PART M

INTERPRETATION
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M  INTERPRETATION

Access Leg

Means a strip of land which is included in the ownership of a rear site, that provides the site's legal and physical access to a legal road.

Access Strip

Means a strip of land created by the registration of an easement in accordance with section 237B of the Resource Management Act 1991 for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in the First Schedule of that Act).

Act

Acute Toxicity

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

Adaptive Reuse

Means the process(es) of modifying a place for a compatible use while retaining its heritage value. Adaptation processes include additions and alterations to existing buildings, undertaking required earthquake strengthening and installation of fire protection features.

This Definition only applies to Part HH

Addition

Means an extension or increase in floor area, number of stories, or height of a building or structure and includes the construction of new floors, walls, ceilings, and roofs.

This Definition only applies to Part HH

Allotment

Allotment shall have the same meaning as set out in section 218 of the Resource Management Act 1991.

Alteration (also refer to separate definition of internal alteration)

Means any change to the physical fabric of a historic heritage building or structure that varies its size, style or composition. This includes the partial destruction of a historic heritage building or structure required to realise any such change, and includes the removal and replacement of external walls, windows, roofs, verandahs, parapets and balustrades. Alteration does not include maintenance, redecoration, repair or restoration.

This Definition only applies to Part HH

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.

Antenna


An antenna does not include:
• Devices used in amateur radio configurations
• Devices used only for television reception; and
• Any other device not otherwise defined above that is less than 1.5m2 in area.

Advice note:
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.

**Area of Significance to Māori**

Are areas denoted as wāhi tapu or areas of Māori cultural value in Appendices 10.1, 10.2 or 10.3, and/or on the planning maps as wāhi tūpuna or areas of significance to Māori.

**Bioaccumulation**

The process that results in increased concentrations of contaminants in organisms through increasing levels in the food chain.

**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.

**Boundary**

The legally defined limits of a site.

**Building**

Includes any "dwelling" (see definition for dwelling), structure or part of a structure, whether temporary or permanent, movable or immovable, but does not include:

- Fences or walls of 2m in height or less as measured from actual ground level not used for advertising or for any purpose other than a fence or a wall.
- A fence for the containment of stock.
- Residential chimneys and television aerials associated with a dwelling.
- Structures less than 5m<sup>2</sup> in area and less than 1.5m in height. Handrails that form part of a deck or patio, are excluded from this calculation for height.
- Any vehicle, trailer, tent, caravan or boat whether fixed or movable.
- A sign in a front yard which is less than 4m<sup>2</sup>, and which complies with the permitted activity standards for height and height recession plane for the zone.
- Outdoor swimming pools.
- Retaining walls less than 1.5m in height
- Paths, driveways and other paved surfaces on the ground.
Cabinet

Means a box-shaped structure which houses radio and telecommunication equipment, electrical 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, 100KV.

Car park

An area of land available for the parking of vehicles. It is available for use by visitors to, or occupants of a site, and is accessory to the principal use of the site. This definition excludes vehicle parking as an activity, for example, car yards, parking buildings and depots. These are separate activities and are covered by the relevant rules and standards.

Explanatory Note:

Refer to Part H 'Car Parking, Vehicle Movements and Roads' for technical information on the design and layout requirements for car parks.

Certificate of Title

Means a certificate of title in terms of the Land Transfer Act 1952, except that for the purposes of Rule D4.1.2, it excludes

(i) A certificate of title for a cross lease;

(ii) A certificate of title for any unit plan under the Unit Titles Act 1992;

(iii) A certificate of title for tenancy in common interest, which is less than the whole of the estate in the land described in the certificate of title;

(iv) A certificate of title for a company lease.

Chronic Toxicity

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

Coastal Margin

All landward property, both public and private, which is within 20m of the line of mean high water springs.

Coastal Marine Area (CMA)

The foreshore, seabed, coastal water, and the air space above the water, where the seaward boundary of the CMA is the outer limits of the territorial sea, and the landward boundary of the CMA is the line of mean high water springs, except 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 is that calculated by multiplying the width of the river mouth by 5.
COD

Chemical oxygen demand is a measure of the oxygen equivalent of the organic matter content of a sample that is able to be oxidised by a strong chemical oxidant. This measure is often used in industry instead of BOD$_5$ because it is easier and quicker to measure. For domestic sewage the relationship between COD and BOD$_5$ is approximately 1 to 1. However, some toxic chemicals can have a BOD$_5$ of zero but a very high COD.

Commercial Recreation Activity

Commercial Recreation Activity – means the commercial use of land or building(s) for the purpose of enhancing people’s social and physical well-being through relaxation, enjoyment, entertainment and exercise. Commercial recreation activities therefore include tourist facilities, recreation and sporting facilities, restaurants and souvenir shops, but exclude general retailing.

For clarity, commercial recreation activities do not include Entertainment Facilities, as separately defined.

Community Activities

Means the use of buildings and land for:

(a) meetings;
(b) ceremonies;
(c) community celebrations including musical performances;
(d) fairs, carnivals, circuses and open air movies;
(e) club activities including
  • art and craft groups;
  • the use of club licences granted under the Sale of Liquor Act 1989; and
  • the use of Gaming Licences granted under the Porirua City Council Gaming Venues Policy
(f) The sale of food, beverages and other goods ancillary to any of the above activities.

Community College

An education institution established or deemed to be established under Part III of the Education Act 1964 to provide continuing education and related guidance services and other education services designed to meet the particular circumstances of the local community.

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.

Compatible Use

Means a use which involves either no change, changes which are substantially reversible or changes with a minimal impact on the relevant heritage values identified in Appendices 10.1, 10.2 and 10.3.

This definition only applies to Part HH

Conditions

In relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

Conservation Plan

Means a report that is prepared by a conservation architect or qualified heritage practitioner that includes the following:

- a statement of significance relating to the historic heritage building or site;
- an assessment of its physical condition and structural integrity;
- the conservation actions required to retain, recover or reveal its associated heritage values (e.g. maintenance, repair, restoration);
- policies and recommendations to guide its ongoing conservation and management.

This definition only applies to Part HH

Controlled Activity

Means an activity which –

(a) Is provided for, as a controlled activity, by a rule in a plan or a proposed plan; and

(b) Complies with standards and terms specified in a plan or proposed plan for such activities; and

(c) Is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and

(d) Is allowed only if a resource consent is obtained in respect of that activity.

Council

Means the Porirua City Council.
Cross Lease

Means a lease of any building or part of any building on, or to be erected on, any land –

(a) That is granted by any owner of the land; and

(b) That is held by a person who has an estate or interest in an undivided share in the land.

Demolition

Means the total destruction of a historic heritage building identified in Appendices 10.1 and 10.2.

This definition only applies to Part HH

Designation

Designation shall have the same meaning as set out in section 166 of the Resource Management Act 1991.

Development

Includes the erection of a building, the carrying out of building, engineering, excavation, or other work; and any other use of land, or a building or part of a building, which is different from the purpose for which the land, building, or part of a building was last being used.

Discretionary Activity

Means an activity –

(a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and

(b) Which is allowed only if a resource consent is obtained in respect of that activity; and

(c) Which may have standards and terms specified in a plan or a proposed plan; and

(d) In respect of which the consent authority may restrict the exercise of its activity.

Dwelling

A building or buildings, or any part thereof, whether temporary or permanent, which is used for domestic purposes by an individual, a family, or a non-family group and includes buildings which are accessory to the principal residential use of the site.

Earthworks

Any alteration to the land contour or disturbance of land, including the deposition of cleanfill, and the excavation and backfilling or recompaction of
existing natural ground, excluding the disturbance of earth for the purposes of cultivation which includes, but is not limited to, giant discing and ploughing.

For the purposes of this definition, cleanfill is defined as materials such as clay, soil, rock, concrete, brick or demolition products that are free of combustible materials and are therefore not subject to biological or chemical breakdown.

**EC\textsubscript{50}**

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 Site**

An area marked as an Ecological Site on District Planning Maps

**Ecotoxicity**

Adverse toxic effects on ecosystems or ecological communities.

**Effect**

Effect, unless the context otherwise requires, 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.

**Entertainment Facilities**

Means buildings in which facilities are provided (at a charge, or by private reservation) for theatre, cinema or casino entertainment.

**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.

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 $\text{BOD}_5/\text{COD}$ ratio.

Esplanade Reserve

Means a reserve within the meaning of the Reserves Act 1977 –

(a) Which is either –

(i) A local purpose reserve within section 23 of that Act, if vested in the territorial authority under section 239 of the Resource Management Act 1991; or

(ii) A reserve vested in the Crown or a regional council under section 237D of the Resource Management Act 1991; and

(b) Which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229 of the Resource Management Act 1991.

Esplanade Strip


Essential Activity

The following are essential activities:

(i) Civil Defence Centres, hospitals and related medical facilities, (including operating theatres and related treatment areas and their support facilities), ambulance, fire and police stations, and buildings housing emergency vehicles and their fuel supply, but excluding medical and health care practices which are not part of hospitals;

(ii) Public radio and television transmitting facilities and telephone exchanges;

(iii) Electricity generating stations and substations with an output capacity exceeding 2 MVA;

(iv) Maximum security places of restraint, including such places as prisons and mental institutions;
(v) Buildings of a size capable of accommodating 500 or more people at any one time. For the purposes of this rule “buildings of a size capable of accommodating 500 or more people at any one time” shall mean buildings where the hourly rate of occupancy (including customers and employees) averaged over the number of hours in a normal working/operating week of the activity within the building, is 500 or more people.

(vi) Buildings containing articles of particular cultural or historical significance, such as art galleries and archival record depositories.

**Extractive Industry**

The taking, winning or excavation of naturally occurring minerals from under or on the land surface, and includes, prospecting and exploration activities, and the removal of topsoil for commercial purposes. The term also includes the processing of minerals at or near the site, where the mineral has been taken by such means as screening or crushing.

**Filming**

The use of land and buildings for the purpose of commercial video and film production and includes the setting up and dismantling of film sets and associated facilities for staff.

**Financial Contribution**

Financial Contribution shall have the same meaning as in Section 108(9) of the Resource Management Act 1991.

**Gross floor area and "GFA"**

Means the area of all floors of all buildings on site, measured from the exterior faces of the exterior walls or from the centrelines of walls separating two buildings. Car parks, including associated aisles and access points etc, shall not be included in the calculation of gross floor area. For the purpose of calculating the car parks required, any cover over car parks shall not be included in the calculation of gross floor area.

**Harvesting of Production Forestry**

The clear felling or part removal of a forestry plantation, the associated activities involved in the winning of the timber from the site, and the transportation of the timber off the site, but does not include the processing of the timber off the site.

**Hazardous Facility**

Activities involving hazardous and environmentally damaging substances and sites at which these substances are used, stored, handled and disposed of, but does not include:

- the use, storage and handling of hazardous and environmentally damaging substances incidental to domestic activities;
- trade waste sewers and stormwater drainage, sewerage systems, landfills, waste and waste water treatment and disposal facilities;
(iii) the retail sale and related storage of hazardous substances in closed containers having volumes intended for domestic purposes;

(iv) Fuel in motor vehicles, boats and other internal combustion machinery where the fuel is used for their propulsion or operation.

(v) Pipelines used for the transfer of hazardous substances such as gas and oil which are covered by other legislation.

**Hazardous Facility Threshold**

The threshold level at which an activity changes from being a permitted activity to a discretionary activity when assessed in relation to the Hazardous Facility Screening Procedure set out in Part I of the District Plan.

**Hazardous Substance**

Substances with one or more of the following intrinsic properties, and including evolving substances with one or more of these properties on release into the environment:

- an explosive nature
- an oxidising nature
- a corrosive nature
- flammability
- acute and chronic toxicity
- ecotoxicity with or without bioaccumulation.

**Height**

The height of a building at any point is the vertical distance between that point and the actual ground level directly below that point. The maximum height of a building, therefore, is measured at the top of a building where the vertical distance between the point and the actual ground level below it is the greatest.

For the purposes of this definition, actual ground level means the level of the ground after the completion of all subdivisional earthworks and before the commencement of any earthworks for the development of the site.

**Height Recession Plane**

A plane extending at an angle into the site from a point above the actual ground level at the boundary. A building must fit within the envelope created by the Height Recession Plane for all of the boundaries of the site. Notwithstanding the definition of "building", for the purposes of measuring the height recession plane the term building excludes residential chimneys, radio and television aerials.

**Measurement**

The standard adopted for all zones, except the City Centre Zone (where no such standard applies), is explained as follows: Each height recession plane
shall rise vertically for 3.0m from actual ground level (see "height" definition for explanation of actual ground level), then incline inwards towards the centre of the site at right angles to the boundary in plan, at an angle of one vertical to one horizontal, that is, 45° (see figure 8).

**FIGURE 8**

**Heritage Setting**

For historic heritage buildings, means the area between the building and the legal boundary of the site on which it is located unless otherwise defined by a specific "Heritage Setting Map" in Appendix 10.4.

For historic heritage sites, means the area contained within the legal boundaries of the site unless otherwise defined by a specific "Heritage Setting Map" included in Appendix 10.5.

*This definition only applies to Part HH*

**Historic Heritage**

Has the same meaning as specified in the Resource Management Act 1991.

**Historic Heritage Building(s)**

Means a building or structure, included in Appendices 10.1 and 10.2.

**Historic Heritage Site(s)**

Means a site included in Appendix 10.3 that has important archaeological and historic heritage values. Unless specifically identified in the statements of significance in Appendices 10.1, 10.2 and 10.3, historic heritage sites do not include existing buildings or structures located within the site.

**Industrial activity**

Any activity where people use materials and physical effort to:

(i) Extract or convert natural resources; or
(ii) Produce goods or energy from natural or converted resources; or

(iii) Repair goods; or

(iv) Store goods (ensuing from an industrial process on-site or elsewhere).

**Inner Pedestrian Area**

That area delineated on the planning maps as 'Inner Pedestrian Area' and for which the City Centre Zone Standards in Rule D1.2 apply.

**Integrity**

Means the completeness or intactness of the building, including its meaning and sense of place and all the tangible and intangible attributes and elements necessary to express its heritage value such as the original building fabric, features and setting.

*This definition only applies to Part HH*

**Intensive Rural Production Activity**

means any farming activity which predominantly involves the housing or raising of animals, plants or other living organism within buildings or in closely fenced enclosures where the stocking density precludes the maintenance of pasture or ground cover; and includes intensive pig farming, poultry farming, and mushrooms farms; but excludes:

- horticulture undertaken in greenhouses,
- shearing sheds; and dairy milking sheds;
- keeping, rearing or breeding of poultry of 20 or fewer birds; and
- the keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned).

**Intermediate and Flexible or Deep Soils**

(see Soils)

**Intermediate School**

A state primary school for pupils, the majority of whom range in age between 10 - 13 years, and who are admitted from one or more other state primary schools.

**Intermediate volumes**

Means a secondary building component that is lower and smaller than the main building to which it is attached. By being intermediate in dimension, i.e. in between the size of the main building and that of potentially adjacent smaller buildings, intermediate volumes help achieve a scale transition. By creating a break in the walls of the main building, intermediate volumes also help achieve visual interest on large and potential monotonous walls.

**Internal Alteration**

Means any change to the physical fabric of the interior of a historic heritage building or structure. This includes the removal and replacement of internal
walls, ceilings, floors and doors; internal plumbing and rewiring; and replacement of minor fittings and fixtures.

*This definition only applies to Part HH*

**Iwi Authority**

Means the authority which represents an iwi and which is recognised by that iwi has having authority to do so.

**Kaimoana**

Food from the sea.

**Landscaping**

Means live planting of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, art and seating.

**LC\textsubscript{50}/LD\textsubscript{50}**

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

**Line**

Means ‘line’ as defined in Section 5 of the Telecommunications Act 2001 and includes the definition of ‘line’ in section 2 of the Electricity Act 1992.

**Liquefaction**

The process by which water saturated sediment temporarily loses strength, because of strong shaking caused by seismic activity.

**Mahinga Kai**

Means food and other resources and the areas in which they are located.

**Mahinga Maataitai**

Means the areas from which food reserves from the sea are gathered.

**Maintenance**

Means for historic heritage buildings, routine work that is required to ensure the continuous protective care of the fabric, and is to be distinguished from redecoration and restoration. Maintenance includes planned measures such as clearing debris from gutters, corrective measures such as treatment of dry rot or fixing obvious leaks and emergency measures such as storm-related roof repairs and replacing broken glass.

Means for historic heritage sites, mowing grass and lawns, general gardening, tree trimming, but excludes new earthworks, landscaping or fencing. For existing buildings, structures and signs within a historic site, it means the continuous care, repair and/or reinstatement of the building, structure or sign, where any disturbance of land does not extend beyond the area or depth of land previously disturbed.
This definition only applies to Part HH and does not replace or override the definition of maintenance that applies to other parts of the Plan.

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’.

**Major Arterial Road**

An arterial road which forms part of a roading classification network for the City. The major arterial road are listed in Part H of the Plan.

**Manufactured**

Means products made, produced, constructed, fabricated or built on-site. It does not include those activities which only comprise the packaging, labeling, sorting, mixing or assembling of pre-made products.

**Mast**

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

**Medium Density Residential Development**

A residential development involving three or more dwellings at a density greater than one dwelling unit per 350m² of site area and subdivision of lots for the purpose of such medium density residential development.

**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 Arterial Road**

An arterial road which forms part of a roading classification network for the City. The minor arterial roads are listed in Part H of the Plan.

**Minor Fittings and Fixtures**

Includes light fittings, switches, metal railings, window panes, hinges and latches, door handles and locks.

This definition only applies to Part HH

**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:

(1) the reconductoring of the line with higher capacity conductors; and
(2) the resagging of conductors; and
(3) the addition of longer and more efficient insulators; and
(4) A support structure replacement within 5m of the support structure that is to be replaced; and
(5) The addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods; and
(6) The addition of electrical or telecommunication fittings, excluding antenna; and
(7) Tower replacement in the same location or within the existing alignment of the transmission line corridor; and
(8) The replacement of existing cross arms, including with cross arms of an alternative design; and
(9) An increase in tower height to achieve compliance with the clearance distances specified in NZECP34:2001; and
(10) 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 NU7.2.1 is not exceeded.

Minor upgrading shall not include:

(i) 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
(ii) Any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 30mm, or
(iii) The bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 30mm in diameter, or
(iv) The addition of any new circuits, lines or utility structures.

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

Motorway

Motorway shall have the same meaning as in the Transit New Zealand Act 1989. Refer to Part H of the Plan.

National Grid

Means ‘national grid’ as defined in the National Policy Statement on Electricity Transmission.
**National Grid Corridor**

Means the area located within:

- 32m of a 110kV transmission line
- 37m of a 220kV transmission line

measured either side of the centreline of the transmission line, as depicted in Diagram 1. The measurement of setback distances from National Grid transmission lines shall be undertaken 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:

- the area located 12 metres either side of the centreline of an above ground electricity transmission line which is 110kV or greater
- the area located 12 metres in any direction from the edge of an electricity transmission pole or tower, associated with a line which is 110kV or greater as depicted in Diagram 1.

The measurement of setback distances from National Grid transmission lines shall be undertaken 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.
Native Vegetation

Means an area of vegetation comprising wholly or predominantly species indigenous to New Zealand.

Natural and Physical Resources

Natural and physical resources shall have the same meaning as in the Resource Management Act 1991.

Natural Hazard

Natural hazard shall have the same meaning as in the Resource Management Act 1991.

Net Site Area

Means the total area of the site which excludes:

- Any access legs,
- Any access area of allotment owned in common with the owners of any adjoining site or sites, and
- Any area subject to an easement of right-of-way in favour of any other site or sites.
Network Utility

Means any activity undertaken by a network utility operator as defined in the s166 of the RMA, relating to:

(i) Distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy, or

(ii) Telecommunication as defined in section 5 of the Telecommunications Act 2001; or radio communications as defined in section (2)(1) of the Radiocommunications Act 1989, or

(iii) The provision, operation and maintenance of works for the conveyance of electricity, as defined in section 2 of the Electricity Act 1992, or

(iv) The distribution of water for supply including irrigation, or

(v) Sewerage or drainage reticulation, or

(vi) Construction and operation of roads and railway lines, or

(vii) The operation of an airport as defined by the Airport Authorities Act 1966, or

(viii) The provision of any approach control service within the meaning of the Civil Aviation Act 1990, or

(ix) Undertaking a project or work described as a ‘network utility operation’ by regulations made under the Resource Management Act 1991

and includes

• Lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices, and

• Meteorological services, and

• all associated structures; and

• regionally significant network utilities.

Network utility structure

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

Noise

The text and accompanying diagram (Figure 9) explain the method of assessing the $L_{10}$ noise level applicable to a particular site.
Measurement

See Figure 9.

Example: $L_{eq}$ Noise standards applying to 4 sites located in the Suburban Zone where noise source emanates from the City Centre Zone.

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**FIGURE 9**

<table>
<thead>
<tr>
<th>SITE</th>
<th>NOISE STANDARDS</th>
</tr>
</thead>
</table>
| A    | Land within 100m of motorway:  
$L_{eq}$ 55dBA 7am - 10pm  
$L_{eq}$ 45dBA 10pm - 7am |
| B    | Land within 50m of major arterial:  
$L_{eq}$ 55dBA 7am - 10pm  
$L_{eq}$ 45dBA 10pm - 7am  
Land within 50m of minor arterial:  
$L_{eq}$ 50dBA 7am - 10pm  
$L_{eq}$ 45dBA 10pm - 7am  
The less restrictive standard applies |
| C    | Land within 50m of minor arterial:  
$L_{eq}$ 50dBA 7am - 10pm  
$L_{eq}$ 45dBA 10pm - 7am |
| D    | Other land:  
$L_{eq}$ 50dBA 7am - 10pm  
$L_{eq}$ 40dBA 10pm - 7am |
Noise will be measured in accordance with New Zealand Standard 6801:1991 "Measurement of Sound" and assessed in accordance with New Zealand Standard 6802:1991 "Assessment of Environmental Sound". These standards will be used as the basis upon which noise will be measured and assessed in relation to the noise standards contained in Part D Rules and Standards, and for monitoring and enforcement purposes.

**Non-Complying Activity**

Means an activity (not being a prohibited activity) which –

(a) Contravenes a rule in a plan or a proposed plan; and

(b) Is allowed only if a resource consent is obtained in respect of that activity.

**Non-Industrial Activities**

Activities within the Industrial Zone which do not fall within the meaning of an 'industrial activity', as defined in this Plan.

**Non-Residential Activities**

Any activity on any site within the Suburban Zone, or in any building, other than a residential activity, and includes:

- hospitals, or related activities entailing the professional care of any person or persons,

- hotels, motels, camping grounds and all other places of accommodation where accommodation for five or more persons is offered on a daily tariff.

**Non-Residential Building**

A building used for the purpose of non-residential activities.

**Notional Net Site Area**

Means that part of a site that is to be associated with a dwelling where there are two or more dwellings on an allotment. The notional net site area for each dwelling shall include:

(a) all areas within a site to be exclusively used by each dwelling. This shall include that part of the site:

(i) occupied by each dwelling and any associated accessory building(s) as shown on a development plan; and

(ii) that provides compliance with the permitted activity standards for yards, height recession plane, parking and the outdoor living area for each dwelling, as shown on a development plan; and

(iii) any other areas of the site that adjoin (i) and (ii) above as shown on a development plan.
The notional net site area excludes any area of the site that shall be used to provide access to a road for more than one dwelling, and/or any access leg.

**Objectionable Odour**

That which can be detected and is defined as objectionable by one or more independent observers, including at least one Council officer.

**Offensive Trade**

The following are offensive trades:

(i) Abattoirs and the slaughtering of animals;
(ii) Blood or offal treating;
(iii) Bone boiling or crushing;
(iv) Dag crushing;
(v) Fellmongering;
(vi) Fish cleaning and curing;
(vii) Flax pulping;
(viii) Flock manufacturing, or teasing of textile materials for any purpose;
(ix) Gut scraping and treating;
(x) Solid waste management;
(xi) Storage, drying, or preserving of bones, hides, hoofs or skins,
(xii) Tallow melting;
(xiii) Tanning;
(xiv) Wood pulping;
(xv) Wool scouring.

**Offices**

Means professional, administrative and commercial offices, including banks.

**Outdoor Living Area**

Means an area of open space on the site for outdoor activities associated with a dwelling.

**Outer Pedestrian Area**

That area delineated on the planning maps as 'Outer Pedestrian Area' and for which the City Centre Zone Standards specified in Rule D1.2 apply.
Party Wall
A shared wall between two dwellings.

Permeable Surfaces
Means a surface that is in garden, grassed or planted in trees or shrubs and which is capable of absorbing water.

Permitted Activity
Means an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in section 108 or section 220 of the Resource Management Act 1991) specified in the plan.

Potable Water
Water suitable for human consumption.

Primary Production Activity
Means any land based activity which:

(i) Has as its purpose the production of any livestock or vegetative matter for use or consumption by humans or animals; and

(ii) Utilises the in-situ production capacity of the soil, water and air as a medium for production; and

(iii) Where stocking density does not preclude the maintenance of pasture or ground cover.

The harvesting of production forestry and wind farms are excluded from this definition.

Primary Roads
Primary roads are listed in Part H of the Plan.

Primary School
A school providing a 6 year course, or an 8 year course for pupils entering the school between the ages of 5 and 7 years.

Principal Street
Principal roads are listed in Part H of the Plan.

Production Forestry
The management of exotic forests for soil conservation, regulation of water, production of timber or other forest produce, recreational, or scientific purposes but excluding shelter planting not exceeding two rows of trees in depth.
Prohibited Activity

Means an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by section 105(2)(b) of the Historic Places Act 1993.

Public Footpath

Means that part of any road, or any part of a road, which is constructed for pedestrians.

Reassembly

Means to put existing but disconnected parts of a building back together.

This definition only applies to Part HH

Recognised Carcinogen

A carcinogenic substance causes a statistically significant increase in the incident of tumours. A substance is confirmed as carcinogenic if this has been documented by internationally relevant agencies such as the United States Environmental Protection Agency (USEPA).

Recognised Mutagen

A mutagenic substance causes heritable change in genetic material. A substance is confirmed as a mutagenic if this has been documented by internationally relevant agencies such as the United States Environmental Protection Agency (USEPA).

Recognised Teratogen

A teratogenic substance causes non-transmissible changes in off-spring. A substance is confirmed as teratogenic if this has been documented by internationally relevant agencies such as the United States Environmental Protection Agency (USEPA).

Recreation Activities

Any Activity whose primary aim is the passive and active enjoyment of leisure, whether commercial or non-commercial, competitive or non-competitive, casual or organised; and recreation has a corresponding meaning.

Motorised recreation activities are excluded from the definition of recreation activities except for boat launching activities, mobility scooters and motorised model cars, boats, trains and planes and except in Battle Hill Farm Forest Park and Belmont Regional Park.

The term “recreation activity” includes recreation-based events. In the Recreation Zone, the term “recreation activity” includes the sale and consumption of food, beverages and other goods ancillary to the principal recreation activity, including the use of club licences granted under the Sale of Liquor Act 1989.
Redecoration

Means the renewal, restoration, or new applications of: surface finishes, coatings, painting, decorative elements, minor fittings and fixtures, and floor coverings, excluding paint on previously unpainted surfaces. Includes the application of finishes and coatings to repaired fabric and preparation of surfaces for redecoration (e.g. washing but excludes sandblasting).

*This definition only applies to Part HH*

Regionally significant network utilities includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- the National Grid, as defined by the National Policy Statement on Electricity Transmission
- facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater networks, systems and wastewater treatment plants
- the Strategic Transport Network, as detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040
- Radio New Zealand’s radio transmission facilities at Titahi Bay, referenced K0201 on the Planning Maps.

Reinstatement

Means to put the same or similar material components of a building back into position.

*This definition only applies to Part HH*

Repair

Means to improve the long-term condition of a building by using identical or closely similar materials to make good any damaged or decayed fabric. Repairs include re-pointing deteriorated brickwork, putting right damaged timberwork and replacing corroded or deteriorated roofing material.

*This definition only applies to Part HH*

Residential Activity

The use, by its occupants, of any dwelling for domestic purposes.

Resource Consent

Resource consent shall have the same meaning as set out in section 87 of the Resource Management Act 1991.
**Restoration**

Means to return a place to a known earlier form by reassembly and reinstatement, and includes removal of non-original elements that detract from its heritage value.

*This definition only applies to Part HH*

**Restricted Discretionary Activity**

A discretionary activity (within the meaning of the Resource Management Act 1991) in respect of which the Council has restricted its discretion to those matters specified in a Plan or Proposed Plan for that activity.

**RMA**


**Riparian Setback**

All those parts of an allotment which are within a specified distance of mean high water springs mark, or along any river or lake. In all zones, except in the Recreation Zone and Open Space Zone, a riparian setback shall not however apply to land immediately abutting an esplanade reserve, esplanade strip or other reserve.

For the purposes of this definition, a river means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment; and a lake means a lake whose bed has an area of 8 hectares or more.

**Risk**

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

**Road**

Means the whole of any land which is within a district, and which –

(a) Immediately before the commencement of section 315(1) of the Local Government Act 1974 was a road or street, motorway or public highway; or

(b) Immediately before the inclusion of any area in the district was a public highway within that area; or

(c) Is laid out by the Council as a road or street after the commencement of section 315(1) of the Local Government Act 1974; or

(d) Is vested in the Council for the purposes of a road as shown on a deposited survey plan; or

(e) Is vested in the Council as a road or street pursuant to any other enactment.
For the purposes of the District Plan, this definition includes state highways and motorways but excludes private roads and tracks and farm roads and tracks.

**Rural Road**

All roads (see definition of "road" above) contained within the Rural Zone.

**Sanitary Drainage**

Refer to the definition for "sewerage".

**Secondary Roads**

Roads which carry a lower volume of traffic than primary roads (see definition of "primary road" above). They generally serve residential areas, and amenity issues such as traffic noise, the effects on the residential character of the area, and street furniture etc. play a more important role in the planning and construction of these roads.

**Secondary School**

A school established or deemed to be established under Part III of the Education Act 1964 as a secondary school and providing full time courses beyond the primary school course.

**Seismic Hazard**

Ground shaking, liquefaction or fault rupture caused by the release of energy during an earthquake.

**Seismic Hazard Area**

Part of a zone which identifies a geographical area potentially at risk from fault rupture, slope instability or liquefaction.

**Sensitive Activity**

Means the following activities:

- Residential
- The accommodation or care of people
- Pre-school, primary, intermediate, and secondary schools.

**Service Station**

Any site used for any of the following:

(a) retail sale of petrol;
(b) retail sale of diesel;
(c) retail sale of LPG and CNG and lubricating oils for motor vehicles;
(d) retail sale of tyres, batteries and other accessories associated with motor vehicles, and general goods, where retailing of such goods is ancillary to the sale of motor fuels;

(e) the mechanical repair and servicing of motor vehicles, trailers and motor fuelled domestic equipment, where such repair and servicing is ancillary to the sale of motor fuels. This definition excludes body repairs, panel beating, trimming, spray painting, and heavy engineering.

Sewage

The contents of sewers carrying the waterborne wastes of a community. This is sometimes called "foul sewage" to distinguish it from stormwater.

Sewerage System/Sanitary Drainage System

An integrated public infrastructural system designed to dispose of wastewater (see definition for "wastewater" below).

Shop

Any activity which entails the use of a building or buildings for the direct sale of goods to the public.

Sign

Any display or device intended to attract attention for the purpose of directing, identifying, informing, or advertising, and which is visible from a public place and includes any frame or supporting structure.

In determining the area of a sign in accordance with the activity standards for signs in section D3.2.1 and D4.2.1 the following shall apply:

(i) The standard applies to the total area of all signs on a property; and

(ii) Where the lettering or design is on an existing surface, eg. wall or fence, the area of the sign is calculated by measuring the rectangular area which encloses all symbols, works, or letters that make up the sign.

Site

Means:

(a) An area of land which is:

(i) Held in a single Computer Freehold Register (i.e. Title), or

(ii) Contained in a single lot on an approved survey plan of subdivision for which a separate Computer Freehold Register (i.e. Title) could be issued without further consent from Council.

(b) An area of land which is comprised of two or more adjoining Computer Freehold Register (i.e. Title) where they are:
(i) Subject to a condition imposed under section 75 of the Building Act 2004 or section 643 of the Local Government Act 1974 or section 220 (1)(b) of the Resource Management Act 1991, or

(ii) Held together in such a way that they cannot be dealt with separately without the prior consent of the Council (i.e. under now repealed legislation such as the Local Government Act 1974 or Building Act 1991).

(c) An area of land which is:

(i) Identified on a resource or building consent plan as "the application site" which is held in more than one Computer Freehold Register (i.e. Title); and

(ii) The land will be amalgamated into one Computer Freehold Register (i.e. Title) as part of the resource consent process.

(d) Within the Recreation and Public Open Space Zone, it also means a continuous area of land held by the same owner contained within a Recreation or Public Open Space zoning as showing on the planning maps. Such land may contain a single allotment or multiple contiguous allotments held by the same owner. Where areas of land zoned Public Open Space and Recreation are contiguous these shall not be defined as a single site i.e. a zone boundary shall be considered to be the site boundary.

Site Coverage

The portion of net site area occupied by buildings and structures, as measured at the external edge of the building or structure in plan view. For the purposes of this definition, site coverage calculations will not include:

(a) Eaves up to a maximum of 600mm in width and external gutters/downpipes (including their brackets) up to an additional width of 150mm

(b) Pergola structures that are not covered by a roof

(c) Fences and walls (of less than 2 metres in height)

(d) Structures less than 5m2 in area and 1.5m in height. Handrails that form part of a deck or patio, are excluded from this calculation for height.

(e) Uncovered decks less than 1 metre in height as measured from actual ground level

(f) Path, driveways and other paved surfaces on the ground

(g) Any part of a building or structure where the walls (of that part) are located below the surface of the ground, provided that the roof (of that part) does not project above the actual ground level.

(h) Inground outdoor swimming pools

Diagram: Exclusion of Eaves from Site Coverage
Soft Ground

Includes sand, silt and alluvium areas, harbour and river sediments and reclaimed land.

Soils – Intermediate and Flexible or Deep Soils

Includes deep alluvium and marine deposits.
Specimen Tree

Means a tree that is at least 2.0 metres in height with a stem width of at least 50 mm in diameter at breast height (DBH) at the time of planting, and is capable of growing to 4.0 metres in height within 10 years of planting.

State Highway

State highway shall have the same meaning as in the Transit New Zealand Act 1989. Refer to Part H of the Plan.

Storage of Hazardous Substance

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

Stormwater Drainage

An integrated public infrastructural system of pipes, culverts and drains etc. designed to regulate natural rainwater run-off from land and buildings.

Tangata Whenua

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

Taonga Raranga

Means plants which produce material highly prized for use in weaving.

Tauranga Waka

Means a canoe landing site.

Temporary Military Training

Temporary military training shall mean one or more of the following activities:

(a) Practice infantry tactics, for up to 120 persons.
(b) Navigation training.
(c) Initial military training.
(d) First aid training.
(e) Vehicle/landrover training.
(f) Mine warfare training.
(g) Search training
(h) Patrolling.
(i) Leadership training.
(j) Counter terrorism training.
For the purposes of this definition “temporary” is defined as being of no more than 30 days duration.

**Territorial Local Authority**

A city council or a district council.

**Transmission Line**

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

(b) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but

(c) does not include an electricity substation

**Upgrading**

As it applies to network utilities, upgrading means the replacement, repair, renewal or improvement or increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:

- ‘maintenance’ (as it relates to network utilities); and
- ‘minor upgrading’; and
- any activity specifically provided for under Rules NU6.1.9 to NU6.1.38; and
- any increase in height or size or change in location, unless such increase or change is specifically provided for and would comply with the applicable permitted activity standard specified in NU7.2, NU7.3 or NU7.4.

**Use of Hazardous Substance**

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

**Vehicle Movements**

The number of vehicles associated with a person/s visiting or using a site.

Note: Refer to Part H ‘Car Parking, Vehicle Movements and Roads’ for technical information on how to calculate vehicle movements.

**Vehicle Area**

That area delineated on the planning maps as ‘Vehicle Area’ and for which the City Centre Zone Rules and Standards specified in Rule D1 apply.
Vehicle Yard

The storage or sale of vehicles from a property, but does not include a car park (see definition for "car park" above), and shall include, but not be limited to, depots, truck stops, car sale yards, and rental car lots.

Waahi Tapu

A place which is particularly sacred or spiritually meaningful to tangata whenua. It includes the burial grounds, tribal altars, and places where significant events have taken place.

Warehousing activity

Means the use of any building or part of any building for the storage, receipt, dispatch, breaking down or consolidation of goods owned or held on consignment by the occupier on the building pending distribution.

Waste (including hazardous wastes)

Any contaminant, whether liquid, solid, gaseous, or radioactive, which is: discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment and which includes all unwanted and economically unusable by-products at any given place and time, and any other matter which may be discharged, accidentally or otherwise, to the environment.

Wastewater

All water from a site, excluding natural run-off and stormwater, but including sewage discharges, (see definition for "sewage").

Wind farm

Means the land (including one or more sites that may form a wind farm) activities and structures (including substations, lines and turbines), earthworks and access tracks associated with the generation of electricity from wind. It does not include:

a) Domestic scale turbines that are capable of generating up to 5kW of electricity and up to 20kW of total maximum output per site;

b) Transmission lines that connect the wind farm to the National Grid or electricity distribution network external to the wind farm; and

c) Any upgrades or traffic improvements to legal roads.

Yard

Any part of a net site area which is unoccupied and unobstructed by buildings, except as otherwise provided by this Plan. Yards shall be measured from the boundaries of the net site area.

(i) Front Yard – All those parts of the net site area which are within a specified distance of any part of a road or land designated for roading purposes.
(ii) **Other Yard** – All those parts of the site which are within a specified distance of the boundary of the net site area and including a specified separation between two or more detached dwellings on a site, but excluding any part of a front yard or riparian setback.

**Zone**

The rules and standards set out in the Plan apply across the stated zones. The planning maps show the extent of the zones. A "zone" comprises geographic parts of the City which are of similar character and are indicative of the activities that occur within that part of the City.