

* **Kaitiakitanga**

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

* **Kaumatua Housing**

means residential accommodation for elders.

* **Kiosk**

means premises for the sale of refreshments including snack food and drinks for consumption only off the premises not exceeding 12m² GFA.

* **Kohanga Reo**

means premises where preschool children are taught and cared for in accordance with tikanga Maori (Maori customs).

* **Kokiri Centre**

means skills training centre.

* **Kura Kaupapa**

means primary schooling designed for children from kohanga reo, and undertaken in accordance with tikanga Maori (Maori customs).

* **Kura Maori**

means secondary schools.

* **Laboratories**

means land and/or buildings used for scientific, industrial and medical research.

(This definition does not include activities that are prohibited in the District Plan, namely the manufacture, production and use of radioactive material).

* **Landscaped Area**

in relation to any site, means any part of that site being not less than 5 m² in area which is grassed and planted in trees or shrubs and may include:

- (a) ornamental pools not exceeding 25% coverage of the landscaped area;

(b)

- i) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one such paver does not exceed 650mm; or
- ii) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below; or
- iii) pathways not exceeding 1m in width;
 - where the total land area occupied by the feature in (i), (ii) and (iii) above does not cover more than 25% of the landscaped area; but does not include any area which:
 - falls within the definition of building coverage; or
 - is paved with a non-permeable surface of more than 1m width; or
 - is used for the parking, manoeuvring or loading of motor vehicles.

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

* **Landscaped Permeable Surface**

in relation to any site means any part of that site being not less than 5m² which is grassed or planted in trees or shrubs, and is capable of absorbing water.

It does not include any area which:

- falls within the definition of building coverage;
- falls within the definition of paved impermeable surface;
- is used for parking, manoeuvring or loading of motor vehicles.

* **Light Manufacturing and Servicing**

means a building or a room in which articles, goods or produce are prepared and/or repaired for sale or rent. Includes activities such as clothing or footwear, manufacturing, printing but does not include the sales or servicing of motor vehicles. These activities will not generally require the use, storage or handling of large quantities of hazardous substances (a permitted activity has a permitted effects ratio of less than or equal to 0.2 – see Section 5E.7.1 of the Plan) nor require air discharge consents. Apart from required parking and manoeuvring light manufacturing and servicing will be contained entirely within a building.



PART 13 - INTERPRETATIONS AND DEFINITIONS

* **Lot - is an area of land:**

- a) comprised in a single certificate of title; or
- b) defined on an approved survey plan for which a separate title could be issued without further consent of the Council being in any case the smaller area of (a) and (b);

and includes an access lot.

* **Mana**

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

* **Mana Whenua**

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

* **Marae**

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

* **Minor Upgrading**

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

(a) Minor Upgrading means:

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

For the avoidance of doubt, minor upgrading includes:

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

- when modifications to structures are required to meet mechanical loading requirements

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

(b) Minor Upgrading includes:

- (i) the provision of additional above-ground conductors on the existing support structures of the Otahuhu-Penrose C Transmission Line, provided that the maximum operating capacity of that transmission line shall not exceed 1500 MVA (winter 75°C power rating) after the provision of such additional conductors;
- (ii) the reconductoring of lines with higher capacity conductors where they are the modern equivalent of the existing conductors;
- (iii) the re-sagging of conductors;
- (iv) the installation of longer and/or more efficient insulators;
- (v) the addition of earthwires (which may contain telecommunications lines) and earthpeaks.

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

- (i) an increase in the voltage of the line;
- (ii) an increase in operating capacity that exceeds 750 MVA (winter 75°C power rating) per circuit on 220 kV lines or exceeds 100 MVA (winter 75°C power rating) per circuit on 110 kV lines;
- (iii) an increase in the electric and magnetic field levels beyond the limits specified in the 1998 guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for exposure of the general public over a 24 hours/day period to 50/60 Hertz electric and magnetic fields.

* **Motor Vehicle Sales and Service Premises**

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

- (a) the sale and/or hire of motor vehicles and/or caravans and/or trailer boats, whether in the open air or within a building;
- (b) the sale of spare parts for motor vehicles and/or outboard motors and/or trailer boats;



(c) the servicing and repair of vehicles and/or outboard motors, including motor vehicle body building, panelbeating or engine reconditioning.

* **Motor Vehicle Wrecking**

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

* **Net Site Area**

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

* **Network Utility Service**

means any activity relating to:

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

* **Non-Permanent Accommodation for Care**

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

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

* **Non-Standard Site**

refer Site.

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

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

* **Office**

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

* **Owner**

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

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

* **Papakainga Housing**

means residential accommodation on any land owned by Maori.

* **Papakainga Living**

means village life.



* **Paved Impermeable Surface**

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

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

The following shall not be included in paved impermeable surface

- paths of less than 1m in width.

* **Pedestrian Circulation Space**

Applies to a covered public area which:

- a) contains a minimum horizontal measurement of 5m;
- b) has a minimum vertical dimension of 2.5m between the finished ceiling and the floor of the pedestrian area, and which is unobstructed and clear of buildings, retail kiosks and retail display cases.

Pedestrian Circulation Space includes:

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

But does not include:

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

* **Place of Assembly**

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

May include a church, church hall, church yard and marae. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit making basis.

* **Plan**

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

* **Planned Unit Development**

Means development on Residential 8 zoned sites (including Residential 8 zone sites that are adjacent to each other, across the road from each other, or facing each other across Open Space zoned land) consisting of Residential Units where elements of the development such as building design, open space, landscaping, vehicle access, roading and subdivision are designed to form an integrated whole, in a manner that is consistent with the criteria set out in section 7.7.5.3C3 titled 'Planned Unit Development'.

Figure 7.3A(1) shows an example of a Residential 8 zoned parcel of land upon which an application for a Planned Unit Development may be sought.

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

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

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

* **Private Road**

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

* **Private Way**

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

* **Protected Tree**

means any tree protected under the following provisions:



- Cliffline Tree Amenity Yards;
- Coastal Protection Yards;
- Significant Ecological Areas;
- Open Space 1 and 2 zones that do not meet the definition of an “urban environment allotment”;
- Heritage:
 - trees on roads and unzoned land
 - trees on the Schedule of Notable Trees (see Scheduled Tree)
 - general tree protection, which only applies to sites throughout the Isthmus that does not meet the definition of an “urban environment allotment”.

*

Quarrying

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

*

Radiocommunication

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

*

Rear Site

refer Site.

*

Rear Yard

refer Yard

*

Regulations

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

*

Residential Unit

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

*

Rest Home

Means a licensed building or part of a building used for the residential accommodation and full-time care

of the elderly and infirm where meals and nursing/ medical care is provided but does not include a hospital as defined in the District Plan, a housing development for the elderly or disabled, or a retirement village.

Residential Development Financial Contributions shall be payable for any manager's accommodation meeting the definition of Residential Unit in accordance with Clause 4B.4.

*

Restaurant, Cafes and Other Eating Places

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

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

*

Retirement Village

Means a comprehensive residential development providing housing, recreation, welfare and medical facilities which is intended for the care and accommodation of disabled, infirm, elderly or retired persons. It will include a combination of rest home/ care/hospital beds, serviced apartments/units and residential units, which are held either under one title or unit titles under the Unit Titles Act which is encumbered by an appropriate legal instrument which ensures that the use of the unit is confined to such persons.

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

*

Restoration

For the purposes of Clause [7.7.1 ACTIVITIES IN THE RESIDENTIAL 1-7 ZONES](#) 'restoration' means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/ or removal of extraneous additions.

*

Retail Premises

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

- a market;



PART 13 - INTERPRETATIONS AND DEFINITIONS

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

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

* **Scheduled Archaeological Feature**

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

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

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

* **Scheduled Geological Feature**

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

* **Scheduled Maori Heritage Sites**

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

* **Scheduled Tree(s)**

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

* **Service Station**

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

- the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- a retail premises with a maximum gross floor area of 200m²;
- mechanical repair and servicing of motor vehicles (including motor cycles, caravans, boat motors, trailers) and domestic gardening equipment; and
- warrant of fitness testing; and
- car wash facility.

* **Site**

means:

(a) an area of land which is:

- i) comprised in a single certificate of title; or
- ii) contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council;

being in any case the smaller land area of (i) or (ii); or

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

(c) an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

- i) subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or
- ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or

(d) An area of land which is:

- i) partly made up of land which complies with (a), (b) or (c) above; and
- ii) partly made up of an interest in any airspace above or subsoil below a road;

where (i) and (ii) are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the Council.

Except that in the case of land subdivided under the Unit Titles Act 1972 or the cross lease system, "site"



shall be deemed to be the whole of the land subject to the unit development or cross lease.

Front Site

means a site which complies with the subdivisional standards specified in this Plan in respect of a front site, but which does not comply with the requirements for a corner site. (See Figure 13.4).

Corner Site

means a site which lies within a general change of direction of the abutting road or roads, such change of direction being 45 degrees or more. (See Figure 13.4).

Rear Site

means a site which complies with the subdivisional standards specified in this Plan in respect of a rear site, but which does not comply with the requirements for a front site or a corner site. (See Figure 13.4).

Through Site

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

Non-Standard Site

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

Special Site

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

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

* **Side Yard**

refer Yard.

* **Special Yard**

refer Yard.

* **Specified Growth Areas**

are areas of the City in which growth will be encouraged under the Council's adopted growth management strategy.

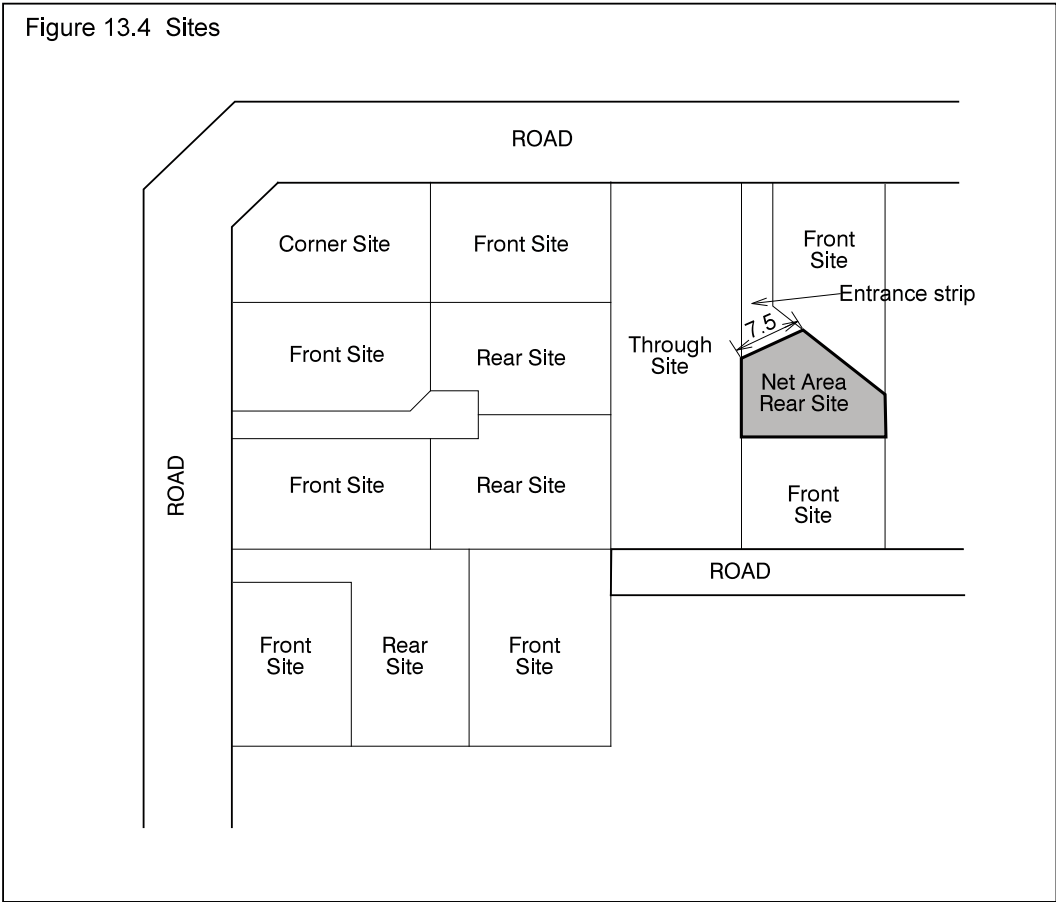
* **Storey**

that part of a building from the upper surface of any floor to the upper surface of the floor above, measured from finished floor level. The topmost storey shall be from the upper surface of the topmost floor to the upper surface of the ceiling joists above, or where no ceiling exists to the upper surface of the roof cladding.

For the purposes of calculating the height of a building, where this is fixed by the number of storey's:

- The maximum height of a storey shall be 4 metres;
- A basement or any other space under the ground floor shall be counted as a storey, when the distance from ground level to the upper surface of the floor above exceeds 2.5 metres over 50% of the area of the floor above;
- An attic, or any space between ceiling joists and a roof shall be counted as a storey when the distance from the upper surface of the ceiling joists, or floor, to the mean height of the upper surface of the roof, is 3 metres or more over 5m² or more of the area of the ceiling joists or floor below.





- * **Substation**
Has the same meaning as in Regulation 2 Electricity Regulations 1993.
- * **Tangata Whenua**
in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.
- * **Tavern**
means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments; and which is licensed as such under the Sale of Liquor Act.
- * **Telecommunication**
has the same meaning as in Section 2(1) of the Telecommunication Act 1987.

- * **Telecommunication Line**
means 'line' as defined in Section 2(1A) of the Telecommunications Act 1987.
- * **Tourist Complex**
means 'visitor accommodation' that:
 - a) includes an integrated complex of residential, visitor, service and recreation facilities (including restaurants and conference facilities) without limiting such non-residential activities to members of the travelling public; and/or
 - b) has consent to lawfully sell liquor under the Sale of Liquor Act 1989.
- * **Towing Service**
means land and/or building used for the storage of impounded or disabled vehicles and associated activities and includes the garaging of tow trucks.



* **Transport Depots**

means any land or building which is primarily used for the receipt, despatch or consolidation of goods in transit being transported by road, where the goods are not owned or processed by the owner or occupier of that land or building, and includes a carrier's depot, trucking depot, and mail distribution centre but does not include a refuse transfer station and composting plant.

* **Transport Nodes**

Railway stations, major bus terminuses and main intersections of Strategic and Regional Arterial Roads.

* **Trimming**

means trimming of the canopy (excluding the roots) of any tree, which does not damage its health. 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 maintained.

If the trimming is undertaken by a qualified arborist or arboriculturalist, such works shall be limited to no more than 30% 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 maintained.

* **Turangawaewae**

means standing place, tribal foothold.

* **Urban Environment Allotment**

means an allotment that is no greater than 4000m²-

- b) that is connected to a reticulated water supply system and a reticulated sewerage system; and
- c) on which is a building used for industrial or commercial purposes, or a dwelling house.
- d) 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.

* **Urupa**

burial ground.

Vacant sites

means where a building is demolished and a new building is not constructed within 6 months of demolition.

* **Visitor Accommodation**

means any premises/building or buildings used for the day to day accommodation of tourists and short-stay visitors for persons away from their normal place of residence, including any services or amenities provided on-site for the exclusive use of the patrons. It includes motels, backpackers, and serviced rental visitor accommodation that is offered at a daily tariff or a pricing structure commensurate with short stay motel-type accommodation, but does not include tourist complexes, camping grounds, hotels, or premises with consent under provisions of the Sale of Liquor Act 1989.

* **Waahi Tapu**

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

* **Waahi Tapu Areas**

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

* **Warehousing and Storage**

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

* **Whare Hui**

means meeting house.

* **Wharekai**

means dining hall.



PART 13 - INTERPRETATIONS AND DEFINITIONS

* **Wharekaraki**

means church.

* **Wharemoe**

means sleeping quarters.

* **Whenua Tupuna**

means ancestral land.

* **Workrooms**

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

* **Yard**

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

Except as otherwise provided for by this Plan -

(a) **Front Yard**

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

b) **Rear Yard**

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

(c) **Side Yard**

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

(d) **Special Yard**

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

(e) **Coastal Protection Yard**

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

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

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

Plan change annotations - key



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



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

Underlined content to be inserted.

~~Struck through~~ content to be deleted.

