Chapter 3 Definitions

# 100­Year Flood

a 100­year flood in the Hutt River is equal to a 1 in 100 year event and currently has a magnitude of approximately 1900 cubic metres of water per second measured at Taita. It has about a 1% chance of being equalled or exceeded in any one year.

# Access Leg

in relation to a rear site, means a strip of land which is included in the ownership of the site, and which provides the legal and physical access from legal road to the net area of the site and which may be satisfied by a registered right of way outside the title (outside the legal boundaries of the allotment).

# Accessory Building

a building not being part of the principal building on the site, the use of which is incidental to that of any other building or buildings on the site. In the case of a site on which no building is erected, it is a building accessory to the use of the principal building permitted on the site. This includes a tool shed, playroom, recreation room, glasshouse, swimming pool and spa pool, but excludes self­contained residential accommodation and in rural activity areas will include buildings accessory to rural land uses.

# Accessory Part

those parts which are essential for the effective operation of the end product.

# Allied

any secondary activity on a site that is dependent on, related to or connected with the primary activity for that site.

# Ancillary Retailing

retailing that is associated with the permitted activity but is not the primary activity on the site or in the building; such retailing is incidental and secondary to the principal activity.

# Anemometer

means a mast and supporting sensors for the purpose of wind resource measurement. This includes guy wires and various meteorological instruments to be erected at varying heights, including:

1. anemometers to measure the average wind speed, wind gust speeds, turbulence intensity and wind shear;
2. wind vanes to measure wind direction; and
3. other meteorological instruments to measure temperature, air pressure, humidity and rainfall.

# Antenna

means antenna as defined in the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

An antenna does not include:

1. devices used in amateur radio configurations;
2. devices used only for television reception; and
3. any other device not otherwise defined above that is less than 1.5m2 in area.

Notes:

* + The mountings of any antenna and any radiofrequency equipment or similar device shall not be included in the measurement of area of diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself.
  + 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.

# Archaeological Site

as defined in the Historic Places Act 1993.

# Boarding House

as defined in Section 66B of the Residential Tenancies Act 1986.

# Boundary

The legal boundary of a site.

# Brothel

as defined in the Prostitution Reform Act 2003.

# Building / Structure

means any building or structure or part of a building or structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

1. any fence or wall not exceeding 2 metres in height;
2. any retaining wall not exceeding 1.2 metres in height;
3. satellite dishes with a diameter not exceeding 0.6m;
4. decks less than 500mm in height;
5. all structures less than 1.2 metres in height;
6. all signs, as defined in this Plan;
7. any scaffolding or falsework erected temporarily for construction or maintenance purposes.

***AMENDMENT 33 - Add new definition – Building Coverage***

**Building coverage**

Means the percentage of the net site area covered by the building footprint.

# Building Floor Level

(in relation to flooding) means the underside of floor joist for timber structures or, for concrete slabs, shall be 150mm below the finished top of the slab.

***AMENDMENT 34 - Add new definition – Building Footprint***

**Building footprint**

Means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.

# Building Improvement Centre

premises used for the storage, display and sale of materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centres.

# Building Setback Line

land on the landward side of the building setback line is protected by flood protection structures up to a 100­year flood event. Land on the riverside of the line is at risk of erosion from the Hutt River.

# Cabinet

means a box­shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of network utilities, which includes single transformers and associated switching gear distributing electricity at a voltage up to, and including, 110KV.

It also has the same meaning as in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 and means a casing around equipment that is necessary to operate a telecommunication network.

# Care Facility

The use of land and buildings for activities which provide small scale residential care, including:

1. foster homes;
2. women’s refuge;
3. accommodation for up to five boarders/lodgers;
4. residential support/care for up to and including seven people;
5. respite care for up to and including seven people; and
6. therapeutic/rehabilitation services for up to and including seven people;

## but excluding:

1. detention facilities;
2. visitor accommodation;
3. health care service; and
4. boarding houses.

# Childcare Facility

the use of land or buildings for the care and/or education of children including crèche, day care centre, kindergarten, Kohanga Reo, playcentre, playgroups and day nurseries; such facilities shall not provide for overnight stays.

# Commercial Activity

any activity of a commercial nature which principally comprises:

provision of office, financial, professional or other business services; including theatres, cinemas, video parlours, other places of entertainment, visitor accomodation, funeral parlours, showrooms, radio stations, television stations, car parking buildings, veterinary clinics, and any other use of a similar commercial nature

## but which excludes:

1. retail activity, industrial activity, rural activity, recreational activity and residential activity; and
2. service stations, commercial garages, car sales yards and licensed premises.

# Commercial Forestry

the planting and management of trees and the felling of timber for commercial gain.

# Commercial Garage

1. the storage of 2 or more vehicles, caravans, boats or trailers, not belonging to the occupier of the premises or his or her family; and/or
2. any one or more of the following: motor vehicle engine and/or body repairs, overhauling of motor vehicles; and/or
3. any one or more of the following: panel beating, trimming or spray painting of motor vehicles provided these operations are on a small scale.

# Commercial Recreation Activities

those recreational activities which require payment of a casual fee or membership fee for participation and includes camping grounds, public swimming pools and concessionaires (eg. jet ski hire, windsurfer hire).

# Commercial Scale Renewable Energy Generation Activities

means the land, buildings, substations, turbines, structures, underground cabling earthworks, access tracks and roads associated with the generation of electricity from a renewable energy source and the operation of the renewable energy generation activity. It does not include:

1. small scale wind turbines of less than 5kW
2. community scale renewable energy generation activities
3. any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.

# Commercial Sexual Services

as defined in the Prostitution Reform Act 2003.

# Communal Carparking

means an area or building providing carparking for the exclusive use of residents, visitors and customers of a mixed use, multi­unit, or comprehensive residential development, where those residents have direct and legal access.

# Community Facility

the use of land or buildings for activities which provide for the social and cultural needs of the community; and includes libraries, halls, plunket rooms and childcare facilities.

# Community Scale Renewable Energy Generation

means renewable energy generation for the purpose of supplying electricity to a whole community which is not connected to the distribution network (‘off grid’); or to supplying an immediate neighbourhood in an urban area with some export back into the distribution network.

# Competitiveness margin

in relation to housing bottom lines, has the meaning defined in the National Policy Statement on Urban Development

# Comprehensive Residential Development

a development of three or more dwellings that is designed and planned in an integrated manner, on a site of at least 1400m2. The development may incorporate accessory buildings, infrastructure, landscaping, communal open space and communal carparking.

***AMENDMENT 35 - Add new definition – Construction***

**Construction**

Includes construction and conversion, and additions and alterations to an existing building

# Construction and Commissioning Activities

in respect of renewable electricity generation activities includes those activities directly involved with the building and operation of a new renewable electricity generation activity. This includes site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations.

Activities associated with “construction and commissioning” includes rapid and temporary population increases and the associated effects on infrastructure and community facilities; the need to reroute or relocate network utilities and community facilities; the need to construct new infrastructure including the system of electricity conveyance transmission (including substations) required to convey electricity to the distribution network and/or the national grid as provided for in the definition of ‘renewable electricity generation activity.

# Contaminated Site

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

# Cottage Industry

the production of light goods by woodworkers, leatherworkers, metalworkers, caneworkers, glass blowers, fabric printers, paper makers, stone and/or bone carvers, potters, weavers or workers producing goods of a similar nature using hand tools or machinery of a light nature and includes the sale of goods produced on the premises but not the sale of any other goods.

# Council

The Hutt City Council.

# Detention Facility

a building or buildings for the detention or accommodation of persons detained pursuant to any statutory provision, where such detention is imposed for the protection of members of the public.

# Display Window

a window which permits the public to view display space within a building.

# Distribution Network

for the purpose of Chapter 14L, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a distributor’s lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.

# Distributor

for the purpose of Chapter 14L, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a business engaged in distribution of electricity.

# Dripline

the line formed when a vertical line from the outermost extent of the spread of the tree’s branches or canopy meets the ground.

# Drive Through Retail

a retail outlet at which customers receive service while in their vehicles.

# Dust Nuisance

a dust nuisance shall occur if there is visible evidence of suspended solids in the air beyond the site boundary and/or there is visible evidence of suspended solids from a dust source settling on the ground, building or structure of a neighbouring site, or water.

# Dwelling

a building or unit within a building that is used or designed to be used as a single household residence and:

1. is a self­contained unit;
2. includes kitchen and bathroom facilities.

# Earthworks

any modification of land associated with subdivision or development, including excavation and filling, removing and replacing soil, contouring, cutting, levelling, deposition of cleanfill, and road, driveway and access construction.

# Ecotoxicity

adverse toxic effects on ecosystems or ecological communities, harmful to any living organism or ecosystem.

# Effects Ratio Trigger Level

the value of the Effects Ratio which is used in the Consents Status Matrix to define whether a proposed development requires a land use resource consent. The Effects Ratio trigger level differs for different activity areas to account for the difference in acceptable levels of risk.

# Emergency Facility

the use of land or buildings for activities which provide critical services including fire, ambulance and police stations, and emergency management facilities.

# Environmentally Damaging Substance

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

# Exotic vegetation

means vegetation or trees not occurring naturally in New Zealand.

# Extraction Activity

an operation in connection with prospecting, exploring and any mining operation including blasting, processing (crushing, screening, washing and blending), storage, distribution and sale of aggregates, ancillary earthworks, removal and deposition of overburden and rehabilitation works.

# Extraction Activity

an operation in connection with prospecting, exploring and any mining operation including blasting, processing (crushing, screening, washing and blending), storage, distribution and sale of aggregates, ancillary earthworks, removal and deposition of overburden and rehabilitation works.

# Filming Activity

Is the recording of images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means) and the use of land associated with the filming activity including temporary construction, use and dismantling of structures and sets and all associated setting up and packing up of structures, equipment and materials, clean up and restoration of the site, but does not include:

1. still photography;
2. recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, event or celebration;
3. recording images as a visitor or tourist for non commercial purposes;
4. recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

# Flood Hazard

the potential for damage to property or people due to flooding and associated erosion.

# Flood Hazard Effects

the negative impacts of flooding caused by fast flowing or deep­ponded flood waters. Fast­flowing or ponded flood waters are dangerous for people, becoming more severe where floods affect urban areas. These effects also include damage to the flood protection system, and other structures and buildings by water and debris, or by erosion.

# Flood Protection Structure

physical assets (including land) managed and maintained by the Wellington Regional Council or approved (including managed and maintained) by the Wellington Regional Council for the purpose of flood protection, such as stopbanks, flood gates, debris traps, river berms, bank­edge works and plantings.

# Gross Floor Area

the sum of the gross areas of all the floors of a building or buildings measured from the exterior faces of exterior walls or from the centre­lines of walls separating two buildings.

For the purposes of calculating car parking and loading requirements only, this definition shall not include the floor area of interior balconies and mezzanines not available to the public, and any carparking within the building.

# Hazardous Facility

activities involving hazardous substances and sites, at which these substances are used, stored, handled and disposed of

## but which excludes:

(a) the incidental use and storage of hazardous substances in minimal domestic scale quantities including up to 100kg of LPG;

(b) fuel in motor vehicles, boats and small engines;

(c) retail outlets for the domestic scale usage of hazardous substances (i.e. supermarkets, hardware shops, pharmacies, home garden centers);

(d) developments that are potentially hazardous but do not involve hazardous substances (i.e. high voltage transmission lines, radio masts etc.);

(e) facilities using genetically modified or new organisms;

(f) trade waste sewer and waste treatments or disposal facilities;

(g) gas and oil pipelines;

(h) the occasional loading and unloading of hazardous substances on a site where this forms only a minor part of the site operations and includes the carriage of explosives within the Extraction Activity Area; and

(i) oil filled transformers containing less than 1000 litres of oil.

# Hazardous Waste

waste that poses a present or potential future threat to the environment due to, for example, its explosive, flammable, reactive, toxic, corrosive or infectious nature.

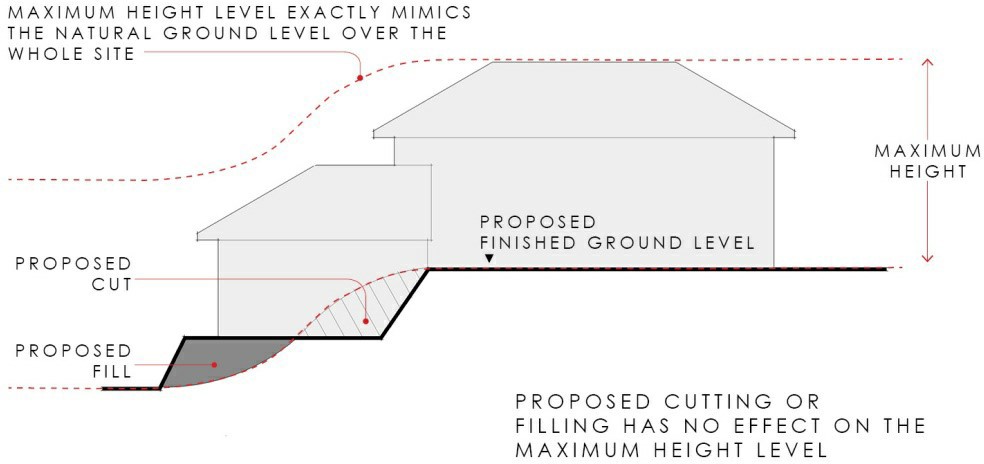
# Health Care Services

any activity which provides services relating to physical and mental health and welfare and includes acupuncturists, chiropodists, chiropractors, dentists, dietitians, homeopathy practitioners, medical practitioners, medical radiographers, medical social workers and counsellors, naturopathy practitioners, nurses, occupational therapists, opticians, optometrists, osteopaths, pediatricians, pharmacists, physiotherapists, podiatrists, psychotherapists, and psychologists.

# Height

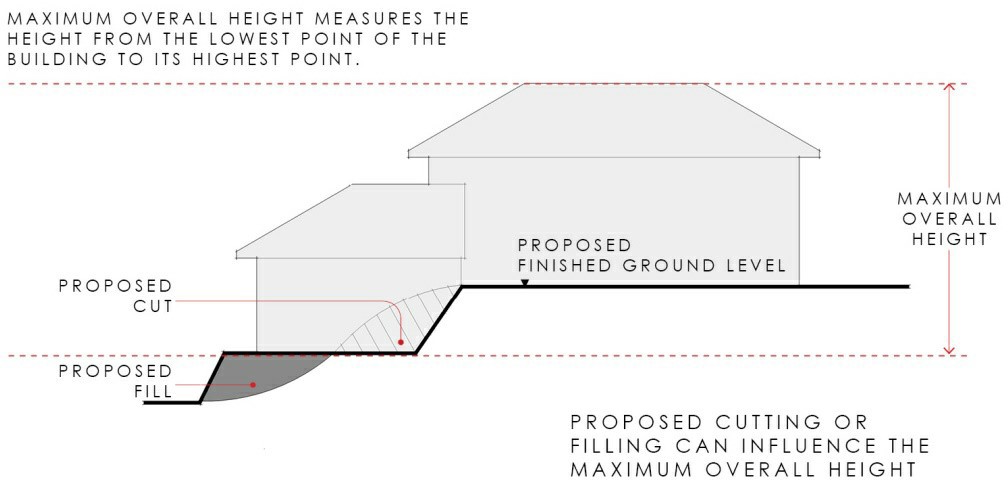
**Maximum Height** in relation to buildings and structures shall be the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point (rolling height method).

1. For the purposes of calculating maximum height, ground level shall be deemed to be:
   1. the natural level of the ground or the finished level of the ground as a result of an approved subdivision, and shall not include earthworks which have resulted or will result from work undertaken as part of the construction of any building or development of the site.
   2. where the natural ground level has fluctuated over time, as a direct result of nature, the natural ground level will be the level that exists at the time the level has to be ascertained.
2. When calculating maximum height the following shall be excluded:
   1. satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features, chimneys, flues and ventilation shafts where the maximum height is not more than 1.5m above the maximum height permitted for the activity area.
   2. lightning rods attached to network utilities.



**Maximum Overall Height** in relation to buildings and structures shall be the vertical distance between the lowest ground level of the building or structure and the highest part of the building or structure.

1. For the purposes of calculating maximum overall height, ground level shall be deemed to be the lowest of the following levels:
   1. the finished level of the ground as a result of an excavation for building construction works.
   2. the finished level of the ground as a result of any other works.
2. When calculating maximum overall height the following shall be excluded:
   1. satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features and chimneys, flues and ventilation shafts where the maximum height is not more than 1.5m above the maximum height permitted for the activity area.
   2. lightning rods attached to network utilities.



Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

***AMENDMENT 36 - Add new definition – Height in relation to boundary***

**Height in relation to boundary**

Means the height of a structure, building or feature, relative to its distance from either the boundary of:

(a) a site; or

(b) another specified reference point.

# Historic Area

as defined in the Historic Places Act 1993.

# Historic Place

as defined in the Historic Places Act 1993.

# Home Occupation

any occupation, profession, business, or service undertaken within a residential house or accessory building by a person who permanently resides in that residential house, and which is secondary to the use of the site for residential purposes.

# Housing for the Elderly

See Retirement Village.

# Indigenous vegetation

means vegetation or trees that occur naturally in New Zealand or arrived in New Zealand without human assistance.

# Individual Retail Activity

a retail activity carried on under a single trading name from or in single premises.

# Industrial Activity

any activity of an industrial nature which principally comprises:

1. extraction or conversion of natural resources;
2. production, manufacture or processing goods or energy from natural or converted resources;
3. research for industrial purposes, geological purposes or agricultural purposes;
4. service, repair or hire of goods; and
5. storage of goods;

## but which excludes:

1. retail activities;
2. home occupations;
3. rural/agricultural activities; and
4. extraction activities.

# Integrated Retail Developments

an individual retail development, or a collection of any two or more retail activities that are developed and operate as a coherent entity (whether or not the activities are located on separate legal titles), and share one or more of the following:

1. servicing and/or loading facilities;
2. vehicle and/or pedestrian access;
3. car parking;
4. public spaces and/or facilities.

This definition includes shopping malls and large­format retail parks, but does not include trade supply retail, wholesale retail, yard­based retail or building improvement centres.

# Intensive Farming

the raising of livestock where

1. livestock are kept in buildings or concentrated on open space; or
2. livestock live predominantly off feed other than grass; or
3. more than five adult pigs (defined to be one year or older) are kept in buildings or on pasture.

# Intersection

as defined in Section 2 of the Traffic Regulations 1976 and subsequent amendments, with the following provisos:

1. That where the areas so defined are separated by less than 50 metres, the intersection also includes all connecting roadways; and
2. That the edges of roadways are defined by kerblines and not painted markings.

# Kohanga Reo

premises (language nest) where preschool children are taught and cared for in accordance with Tikanga Maori (Maori customs).

# Kokiri Centre

as defined in the Maori Purposes Act 1980 to be any premises in which training and tuition is given in respect of any of the following matters:

1. any trade, profession or occupation;
2. Any skill or art that promotes the general social well­being of the community;
3. Maori language, Maori customs and traditions, Maori arts and handicrafts, and other aspects of Maori culture essential to the identity of the Maori race;
4. Languages, customs and traditions, and arts and handicrafts of members of other areas.

# Landfill

an area of land used for disposal of wastes for land, run in accordance with safety and environmental requirements laid down by a regulatory authority.

# Landscape Furniture

includes picnic tables, seating, rubbish bins, lights, and tree protector guards.

# Landscaping

the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas, amenity features or other forms of hard landscaping.

# Licensed Premises

any premises, or any part of any premises, on which liquor may be sold pursuant to a licence; and includes any conveyance, or any part of any conveyance, in which liquor may be sold pursuant to a licence.

# Line

means ‘line’ as defined in section 5 of the Telecommunications Act 2001 orin section 2 of the Electricity Act 1992.

# Long term

in relation to housing bottom lines, has the meaning defined in the National Policy Statement on Urban Development

# Maintenance

as it applies to network utilities, means the replacement, repair or renewal of existing network utilities and where the effects of that utility remain the same or similar in character, intensity and scale, and excludes ‘minor upgrading’ and ‘upgrading’.

# Mana Whenua

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

# Marae

includes the meeting house, dining hall, educational and associated facilities and residential accommodation associated with the marae.

# Mast

any pole, tower or similar structure which is fixed to the ground and specifically designed to carry an antenna to facilitate the transmission of telecommunication and radiocommunication signals.

# Minor Above Ground Line

means a line that provides an above ground connection to a site, including any connection to a building within that site, from an existing or permitted new above ground line provided that no more than one new support structure is required for that connection.

# Minor Additional Dwelling

a dwelling that is located on the same site as and secondary to a primary dwelling and has a gross floor area that does not exceed 50m2.

# Minor Boundary Adjustment

an adjustment or relocation of allotment boundaries which is desirable in order to improve the practicality of existing boundaries providing the number of titles and the general area and use of the allotments remains the same.

# Minor Upgrading

means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures and includes:

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

(i)

(j)

(k)

(l)

the reconductoring of the line with higher capacity conductors; and the resagging of conductors; and

the addition of longer and more efficient insulators; and

a support structure replacement within 5m of the support structure that is to be replaced; and

the addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods; and the addition of electrical or telecommunication fittings, excluding antenna; and

support structure replacement in the same location or within the existing alignment of the transmission line corridor; and

the replacement of existing cross arms, including with cross arms of an alternative design; and

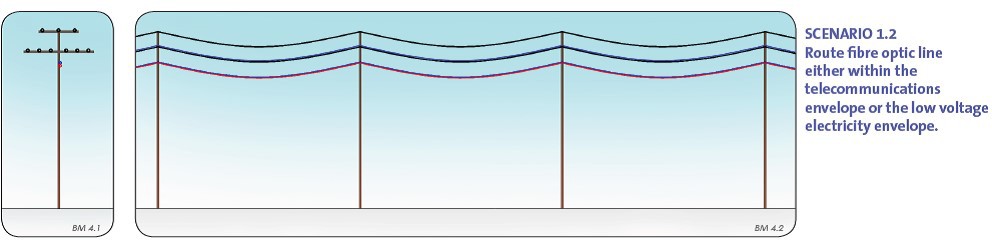
an increase in support structure height to achieve compliance with the clearance distances specified in NZECP34:2001;

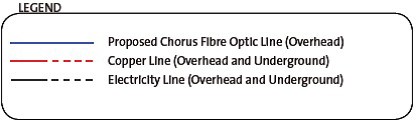
an increase in the height of replacement poles in the road reserve by a maximum of 1m, for the purpose of achieving road controlling authority clearance requirements, provided the permitted height in Rule 13.4.2.1 is not exceeded;

an increase in voltage of electricity lines from 11kV to no more than 33Kv; and the addition of a new overhead telecommunication fibre optic line provided that:

1. the maximum number of fibre optic lines on existing support structures does not exceed two lines;
2. the diameter of new fibre optic lines does not exceed 25mm; and
3. the location of the new fibre optic line is consistent with the following figure.

Figure 1: Location of new fibre optic line





## Except where provided for above, minor upgrading shall not include:

1. any increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage; or
2. any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 35mm; or
3. the bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 43mm in diameter; or
4. the addition of any new circuits, lines or utility structures, where this results in an increase in the number of new circuits, lines or utility structures except as provided for in (l) above.

Note: The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to all existing National Grid Transmission Lines were operational, or able to be operated, on 14 January 2010.

# National Grid

means ‘National Grid’ as defined in the National Policy Statement on Electricity Transmission.

# National Grid Corridor

means the area located within:

1. 32m of a 110kV National Grid transmission line;
2. 37m of a 220kV National Grid transmission line;
3. 39m of a 350kV National Grid transmission line

measured either side of the centreline of the transmission line, as depicted in Diagram 1 of the definition of National Grid Yard. The measurement of setback distances from National Grid transmission lines shall be taken from the centre line of the National Grid transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.

# National Grid Yard

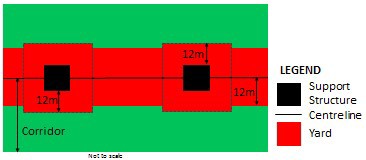
means

1. the area located 12 metres either side of the centreline of an above ground a National Grid transmission line which is 110kV or greater;
2. the area located 12 metres in any direction from the edge of a National Grid support structure which supports a National Grid transmission line which is 110kV or greater

as depicted in Diagram 1 below.

The measurement of setback distances from National Grid transmission lines shall be taken from the centre line of the National Grid transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

Note: The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Diagram 1: National Grid Yard and National Grid Corridor

**Natural Hazards**

as defined in section 2 of the Resource Management Act 1991.

***AMENDMENT 37 - Amend definition – Net site area***

**Net site area**

For the Medium Density Residential and High Density Residential Activity Areas, means the  total area of the site, but excludes:

(a) any part of the site that provides legal access to another site;

(b) any part of a rear site that provides legal access to that site;

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

For all other zones, means the total area of a site for the exclusive use of a single dwelling unit, including any area provided for parking or manoeuvering space and building, but does not include land held in common ownership, communal open space, communal parking and rights-of-way, and access legs to a rear site.

# Network Utility

means any activity undertaken by a network utility operator as defined in section 166 of the RMA, relating to:

1. distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy; or
2. telecommunication as defined in section 5 of the Telecommunications Act 2001;
3. or radiocommunications as defined in section (2)(1) of the Radiocommunications Act 1989; or
4. works as defined in section 2 of the Electricity Act 1992 for the conveyancing of electricity; or the distribution of water for supply including irrigation; or
5. sewerage or drainage reticulation; or
6. construction, and operation of roads and railway lines; or
7. the operation of an airport as defined by the Airport Authorities Act 1966; or
8. the provision of any approach control service within the meaning of the Civil Aviation Act 1990; or
9. undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991

**and includes:**

1. lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices;
2. meteorological services;
3. all associated structures; and
4. regionally significant network utilities.

# Network Utility Structure

means any structure associated with a network utility and includes, but is not limited to, pipes, valves, meters, regulator stations, support poles and towers, transformers (other than pole mounted transformers), substations (other than overhead substations), compressor stations, pumping stations, navigational aids, meteorological installations, containers, cabinets and similar built structures. It does not include lines, antennas and masts.

# Noise Sensitive Activity

means any:

1. residential activity;
2. visitor accommodation, boarding house or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time; or
3. childcare facility.

# Notable Tree

a tree recognised as possessing some significance or special value in the City, and which is listed in Chapter 14G ­ Appendix Notable Trees 1.

# Offensive Odour

an offensive odour occurs when an odour can be detected and is determined to be offensive by one or more observers; including at least one council officer.

# Office Activities

any commercial, professional or administrative office and includes banks and offices of finance and building societies.

# Off­licence

any premises licensed under Part II of the Sale of Liquor Act 1989 from which to sell or deliver liquor on or from the premises to any person for consumption off the premises.

***AMENDMENT 38 - Add new definition – Outdoor living space***

**Outdoor living space**

Means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

~~an area of open space which is set aside for the exclusive use of the occupants of the dwelling to which it relates and which is required to be unoccupied and unobstructed by buildings, pedestrian accessways or parking or manoeuvring areas.~~

# Papakainga Housing

residential accommodation on Maori owned land.

# Passive Recreation

those recreational pursuits which are of a passive nature including walking picnicking, swimming, fishing and activities of a similar nature.

# Permeable Surface

Any part of a site with a surface which allows for the soakage of water into the ground, including:

1. areas grassed or planted in trees or shrubs, gardens and other vegetated areas;
2. porous or permeable paving;
3. living roofs; and
4. decks which allow water to drain through to a permeable surface.

## But excluding:

1. any area which falls within the definition of site coverage except for decks and living roofs, as above;
2. swimming pools; and
3. any area paved, sealed or compacted to a continuous, non­permeable surface.

# Pesticide

any substance used for the prevention or control of any pest including herbicides, fungicides, defoliants and desiccants, but not including any fertiliser or animal remedies.

# Places of Assembly

any land and buildings which are used in whole or in part for the assembly of persons for such purposes as meetings of spiritual, cultural, entertainment, social, education or similar purposes and includes churches, halls, clubrooms, health and fitness centres.

# Plan

this District Plan.

# Primary River Corridor

contains fast flowing water and includes areas that are prone to erosion

# Public Access

the right or opportunity of the public to use or visit an area of land.

***AMENDMENT 39 - Add new definition – Qualifying matter***

**Qualifying matter**

Has the meaning in ~~the National Policy Statement on Urban Development~~ section 2 of the Resource Management Act 1991.

***AMENDMENT 40 - Add new definition – Rapid Transit Stop***

**Rapid Transit Stop**

Has the meaning in the National Policy Statement on Urban Development, and for the avoidance of doubt includes any railway station with regularly scheduled passenger services.

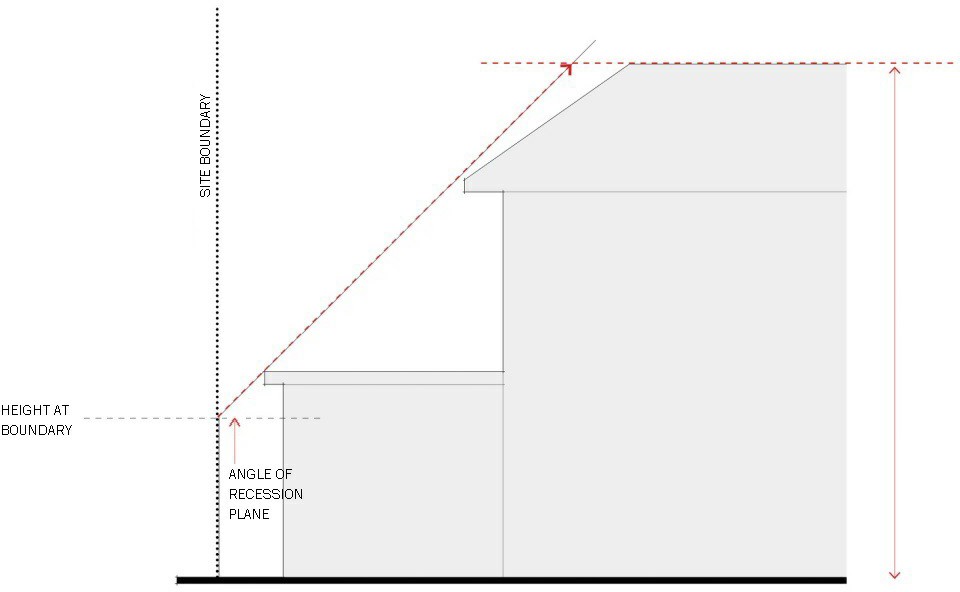
# Recession Plane

controls the height of a building or structure relative to its distance from the boundary of the site. The allowable height increases as the distance from the boundary increases up to the maximum height allowed.

The Recession Plane is measured by lines that proceed at a prescribed angle (e.g. 45°) from the horizontal, measured from any point at a prescribed height (e.g. 2.5m) vertically above ground level along site boundaries. The angle of the recession plane and the height of the starting point vary by Activity Area.

This control does not apply to chimneys, finials or other similar decorative features, flues and ventilation shafts, antennas, satellite dishes with a diameter not exceeding 0.6m and flagpoles.

Where the site boundary is immediately adjacent to an access leg to a rear site the Recession Plane is calculated from the outside boundary of the access leg.



# Recreation Activity

any activity whose primary aim is the passive or active enjoyment of leisure, whether competitive or non­competitive, casual or organised; and recreation has a corresponding meaning.

# Regional Council

the Wellington Regional Council.

# Regionally Significant Network Utilities

means:

1. pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
2. the National Grid;
3. facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Industry Act 2010;
4. the local authority water supply network and water treatment plants;
5. the local authority wastewater and stormwater network, systems and wastewater treatment plants; and
6. the Strategic Transport Network, as detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010­2040.

# Registered Place

a place registered under Part II of the Historic Places Act 1993.

# Regulations

the Resource Management Regulations 1992 and including any amendments.

# Renewable Electricity Generation

means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current sources.

# Renewable Electricity Generation Activities

has the same meaning as under the National Policy Statement for Renewable Electricity Generation and means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community­scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

# Renewable Energy

as defined in section 2 of the Resource Management Act 1991.

# Residential Activity

the use of land and buildings by people for living purposes.

# Residential Facility

the use of land and buildings for activities providing:

1. residential support/care;
2. respite care; and
3. therapeutic/rehabilitation services;

## but which excludes:

1. dwellings;
2. care facilities;
3. detention facilities;
4. visitor accommodation;
5. health care service; and
6. boarding houses.

***AMENDMENT 41 - Add new definition – Residential unit***

**Residential unit**

Means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

# Restaurant or Cafe

any land and/or building on or in which food is sold to the public generally for consumption on the premises.

# Retail Activity

any activity which involves display, sale or hire of goods direct to the public; and includes restaurants, cafes and takeaway food premises, off­licences, auction rooms, hair dressers, laundries and dry cleaners; but excludes service stations, commercial garages, and car sales yards.

# Retirement Village / Housing for the Elderly

a managed comprehensive residential development used to provide accommodation for aged people, including recreation, leisure, supported residential care, welfare and medical facilities and other related non­residential activities.

# Risk

the probability of an event occurring and the extent of likely damages caused by that event:

**Individual Risk:** maximum probability that an individual person, object or function, if present in a certain location for a certain period, would be harmed by the cumulative risk from all the hazards from one or more sources.

**Societal Risk:** maximum probability that a group of a certain maximum size may get simultaneously killed by the cumulative risk from all the hazards from one or more sources.

# River Corridor

includes land immediately adjacent to the river. It is the minimum area able to contain a major flood and enable the water to pass safely to the sea. Due to its location, the river corridor represents a significant flooding and erosion hazard to people, buildings and structures, including the flood defences, sited in the corridor. The river corridor comprises both primary and secondary areas.

# Root Zone

for most species the root zone can be taken to be the dripline of the tree. For trees with a narrow upright form a minimum of 3 metres either side of the trunk shall be taken as the root zone.

# Runanga

tribal representative and administrative body.

# Rural Service Industry

small scale activities servicing rural needs such as: fencing contractors, topdressing contractors and machinery maintenance contractors.

# Secondary River Corridor

contains fast flowing water, but the erosion risk is not as significant as the Primary River Corridor.

# Sensitive Activity

as it applies to the National Grid Yard, means the following activities:

1. residential buildings
2. the accommodation or care of people, including hospitals
3. childcare facilities, kohanga reo, primary, intermediate and secondary schools.

# Separation Distance

the distance from the edge of the area where hazardous substances are used, stored or otherwise handled, to the edge of the area exposed to adverse effects.

# Service Booth

a position at a drive through retail outlets where vehicles stand while receiving service.

# Servicing Hours

the hours when deliveries can be made to and from a site. Such deliveries include all collection or distribution of products, supplies, raw materials, waste materials and mail deliveries.

# Service Industry

small scale activities serving local needs such as:

1. bakeries and catering depots;
2. cabinet makers and associated woodcrafts, furniture restoration and upholstering;
3. dressmaking, tailoring and footwear repair; jewellery manufacture and repair; laundries, dry cleaning;
4. precision instrument manufacture and repair (including medical, surgical, optical, dental, photographic and electronic equipment);
5. repair and servicing of household and garden equipment and appliances; studios (including arts and crafts, photographic recording);
6. watch and clock repairs; and
7. any other activity of a similar nature, being essentially small scale and which does not detract from the amenities of the locality.

# Service Station

any site used for the retail sale of the following:

1. Retail sale of petrol, provided the storage does not exceed 100,000 litres;
2. Retail sale of diesel, provided the storage does not exceed 50,000 litres;
3. Retail sale of LPG, provided the storage does not exceed 6 metric tonnes in aboveground tanks, or 20 metric tonnes in underground tanks which comply with the Australian Standard AS 1596 ­ 1989 supplement No.1:1994 for LP Gas Storage and Handling ­ Siting of LP Gas Automotive Retail Outlets;
4. Retail sale of CNG, Kerosene, and lubricating oils for motor vehicles;
5. Retail sale of tyres, batteries, and other accessories normally associated with motor vehicles;
6. Retail sale of general goods for the convenience and comfort of persons calling at the service station for the services described in this definition, provided that such goods shall be sold only when the service station is open for normal motor vehicle servicing. Retailing of such goods shall be ancillary and secondary to the sale of motor fuels and mechanical repairs; Unless the site is located in a commercial activity area, not more than

150m2 of the building may be used for the sale of general goods;

1. The mechanical repair and servicing of motor vehicles, (excluding trucks, buses and heavy vehicles) trailers and motor fueled domestic equipment, provided that all motor repair and servicing activities are undertaken inside a building. Mechanical repairs and servicing shall not include body repairs, panel beating, trimming, spray painting, and heavy engineering (such as engine reboring and crankshaft regrinding) or the refuelling, adding air, water or oil (but not changing) where the vehicle is in the forecourt for a short period of time; and
2. The mechanical washing of motor vehicles.

# Shape Factor

a shape of a minimum size which must be able to be placed wholly within the site.

# Short­medium term

in relation to housing bottom lines, has the meaning defined in the National Policy Statement on Urban Development

# Showroom

an area of a building used for the display of goods and where trade sales are permitted.

# Sign

any word, letter, model, sign, banner, placard, board, hoarding, billboard, poster, symbol, emblem, notice, name, image, character, outline, spectacle, display, delineation, announcement, device or representation, or any other means of a similar advertising nature intended to principally attract attention whether a specially constructed device, structure or apparatus, whether painted, printed, written, carved, inscribed, endorsed or projected onto a place or otherwise fixed or attached to any wall, roof, fence, rock, stone, structure, canvas or stationary vehicle. Aerial signs

(for example, blimps) and free standing signs are included.

**Sign does not include** any advertising matter placed on or within a display window of a shop, business (excluding home occupation) or industrial premises and does not include traffic signs.

**Onsite Sign:** a sign which is located on the site to which it relates.

**Offsite Sign:** a sign which advertises products, goods or services not available on the site on which the sign is located.

**Face Area:** the total area of a sign facing any one direction.

Where the lettering or design is on an existing surface, the face area of a sign is calculated by measuring the area which encloses all symbols, emblems, words and letters which make up the sign, together with any material or colour forming an integral part of the display or used to differentiate such a sign from the background against which it is placed.

**Temporary Sign:** a sign advertising an event not held frequently or regularly. A temporary sign shall only be visible for a short period of time.

# Significant Natural, Cultural and Archaeological Resources

any natural, cultural or archaeological resource which is considered to be significant to the City for historical, cultural, archaeological, botanical, geological or zoological reasons and which is listed in Chapter 14E ­ Appendix Significant Natural, Cultural and Archaeological Resources 1.

***AMENDMENT 42 - Amend definition – Site***

# Site

For the Medium Density Residential and High Density Residential Activity Areas, means:

(a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or

(b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or

(c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or

(d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

For all other zones, means any area of land which meets one of the descriptions set out below:

1. an area of land comprised in:

(a) a single ~~computer freehold register~~ record of title; or

(b) a single allotment for which a separate ~~computer freehold register~~ record of title could be issued without further involvement of, or prior consent from, the Council;

whichever is the smaller.

2. an area of land comprised in two or more contiguous allotments:

(a) that are subject to a certificate issued under Section 75(2) of the Building Act 2004, Section 37(2) of the Building Act 1991, Section 643(2) of the Local Government Act 1974, or any equivalent legislation; or

(b) that cannot be transferred or leased independently of each other without the Council’s prior consent.

3. an area of land:

(a) comprised in two or more ~~computer freehold registers~~ records of title; and

(b) for which two or more separate ~~computer freehold registers~~ records of title could be issued without further involvement of, or prior consent from, the Council;

where the land will be amalgamated into a single ~~computer freehold register~~ record of title as part of the resource consent process.

4. in the case of land that is subject to a unit title, cross-lease, or company lease development, the area of land comprising the original parcel that was subdivided, leased or licenced (as the case may be) to create the unit title, cross-lease or company lease development.

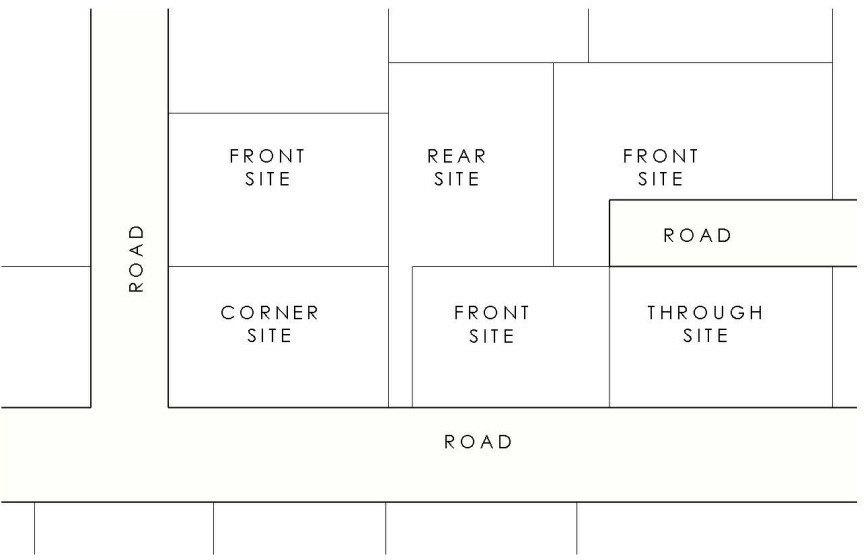
Site shall also include the access to the site.

**Front Site:** a site having frontage to a legal road of not less than 6m.

**Corner Site:** a site which lies within a general change of direction of abutting roads.

**Through Site:** a site having 2 or more road frontages, other than a corner site.

**Rear Site:** a site situated to the rear of another site and having a frontage of less than 6m.



# Site Coverage

the portion of a site which is covered by any buildings, accessory buildings and overhanging or cantilevered parts of buildings. The eaves of a building up to a maximum depth of 0.6m shall be excluded from this measurement.

# Small Scale Renewable Energy Generation

means small scale renewable energy generation development for the purpose of using or generating electricity on a particular site (single household or business premise) with or without exporting back into the distribution network.

# Small Scale Wind Turbines

means wind turbines that are capable of generating up to 10kW of electricity.

# Solar Panel

means a panel exposed to radiation from the sun, used to heat water or, when mounted with solar cells, to produce electricity directly.

# Spill Containment System

a structure which will contain liquids or solids in the event of a spill, and prevent them from entering the stormwater system or a natural water body.

# Staff Member

in relation to a place of employment either a full time or part time employee.

# Stormwater Neutrality

the maximum peak stormwater flow in a 10 year and 100 year (ARI) flood event from the site is no greater than it was pre­development.

# Structure

see Building / Structure.

# Supermarket

the use of a building, having a floor area exceeding 350m2, principally retailing groceries (including fresh fruit, vegetables, meat, fresh fish, bakery, delicatessen and liquor). A supermarket may also retail small variety goods (such as manchester, apparel and kitchenware), provided that the variety component occupies less than 20% of the floor area and that separate specialty shops do not comprise part of the operation.

# Tangata Whenua

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

# Temporary Activity

Is any activity provided (on a site or sites) of a temporary nature and duration and includes, but is not limited to, festivals, parades, concerts, fairs, markets, circus, carnivals, outdoor exhibitions and displays, cultural and sporting events, public meetings and gatherings and other community and special events and includes associated temporary buildings and structures but excludes recreation activities and emergency facilities and associated services and operations.

# Tertiary Education Activities

Principal Tertiary Education Activities means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989), and includes administrative, recreational, cultural, health, childcare, social and retail activities and facilities and related surface carparking, provided such activities are exclusively servicing the needs of students and staff.

Ancillary Tertiary Education Activities means the use of land and buildings for residential accommodation and carparking structures for students and staff and those recreational, cultural, health, childcare, social and retail activities and facilities that are focused towards but not exclusively servicing the needs of students and staff.

# Taonga

treasure; property.

# Temporary Renewable Energy Assessment and Research Structures

means structures for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators and includes the following activities:

1. erecting an anemometer mast;
2. digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions;
3. installing instruments into drill holes for monitoring groundwater levels and land movement;
4. erecting survey monuments and installing instruments to monitor land movement;
5. erecting telemetry stations for the transmission of instrument data;
6. installing microseismic stations to measure microseismic activity and ground noise; and
7. erection of signs or notices giving warning of danger.

***AMENDMENT 43 - Add new definition – Tikanga***

**Tikanga**

Means Māori customary values and practices.

# Trade Sale

the sale of an item either singularly or in bulk to a person who uses such an item in his/her occupation or to a person who resells, modifies, utilises or further processes such item as part of his/her business.

# Trading Warehouse

a building used for the storage of bulky goods or materials, and/or for the storage of goods in bulk for sale from the premises and which is appropriately situated in a location peripheral to a main shopping area. Such uses include trade supplies and furniture or carpet warehouses, but exclude uses such as supermarkets and department stores or other retail premises engaged in retailing and/or wholesaling directly to the public rather than to resellers.

# Transmission Line

means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the National Grid; and

1. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but
2. does not include an electricity substation.

# Transport Network:

The transport network comprises the following components and transport modes:

* All road corridors (including both State Highways and Local Roads);
* Pedestrian and cycling facilities within the road corridor, and off­road where primarily for transport purposes;
* All railway corridors;
* Car and cycle parking facilities;
* Loading facilities; and
* Public transport services and their associated infrastructure (including bus, train and ferry services, and their associated train stations, harbour ferry wharfs, bus stops and Park and Ride car parks at train stations).

# Transport Network Hierarchy:

A classification of roads which consists of distributor routes for through□traffic and access routes for local access purposes.

# Tree

means, for the purpose of Rules 4A 4.1.11(c), 4B 2.1(h), 4D 2.1(l) and 4E 2.1(i), a perennial woody plant species that is at least 3 metres in height or 300mm diameter at breast height.

# Trimming of vegetation

means, for the purpose of the rules in Chapters 4A, 4B, 4D and 4E, the pruning of vegetation and trees, including:

* 1. the removal of broken branches, deadwood or diseased vegetation, and
  2. selective branch removal to increase light and air movement or to improve health.

# Upgrading

As it applies to network utilities, upgrading means the improvement or physical works that result in an in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:

* + 1. ‘maintenance’ (as it relates to network utilities);
    2. ‘minor upgrading’; and
    3. any activity specifically provided for under Rules 13.3.1.9 to 13.3.1.41.

# Urban Environment Allotment

Has the same meaning as in section 76(4C) of the RMA as set out below:

an allotment within the meaning of section 218­

1. that is no greater than 4,000m2; and
2. that is connected to a reticulated water supply system and a reticulated sewerage system; and
3. on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and
4. that is not 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.

# Vegetation

means exotic and/or indigenous vegetation.

# Vegetation removal

means, for the purpose of the rules in Chapters 4A, 4B, 4D and 4E, the felling, clearing or destruction of vegetation by cutting, crushing, chemical application or burning, but excludes trimming.

# Veterinary Clinic

any premises used for the medical care, surgery and associated holding of animals; but excludes animal pounds or animal boarding facilities.

# Visitor Accommodation

the commercial use of land and buildings for the accommodation of tourists and short stay visitors away from their normal place of residence.

# Waahi Tapu

a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense.

# Waahi Tapu Area

an area of land that contains one or more waahi tapu.

# Warehouse

any building or part of a building or site used for the storage, distribution and trade sale of goods (but excluding bulk storage of fuel, oils and gases in any form) and ancillary workshops associated with the principal activity.

# Yard

any part of a site which must be kept clear and unobstructed by buildings except as otherwise provided by this Plan. Yards shall be measured in a horizontal plane and at right angles to the boundaries.

**Front Yard:** the area of land between the front boundary of the site and a line parallel to that boundary extending the full width of the site; for the purposes of a corner site or a through site, there shall be two front yards;

**Rear Yard:** the area of land between the rear boundary of the site and a line parallel to that boundary extending across the full width of the site;

**Side Yard:** the area of land between a side boundary of the site and a line parallel to that boundary extending across the full length of the site but excluding those areas comprised by a front or rear yard:

For the purposes of a corner site, there shall be one side yard.