end user.

### **Service Court**

Means an area of open space which is conveniently located to the main unit, providing for the servicing needs of the occupants of the residential unit.

### **Service Station**

Means any land or building used for the retail sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may also include any one or more of the following:

- a) The sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles.
- b) Mechanical repair and servicing of motor vehicles (including motor cycles, caravans, boat motors, trailers) and domestic gardening equipment.
- c) Warrant of fitness testing.
- d) The sale or hire of other merchandise or services where this is subordinate to, and part of the same business as, the main use of the site.
- e) Carwash and lube facilities.
- f) Water recycling and storage tanks and ancillary equipment.

but **excludes** panel beating, spray painting, engine reboring, crankshaft regrinding, metalling of engine parts, the sale of motor vehicles (see also *Drive Through Activity*), and any activity which requires a licence under the Sale of Liquor Act 1989.

### **Show Home**

Means any relocatable residential building used for the purpose of public display and promotion.

### **Side Yard - see Yard**

### **Sign**

Means any device intended to attract attention for the purpose of directing, identifying, informing or advertising, placed upon any site and visible from off the site or placed within the road reserve, and includes any sign affixed to or incorporated within the design of a building, whether by painting or otherwise. It also includes any board, hoarding or other structure which supports any sign. It excludes any advertising matter placed on or within a shop display window except for flashing signs. Any sign may be single or double sided.

### **Sign Area**

Means the total surface area of any sign within a continuous perimeter enclosing the extreme limits of lettering, framework, or emblem, together with any material or colour forming an integral part of the display or used to differentiate such a display from the background against which it is placed.

Notwithstanding the above, where lettering or other graphics associated with a sign are fixed or painted directly onto the external elevation of a building, sign area shall mean the area contained within a rectangle enclosing the extreme limits of lettering and any other graphics associated with the sign.

### **Significant Landform**

Means any reasonably identifiable feature of the landscape, including any coastal feature, ridgeline, cone, knoll, valley, lake and gully.

### **Single Purpose Rain Tank**

Means a rain water collection tank used for rainwater harvesting, where it is plumbed into a building providing non-potable water use. Any reference to the size of the rain tank refers to the working volume of the tank between the lowest outlet and the overflow.

### **Site - has the same meaning as Allotment**

- **Front Site**

Means a site which complies with the subdivisional standards specified in the Plan in respect of a front site (refer [Appendix 21C](#))

- **Corner Site**

Means a site which complies with the subdivisional standards specified in the Plan in respect of a corner site (refer [Appendix 21C](#))

- **Rear Site**

Means a site which complies with the subdivisional standards specified in the Plan in respect of a rear site (refer [Appendix 21C](#)).

### **Site Coverage - see Building Coverage**

### **Site of Geological Significance**

Means a site of earth science significance and listed in [Appendix 8B](#).

### **Site of Special Wildlife Interest (SSWI)**

Means an area of wildlife habitat having a ranking of outstanding, high, moderate-high, moderate, or potential value, which is a result of assessments of nation-wide field surveys carried out since 1980 and based on defined criteria and scheduled in [Appendix 8A](#).

**Site Works**

Means any disturbance of the existing ground surface of any site, including the excavation or depositing of any soil, spoil or other material associated with or in preparation for any subdivision, landfill, building, construction, installation.

**Specimen Tree**

Means a cultivated, woody, perennial plant with one or more main leaders, capable of attaining a height of at least 8 metres at maturity, and being at least 2.5 metres in height at the time of planting.

**Stacked Parking Space**

Means a parking space that does not have immediate access to a manoeuvring area and includes mechanical vehicle stacking machines.

**Stacked Parking**

Means parking which occurs when access to a parking space is achieved through another park.

**Storage**

The keeping of a substance or mixture of substances in a container, either above ground or under ground.

**Stormwater Management Area**

Means an area identified on the Stormwater Management Overlay Map in Appendix 11 to the District Plan Maps within which individual development sites are required to implement stormwater management techniques to avoid and mitigate stormwater runoff from impervious areas.

**Stream - see River****Street Facility**

Means any structure designed and erected for public convenience, and located within the road reserve, including any public toilet, public telephone, bus shelter or street furniture.

**Structure Planning**

A planning method that guides urban or rural development so the form, intensity and use of development is appropriate to the environment. Structure planning will consider such matters as the natural and built character of the area, the existence of features and values which warrant protection, community aspirations and values, the location and scale of infrastructure and identify the future pattern of significant land uses based on a consideration of options and alternatives.

**Subdivision**

This has the same meaning as in section 218 of the RMA.

**Substation**

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

**Takeaway Food Bar**

Means a shop where food is prepared and offered for sale direct to the public for consumption off the site, but excludes a dairy and any activity which requires a licence under the Sale of Liquor Act 1989.

**Tangata Whenua**

This has the same meaning as in [Section 2](#) of the RMA.

**Telecommunication**

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

**Telecommunication kiosk**

Means any structure intended for public use to facilitate telecommunication and includes boxes or booths for telephone, video or internet services.

**Telecommunication line**

Means the same as 'line' in the Telecommunication Act 2001.

**Terrace Facility**

Means a mounded, grassed area intended to be used by spectators viewing sports or other events.

**Terraced Housing**

Means a row of two or more residential units where each unit shares a vertical party-wall with an adjacent unit. The party-wall may adjoin to a garage but should not adjoin to unenclosed areas such as a pergola or carport.

**Transport Equipment**

Street lights, traffic lights and traffic control structures, road signage, traffic and pedestrian monitoring cameras, parking control devices and real time passenger information displays.

**Travellers' Accommodation**

Means any premises for transient residential accommodation, including hotels, motels, holiday flats and all rental accommodation which is offered at a daily tariff, and includes associated uses accessory to the principal use such as recreational facilities, satellite dishes and restaurants, but excludes camping grounds. Travellers' Accommodation with ancillary restaurants may be licensed in terms of the Sale of Liquor Act 1989 but only to the extent that liquor may be served/sold for consumption in the restaurant by overnight staying guests and their invitees partaking of a meal.

**Trees**

Includes all kinds of trees including but not limited to timber trees, shrubs, bushes, saplings, seedlings, cuttings, suckers, shoots and palm trees. For the purpose of this Plan, 'vegetation' includes trees (see vegetation below).

**Trimming**

Minor pruning of a canopy of a tree (i.e. excluding the roots). Such works shall be limited to no more than 20% of live growth removal in any one year and must be in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is retained.

**Underlying Zoning**

Means that zoning which would apply if the subject land were not so designated. The underlying zoning applies to any development or to any activity which is not part of a designated work, but which is undertaken by, or with the approval of, the requiring authority.

**Undue Risk**

Means risk above levels indicated by the risk assessment system as acceptable within a zone.

**Unit**

This has the same meaning as in [Section 2](#) of the RMA.

**Unit Plan**

This has the same meaning as in [Section 2](#) of the RMA.

**Upgrading**

Upgrading of existing network utilities means the maintenance, replacement or increase in carrying capacity utilising the existing or similar structure or structures, provided that

the effect of the upgrade is of the same or similar character, intensity and scale to that which is being upgraded.

### **Urban Environment**

In accordance with Section 76 (4B) of the Resource Management Act 1991 'urban environment allotment' means an allotment no greater than 4000m<sup>2</sup>;

- a) that is connected to a reticulated water supply system and a reticulated sewerage system; and
- b) on which is a building used for industrial or commercial purposes or a dwelling house; and
- c) that is not a reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.

### **Use (for the purpose of Appendix 10G)**

Means the handling of a substance or mixture of substances for a particular process or activity without necessarily changing the physical state or chemical structure of the substance involved.

### **Utility Services - has the same meaning as Infrastructure**

### **Vegetation**

Means all live flora (plant life) including shrubs, trees, grasses, fungi, mosses, monocotyledon and ferns and also includes the parts of such plant life but excludes all grasses maintained as continuous lawn areas.

### **Veterinary Clinic**

Means any premises used by a veterinary surgeon, but does not include the boarding of animals.

### **Waterway**

Means a continually or intermittently flowing body of freshwater (intermittent stream); and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, farm drainage canal, and roadside drain or water-table except where the roadside drain or water-table is a modified element of a natural drainage system).

### **Water supply reservoir**

Means a reservoir of water intended for community supply and does not include private raintanks.

### **Wetland**

Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

### **Yard**

Means any part of a site which is to be unoccupied and unobstructed by buildings from the ground upwards, except that:

- a) Eaves of any buildings may project over any yard for a distance not exceeding 500mm.
- b) Steps up to 0.5 metre in height may project into any yard.
- c) Open fire escapes as required by fire safety requirements under the NZ Building Act 1991 and associated NZ Building Code, may project over any yard.
- d) Such other exemptions as are specifically provided for elsewhere in this Plan.

- e) The foreshore yard is also to be unoccupied by buildings below the ground.

- **Foreshore Yard**

Means any land of which:

- a) the seaward boundary is Mean High Water Springs (MHWS) and
- b) the inland boundary is a line parallel to Mean High Water Springs that is determined by measuring the distance identified in [Appendix 21E](#) in a horizontal plane in a landward direction from MHWS (or, where specified in [Appendix 21E](#), from a surveyed 'foreshore yard reference line').

The foreshore yard widths are shown on the District Plan Maps and in [Appendix 21E](#). The 'foreshore yard reference line' is shown in the District Plan Maps Appendix 8

- **Front Yard**

Means any land which lies between the site boundary with the road reserve and a line parallel thereto, set back from the road boundary by the specified distance and extending across the full width of the site, provided that where any building line is shown on the District Plan Maps this line shall be substituted for the road reserve boundary (Refer to [Appendix 21C](#))

- **Lakeside Yard**

Means any land which lies between Lake Pupuke and a line which is measured in a horizontal plane from and perpendicular to the lake edge (according to the 5.73 metre contour which has been accepted as mean winter lake level) for 30 metres in a landward direction

The lakeside yard for Lot 1 DP 49189 (being 27 Lake View Rd) shall be all that land on the lakeward side of a line originating at a point 30 metres from the lake edge on the north western boundary, and terminating at a point 20 metres from the lake edge on the south eastern boundary

The lakeside yard for lot 18 DP 47080 (being 29 Lake View Road) shall be all that land on the lakeward side of a line originating at a point 40 metres from the lake edge on the promontory on the south eastern boundary, and terminating at a point 15 metres from the lake edge on the north western boundary

The lakeside yard for lot 17 DP 47080 (being 31 Lake View Road) shall be all that land on the lakeward side of a line originating at a point 15 metres from the lake edge on the south eastern boundary, and terminating at a point 27 metres from the lake edge on the north western boundary

The lakeside yard for Lot 1 DP 187562 (being 33/35A Lake View Rd) shall be all that land on the lakeward side of a line originating at a point 30 metres from the lake edge on the north western boundary, and terminating at a point 27 metres from the lake edge on the south eastern boundary

- **Landscape Amenity Yard**

Means a yard which lies within the boundary of a Business zoned site abutting a Residential or Recreation zoned site, or abutting land designated for proposed reserve or motorway purposes or abutting any river, including any stream, and which runs parallel to the boundary and extends along the full length of the boundary

- **Perimeter Yard**

Means a yard which lies between each boundary of a Business 5, 7A and 7B zone or Special Purpose zone, and a line parallel thereto and extending along the full length of each boundary

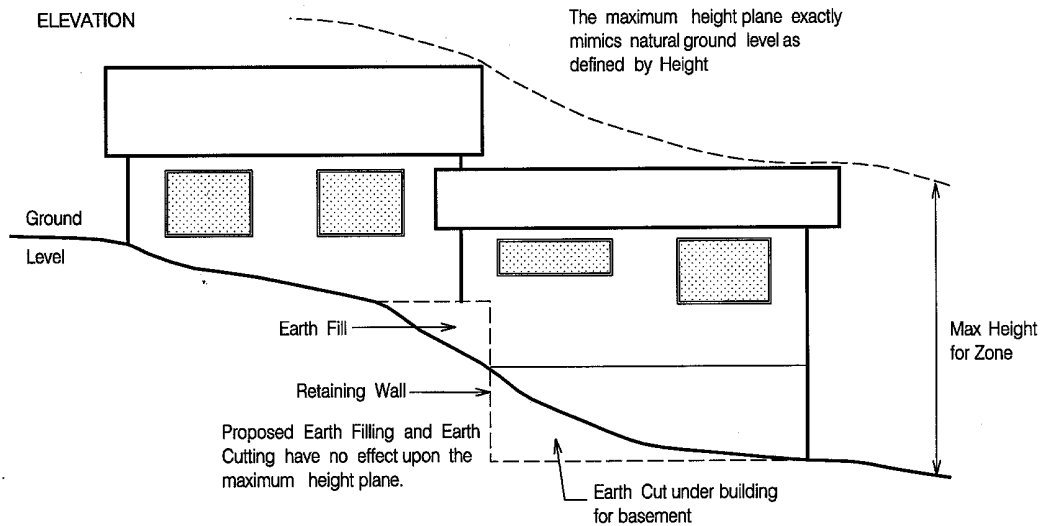
- **Rear Yard**

Means a yard (in any site other than a corner site) which lies between the rear boundary and a line parallel thereto and extending across the full width of the site, provided that for any rear site all yards shall be rear yards (except any boundary fronting a road) (Refer to [Appendix 21C](#))

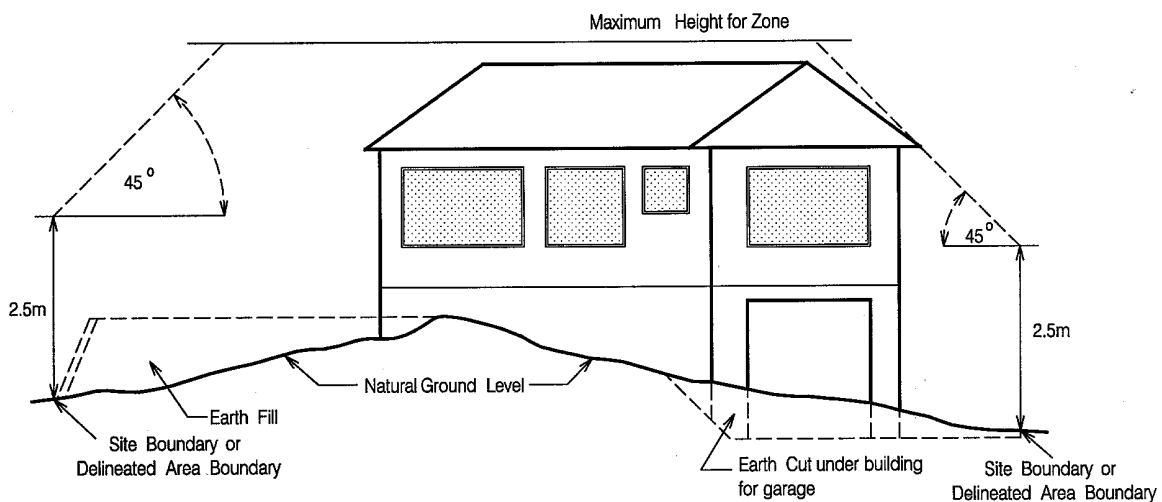
- **Side Yard**

Means a yard which, except for any portion of the site being a front or rear yard, lies between the full length of a side boundary and a line parallel thereto and extending across the full width of the site, provided that in respect of a corner site every boundary not being a street frontage shall be deemed to be a side boundary. (Refer to [Appendix 21C](#))

## Appendix 21A: Building Height Controls



### A: HEIGHT – NATURAL GROUND LEVEL METHOD – ROLLING HEIGHT

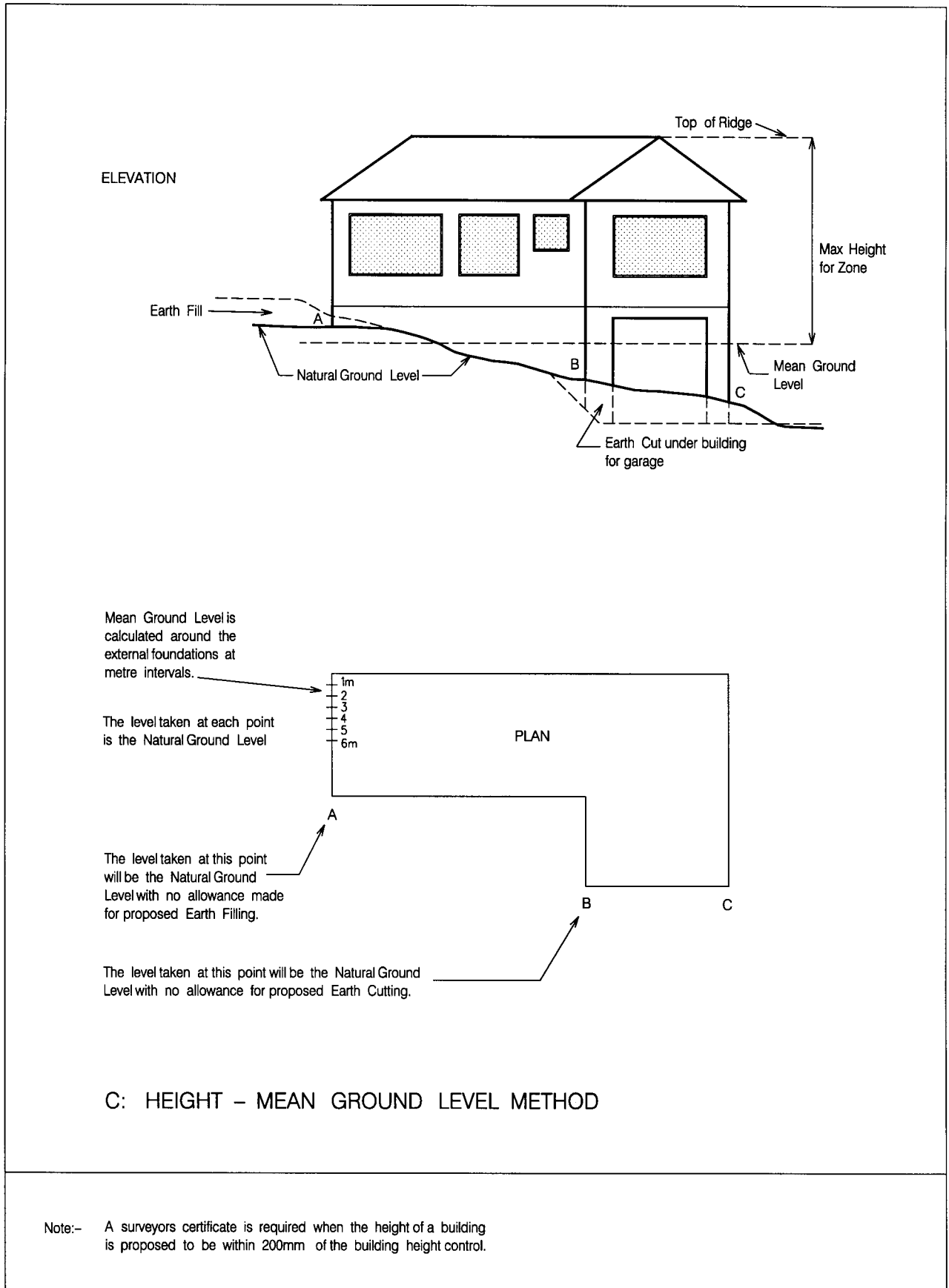


### B: BUILDING HEIGHT IN RELATION TO BOUNDARY

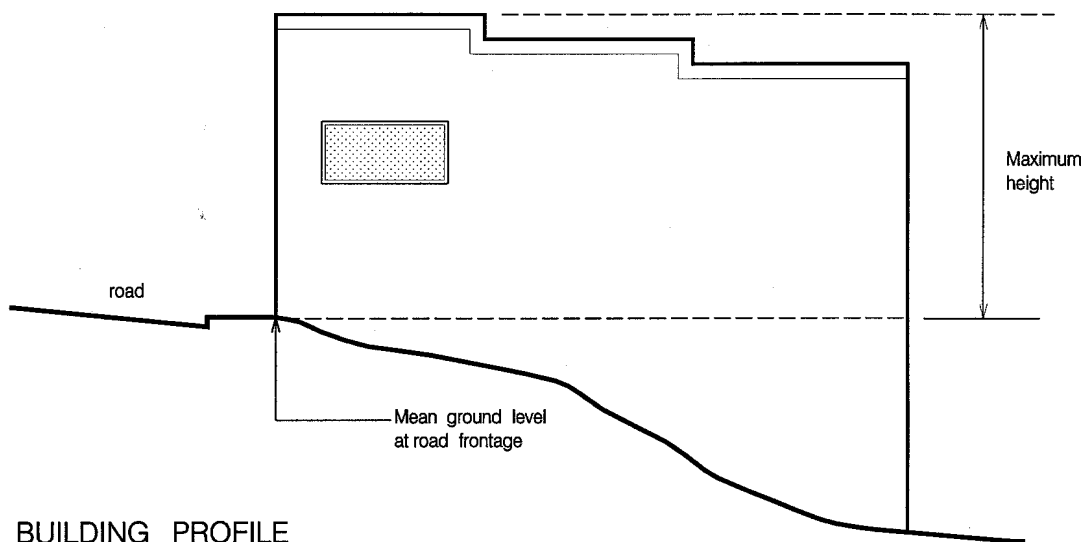
NOTE:- A surveyors certificate is required when the height of a building is proposed to be within 200mm of the building height control.

RULE : No part of any building in a residential zone may exceed a height equal to 2.5 metres plus the shortest horizontal distance between that part of the building and any site boundary or delineated area boundary.

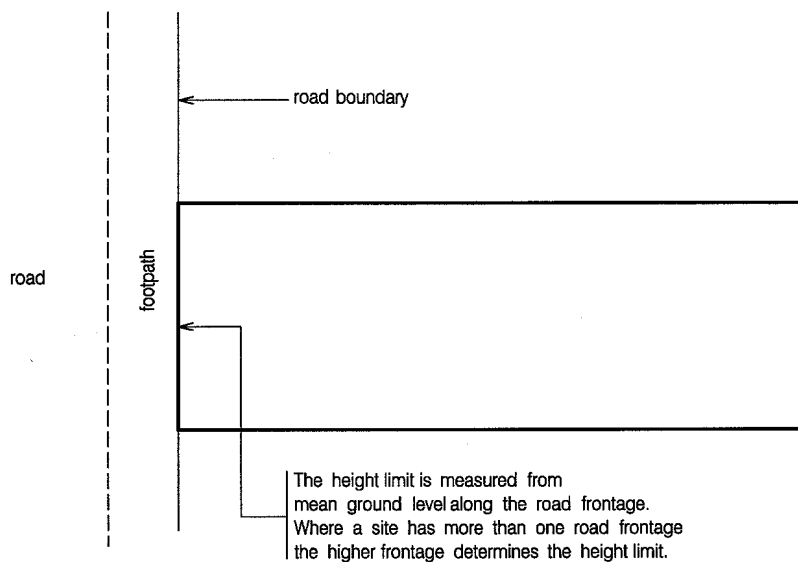
## Appendix 21A Building Height Controls (Continued)



## Appendix 21B Building Height for All Business Zones Except Business 3 Are Taken at Mean Ground Level at Site Frontage



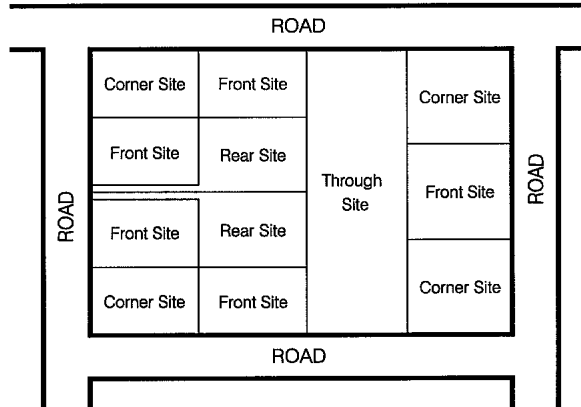
BUILDING PROFILE



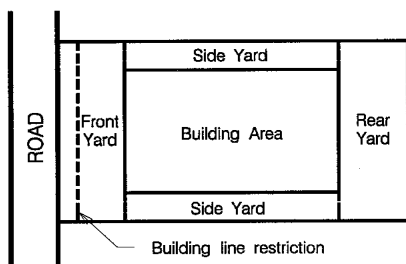
SITE PLAN

NOTE : For Business 3 Area A sites, buildings shall have their height measured from natural ground level for any part of the building (Refer Appendix 21A Building Height Controls Diagram A : Natural Ground Level Method)

## Appendix 21C Diagram Illustrating Site and Yard Definition



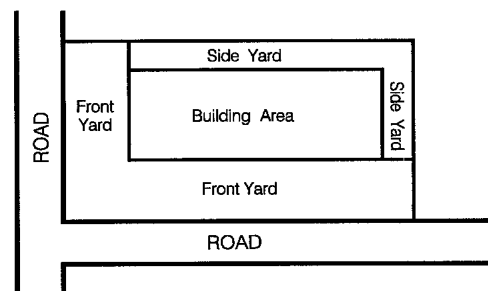
Frontage width determines whether a site is a front or a rear site. A front site requires a minimum frontage of 7.5m.



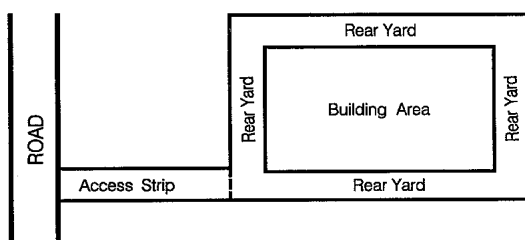
Building line restriction

For residential sites, if a building line is shown on a Planning Map then this line shall be substituted for the street boundary.

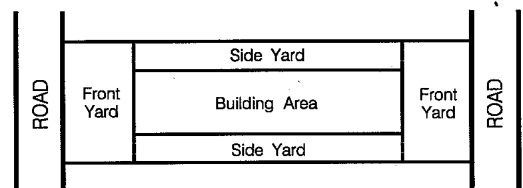
Front Site



Corner Site



Rear Site



Through Site

## **Appendix 21D Definitions from the RMA and the Hazardous Substances and New Organisms Act 1996, provided for information purposes**

The following sections are copied from the RMA and the Hazardous Substances and New Organisms Act 1996 for information purposes. These sections contain definitions of words and terms which are also used in the District Plan. These sections are current as at 28 October 2004 and will be updated as necessary following amendment of either Act.

### **RESOURCE MANAGEMENT ACT 1991:**

#### **2. Interpretation -**

(1) In this Act, unless the context otherwise requires,

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

**"Coastal marine area"** means the foreshore, seabed, and coastal water, and the air space above the water:

- a) Of which the seaward boundary is the outer limits of the territorial sea:
- b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:
  - i) One kilometre upstream from the mouth of the river; or
  - ii) The point upstream that is calculated by multiplying the width of the river mouth by 5:

**"Contaminant"** includes any substance (including gas, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged:

**"Controlled activity"** means an activity described in Section 77B(2):

**"Discretionary activity"** means an activity described in Section 77B(4):

**"Environment"** includes:

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

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

**"Intrinsic values"**, in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:

- (a) Their biological and genetic diversity; and
- (b) The essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience:

**"Kaitiakitanga"** means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship:

**"Mana whenua"** means customary authority exercised by an iwi or hapu in an identified area:

**"Natural hazard"** means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment:

**"Non-Complying activity"** means an activity described in Section 77B(5):

**"Permitted activity"** means an activity described in Section 77B(1):

**"Prohibited activity"** means an activity described in Section 77B(7):

**"Public work"** has the same meaning as in the Public Works Act 1981, and includes any existing or proposed public reserve within the meaning of the Reserves Act 1977 and any national park purposes under the National Parks Act 1980:

**"River"** means a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal):

**"Tangata whenua"**, in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area:

**"Unit"** has the same meaning as in Section 2 of the Unit Titles Act 1972; and includes a future development unit as defined in Section 2 of the Unit Titles Amendment Act 1979:

**"Unit plan"** has the same meaning as in Section 2 of the Unit Titles Act 1972; and includes a proposed unit development plan within the meaning of that Act but does not include a stage unit plan or a complete unit plan within the meaning of that Act:

### 3. Meaning of "effect":

In this Act, unless the context otherwise requires, the term "effect", includes:

- a) Any positive or adverse effect; and
- b) Any temporary or permanent effect; and
- c) Any past, present, or future effect; and
- d) Any cumulative effect which arises over time or in combination with other effects -
- e) regardless of the scale, intensity, duration, or frequency of the effect, and also includes -
- f) Any potential effect of high probability; and
- g) Any potential effect of low probability which has a high potential impact.

### 108. Conditions of resource consents:

(9) In this section, 'financial contribution' means a contribution of:

- a) Money; or
- b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
- c) A combination of money and land.

### 166. Meaning of "designation", "network utility operator", and "requiring authority":

In this Act:

**"Designation"** means a provision made in a District Plan to give effect to a requirement made by a requiring authority under section 168 or section 168A or clause 4 of the First Schedule:

**"Network utility operator"** means a person who:

- a) Undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or

- b) Operates or proposes to operate a network for the purpose of telecommunication or radio communication as defined in [Section 2\(1\)](#) of the Telecommunications Act 1987; or
- c) Is an electricity operator or electricity distributor as defined in [Section 2](#) of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- d) Undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- e) Undertakes or proposes to undertake a drainage or sewerage system; or
- f) Constructs, operates, or proposes to construct or operate, a road or railway line; or
- g) Is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- i) Undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,

and the words "network utility operation" have a corresponding meaning:

**"Requiring authority" means:**

- a) A Minister of the Crown; or
- b) A local authority; or
- c) A network utility operator approved as a requiring authority under section 167.

**218. Meaning of "subdivision of land":**

(1) In this Act, the term "subdivision of land" means:

- a) The division of an allotment:
  - i) By an application to a District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or
  - ii) By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
  - iii) By a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
  - iv) By the grant of a company lease or cross lease in respect of any part of the allotment; or
  - v) By the deposit of a unit plan, or an application to a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- b) An application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226, and the term "subdivide land" has a corresponding meaning.

(2) In this Act, the term "allotment" means:

- a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:
  - i) The subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
  - ii) A subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or

- b) Any parcel of land or building or part of a building that is shown or identified separately:
  - c) On a survey plan; or
  - d) On a licence within the meaning of Part I of the Companies Amendment Act 1964; or
  - e) Any unit on a unit plan; or
  - f) Any parcel of land not subject to the Land Transfer Act 1952.
- (3) For the purposes of subsection (2), an allotment that is:
- a) Subject to the Land Transfer Act 1952 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or
  - b) Not subject to that Act and was acquired by its owner under one instrument of conveyance:
  - c) shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.
- (4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

## **HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996:**

### **2. Interpretation:**

- (1) In this Act, unless the context otherwise requires:

**"Bioaccumulation"** means accumulation within the tissues of living organisms:

**"Ecotoxic"** means capable of causing ill health, injury, or death to any living organism.

## Appendix 21E Foreshore Yard Widths

This table gives the foreshore yard width for different sections of the coastline. The section as identified by key features is shown in bold. For clarity, the text in brackets identifies that the foreshore yard distance applies between the first property listed and the second property listed for the section. The sections are also shown in the District Plan maps.

### 1. North Head to Narrow Neck

Location	Foreshore Yard	Map No
<b>Torpedo Wharf - North Head</b> (28A Jubilee Ave, Lot 3 DP 18776 - 38 Jubilee Ave, Pt Lot 14 DP 12834)	9m	32
<b>North Head Reserve</b> (Lot 38 Sec 2 SO 16721)	20m	32
<b>North Head Reserve - Cheltenham Rd</b> (18 Macky Ave, Pt Lot 10 DP 17548 - 44 Cheltenham Rd, Pt Allot 12A section 2 Parish of Takapuna)	3m*	32
<b>Cheltenham Rd - 1 Bath St</b> (33 Cheltenham Rd, Pt Lot 4 DP 4168 - 1 Bath St, Lot 2 DP 20052)	9m*	32
<b>84A Vauxhall Rd - 116A Vauxhall Rd</b> (84A Vauxhall Rd, Lot 2 DP 20525 - 116A Vauxhall Rd, Lot 1 DP 51927)	15m	32
<b>118 Vauxhall Rd - 128 Vauxhall Rd</b> (118 Vauxhall Rd, Lot 1 DP 56357 - 128 Vauxhall Rd, Lot 3 DP 50680)	20m	32
<b>Fort Cautley</b> (Reserve, Sec 1 SO 69845 - Reserve, Sec 3 SO 69845)	30m	32

### 2. Narrow Neck to Milford

Location	Foreshore Yard	Map No
<b>Narrow Neck Beach</b> (Narrow Neck Reserve, Pt Allot 3 Sec 2 Parish of Takapuna - 4 Old Lake Rd, Lot 1 DP 57318)	9m	32
<b>Narrow Neck - George Gair Lookout</b> (2 Hamania St, Lot 1 DP 8411 - reserve seaward of 18 Winscombe St, Lot 3 DP 103959)	20m	32, 27

<b>Location</b>	<b>Foreshore Yard</b>	<b>Map No</b>
<b>George Gair Lookout - Takapuna Grammar School</b> (Southern boundary of George Gair Lookout to northern boundary of Takapuna Grammar School)	30m	27
<b>Takapuna Grammar School - 7 Clifton Rd</b> (4 St Leonards Rd, Lot 1 DP 40077 - reserve seaward of 7 Clifton Rd, Lot 3 DP 95714)	20m	27,26
<b>9C Clifton Rd - Hauraki Rd</b> (9C Clifton Rd, Lot 3A DP 3060 - 45 Clifton Rd, Lot 1 DP 12281)	15m	26
<b>Takapuna Beach - The Promenade</b> (50 Hauraki Rd, Lot 1 DP 118997 - reserve, Allot 581 Parish of Takapuna)	9m*	26
<b>The Promenade - Caravan Park</b> (Recreation reserve, Lot 1 DP 172522)	9m*	26
<b>24 Earnoch Ave - 20 Earnoch Ave</b> (24 Earnoch Ave, Lot 16 DP 6805 - 20 Earnoch Ave, Lot 14 DP 6805)	7m*	26
<b>17 Brett Ave - 10 Brett Ave</b> (17 Brett Ave, Lot 11 DP 10957 - 10 Brett Ave, Lot 1 DP 124426)	5m*	26
<b>10 Brett Ave - O'Neills Ave</b> (10 Brett Ave, Lot 1 DP 124426 - 23 O'Neills Ave, Lot 21 DP 15066)	9m*	26
<b>O'Neills Ave - 20A Minnehaha Ave</b> (22 O'Neills Ave, Lot 2 DP 27486 - 20A Minnehaha Ave, Lot 2 DP 25770)	5m*	26
<b>16 Minnehaha Ave</b> (16 Minnehaha Ave, Lot 2 DP 30110)	0m*	26
<b>8 Minnehaha Ave - 237 Hurstmere Rd</b> (8 Minnehaha Ave, Pt Lot 19 DP 7523 - 237 Hurstmere Rd, Lot 2 DP 192986)	5m*	26
<b>239 Hurstmere Rd - Black Rock</b> (239 Hurstmere Rd, Lot 9 DP 7523 - 9 Kitchener Rd, Lot 1 DP 26028)	9m*	21

Location	Foreshore Yard	Map No
<b>Black Rock - Ocean View Road</b> (15 Kitchener Rd, Lot 1 DP 29931 - 39 Ocean View Rd, Pt Lot 19 DP 6892)	9m*	21
<b>46 Ocean View Rd - 42 Ocean View Rd</b> (46 Ocean View Rd, Lot 22 DP 6859 - 42 Ocean View Rd, Lot 20 DP 6859)	10.5m*	21
<b>39 Saltburn Rd - Milford Reserve</b> (39 Saltburn Rd, Lot 1 DP 33909 - Milford Reserve, Lot 76 DP 12137)	9m*	21
<b>Wairau Creek</b> (Milford Reserve - East Coast Rd - Beach Rd) (Milford Reserve, Lot 1 DP 163726 - 8 Beach Rd, Lot 2 DP 65215)	9m	21

## 3. Milford to Long Bay

Location	Foreshore Yard	Map No
<b>Beach Rd - Castor Bay</b> (1 Beach Rd, Lot 98 DP 12307 - 13 The Esplanade, Lot 80 DP 11099)	15m	21
<b>Castor Bay Beach</b> (11 The Esplanade, Lot 2 DP 105098 - 12 The Esplanade, Lot 4 DP 8563)	9m	21
<b>Rahopara Historic Reserve - Kennedy Park</b> (Reserve, Lot 8 DP 8563 - North edge of Kennedy Park)	25m	21
<b>North edge of Kennedy Park - Campbells Bay</b> (149 Beach Rd, Lot 2 DP 176897 - 15 Huntly Rd, Lot 1 DP 168662)	20m	21
<b>Campbells Bay Beach</b> (17 Huntly Rd, Pt Lot 35 DP 9328 - 19 View Rd, Lot 2 DP 87988)	9m*	21, 15
<b>Campbells Bay - Mairangi Bay</b> (21 View Rd, Lot 1 DP 204208 - 30 Whitby Cres, Lot 2 DP 16953)	15m	15, 14
<b>Mairangi Bay Beach</b> (28 Whitby Cres, Lot 1 DP 16953 - 15 Montrose Tce, Lot 153 DP 13311)	9m	14

<b>Location</b>	<b>Foreshore Yard</b>	<b>Map No</b>
<b>Mairangi Bay - Murrays Bay</b> (13 Montrose Tce, Pt Lot 152 DP 13311 - 19 Bournemouth Tce, Lot 1 DP 63198)	20m	14
<b>Murrays Bay Beach</b> (23 Bournemouth Tce, Lot 1 DP 94802 - Eastern end of Torquay)	9m	14
<b>Murrays Bay - Rothesay Bay</b> (Reserve at end of Torquay, Lot 196 DP 36101 - 39 Rothesay Bay Rd, 39 Rothesay Bay Rd, Lot 2 DP 41015)	20m	14
<b>South end Rothesay Bay</b> (43 Rothesay Bay Rd, Lot 2 DP 49288 - 59 Rothesay Bay Rd, Lot 5 DP 16848)	15m	14
<b>Rothesay Bay Beach</b> (63 Rothesay Bay Rd, Lot 4 DP 16848 - Rothesay Bay Reserve, Lot 22 DP 27883)	9m	14
<b>Rothesay Bay - Browns Bay</b> (58 Masterton Rd, Lot 30 DP 20351 - 40 Beechwood Rd, Lot 3 DP 84701)	15m	14
<b>Browns Bay Beach</b> (2 Browns Bay Rd, Lot 1 DP 96134 - 19 Clifton Rd, Lot 156 DP 15649)	9m	14
<b>Tipau Point</b> (62 Sharon Rd, Lot 2 DP 56963 - 40A Sharon Rd, Lot 3 DP 156897)	15m	14, 8
<b>38 Sharon Rd - 8 Sharon Rd</b> (38 Sharon Rd, Lot 119 DP 15649 - 8 Sharon Rd, Lot 266 DP 17345)	20m	8
<b>6 Sharon Road - Waiake Beach</b> (6 Sharon Road, Lot 265 DP 17345 - 927 Beach Rd, Pt Lot 2 DP 18873)	15m	8
<b>Deep Creek</b> (Beach Rd - Deep Creek Rd - Beach Rd) (948 Beach Rd, Lot 27 DP 47622 - 950 Beach Rd, Lot 2 DP 59911)	20m	8
<b>Waiake Beach - Cliff Rd</b> (1 Waiake St, Lot 1 DP 36757 - 77 Cliff Rd, Lot 2 DP 67375)	15m	8, 9

Location	Foreshore Yard	Map No
<b>Cliff Rd - Long Bay</b> (Reserve on western boundary of 80 Cliff Rd, Pt Allot 189 Parish of Takapuna - Beach Rd end)	20m	9, 8

## 4. Long Bay to Okura River

Location	Foreshore Yard	Map No
<b>Long Bay - Okura River Rd</b> (Long Bay Regional Park, Lot 1 DP 54616 - 8 Okura River Rd, Lot 1 DP 70716)	30m	8, 4, 3
<b>Okura Settlement</b> (1 Okura River Rd, Lot 4 DP 62121 - 16 Valerie Cres, Lot 39 DP 55648)	20m	3
<b>Upper Okura River</b> (29 Gails Dr, Lot 1 DP 68216 - 39 Gails Dr, Lot 6 DP 68216)	30m	3, 7

## 5. Torpedo Bay to Esmonde Road

Location	Foreshore Yard	Map No
<b>Torpedo Wharf - HMS Philomel</b> (64 King Edward Parade, Pt Allot 13A Sec 2 Parish of Takapuna - MHS Philomel, Pt Allot 33 Sec 2 Parish of Takapuna)	9m	31
<b>Navy Dockyard</b>	0m	31
<b>Navy Dockyard - 15A Stanley Point Rd</b> (145 Calliope Rd, Pt Lot 92 DP 1055 - 15A Stanley Point Rd, Lot 2 DP 50944)	9m	31
<b>17 Stanley Point Rd - 85A Stanley Pt Rd</b> (17 Stanley Point Rd, Pt Lot 2 DP 3968 - 85A Stanley Pt Rd, Pt Lot 5 DP 16607)	20m	31
<b>87 Stanley Point Rd - Naval Sports Fields</b> (Reserve east of 87 Stanley Point Rd, Lot 7 DP 26846 - 8 Stanley Point Rd, Lot 4 DP 17483)	15m	31

Location	Foreshore Yard	Map No
<b>Naval Sports Fields and Jim Titchener Parade</b> (Stanley Bay Park, Pt Harbour Bed DP 15479 - Pt Harbour Bed SO 36655, Defence Purposes Gazette 1958 page 410)	20m	31
<b>Rat Island</b> (Pt Harbour Bed SO 36655, Defence Purposes Gazette 1958 page 410)	Refer to Plan Map Appendix 8 page 10	31
<b>Abbotsford Tce - Victoria St</b> (36 Abbotsford Tce, Lot 3 DP 17678 - 217 Victoria Rd, Lot 1 DP 9055)	9m	32
<b>Lake Road Reclamation</b> (Lot 1 DP 77578 - Lot 1 DP 171325)	30m	32
<b>Lake Road - Wesley Street</b> (Defence land, Lot 5 DP 20927)	20m	32
<b>Wesley Street - Duders Point</b> (1 Wesley St, Lot 2 DP 58360 - 83 Ngataranga Rd, Lot 55 DP 21369)	15m	32, 31
<b>Duders Point - Kawarau Ave</b> (96 Ngataranga Rd, Lot 1 DP 50354 - 56 Kawarau Ave, Lot 44B Blk A Deeds 1010)	9m	31
<b>Kawarau Ave - Lansdowne St</b> (Reserve west of 44 Kawarau Ave, Lot 92 DP 19859 - 11 Lansdowne St, Pt Lot 2 DP 9564)	15m	31
<b>Lansdowne St - Eversleigh Rd</b> (15 Lansdowne St, Pt Lot 2 DP 9564 - 118 Eversleigh Rd, Lot 5 DP 58210)	9m	31, 26
<b>Hillary Cres</b> (101 Eversleigh Rd, Lot 1 DP 59719 - reserve west of 43A Northboro Rd, Lot 16 DP 15100)	20m	26
<b>Northboro Rd - Francis St</b> (37 Northboro Rd, Lot 1 DP 157908 - 96 Francis St, Lot 18 DP 33263)	9m	26
<b>Francis St - Jutland Rd</b> (99 Francis St, Lot 1 DP 66316 - reserve west of 94 Jutland Rd, Lot 47 DP 40748)	20m	26

Location	Foreshore Yard	Map No
<b>Jutland Road - Esmonde Rd</b> (6 Pine Ridge Tce, Lot 32 DP 40751 - 44 Esmonde Rd, Pt Lot 72 deeds 1166)	9m	26
<b>Takapuna Assembly of God</b> (Pt Allot 32 Parish of Takapuna)	20m	26
<b>Esmonde Rd - Pupuke Rd - Barrys Point Industrial Area</b> (49 Esmonde Rd, Pt Lot 112 deeds 1166 - 74 Barrys Point Rd, Pt Lot 2 DP 4860)	9m	26

## 6. Crater Lagoon and Onepoto Stream

Location	Foreshore Yard	Map No
<b>Tuff Crater</b> (Northern Motorway - Heath Reserve) (26 The Warehouse Way, Lot 4 DP 177549 - 164 Exmouth Rd, Lot 95 DP 50230)	20m	25
<b>Tarahanga St - Lake Rd - Onewa Rd - Stafford Park</b> (21 Tarahanga St, Lot 21 DP 110590 - Stafford Park, Lot 1 DP 197106)	20m	25, 30

## 7. Northcote Point to Hellyers Creek

Location	Foreshore Yard	Map No
<b>Stokes Point - Birkenhead Wharf</b> (9 Princes St, Pt Lot 63 town of Woodside - Hinemoa Park, Lot 1 DP 174058)	15m	30
<b>Birkenhead Wharf - Chelsea Bay</b> (2 Tizard Rd, Lot 23 DP 14016 - 24 Maunganui Rd, Lot 32 Blk II DP 804)	20m	29
<b>Telephone Rd - Reserve, Chelsea Bay</b> (33 Telephone Rd, Lot 42 DP 73425 - Reserve, Lot 4 DP 25092)	9m	29
<b>58 Rawene Rd</b> (58 Rawene Rd, Lots 43 & 44, Deeds Plan 358R and being Part Allotment 64 Parish of Takapuna, CT 568/1114)	1.2m*	29

<b>Location</b>	<b>Foreshore Yard</b>	<b>Map No</b>
<b>Rawene Rd - unformed</b>	9m	29
<b>Chelsea Sugar Refinery - Onetaunga Wharf</b>	30m	29,28
<b>Onetaunga Wharf</b> (From 75m south of the wharf to 350m north of the wharf)	0m	28
<b>Onetaunga Wharf - Kauri Point Domain</b>	30m	28
<b>Balmain Rd - Fred Andersen Reserve</b> (167 Balmain Rd, Pt Allot 148 Parish of Takapuna - 106 Island Bay Rd, Lot 1 DP 32396)	25m	28, 23
<b>Fred Andersen Reserve - Island Bay</b> (6 Valhalla Drive, Lot 9 DP 50104 - 12 Brigantine Drive, Lot 44 DP 60244)	9m	23
<b>Island Bay - Aeroview Drive</b> (14 Brigantine Drive, Lot 43 DP 60244 - 107 Aeroview Drive, Lot 48 DP 56178)	15m	23
<b>Aeroview Dr - Tui Park</b> (105 Aeroview Drive, Lot 15 DP 56178 - 64 Rambler Cres, Lot 1 DP 111858)	12m	23
<b>Tui Park</b>	20m	23
<b>Gazelle Ave - Cresta Ave</b> (41 Gazelle Ave, Lot 1 DP 52502 - 52 Cresta Ave, Lot 154 DP 20048)	9m	23
<b>Shepherds Park - Kahika Pt Reserve</b> (Shepherds Park - 28 Bay Park Place, Lot 2 DP 173430)	20m	23
<b>Kahika Pt Reserve - Lauderdale Reserve</b> (14 Kahika Rd, Lot 1 DP 72063 - 17 Lauderdale Rd, Lot 164 DP 48720)	9m	23, 24
<b>Lauderdale Reserve - Glendhu Rd</b> (Eskdale Bush Scenic Reserve, Lot 79 DP 53235 - 138 Lynn Rd, Lot 44 DP 79496)	20m	24, 23, 18

## 8. Hellyers Creek to Greenhithe

Location	Foreshore Yard	Map No
<b>Hellyers Creek</b> (Glendhu Rd - Upper Harbour Bridge) (Reserve at end of Glendhu Rd, Lot 14 DP 107773 - Reserve east of Upper Harbour Bridge, Allot 663 Parish of Paremoremo)	30m	18, 23, 22
<b>Upper Harbour Bridge - Marae Pt</b> (16 The Knoll, Lot 16 DP 160724 - 40 Marae Rd, Lot 37 DP 23734)	20m	22
<b>Marae Pt - Rahui Bay</b> (Marae Reserve, Lot 2 DP 119477 - 29 Marae Rd, Lot 31 DP 23734)	25m	17
Location	Foreshore Yard	Map No
<b>Rahui Bay - 15 Rahui Rd</b> (27 Marae Rd, Lot 30 DP 23734 - 15 Rahui Rd, Lot 8 DP 15336)	9m	17
<b>20 Rame Rd - Rame Rd end</b> (20 Rame Rd, Lot 3 DP 153363 - 80 Rame Rd, Lot 9 DP 9092)	20m	17
<b>Rame Rd end - 17 Waipuia Place</b> (99 Rame Rd, Pt Lot 1 DP 57306 - 17 Waipuia Place, Lot 42 DP 85402)	15m	17
<b>29 Oscar Rd - Churchouse Rd</b> (29 Oscar Rd, Lot 44 DP 13702 - 73 Churchouse Rd, Lot 2 DP 62221, extending down Lucas Creek to include 73 Roland Rd, Lot 37 DP 13702 and 53 Churchouse Rd, Lot 2 DP 157024)	9m	17
<b>Wainoni Park</b> (76 Churchouse Rd, Lot 1 DP 115960 - Wainoni Park)	30m	17, 18
<b>Te Wharau Creek - North Shore Golf Club</b> (Eastern boundary of Wainoni Park - Northern boundary of the Golf Club, Pt Lot 5 DP 846)	30m	18,12
<b>North Shore Golf Club - Lucas Creek West Bank</b> (Northern boundary of the Golf Club, Pt Allot 37 Parish of Paremoremo - along both arms of Oteha Stream to Albany Highway - Lucas Creek on State Highway 17 - 61 The Avenue, Pt Allot 31 parish of Paremoremo)	20m	12

Location	Foreshore Yard	Map No
<b>Lucas Creek West Bank - Chatham Road Subdivision</b> (65 The Avenue, Lot 2 DP 117562 - 39 Chatham Rd, Lot 24 DP 18517)	30m	12, 18, 17
<b>Chatham Road Subdivision</b> (41 Chatham Rd, Lot 23 DP 18517 - 59 Chatham Rd, Lot 18 DP 18517)	15m	17
<b>Chatham Road - Paremoremo Creek</b> (Chatham Rd, Lot 17 DP 18517 - 54 Iona Ave, Pt Allot 7 Parish of Paremoremo)	30m	17, 16

\* Measured from the 'foreshore yard reference line' a surveyed reference line. In all other cases the foreshore yard is measured from Mean High Water Springs.

**Foreshore Yard Reference Line Areas:**

**Campbells Bay Beach:** foreshore yard measured from surveyed reference line as shown on District Plan Maps Appendix 8 page 1 and on the enlargement available at Council offices.

**Milford Beach:** foreshore yard measured from surveyed reference line as shown on District Plan Maps Appendix 8 pages 2 and 3 and on the enlargement available at Council offices.

**Ocean View Rd - Black Rock:** foreshore yard measured from the drainage easement as shown on District Plan Maps Appendix 8 pages 3 and 4.

**Black Rock - The Promenade:** foreshore yard measured from surveyed reference line as shown on District Plan Maps Appendix 8 pages 4 and 5 and on the enlargement available at Council offices.

**Takapuna Beach:** foreshore yard measured from surveyed reference line as shown on District Plan Maps Appendix 8 pages 5 and 7 and on the enlargement available at Council offices.

**Cheltenham Beach:** foreshore yard measured from former Devonport Borough Council Endowment land or existing reserves as shown on District Plan Maps Appendix 8 page 8.

**58 Rawene Rd, Chelsea Bay:** foreshore yard measured from boundary of reserve as shown on District Plan Maps Appendix 8 page 9.

## Appendix 21F Protected Root zone around Trees

