

## 1.1 Definitions and Terms

### 1.1.1 Acronyms Used in the District Plan

AEE	Assessment of Environmental Effects
CDP	Comprehensive Development Plan
cds/m <sup>2</sup>	Candelas per square metre
CPTED	Crime Prevention through Environmental Design
FTE	Full-Time Equivalent
GFA	Gross Floor Area
GLFA	Gross Leasable Floor Area
<u>HHA</u>	<u>Historic Heritage Area</u>
ICMP	Integrated Catchment Management Plan
ITA	Integrated Transport Assessment
LIUDD	Low-Impact Urban Design and Development
LAP	Local Area Plan
LTP	Long-Term Plan
m <sup>2</sup>	Square metres
m <sup>3</sup>	Cubic metres
NIMTR	North Island Main Trunk Railway
NMP	Noise Management Plan
PFA	Public Floor Area
RPS	Regional Policy Statement
<u>STEM</u>	<u>Standard Tree Evaluation Method</u>
VPD	Vehicles Per Day

### 1.1.2 Definitions Used in the District Plan

Unless specified otherwise the definitions below apply in this District Plan. Where any term used in the District Plan is not defined below or elsewhere in the District Plan (including by reference) then the following hierarchy of definition sources applies as appropriate and relevant to the context:

- The Resource Management Act 1991 and its regulations.
- Any relevant National Policy Statement or National Environmental Standard.
- Any other relevant New Zealand legislation and their regulations.
- The Oxford Concise English Dictionary.

**Accessible:** Means able to be accessed by all users including those with sight and mobility impairment.

This chapter is subject to the following plan changes:  
 Plan Change 9 with proposed new text are underlined with green highlighting  
 Plan Change 9 with proposed deleted text have ~~striketrough with red highlighting~~  
 Plan Change 9 section 42A recommendations with new text being underlined and deleted text with ~~striketrough~~

**Accessibility:** Means the ease with which activities, either economic or social, can be reached or accessed by people.

**Accessibility modelling:** Means the measurement of how easy it is for an individual to participate in desired activities, based on a set of factors, including mode and destination choice.

**Accessible parking spaces:** Means parking spaces designed specifically for vehicle users with mobility impairments.

**Accessory building:** Means a building, which is clearly incidental to the principal building or primary land use on a site. Accessory buildings include garages, carports, sleep-outs, rumpus rooms, garden sheds, and storage sheds. Such a building will not meet all of the primary living requirements of the occupants, and the occupants remain members of the principal household. An accessory building used as a sleep-out must contain no more than two bedrooms and must not contain any kitchen facilities or laundry facilities. Solar panels and solar water-heating devices not attached to a building are included in the definition of an accessory building. Accessory buildings can be either attached to or detached from another building on the site.

**Access strip:** Means a strip of land created by the registration of an easement in accordance with Section 237B of the Resource Management Act 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 that held, administered, or managed under the Conservation Act 1987 and the Acts named in the First Schedule to that Act).

**Access way:** As defined in s315(1) of the Local Government Act 1974.

**Acoustic Design Certificate:** Means a certificate provided by an acoustic engineer, architect or other person(s) experienced in the field of acoustic design.

**Act:** Means the Resource Management Act 1991 and any amendments.

**Active frontage:** Means a façade of a building that includes windows and preferably an entrance to encourage activity and allow passive surveillance of the street, carpark or area of public space.

**Active modes of transport:** Means those methods of transportation that involve physical effort such as walking and cycling.

**Adaptative re-use (in relation to Volume 1, Chapter 19: Historic Heritage):** Means modifying a building, structure and/or its setting to suit it to a use that is compatible and consistent with the heritage values, and which has no or minor adverse effects on the authenticity and integrity and heritage values of the building, structure and/or setting.

**Adjacent:** Means lying near to, but not necessarily contiguous to.

**Adjoining:** Means next to and joined with or is contiguous to.

**Allotment:** Means:

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

under the Act.

- b. Any parcel of land or building or part of a building that is shown or identified separately:
  - i. On a survey plan.
  - ii. On a licence within the meaning of Part 7A of the Land Transfer Act 1952.
- c. Any unit on a unit plan.
- d. Any parcel of land not subject to the Land Transfer Act 1952.

**Alterations and additions:** Means any work to existing buildings or structures which involves the addition, change, removal or replacement of walls, windows or features which results in an external appearance different to its existing appearance, but excludes activities identified in the definition for 'Minor Works (in Business 1-7, Central City, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones)'. It may result in increasing or decreasing floor space through change of the external walls.

**Amateur radio:** Means a radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised persons interested in radio technique solely with a personal aim and without pecuniary interest.

**Amateur radio configuration:** Means the antennas, aerials (including rods, wires and tubes) and associated supporting structures which are owned and used by licensed amateur radio operators.

**Amenity Protection Area:** Means an area within an Industrial Zone adjacent to the boundary with residential sites or other sensitive areas. The extent of Amenity Protection Areas is indicated on the Planning Maps. Amenity Protection Areas provide greater control with respect to building height, site coverage, hazardous facilities, landscaping and screening within the Industrial area in order to minimise adverse effects on the amenity of residential sites, or other sensitive areas, adjacent to land zoned Industrial.

**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.

**Ancillary:** Means an activity or structure which is subordinate or subsidiary to the principal activity on the site.

**Ancillary residential structure:** Means a structure associated with the day-to-day running of a household that does not meet the definition of a 'building'. This includes letterboxes, clothes lines, swimming pools and accessories, ornamental pools, fences and walls not exceeding 2.5m in height, steps, terraces and patios (not roofed or enclosed, and not exceeding 1m in height).

**Ancillary residential unit:** Means a self-contained residential unit held in common ownership with the primary activity on the site. To be self-contained the ancillary residential unit must have a kitchen, bathroom, bedroom(s), living room and laundry facilities. The ancillary residential unit can be attached to the principal building, or be a detached stand-alone structure. In the Industrial and Ruakura Logistics Zone it means any residential unit ancillary to any activity undertaken on site, e.g. a caretaker's residence, live-in employees or security staff accommodation.

**Ancillary retailing and offices:** Means any retail or office activity on the same site as the principal activity, and whose use is ancillary to that principal activity (e.g. a retail showroom attached to a

manufacturing premises) and forms an integral part of the business occupying the site.

**Annual Average Daily Traffic (AADT):** Refer to NZS6806: 2010 Acoustics – Road traffic noise – New and altered roads.

**Annual Exceedance Probability (AEP):** Means the probability, expressed as a percentage, that a flood of a given magnitude will be equalled or exceeded in any one year. For example, a 1% AEP means an event that has a 1% probability of occurring or being exceeded in any one year.

**Antenna (defined in the National Environmental Standard for Telecommunications Facilities 2008):** Means a device that:

- a. Receives or transmits radio-communication or telecommunication signals.
- b. Is operated by a network operator.
- c. Includes the mount, if there is one, for the device.
- d. Includes the shroud, if there is one, for the device.

**Any activity specified in the Hamilton City Public Places Bylaw 2009 or Public Places Policy 2009:** Means outdoor dining, signs in public places, markets, stalls, merchandise displays and mobile shops, busking, hawking and charitable collection.

**Apartment building:** Means a residential building comprising three or more attached residential units. For the avoidance of doubt, residential units physically connected by one or more accessory buildings, such as garages, will also be deemed to be attached.

**Archaeological Site (as stated in the Heritage New Zealand Pouhere Taonga Act 2014):** Means any place in New Zealand that:

- a. Either —
  - i. Was associated with human activity that occurred before 1900 or,
  - ii. Is the site of the wreck of any vessel where that wreck occurred before 1900.
- b. Is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.

**Arterial transport corridor:** Means any major or minor arterial transport corridor.

**Artificial watercourse:** A watercourse that contains no natural portions from its confluence with a river or stream to its headwaters and includes irrigation canals, water supply races, canals for the supply of water for electricity power generation and farm drainage canals.

**Assessment Period:** Means the time over which traffic conditions for the expected environment should be considered as part of a simple or broad Integrated Transport Assessment as described in Appendix 15-2. This should include traffic growth, planned infrastructure and changes in nearby land use and access characteristics.

**Automotive and/or marine suppliers:** Means a business primarily engaged in selling automotive vehicles and/or marine craft, accessories to and parts for such vehicles and craft.

Includes:

- boats and boating accessories
- trucks, cars and motorcycles
- auto parts and accessories
- trailers and caravans
- tyres and batteries
- mobility scooters.

**Average Net Site Area:** means the area of the site, including any internal vehicle access or private way, but excluding any entrance strip or private way to a rear site from any transport corridor, divided by the number of residential units.

**Awa:** Means a river or stream, and includes both historical, modified and current natural bodies of water.

**Bank:** Means a financial establishment that receives money on current or deposit account, provides a transactional deposit and withdrawal service, provides credit/makes loans at interest and exchanges currency. This excludes offices of banks without a transactional service element or where such transactions are limited to electronic funds transfer at point of sale (EFTPOS machines).

**Bed:** Means:

a. In relation to any river:

- i. For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks.
- ii. In all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.

b. In relation to any lake, except a lake controlled by artificial means:

- i. For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin.
- ii. In all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin.

c. In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level.

**Bioaccumulation:** Means accumulation of a substance within the tissues of living organisms.

**Biodiversity offset:** Means a measurable conservation outcome resulting from actions that are intended to:

- a. Redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied;
- b. Achieve no net loss, and preferably a net gain, in the extent and values of indigenous biodiversity, where:
  - i. No net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type, values function and location of the indigenous biodiversity; and
  - ii. Net gain means that the measurable positive effects of actions exceed the point of no net loss.

**Biodiversity compensation:** Means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and aquatic [425] offset measures have been sequentially applied.

**Block:** Means accumulation of allotments bounded on all sides by public roads.

**Boarding kennels and catteries:** means any land, structures or buildings used for the purpose of accommodating dogs or cats on a commercial basis, but does not include the keeping of dogs or cats as an ancillary activity for domestic purposes, or the keeping of dogs to assist in the management of a farm or other rural activity.

**BOD<sub>5</sub>:** Means the biochemical oxygen demand (measured at 20°C over a 5-day period), which is the amount of dissolved oxygen in a body of water required for the breakdown of organic matter in the water. When discharged to surface water or groundwater, these substances have the potential to deplete oxygen as a result of microbial decomposition of organic material (e.g. milk or other foodstuffs). In the context of a hazardous substance a high BOD<sub>5</sub> is >10,000 mg/l.

**Boundary Adjustment:** Means an alteration of boundaries between two or more allotments (whether or not the allotments are held within the same Computer Freehold Registers) which will result in each of the allotments having substantially the same boundaries, area, shape and access as before.

**Buffer Strip:** Means a planting strip of a permeable nature with planting consisting of shrubs which can grow to a mature growth height of at least 2 metres, planted at a maximum of 1.5 metres apart, and including at least 1 tree for every 10m of boundary length.

**Building:** Means any structure of any kind, whether temporary or permanent, moveable or immovable, and includes:

- a. Any fence or wall over 2.5m in height.
- b. Any retaining wall over 1.5m in height and load bearing.

- c. Any scaffolding or falsework erected temporarily for maintenance or construction purposes.
- d. Any vehicle, trailer, tent, caravan or boat, whether fixed or moveable, used as a place of accommodation, business or storage.
- e. Any swimming pool with walls more than 1.2m above the ground level at any point.
- f. Any deck more than 1m above the ground level at any point.
- g. A mast pole or a telecommunication aerial that is on, or forms part of, a building and that is more than 7m in height above the point of its attachment or base support (except a dish aerial that is less than 2m wide).

A building does not include:

- h. Except for the purposes of the Electricity Transmission Corridor Rules in Table 25.7.4:
  - i. Pergolas, not roofed or enclosed, and not exceeding 3m in height; and
  - ii. Lych-gates not exceeding 3m in height.
- i. Steps, terraces and patios, not roofed or enclosed, and not exceeding 1m in height.
- j. Public art, floodlights, goal posts, park furniture.

**Buildings housing network utility equipment:** Means structures needed for housing pumps, weather stations, recording stations, etc, containing network utility structures.

**Building improvement centre:** Means premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes nurseries and garden centres.

**Building line:** Refer to **building line restriction**, **front building line** or **rear building line** as relevant.

**Building line restriction:** Means a restriction imposed on a site to ensure that when new buildings are erected, or existing buildings re-erected, altered or substantially rebuilt, no part of any such building shall stand within the area between the building line and the adjacent site boundary.

**Building services (in relation to Chapter 19: Historic Heritage) :** Means essential services required for the safe functioning of a building or structure and includes utilities such as lighting, heating, ventilation, plumbing, power supply, security and energy management systems.

**Bulk and location provisions:** Means density, site coverage, permeable surfacing, height in relation to boundary, building setback, separation, outdoor living area and service area related provisions.

**Bulk power supply:** Means greater than 20kW generation.

**Business activities:** Means activities carried out on a site principally for commercial gain.

**Business activities associated with the racing industry:** Means businesses which are associated with horse-racing activities, such as those undertaken at Te Rapa Racecourse. This includes administration services for the racing industry, authorised betting agencies, offices for

businesses involved in bloodstock and/or breeding and/or training and/or racing of horses, businesses providing veterinary and/or research services, and retail and/or manufacturing activities which predominantly handle equine-related products.

**Cabinet (defined in the National Environmental Standard for Telecommunication Facilities, 2008):** Means a casing around equipment that is necessary to operate a telecommunication network.

**Central City transport corridor:** Means any transport corridor identified as a Central City transport corridor in Appendix 15, Figure 15-4e, the function and form of which is defined in Volume 2, Appendix 15-4.

**Centre Viability Assessment Report:** Means an analysis to determine whether the scale and trading format of the activity is appropriate for the location, having regard to the hierarchy of business centres, maintaining the primacy of the Central City and the opportunity for development within higher order centres.

**Childcare facilities:** Means premises where children are cared for or given basic tuition and includes a crèche, day or after-school care, pre-school, kindergarten, kohanga reo or play centre. This term excludes a school.

**Clean fill:** Includes soil, clay, sand, gravel, silt, rock and other inert materials such as broken concrete and brick, or mixtures of any of the above, but excludes materials:

- a. Containing hazardous substances.
- b. Contaminated with hazardous substances or pathogens.
- c. Derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices.
- d. Medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health.
- e. Likely to create leachate by biological or chemical breakdown.
- f. Containing organic content of 5% or more of the total volume.
- g. Having a particle size of 200mm or more.

**Clubrooms:** Means premises which are set aside for the use, convenience and enjoyment of a recreational or community organisation which may be licensed under the Sale and Supply of Alcohol Act.

**Collector transport corridor:** Means any transport corridor identified in Appendix 15, Figure 15-4b to 15-4f as Collector or Proposed Collector, the function and form of which is defined in Appendix 15-4.

**Commercial activities on the surface of water:** Means any activity undertaken on the surface of water for commercial gain. This includes motorised and non-motorised commercial activities such



as jet-boats, cruise boats and kayak tours.

**Commercialisation of research and innovation activities (Precincts A and B – Knowledge Zone):** Means activities directly related to permitted research and innovation activity including prototype development and maintenance, initial run product development, manufacturing method development and logistics method development.

**Communal open space:** Means a quantity of landscaped land freely available to all residents on the site, exclusive of driveways, buildings, and private outdoor space of individual residential units.

**Community garden:** Means a garden operated by a group or collective on public land for the purpose of growing plants, vegetables or fruit. Not for commercial gain.

**Community Centre:** Means premises designed to act as a meeting place for people of all ages in the local community. It provides for a range of functions such as playgroups for children, before- and after-school care, crafts, education courses/seminars, spiritual, cultural, recreational, health and wellbeing purposes. It also acts as a base for social support and possibly delivers some social services. They can also include ancillary offices, temporary fundraising activities and one small retail activity for the purpose of providing fundraising or a social service (such as an opportunity shop). Such centres are owned/administered by local or central government authorities, and voluntary /charitable organisations providing voluntary/not-for-profit services.

**Community scale energy generation (produces less than 20kW):** Means renewable energy generation for the purpose of using electricity on a particular site, supplying an immediate community, or connecting into the distribution network (but excludes solar panels supplying electricity for the site on which they are located).

**Company lease:** Has the same meaning as the Act.

**Conference facilities:** Includes seminar rooms.

**Construction work:** Means any work in connection with the construction, erection, installation, carrying out, repair, maintenance, cleaning, painting, renewal, removal, alteration, dismantling, or demolition of:

- a. Any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level.
- b. Any road, motorway, harbour or foreshore works, railway, cableway, tramway, canal, or aerodrome.
- c. Any drainage, irrigation, or river control work.
- d. Any electricity, water, wastewater, stormwater, gas, or telecommunications reticulation.
- e. Any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel, or reclamation.
- f. Any scaffolding.

Construction work includes:

- a. Any work in connection with any excavation, site preparation, or preparatory work, carried out for the purpose of any construction work.
- b. The use of any plant, tools, gear or materials for the purpose of any construction work.
- c. Any construction work carried out underwater, including work on ships, wrecks, buoys, rafts, and obstructions to navigation.
- d. Any inspection or other work carried out for the purpose of ascertaining whether construction work should be carried out.

**Construction noise:** Means noise arising from any construction work, as defined above.

**Contaminated land:** Has the same meaning as the Act.

**Council:** Means the Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.

**CPTED:** Means Crime Prevention Through Environmental Design, a crime-prevention philosophy based on the premise that

*“proper design and effective use of the physical environment can produce behavioural effects that will reduce the incidence and fear of crime, thereby improving the quality of life. These behavioural effects can be accomplished by reducing the propensity of the physical environment to support criminal behaviour”*

(Crowe, 1991, *Crime Prevention Through Environmental Design: Applications of Architectural Design and Space Management Concepts*.)

**Note**

*Further guidance in relation to CPTED principles can be obtained within the Ministry for Environment’s CPTED guidelines.*

**Cross lease:** Has the same meaning as the Act.

**Culvert Block Flood Hazard Area:** Means that part of any land affected by flooding as a consequence of a blocked culvert downstream. This is the maximum extent of flooding before water overtops the accessway or transport corridor above the culvert (refer to the Planning Maps).

**Cumulative risk:** Means the risk posed by a Hazardous Facility added to or multiplied, or otherwise cumulated by risks from other facilities.

**Customary activities:** As described in Schedule 3 of Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and includes cultural harvest as defined in Section 63(9) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

**Dairy:** Means the use of a building in a residential area for the sale of day-to-day food and associated household items. The majority of its trade must be derived from the sale of milk, bread, non-alcoholic beverages and other day-to-day convenience merchandise. Retail activity involving food cooked on the premises and the sale of alcohol are excluded.

**Demolition or removal of buildings:** Means dismantling, destruction and/or removal of part or all of any building.

**Design Speed Environment:** Means the maximum speed of vehicles created by traffic management and the design of transport corridors. These speeds reflect the desirable maximum speeds given the land use environment and transport corridor hierarchy. Refer to Appendix 15-6 for further detail.

**Design year (Chapter 25.8: City-wide – Noise and Vibration):** Refer to NZS6806: 2010 Acoustics – Road traffic noise – New and altered roads.

**Development:** Means any activity undertaken to change the scale, character or intensity of any use of land, and includes any building activity.

**Development Agreement:** Means a binding contract between Council, other infrastructure providers and developers for the funding of additional infrastructure and the use and upgrading of existing infrastructure.

**Dish:** Means an antenna with which signals are transmitted to, or received from, a communications satellite. This applies to dishes attached to a building, as well as those mounted on their own support structure.

**Dispensing facility:** Means for drive-through fast food or service outlets each single combination of an order point, a payment point, and a collection point and for service stations a single petrol pump or a group of petrol pumps that are grouped on a single 'island'.

**Disposal:** Means discharge of a hazardous substance into the environment, with or without biological or chemical treatment that may change composition and characteristics of the substance.

**Drive-through services (excluding service stations within the Rototuna Town Centre Zone):** Means any premises where goods and services are offered for sale to the motoring public, primarily in a manner where the customer can remain in their vehicle. Drive-through services can include dispensing and associated storage of motor fuels (as the primary activity) and the sale of associated goods, services, food and beverages, fast-food outlets providing on-demand meals prepared on the premises for consumption therein or take away, the provision of servicing and running repairs for light motor vehicles and any other activity of a drive-through nature, including those ancillary to the above.

**Duplex dwelling:** Means a residential building comprising two attached residential units on one allotment, or two Computer Freehold Registers where subsequently subdivided in reliance on rule 23.7.b.ii. For the avoidance of doubt, residential units physically connected by one or more accessory buildings, such as garages, will also be deemed to be attached.

For the purpose of this definition 'allotment' shall have the same meaning as 'Computer Freehold Register' as such term is defined in the Land Transfer Act 2017, and may comprise more than one freehold register where held together by a registered legal instrument.

**Earthquake strengthening:** Means specific seismic structural works undertaken to strengthen buildings or structures.

**Earthworks:** Means the disturbance of the land surface by moving, removing, placing or replacing soil or earth, by excavation, cutting or filling, but excludes cultivation of land and foundation piling.

**Eave:** Means that portion of the roof extending beyond the exterior wall of a building, having a maximum overhang of 1.0m.

**Ecological corridors:** Means natural corridors that provide for the movement of flora and fauna for a variety of purposes, including feeding and breeding.

**Eco-sourced:** Means plants which are grown from seeds or propagules collected from and naturally occurring vegetation in a locality close to where they are replanted as part of a restoration or re-vegetation project the Hamilton [425] ecological district.

**Ecosystem:** Means any system of interacting terrestrial or aquatic organisms within their natural and physical environment.

**Ecosystem services:** Means the benefits people obtain from ecosystems. These include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services such as nutrient cycling that maintain the conditions for life on Earth.

**Edge of the bank:** Means the topographical feature defined in the diagram below:

**Effect:** Means:

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

**Electricity distribution:** Means the lines (above and below ground) and structures involved in the final stage of delivery of electricity to end users. A distribution system's network conveys electricity from the transmission network and delivers it to consumers. Typically, the network would include low, medium and high-voltage (less than 110 kV) electric lines, substations, switching stations and road side transformers, ring main units and pillar boxes.

**Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system:** All mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand. This is owned and operated by Transpower NZ Limited.

**Electronic Sign:** Means a form of illuminant advertising media that are created solely from a light source and include digital screens, cinema projections, LED signs and the like.

**Emergency housing:** Means any Managed Care Facility in which temporary residential accommodation, care and/or support are provided by another person or agency for five or more residents (including children) on an emergency basis or for their personal protection. For the purpose of calculating the number of residents, account shall be taken of owners and/or staff and any of their children aged 16 years or older who live on the premises. Including, but not limited to night shelters and women's refuges.

**Emergency service facilities:** Means those facilities of organisations which are responsible for the safety and physical welfare of people or property in the community, and includes fire, ambulance and police stations.

**Entertainment and recreation facility:** Means land or buildings which are used principally for the public or private assembly of persons for cultural, entertainment, recreation, leisure, education or similar purposes. They include gymnasiums, public halls, theatres and cinemas, display galleries and museums, bowling alleys.

**Entrance strip:** Means that part of a rear site extending from the street frontage, which has a width less than or equal to the minimum subdivision frontage standard required for a rear lot in the zone, and accommodates the driveway for that site.

**Environment:** Means:

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

**Environmental maintenance:** Means the routine care and attention of the transport corridor to maintain safety, aesthetic and environmental standards, including:

- a. Clearing the carriageway of damaged vehicles, crash debris and spills.
- b. Maintenance of planting, including pruning.
- c. Control of weeds and pest plants.
- d. Mowing of the grass berm.
- e. Removal of litter.
- f. Removal of rocks and slip material from the transport corridor or catch fences.
- g. Removal of, and protection against, graffiti.
- h. Snow clearing and ice control.
- i. Sweeping loose chip and detritus.

**Equestrian supply retail:** Means a business selling equipment including horse floats, feed, supplements, clothing and accessories related to the equine industry.

**Event:** Means an activity that is irregular or infrequent and does not require the construction of a permanent building, the installation of permanent infrastructure or services, or works such as

vegetation clearing or other operational work. Events involve large groups of people either as participants or spectators and include carnivals, parades, concerts, markets, craft or trade fairs, field days, open days, displays and the like. This definition applies only where the activity is **not** covered by another definition/activity in the District Plan.

**Excavation, modification and disturbance:** Means to dig into the soil, or the removal of soil or other material from the ground; or the movement of soil or other material on to or within the site which changes the existing profile of the landform; with the exception of those matters defined as minor work.

**Exotic vegetation or trees:** Means vegetation or trees which do not occur naturally in New Zealand (refer also to the definition of **indigenous vegetation**).

**Expected outcome:** Means in relation to any rule the environmental outcome expected from compliance with that rule.

**Expressway:** Means a road mainly for through traffic, usually a dual carriageway with full or partial control of access. Intersections are generally grade separated.

**External Outlook Area:** Means an area of open space visible from the window of an indoor living area which remains unobstructed by buildings or other structures.

**Fabric:** Means all the physical material of a building, object, site, place or area that contributes to its character.

**Farming:** Means a land-based activity having as its primary purpose the commercial production of any livestock or vegetative matter, and includes bee-keeping, horse training agistment, but excludes forestry and intensive farming.

**Fence:** Means any structure, intended to be a permanent division, screen or barrier, but shall not include a post-wire fence or temporary fence.

**Flammable:** Means having the capability to be ignited in the presence of oxygen and to sustain combustion. Refer Hazardous Substances and New Organisms Act 1996 Regulations.

**Flood Hazard Area:** Means the land shown on the Planning Maps as:

- a. High Flood Hazard Area.
- b. Medium Flood Hazard Area.
- c. Low Flood Hazard Area.
- d. Temple View Flood Hazard Area.
- e. Culvert Block Flood Hazard Area.

**Flood protection structure:** Means physical structures for the purpose of flood protection, such as dams, stop-banks and flood gates.

**Floor Area (for residential units in the Residential Intensification zone, Medium Density Residential zone, General Residential Zone, Central City zone and Business zones):** Means that total square metres (m<sup>2</sup>) of the floor space of each residential unit when measured from the outer edge of the unit's exterior walls, including from the mid-point of the inter-tenancy walls shared

with adjoining units. But excludes garages, carports and other accessory buildings associated with the residential unit; and communal spaces such as pedestrian access, stairwells or service areas within the building.

**Floor area ratio:** Means the ratio between the gross floor area of a building and the net area of the site which for the purposes of this definition comprises one or more lots in permanent contiguous ownership and occupied exclusively by the development to which the requirement applies.

**Food and beverage outlets:** Means premises serving food and/or beverages prepared for immediate consumption on or off the premises to the general public. It includes bakeries, lunch bars and cafes operating during normal working hours, but excludes restaurants, licensed premises, and supermarkets.

**Forestry:** Means the establishment (including replanting) and management of forest or tree plantations for commercial gain but does not include saw-milling or other timber processing. Includes pruning and thinning (manual operations done from the ground). Does not include Christmas tree farms.

**Formal recreation:** Means sports fields, greens, courts.

**Frangible:** Means able to be broken and absorb enough impact energy to reduce the severity of a vehicle collision. Non-hardwood species of trees with a diameter of less than 100mm when measured 400mm above the ground are considered to be frangible.

#### **Note**

*Guidance for frangible species can be found in Appendix 1 of 'Guidelines for Highway Landscaping' December 2006, Transit New Zealand.*

**Front building line:** Means a line or lines drawn across the site creating a space forward of the façade of any buildings facing an adjoining transport corridor.

**Frontage:** Means that portion of the boundary of any lot which is also the boundary of an existing road, or road to be vested or otherwise legalised as a condition of subdivision consent. For the purpose of this definition, 'road' does not include any service lane or accessway.

**Fronting:** Means a site having legal and or physical frontage or access to a road.

**Full Integrated Catchment Management Plan:** Means an Integrated Catchment Management Plan for a full hydrological catchment that has been technically certified by the Waikato Regional Council (with regard to compliance with Council's Comprehensive Stormwater Discharge Consent) and Council.

**General recreation:** Means any active sports or games or recreational pursuits for participants and/or spectators and the fields necessary to accommodate them but excludes motorised vehicle sports.

**Greenfield development:** means subdivision and/or urban development of previously undeveloped rural land.

**Green corridors:** Means a strip of land, the majority of which is vegetated and which may include surface water, and its associated airspace, which afford access and connectivity for pedestrians, cyclists or wildlife. Green corridors are often, but not necessarily, along the route of a transport corridor, a natural or artificial waterway or a network utility and may include an underpass or an overpass. These corridors may serve several functions simultaneously, including amenity, recreation, transportation, drainage, ecological, biodiversity and network utility functions. Green corridors could comprise privately or publicly owned land.

**Greenwood/Kahikatea Corridor:** Means those lots shown in Volume 2, Appendix 6, Figure 6-5.

**Gross Floor Area (GFA):** Means the sum of the gross floor area of all floors of all buildings on a site measured from the exterior faces of the exterior walls or from the centrelines of walls separating two buildings. Gross floor area shall:

- a. Include elevator shafts, stairwells and lobbies at each floor and mezzanine floors and balconies.
- b. Exclude any provided car-parking, loading and servicing areas and access thereto and building service rooms containing equipment such as lift machinery, tanks, air conditioning and heating plants.

**Gross Leasable Floor Area (GLFA):** Means the sum of any floor areas (within the external walls of buildings) designed for tenant occupancy and exclusive use including both freehold and leased areas. It includes any stock storage or preparation areas whether exclusive or not, but excludes the following areas where these are common and not designed for rental: liftwells and stair wells including landing areas; corridors and malls; building service rooms; required parking areas.

**Ground level:** See **natural ground level**.

**Gymnasium:** Means a facility that provides for physical exercise or activity and includes, but is not limited to, weight lifting studios, group exercise spaces, indoor sport facilities, yoga, pilates and dance studios and indoor physical recreational activities such as trampoline parks and climbing facilities.

**Habitable floor area (natural hazards):** Means that part of any building used for residential activities but excludes floorspace used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.

**Habitable room:** Means any room that is part of a building used for any noise sensitive activity, apart from those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.

**Harvesting forestry:** Means the felling and extracting of trees, processing them into logs and then loading on to trucks. Does not include Christmas tree farms.

**Hazard:** Means physical situations, processes and actions that have the potential for adverse effects on people, property or the natural environment.

**Hazard Area:** Means the land shown on the Planning Maps as:

- a. High Flood Hazard Area.
- b. Medium Flood Hazard Area.
- c. Low Flood Hazard Area.
- d. Temple View Flood Hazard Area.
- e. Culvert Block Flood Hazard Area.
- f. Waikato Riverbank and Gully Hazard Area.



**Hazardous facility:** Means any activity involving hazardous substances and sites at which these substances are stored, used, transported or disposed of, and any installations or vehicles parked on site that contain hazardous substances. A Hazardous Facility does not include:

- a. Wastewater networks, or waste treatment and disposal facilities (this exception does not apply to the storage of hazardous substances or waste associated with these facilities).
- b. The incidental use and storage of hazardous substances in minimal domestic quantities.
- c. LPG installations using one or more cylinders as part of a piped system for domestic heating and cooking purposes that:
  - i. Have a maximum capacity of 100kg, and
  - ii. Are limited to one per household
- d. Retail outlets for the sale of hazardous substances for domestic use (e.g. supermarkets, hardware shops, pharmacies, home garden centres).
- e. Facilities using genetically modified or new organisms.
- f. Facilities presenting a dust explosion risk of non-hazardous substances.
- g. Gas or oil pipelines, including all incidental equipment.
- h. Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats, aircraft and small engines.
- i. Developments that are or may be hazardous but do not involve hazardous substances (e.g. radio masts, electrical substations).
- j. The occasional loading and unloading of hazardous substances on a site where this forms only a minor part of site operations.
- k. Routine, renewal and new works to a transport corridor and transport infrastructure including related storage, all within road reserves.

**Note**

*The above activities must comply with any relevant Hazardous Substances and New Organisms Act 1996 or regulation requirements to be excluded from the definition of a Hazardous Facility.*

**Hazardous substance:** Means any substance:

- a. With one or more of the following intrinsic properties:
  - i. Explosiveness.
  - ii. Flammability.

- iii. A capacity to oxidise.
  - iv. Corrosiveness.
  - v. Toxicity (including chronic toxicity).
  - vi. Ecotoxicity, with or without bioaccumulation.
- Or
- b. Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a.
- Or
- c. Containing radioactive material.
- Or
- d. That in water has a high BOD<sub>5</sub> (>10,000 mg/l)

**Health care services:** Means services relating to physical and mental health and welfare, performed by duly qualified practitioners or by persons in their employ and includes services provided by medical practitioners or by persons in their employ including surgical procedures and day-patient care, dentists and veterinary surgeons but excludes a **hospital**.

**Height (in relation to maximum height of a building):** Means the vertical distance between:

- a. A horizontal plane through the highest point of the roof, excluding service rooms containing equipment such as lift machinery, tanks, air-conditioning and heating plants, aerials and dishes as permitted in Volume 1, Chapter 25.7 City-wide – Network Utilities and the Electricity National Grid Corridor; and chimneys, flues and similar projections of less than 1m<sup>2</sup> in area and projecting not more than 2m above maximum permitted height.
- b. A horizontal plane through the mean of the highest and lowest point of the natural ground level along the relevant external wall of the building provided that any calculated mean height shall not exceed the maximum permitted height.

**Height control plane:** Means a surface through which no part of a building other than chimneys, flues and similar projections not exceeding 2m in height and 1m<sup>2</sup> in area or an aerial as permitted in Volume 1, Chapter 25.7 City-wide – Network Utilities and the Electricity National Grid Corridor may protrude. It is defined by drawing height control lines from all points on the boundaries of an allotment or unit site area. Such lines are to start at a specified vertical distance above the natural ground level at the boundary, point into the site at right angles to the boundary and rise at a specified angle.

**Heliport:** Means a facility for the landing, take-off, parking, storage, refuelling and routine maintenance of helicopters including associated buildings, but does not include facilities for overhaul or long-term engine testing.

**Heritage item:** Means a building, structure, object, site or place and all elements of that item, which have been identified as having heritage value.

**High BOD<sub>5</sub>:** See **BOD<sub>5</sub>**.

**High Flood Hazard Area:** Means that part of any land predicted to be affected by river or surface flooding during a 1% annual exceedance probability event. Further detail for how this Flood Hazard Area category has been derived is contained in Appendix 11. High Flood Hazard Areas are identified on the Planning Maps.

**High-intensity sign:** Means any flashing, moving or animated sign, or any other active sign including electronic signs.

**High-use allocation:** Means industrial activities requiring more than 15m<sup>3</sup> of water per day excluding:

- a. Water used for human drinking and sanitation.
- b. The volume of water discharged into the municipal wastewater system.

**Hire centre:** Means premises that hire tools and equipment, including machinery and equipment for event purposes such as utensils, marquees and safety equipment. It does not include the hiring of personal electronic equipment such as video games, computer consoles, video library premises, or the hire of indoor or outdoor recreational equipment.

~~**Historic Heritage Area:** Means an identified area with historic heritage value which are representative of their development period, and are consistent in their physical and visual qualities, including street pattern, lot layout and density, natural environment, housing typologies and street frontage treatments.~~

**Home-based business:** Means an occupation, craft or profession which is incidental to the residential use of the site, where the principal operator of the home business is a permanent resident on the site. A home-based business excludes: activities involving heavy vehicles, panel beating, spray painting, motor vehicle repairs, motor vehicle dismantling, motor body building, servicing of internal combustion engines, fibreglassing, sheet metal work, wrought iron work or manufacture, bottle or scrap metal storage, rubbish collection, establishments for boarding domestic pets, funeral parlours, and the sale/trading of motor vehicles. The owner or occupier of a household unit is not precluded from carrying out normal maintenance and repair of domestic equipment including vehicles owned by the household owner/occupier.

**Homestay accommodation:** Means a portion of a dwelling occupied on a temporary (periods of up to 3 months continuous occupation during any 12-month period) basis and includes bed and breakfast establishments. The maximum occupancy is six guests at any one time.

**Household:** means a person or a group of people related or unrelated who reside together and interact on a daily basis to maintain a self-contained housekeeping unit. This definition excludes people living in residential centres or managed care facilities.

**Hospital:** Means an institution providing primarily in-patient care for the sick or injured, including medical, surgical, maternity, mental health, convalescent or hospice care, and includes all hospital clinics, dispensaries, out-patient departments, operations and maintenance support services (such as laundries, kitchens, cafeterias, refreshment facilities, residential centres, generators, substation, storage facilities and workshops), hospital administration offices, ancillary retail facilities and undertakings maintained in connection with, or incidental to, the hospital activity.

**Impermeable surfaces:** Means surfaces such as roads, roof tops, footpaths, paving, decking

which does not allow water to drain through to a surface which can absorb water, swimming pools, patios or highly compacted soil that are not vegetated and do not infiltrate run-off.

**Incidental:** Means accompanying as a minor part to something else.

**Indigenous vegetation or trees:** Means vegetation or trees that occur naturally in New Zealand or arrived in New Zealand without human assistance.

**Indoor living area:** Means the area comprising of kitchen, dining and/or lounge areas.

**Indoor recreation:** Means recreational activities within a building. Includes courts, swimming pools and gyms, with ancillary facilities such as changing rooms.

**Industrial activity:** includes:

- a. All types of processing, manufacturing, service and repair activities
- b. Laboratories and research facilities
- c. Transport depots.

**Informal recreation:** Means an activity whose aim is the enjoyment of leisure of a primarily non-competitive casual nature and includes resting, sitting, walking, cycling, jogging, enjoying nature, picnicking, barbecuing, spontaneous informal games and kite flying.

**Infrastructure:** Means:

- a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;
- b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;
- c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;
- d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person -
  - i. uses them in connection with the generation of electricity for the person's use; and
  - ii. does not use them to generate any electricity for supply to any other person;
- e. a water supply distribution system, including a system for irrigation;
- f. a drainage or sewerage system;
- g. structures for transport on land by cycleways, rail, roads, walkways, or any other means;
- h. facilities for the loading or unloading of cargo or passengers transported on land by any

means;

- i. an airport as defined in section 2 of the Airport Authorities Act 1966;
- j. a navigation installation as defined in section 2 of the Civil Aviation Act 1990;
- k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;
- l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.

**Integrated Catchment Management Plans:** Means a full Integrated Catchment Management Plan (ICMP) or sub-catchment ICMP being an analysis of the effects of development on all three waters infrastructure capacity and the appropriateness and integrity of proposed treatments and reticulation systems as described in Appendix 1.2.2.6.

**Integrated Residential Development:** Means a development containing a mixture of residential units, and specifically more than one of the following types: single dwellings, duplex dwellings and/or apartment buildings on a site which is designed in a comprehensive way. The development may include shared facilities such as open space, access, parking and manoeuvring, and may have other communal activities (e.g. recreational facilities, office administration) for the exclusive use of the residents of the development and their visitors.

The development may include where relevant management structures which govern its day to day operation (such as for retirement villages or rest homes).

An integrated residential development does not include a development that consists solely of one of the following activities:

- One type of residential unit
- Hospitals
- Managed Care Facilities
- Residential Centres.

**Integrated retail development:** Means a development of retail activities on a site which are managed as a comprehensive entity, and which has combined facilities (i.e. service areas, loading spaces and parking) which are accessible from, and can be used by, all the individual tenancies of the development.

**Integrated Transport Assessment:** Means an analysis to determine impacts of a development on the transport network for all modes of travel and effects on safety, parking, efficiency, access and the capacity of the transport network. This District Plan identifies two levels of assessment, simple and broad; the content of these is detailed in Appendix 15-2.

**Intensive farming:** Means the commercial raising and keeping of plants or animals, which is dependent on a high input of food or fertiliser, is not dependent on the soil characteristics of the

site, and is contained in buildings or outdoor enclosures. This includes, but is not limited to, poultry farms, piggeries and mushroom farms.

**Interface area:** Means land within the Major Facility Zone or Knowledge Zone that is within 30m of any public space external to the zone. This excludes any land within the Major Facilities Zone or Knowledge Zone that is positioned behind an existing building or landscaping so as to be screened from the adjoining public space.

**Interface area within Stage 1A or 1B or the Te Rapa North Industrial Zone:** Means the area within the defined building setback of the zone for the Waikato Expressway and Te Rapa Road.

**Interface Design Control Area (Ruakura Logistics Zone and Ruakura Industrial Park Zone):** Means the area within 50m of a transport corridor including the Waikato Expressway but excludes any private road within the area to be used as an Inland Port.

**Internal alteration of buildings:** Means changes to the interior of a building that do not result in any external visible change.

**Internal vehicle access:** Means a combined access arrangement (e.g. accessway, right-of-way, shared driveway) serving two or more dwellings or business occupancies on the same site or serving two or more allotments.

**Jetty:** Means a landing pier attached to the bed of a lake or river and includes boat ramps.

**Kaitiakitanga: (has the meaning provided in the Resource Management Act 1991):** means the exercise of guardianship by the Tangata Whenua of an area in accordance with tikanga Maaori in relation to natural and physical resources; and includes the ethic of stewardship.

**Kainga:** Means a community where Tangata Whenua live, primarily clustered around marae or other places of significance. This includes contemporary or ancient marae sites with or without accompanying residences or buildings.

**L<sub>dn</sub>:** Means the day-night noise level which is calculated from the 24-hour L<sub>eq</sub> with a 10 dBA penalty applied to the night time L<sub>eq</sub> (2200-0700 hours).

**L<sub>eq</sub>:** Means the time-averaged noise level (i.e. the constant noise level which would contain an equal amount of sound energy to the actual fluctuating noise level).

**L<sub>max</sub>:** Means the maximum noise level recorded during the particular measurement period. L<sub>max</sub> is generally used to assess the potential sleep disturbance of individual noise events.

**Lake:** Means a body of fresh water that is entirely or nearly surrounded by land.

**Landscape design:** Means the functional layout and design of a site involving the planned use of open space, landform, plant-form, water and artificial features for the purpose of beautifying or enhancing a site for human use and enjoyment.

**Land use environment:** Means groupings of land-use zones that provide for activities that share similar sensitivities to, or demands of, the transport network. These groups are defined in Table 15-4a of Appendix 15-4.

**Less mobile users:** Means those vehicle users who are less mobile but are not eligible to use accessible spaces allocated to disabled users. These include the elderly, parents with infants, people with temporary mobility disabilities.

**Licensed premises:** Means land, buildings or part of a building used principally for the serving of

liquor, for consumption on the premises. Licensed premises include (but are not limited to) hotels, taverns, wine bars and clubs (both chartered and night).

**Lifeline utilities:** Means the same as in the Civil Defence and Emergency Management Act 2002.

**Light industry:** Means manufacturing, warehouse, bulk storage, service and repair activities which do not involve the use of heavy machinery, are carried out indoors and are unlikely to give rise to significant adverse effects beyond the site and are generally of a small scale. They include printing works, furniture manufacture, car repairs, light engineering, tradesmen's depots and the like.

**Lightning rod:** A grounded metal rod placed high on a building or structure to prevent damage by conducting lightning to the ground.

**Line:** Means the conductors (cables) of any above ground network utility infrastructure.

**Loading space:** Means a space on a site suitable and available for the temporary station of a vehicle which is primarily on the site to load/unload goods that are required for the nature of that particular business on that site.

**Local Transport Corridor:** Means any transport corridor identified as local or any other formed road not otherwise identified in Appendix 15, Figures 15-4b to 15-4f, the function and form of which is defined in Appendix 15-4.

**Logistics and freight-handling activities:** Includes:

- a. All aspects of freight handling such as loading and unloading of goods from and to road or rail, container storage, container devanning and MAF/customs procedures, warehousing and distribution/consignment activities.
- b. All ancillary activities including container, equipment and fleet maintenance and administration activities.
- c. All offices and facilities associated with inland port management or customs excise functions.
- d. All offices and specialised training facilities directly related to a logistics or freight-handling activity on site, having a maximum gross floor area of 10% of the total gross floor area of a site or area of a leased site.

**Logistics and freight-handling infrastructure:** Includes rail siding, platforms, hardstand storage areas, private roads, lighting towers, fences, car parking, CCTV, security infrastructure, fire and hazard substance management facilities, and communications and data management infrastructure.

**Lot:** See Allotment.

**Low flow (for the purposes of events for motorised water activities on the Waikato River):** Means a river level of less than 11.80m above mean sea level (Moturiki Datum) measured at the Waikato Regional Council Victoria Bridge Recorder Station.

**Low flow fixtures:** Means the following.

- a. Showers using not more than nine litres of water per minute. Being the nominal flow rate measured in accordance with AS/NZS 3662: 2005 Performance of showers for bathing.
- b. Tap equipment using not more than nine litres of water per minute. Being the nominal flow rate measured in accordance with AS/NZS 3718: 2005 Water supply – Tap ware (excludes outdoor tap equipment).
- c. Toilets using not more than four litres on average per flush:
  - i. For single-flush cisterns – the discharge flush volume, determined in accordance with AS 1172.2 Water closet (WC) pans of 6/3 L capacity or proven equivalent – Cisterns.
  - ii. For dual-flush cisterns – the average flush of one full-flush discharge and four reduced-flush discharge volumes, with the full-flush discharge flush volume and reduced-flush discharge volumes determined in accordance with AS 1172.2 Water closet (WC) pans of 6/3 L capacity or proven equivalent – Cisterns.

**Note**

1. *Toilets, showers, and taps with at least a 3 star rating in accordance with the New Zealand Water Efficiency Labelling Scheme meet this definition.*

**Low Flood Hazard Area:** Means that part of any land affected by river or surface flooding during a 1% annual exceedance probability event. Further detail for how this Flood Hazard Area category has been derived is contained in Appendix 11. Low Flood Hazard Areas are identified on the Planning Maps.

**Low Impact Urban Design and Development (LIUDD):** Means design and development techniques that aim to protect aquatic and terrestrial ecological integrity while allowing urbanisation based on the following principles.

- a. *Work with nature's cycles on a catchment basis to maintain the integrity and mauri of ecosystems and minimise ecological footprints.*
- b. *Adverse effect and impact minimisation through site selection.*
- c. *Use ecosystem services and infrastructure efficiently.*
- d. *Promote and support alternative development forms that maintain, enhance or create natural spaces and increase infrastructure efficiency.*

**Note**

*Refer to the source document for further guidance on LIUDD principles and their application. Source: M van Roon and H van Roon "Low Impact Urban Design and Development: the big picture", The University of Auckland, Manaaki Whenua Press, Landcare Research Science Series No.37, 2009.*

**Low-intensity sign:** Means any painted or similar sign, device or symbol and includes statically illuminated signs.

**Maara kai:** Means cultivated gardens or network of cultivated gardens, generally historic for the



purposes of this report, that serviced the associated population, were traded with neighbouring regions and fought for in battle.

**Maatauranga Maaori (in Chapter 19: Historic Heritage):** Means Maaori knowledge, culture, values and world view.

**Maintenance and repair of buildings and structures:** Means activities required to restore to a good or sound condition after decay or damage, including strengthening and repair with similar materials. In terms of buildings, this involves no visible structural change to the external façade.

**Maintenance and repair of buildings and structures (in relation to [Link, 3762, Chapter 19: Historic Heritage](#)):** Means Means for maintenance, regular and on-going protective care of a building or structure to prevent deterioration and to retain its heritage value, including work for the purpose of weatherproofing, painting (when the building or structure has previously been painted), rendering (where the building or structure has previously been rendered) and maintaining plumbing and electrical work restoration; and for the purpose of repair which includes patching, piecing in, splicing to make good decayed or consolidating of any original structure including the repair of damaged fabric using identical, closely similar, or like-for-like materials and replacement of minor components where these are beyond repair or are missing. The replacement should be of original or similar material, and that maintain a consistency in colour, texture, form, profile, strength and design as with the original it replaces materials replaced.

**Major arterial transport corridor:** Means any transport corridor identified in Appendix 15, Figures 15-4b to 15-4f as major arterial or proposed major arterial, the function and form of which is defined in Volume 2, Appendix 15-4.

**Mana Whenua (in Chapter 19: Historic Heritage) (has the meaning provided in the Resource Management Act 1991):** Means customary authority exercised by an iwi or hapu in an identified area; and also means Maaori with historic ties to the Kirikiriroa/Hamilton area.

**Managed care facilities:** Means land or buildings, in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents. For the purpose of calculating the number of residents, account shall be taken of owners and/or staff and any of their children aged 16 years or older who reside on the premises. All other staff are excluded from that calculation. They include but are not limited to, emergency housing and rehabilitation centres. They exclude:

- a. A residence established in accordance with section 364(2)(d) of the Children, Young Persons and Their Families Act 1989, or replacement thereof.
- b. Apartment buildings.
- c. Hospitals.
- d. Retirement villages.
- e. Rest homes.

f. Residential centres.

g. Secure units.

**Manoeuvring area:** Means that part of the site used by vehicles to move about to gain access to and from parking spaces. Parking spaces and loading spaces may be served in whole or part by a common manoeuvring area. The manoeuvring area excludes any required queuing length.

**Marae:** Means land and buildings generally associated with hapu or iwi, which are used for whanau, community, cultural, social and educational gatherings (including tangi hanga), and includes whare-nui (meeting house), whare-kai (kitchen/dining hall) and ablution facilities.

**Margins:** Means the land/water boundary of any permanent, natural watercourse, lake or wetland.

**Market days:** Means an event with temporary stalls for the display and sale of food, plants and flowers to the public. Market days may be regular or irregular occurrences and are principally for marketing and selling goods produced within the Waikato Region by vendors directly involved in the growing or production process.

**Mast:** Means any mast, pole, tower or similar structure designed to carry antennas to facilitate telecommunications, radio-communications and broadcasting and which is fixed to the ground.

**Means of compliance:** Means those standards, terms, restrictions, prohibitions, classifications and other provisions forming a rule.

**Medium Flood Hazard Area:** Means that part of any land predicted to be affected by river or surface flooding during a 1% annual exceedance probability event. Further detail for how this Flood Hazard Area category has been derived is contained in Appendix 11. Medium Flood Hazard Areas are identified on the Planning Maps.

**Meteorological instrument:** Means masts and supporting sensors established for the purposes of recording and transmitting meteorological data, including anemometers and wind vanes.

**Minor arterial transport corridor:** Means any transport corridor identified in Appendix 15, Figures 15-4b to 15-4f as minor arterial or proposed minor arterial, the function and form of which is defined in Appendix 15-4.

**Minor upgrading (in Volume 1, Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor):** In terms of electricity line means an increase in carrying capacity, efficiency or security of electricity and telecommunication lines and equipment where this uses the existing support structures or structures of a similar scale and character and includes:

- a. The addition of conductors to form a twinned or duplex-pairing.
- b. The reconductoring of the line with higher capacity conductors.
- c. The resagging of conductors.
- d. The addition of longer, more efficient insulators.
- e. The addition of earthwires (which may contain telecommunication lines), earthpeaks and lightning rods.

- f. The replacement of an existing overhead wire with another one or more of similar character and scale.
- g. The addition or replacement of antennas.
- h. The addition of circuits and conductors.
- i. The addition of telecommunication fittings.
- j. The replacement of existing cross-arms with cross-arms of an alternative design.
- k. The increase in voltage of electric lines from 11kV to 33kV.
- l. An increase in support structure height by not more than 15% of the base height of the support structure, and where the base height is defined as the height of the structure at date of public notification of the Plan.
- m. Support structure replacement within a similar location as the support structure that is to be replaced.

**Note**

*It does not include an increase in the voltage of the line up to or above 110kV unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage, or the addition of extra lines.*

In terms of telecommunications facilities means the maintenance, replacement or increase in the carrying capacity utilising the same or similar structure(s), provided that the effects of the upgrade is of the same or similar character, intensity and scale to the telecommunications facility which is being upgraded.

**Minor works (in the Business 1-7, Central City, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones):** Means all works to an existing building for the purpose of:

- a. Maintenance activities.
- b. Repair works.
- c. Re-cladding.
- d. Internal refurbishment works.
- e. Internal alterations.
- f. Painting and signage

And other alterations and additions (in the Ruakura Logistics and Ruakura Industrial Park Zones) that are either:

- g. Not visible from a public space, or
- h. That result in additional gross floor area of no more than 25m<sup>2</sup>.

**Minor work (in relation to Volume 1, Chapter 19: Historic Heritage):** Means the maintenance of existing site landscape features such as gardens, lawns, and planting beds; but excludes the development or re-development of the site which involves excavation, modification or disturbance of the ground.

**Motorised commercial activities on land:** Means Segway tours, trains, and tram rides and tours. Does not include motorsport.

**Motorised recreation activity:** Means indoor or outdoor recreation activity where the operation of vehicles by members of the public is the primary form of entertainment and/or recreation.

**Motorised vehicle activity:** Means any activity involving a motor-driven vehicle and can include cars, motorbikes and karts; but does not include modelled or scaled-down versions of vehicles operated through remote control.

**Motorised water activity:** Means any activity involving a motor-driven vessel and can include jetboats, water skiing, jet skis, hovercraft and the use of inboard and outboard motors, but does not include modelled or scaled-down versions of boats operated through remote control.

**Motorway:** Means a road declared as a motorway by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of the Government Rounding Powers Act 1989 and includes all bridges, drains, culverts, or other structures or works that form a part of any motorway so declared but does not include any other road, accessway or service land (or the supports) that crosses over or under a motorway at a different level.

**Mowers and outdoor maintenance equipment retail:** Means a business engaged in selling outdoor maintenance equipment such as, but not limited to, chainsaws and lawnmowers and any related safety equipment.

**Multi-purpose facilities for international sports, events and functions:** Means land and buildings that provide for:

- a. International standard playing surfaces.
- b. International standard facilities for use by professional sports codes.
- c. International standard facilities for televised sports and events broadcasting.
- d. Spectator facilities including but not limited to stands, seating, corporate and entertainment boxes, audio-visual screens.
- e. Places of assembly including function rooms and facilities for concessions to serve food and refreshments including liquor; restaurants, licensed premises and catering services, entertainment, exhibitions and conferences.

and may include:

- f. Retail and offices.
- g. Visitor accommodation.

- h. Out-catering services to serve venues, facilities and functions beyond the major facility.

**Note**

*"Event" excludes the use of the playing areas for training, practice and rehearsals at night time, notwithstanding that lights and floodlights may be used.*

**National Grid Corridor and National Grid Yard:** Means a buffer area around the national grid high voltage electricity transmission lines identified on the Planning Maps. The purpose of this yard and corridor is to manage activities and structures in close proximity to the National Grid transmission lines and is required by the National Policy Statement for Electricity Transmission. The corridor seeks to ensure that subdivision is designed so that future buildings will avoid the yard. The Corridors within Urban Areas and Greenfield Areas are differentiated on the Planning Maps.

Diagrammatically, the Yard and Corridor are as follows.

National Grid Yard (shown in red)

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 10 metres either side of the centreline of any above ground 110kV National Grid line on single poles (HAM-MER A, ARI-HAM A); or
- the area located 12 metres either side of the centreline of any above ground National Grid line on towers (HAM-MER B, HAM-WHU A, ARI-HAM B, HAM-KPO A, HAM DEV A).

National Grid Corridor

means the area measured either side of the centreline of any above ground electricity transmission line as follows:

- 14m for the 110kV National Grid lines on single poles (HAM-MER A, ARI-HAM A)
- 16m for the 110kV National Grid lines on pi poles
- 32m for 110kV National Grid lines on towers (HAM-MER B, HAM-WHU A, ARI-HAM B, HAM-KPO A)
- 37m for the 220kV transmission lines (HAM DEV A)

For the avoidance of doubt the National Grid Corridor and National Grid Yard do not apply to underground cables or any transmission lines (or sections of line) that are designated.

**Natural and physical resources:** Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

**Natural Ground Level:** Means the lowest of:

- a. The level of the ground at the time the Section 224 certificate is issued.
- b. The finished level of the ground as the result of building construction work.
- c. The finished level of the ground as the result of any subsequent works.

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

**Natural values (in terms of this District Plan):** Means the City's key natural features – the Waikato River corridor and gully systems, peat lakes, wetlands and associated peat land, remnant and regenerated indigenous vegetation, surface and groundwater resources and the ecosystems and habitats that depend on these natural features. It also includes the landscape and visual qualities associated with these features.

**Natural watercourse:** Means a continually or intermittently flowing body of fresh water including streams but not including any artificial watercourse.

**Net site area:** Means the area of the site (including any unit site area associated with a residential unit where relevant), excluding any entrance strip, internal vehicle access or private way, except for apartment buildings and duplex dwellings in the Residential Intensification Zone.

**Net site area for duplex dwellings in the Residential Intensification Zone:** means the area of the site (including any unit site area associated with a residential unit where relevant), including any internal vehicle access or private way, but excluding any entrance strip or private way to a rear site from any transport corridor.

**New and altered roads:** Refer to NZS6806: 2010 Acoustics – Road traffic noise – New and altered roads.

**Network utility:** Means any activity or structure relating to:

- a. Distribution or transmission by pipeline of natural or manufactured gas petroleum or geothermal energy.
- b. Telecommunication or radiocommunication.
- c. Transformation, transmission, or distribution of electricity.
- d. The holding, transmission and distribution of water for supply.
- e. Stormwater drainage or sewerage reticulation systems.
- f. Beacons and natural hazard emergency warning devices.
- g. Meteorological services.
- h. Construction, operation and maintenance of power-generation schemes.
- i. A project or work described as a “network utility operation” by regulations made under the Resource Management Act 1991.

And includes the operation and maintenance of the network utility service. The definition of network utilities does not include roads or structures associated with the operation of roads such as signs, traffic signals or street lights. Amateur Radio is excluded from this definition; see **Amateur Radio Configuration**.

**New works:** Means work that adds to or otherwise physically alters the existing transport infrastructure. This includes, but is not limited to, new or altered:

- a. Paved surfaces (e.g., carriageways, pedestrian paths, cycle ways, access ways).
- b. Lanes and other changes that alter the flow of traffic, including clearways and bus lanes.
- c. Access controls or restrictions.
- d. Stormwater assets.
- e. Intersection controls such as traffic signals or roundabouts.
- f. Structures including bridges, retaining walls, underpasses and overpasses.
- g. Median barriers and segregation strips.
- h. On-road parking controls or restrictions.
- i. Street furniture such as a bus shelter, rubbish bin, seat.
- j. Landscaping, including planted areas and street trees.
- k. Traffic services.
- l. Traffic islands and pedestrian refuge islands.
- m. Vehicle crossings.
- n. Closing or stopping of roads that does not affect the function of connected transport corridors as described in the transport corridor hierarchy plan.

**Noise-sensitive activities:** Means residential activities (including residential accommodation in buildings which predominantly have other uses such as commercial or industrial premises), marae, spaces within buildings used for overnight patient medical care, and teaching areas and sleeping rooms in buildings used as educational facilities. For the purpose of this definition educational facilities includes tertiary institutions and schools, and premises licensed under the Education (Early Childhood Services) Regulations, and playgrounds which are part of such facilities and located within 20m of buildings used for teaching purposes.

**Non-industrial activity:** Means all activities other than industrial activities.

**Non-residential activities:** Means all activities other than residential activities.

**Notional boundary:** A line 20m from any side of any dwelling or the legal boundary where this is closer than 20m.

In relation to existing residential units within the Ruakura Logistics Zone means a line measured 20m from the external wall of any habitable room or the boundary of the site, whichever is the

lesser.

In relation to residential unit in the Future Urban Zone means a line measured 20m from the external wall of any habitable room or the boundary of the site, whichever is the lesser.

**Noxious or offensive activities:** Means those activities that emit or have the potential to emit odours, gases or other substances to air which would be so offensive as to impact on the amenity values of neighbouring sites or which could constitute a health risk for people in the vicinity. They include:

- a. Blood or offal treating, bone boiling or crushing, dag crushing, fellmongering, fish cleaning or curing, gut scraping and treating, tallow melting.
- b. Flax pulping, flock manufacture or teasing of textile materials for any purpose, wood pulping.
- c. Storage and disposal of night-soil, septic tank sludge or refuse.
- d. Slaughtering of animals for any purpose other than human consumption, storage, drying or preserving of bones, hides, hoofs or skins, tanning, wool scouring.
- e. The burning of waste oil in the open air, or in any combustion processes involving fuel-burning equipment, or other than any combustion processes involving fuel-burning equipment, if carried out primarily for the purposes of producing energy, which singly or together have a maximum fuel-burning rate of 1000kg/hr or more carbonaceous fuels or those containing hydrocarbons or sulphur.
- f. The open burning of coated or covered metal cable or wire including metal coated with varnish or lacquers or covered with plastic or rubber.
- g. Any activity with the potential to discharge asbestos to air including the removal or disposal of friable asbestos, except where it complies with the Health, Safety, and Employment Regulations for Asbestos and is supervised and monitored by Occupational Safety and Health.
- h. Burning out of the residual content of metal containers used for the transport or storage of chemicals.
- i. The open burning of municipal, commercial or industrial wastes or the use of single-chamber incinerators for disposal of waste.
- j. Any industrial wood pulp process in which wood or other cellulose material is cooked with chemical solutions to dissolve lining and the associated processes of bleaching and chemical and by-product recovery.

**Offices:** Means premises used for administration, consultation, or management of and shall include:



- a. Administrative offices for the purposes of managing the affairs of an organisation, whether or not trading is conducted.
- b. Commercial offices such as banks, insurance agents, or real estate agents where trade (other than for the immediate exchange of money for goods) is transacted.
- c. Professional offices such as the offices of accountants, solicitors, architects, engineers, surveyors, stockbrokers, and consultants where a professional service is available and carried out.
- d. Non-custodial premises used by Corrections staff for administration and delivery of community-based activities, including, inter alia, Probation Centres and bases for Community Work activities.
- e. Within Chapter 8 Knowledge Zone 'office' shall include space used for desk-based research and innovation, associated meeting and administration, conferencing and similar activities and excludes commercial offices and professional offices not associated with research and innovation activities.

In this context “**office**” shall exclude activities meeting the definition and performance standards for a “**home-based business**”.

**Open space network:** Means a network of open space corridors throughout the City, consisting of both public and private land, that supports the natural environment and ecological processes. The Waikato River and associated gully system form the backbone of the open space network.

**Organised recreation:** Means any active sports or games or recreational pursuits for participants and spectators, the fields and structures (such as goal posts, nets, and courts) necessary to accommodate them but excludes motorised vehicle sports. It does, however, include mountain bike tracks and BMX.

**Outdoor living area:** Means an on-site, outdoor area for the exclusive use of each residential unit, (unless otherwise stated, e.g., communal outdoor living areas for residential centres), free of any building or carparking, but which may include the area beneath eaves, and covered decks, balconies and terraces regardless of height.

**Overland flow path:** Means the route along which stormwater flows. A subset of overland flow paths is called “secondary flow path”. These routes carry water which cannot flow through the primary storm water system (usually piped) because the water flow has exceeded the capacity of that network.

**Paa:** Means the location of fortified villages where people of high significance lived and stored items such as food reserves and spiritual or cultural items of significance. They were a place the wider community would retreat to in times of civil unrest.

**Papakāinga:** Means a community where tangata whenua live, primarily clustered around marae and other places of significance. Also means contemporary or ancient marae sites with or without accompanying residences or buildings. The extent of individual papakāinga should be determined in consultation with tangata whenua and is not necessarily confined to multiple-owned Māori land. The definition may also extend to include ‘taura here’ communities who establish modern/urban papakāinga.

**Park:** Means a defined and named area of recreation land administered or owned by Hamilton City Council.

**Parking lots and parking buildings:** Means land or buildings used specifically for the lease or hire of car parking as the primary activity on the site, and which are not provided to fulfil the parking requirements of the Plan for any other on-site activity. Parking lots are single level parking facilities at ground level. Parking buildings are facilities that have multiple storeys.

**Parking space:** Means a space on a site suitable and available for the parking of a vehicle which complies with standards referred to in Volume 1, Chapter 25.14: City-wide – Transportation.

**Park furniture:** Means structures designed to facilitate the use and enjoyment of a public open space and include park benches, bicycle racks, band rotunda, shelters under 20m<sup>2</sup>, rubbish bins, playgrounds, adult recreation equipment, fountains, skate bowls, confidence courses and drinking fountains.

**Park maintenance building:** Means buildings associated with the maintenance of the park or for storage, e.g. equipment or tractor shed.

**Passenger transport facility:** Means land and buildings, used for scheduled passenger transport services. This may include bus bays, taxi ranks, drop-off and pick-up points, cycle parking, shelters, waiting rooms, ticket office, information centre, luggage lockers, public toilets, showers, changing rooms and ancillary activities.

**Peat lakes:** Means lakes which are influenced by the presence of extensive areas of peat within their catchments and dystrophic characteristics being relatively low in nutrients, low in pH and their waters stained by dissolved humic compounds.

**Peat Lakes, Wetlands and Peat Lake Catchments (Chapter 20: Natural Environments):** Means those areas identified on the Planning Maps as Peat Lakes and wetlands or peat lake catchment.

**Pedestrian focus area:** Means any transport corridor identified as being part of a pedestrian focus area in Appendix 15, Figure 15-4e, the function and form of which is defined in Appendix 15-4.

**Performance assessment:** Means, in relation to any rule, those provisions intended to guide Council in determination of resource consents.

**Pergola:** With a roof it becomes an accessory building, a pergola attached to dwelling becomes an attached accessory building.

**Permeable surface:** Means any part of a site which is grassed or planted in trees or shrubs and is capable of absorbing water. It does not include impermeable surfaces or any area which:

- a. Falls within the definition of site coverage.
- b. Is covered by decks which do not allow water to drain through to a permeable surface.
- c. Is occupied by swimming pools.
- d. Is paved, sealed or formed to create a solid surface.

- e. Is used for vehicle parking, manoeuvring or access.

**Note**

*A green or living roof may provide a suitable alternative to permeable surfaces requirements but will be assessed on a case by case basis.*

$$\frac{\left( \frac{\text{Number of Fatal Crashes} + \text{Number of Serious Injury Crashes}}{\text{Number of years of data}} \right)}{\left( \frac{\text{Number of Vehicles}}{\text{Number of years of data}} \right)}$$

**Personal risk:** Means a measure of the danger to an individual using the transport network as part of a simple or broad Integrated Transport Assessment, as described in Appendix 15-2. Personal risk is calculated as:

**Pest control:** Means any activity undertaken for the management of a nuisance plant or animal species that is impacting on the ecological values of a site or area by, or at the direction of a local authority for the control, management or eradication of species identified in the Waikato Regional Pest Management Plan prepared under the Biosecurity Act 1993/2021-2031 [456].

**Places of assembly:** Means land or buildings which are used principally for the public or private assembly of persons for cultural, entertainment, recreation, leisure, education or similar purposes. They include conference centres, seminar rooms, gymnasiums, public halls, theatres and cinemas, display galleries and museums.

**Places of worship:** Means premises used for public or private religious worship, religious ceremonies, religious meetings or instruction and social gatherings directly related to the work of the religious organisation. They include temporary fundraising activities.

**Planned infrastructure:** Means, in the case of a specific subdivision, use or development proposal, consented or designated infrastructure. However, where district plan changes or structure plans are being considered a broader application of the term 'planned' covers infrastructure for which feasibility studies have been completed, where funding has been allocated to advance consenting or designation processes or where such infrastructure is included in strategic documents such as the Regional Land Transport Strategy.

**Planting:** Means the provision of trees, shrubs, and/or groundcover plantings, and may include any other vegetative forms so arranged as to improve visual amenity.

**Planting Strip:** Means an area of planting of a permeable nature consisting of a combination of groundcovers, shrubs and trees, which is designed in such a manner so as not to obscure visibility for road users.

**Pontoon:** Means a landing pier that floats on the surface of a water body and is attached to the bank of the water body.

**Pool and spa retail:** Means a business selling pools and/or spa-pools and any related chemicals and equipment.

**Pre-development:** Means pre-development characteristics and refers to the physical

characteristics of the site at the point of lodgement (with Council) of a new resource consent application. Any unimplemented resource or building consents are excluded from the definition of pre-development characteristics.

**Private way:** As defined by Section 315 of the Local Government Act 1974. A private way is designed to provide vehicular and/or pedestrian access to a public street, and may comprise separately owned entrance strips subject to rights-of-way or a separate lot (access lot) which is jointly owned and used by adjacent lots. It includes any common area defined for the purposes of providing the vehicular access for cross-lease or unit title subdivision.

**Private recreation on the surface of water:** Includes canoeing, rafting, boating, kayaking, rescue and research craft of a non-commercial nature.

**Produce stalls:** Means any land, building or part of any building that is used for the sale, to the public only, of goods grown or produced on the property on which the produce stall is sited.

**Products Transported in Bulk:** includes cement, clinker, coal, cotton seed meal, palm kernel, fertilizers, sand, gravel, scoria, loose logs, wood chips, salt, soy flour, and goods of a like nature. For clarity, this definition excludes any product stored or moved in a unitised or packaged form including in a container and storage associated with the unloading or loading of containers.

**Proper speed:** Means speed of a watercraft discounting the contribution of any current to that speed.

**Protected premises and facilities:** Refer to NZS6806: 2010 Acoustics – Road traffic noise – New and altered roads.

**Protected Root Zone:** Means the minimum radius, from the centre of the tree trunk to ensure a tree's health and stability is safeguarded, as calculated using the following protocols:

- a. For single trunk trees – the trunk diameter multiplied by 12 at 1.4m above the ground, or at the narrowest point below any fork/multiple stem development;
- b. For multiple stem trees – either: at ground level multiply the square root of the combined stems by a factor of 12 [
- a. The trunk diameter multiplied by 12 at the narrowest point below any fork/multiple stem development; or
- b. When the multiple stems are at ground level multiply the square root of the combined stems by a factor of 12

**Protected tree:** Means any tree/shrub or group of trees or shrubs listed in the ~~Significant~~ Notable Tree ~~Register~~ Schedule of this District Plan (refer Appendix 9, Schedule 9D).

**Pruning, trimming and maintenance (of a ~~significant~~ notable tree or indigenous vegetation in a Significant Natural Area):** Means detaching foliage, branches, and roots from a ~~significant~~ notable tree or indigenous vegetation in a Significant Natural Area.

**Public art:** Means artistic works created for, or located in, part of a public space or facility and accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all those spaces which the public has access to or can view. This includes, but is not limited to, parks, streets, squares, gardens walkways, public

plazas and building foyers.

**Public floor area:** Means the sum of all floor areas contained within the external walls of any building or within the boundaries of any outdoor area available for the use of the general public in association with the activity, excluding any areas used for:

- a. Lift wells, including the assembly area outside the lift doors for a maximum depth of 2m.
- b. Stairwells, including landing areas.
- c. Toilets and bathrooms.
- d. Parking areas required by the District Plan.

**Public space:** Means any space (whether in public or private ownership) that can be accessed without charge by everyone to use or see. This can include roads, squares, public place, parks and reserves.

**Puna:** Means a spring and includes both historical, modified and current natural bodies of water.

**Pyrotechnic displays:** Means a professional fireworks display undertaken by an approved handler.

**Queuing length/space:** Means the area between the kerb and the on-site manoeuvring area which is used solely for queuing and/or to gain access to the manoeuvring area and on which there is no parking.

**Radioactive material:** Means any article containing a radioactive substance giving it a specific radioactivity exceeding 100 kilobecquerels per kilogram and a total radioactivity exceeding three kilobecquerels (radioactive substance means a radionuclide or mixture of radionuclides, either alone or in chemical combination with other elements) but excluding smoke detectors.

**Railway houses:** Means pre-cut timber single dwellings constructed in the 1920s by the NZ Railways for employees and their families and located in the Frankton Railway Village.

**Rear building line:** Means a line or lines drawn across the site creating a space behind the rear façade of any buildings.

**Rear Lane:** Means a private way whose function is to provide rear access to front sites or sites fronting a public reserve. This definition applies in Rotokauri North and Peacocke Structure Plan Area only.

**Rear Lane Reconstruction (in relation to Volume 1, Chapter 19: Historic Heritage):** Means to build again as closely as possible to a private way whose function is to primarily serve as a rear access to front sites or sites fronting a public reserve. This definition applies in the Rotokauri North Structure Plan area only documented earlier form, using new materials.

**Recreational activities:** Means the passive or active recreational use of any land. Does not involve buildings but may include gardens, playing fields, courts, park furniture and playgrounds.

**Regionally significant infrastructure:** Includes:

- a. Pipelines for the distribution or transmission of natural or manufactured gas or petroleum.
- b. Infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001.
- c. Ratio apparatus, as defined in section 2(1) of the Radio Communications Act 1989.
- d. The national electricity grid, as defined by the Electricity Industry Act 2010.
- e. Facilities for the generation of electricity that is fed into the national grid or a network (as defined by the Electricity Industry Act 2010).
- f. Lifeline utilities as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services.
- g. Flood and drainage infrastructure managed by Waikato Regional Council.
- h. Transport corridors identified in Appendix 15, Figures 15-4b to 15-4f as 'Major Arterial Transport Corridor', 'Proposed Major Arterial Transport Corridor', 'Strategic Network', or 'Strategic Network and Pedestrian Focus Area'.
- i. Hamilton City bus terminal and Hamilton Railway Station terminus.
- j. Hamilton International Airport.
- k. All KiwiRail managed railway lines that extend through the City.
- l. The electricity distribution network (as defined by the Electricity Industry Act 2010).

**Reinstatement:** Means work carried out to restore the exterior of a building to a completed and integrated standard and appearance. This includes the reassembling of the building as a unified whole, the replacement of defective exterior materials with materials in keeping with the character of the building, and exterior repainting.

**Relocated building:** Means a building originally built off site which is repositioned on to a new site, or relocated within the original site, or the removal from the original site unless a building within a Special Character Zone or identified in Schedule 8A Heritage, but does not include new buildings or accessory buildings.

**Remnant or regenerated indigenous vegetation:** Means vegetation dominated by indigenous species or with a substantial component of indigenous species, i.e. species native to the Hamilton Ecological District (McEwen, M.C, 1987: *Ecological Regions & Districts of New Zealand*, Department of Conservation, Wellington). This may be indigenous vegetation that remains after a larger area has been incompletely cleared, e.g. Claudelands Bush which still contains some original or old growth trees. It also includes vegetation dominated by indigenous species that has developed following major disturbance or destruction of the original vegetation, e.g. second or third-growth vegetation which has regenerated naturally but which may be essentially different to the original vegetation, e.g. the induced kanuka forest of some Hamilton river scarps and terraces. It does not include plantations of indigenous species.

**Renewal works:** Means work required to repair or otherwise return existing transport infrastructure

assets to their intended level of service, where for reasons of economies of scale or practicality the works have been extended to include more than that part of the asset that requires immediate attention. This includes but is not limited to:

Resurfacing of part or all of a transport corridor.

- a. Replacement of stormwater assets including catchpits, culverts and kerb and channel.
- b. Pavement and footpath rehabilitation.
- c. Pavement and footpath reconstruction.
- d. Replacement of traffic services.
- e. Replacement of street furniture and lighting.
- f. Replanting of street trees and landscaping.

**Research and innovation activities:** Includes all activities involved in the research, development, manufacture and commercial application of advanced technology including, but not limited to, agritechology, biotechnology, chemical processes, food technology, laser physics, information technology, energy technology, transportation technology, manufacturing technology, medical technology, materials technology, telecommunications and data management and processing, soil, air and water research, infrastructure systems and management, and activities required to serve the aforementioned activities.

**Residential activities:** Means the use of land and buildings by people for living accommodation (whether or not any person is subject to care or supervision).

**Residential building:** Means any building or part thereof used, or intended to be used for human habitation.

**Residential centre:** Means land or buildings used for long-term shared residential accommodation occupied by five or more persons in addition to staff and not constituting a household. They include boarding houses, hostels, and other long-stay accommodation. They exclude:

- a. Visitor accommodation.
- b. Hospitals.
- c. Rest homes.
- d. Retirement villages.
- e. Managed care facilities.
- f. Secure units.
- g. Apartment buildings.
- h. A residence established in accordance with section 364(2)(d) of the Children, Young Persons and Their Families Act 1989, or replacement thereof.

**Residential unit:** Means a building or group of buildings, or part of a building or group of buildings that is:

- a. Used, or intended to be used, only or mainly for residential activities
- b. Occupied, or intended to be occupied, exclusively as the home or residence of not more than one household.

**Residual risk:** Means the remaining level of risk control after risk control measures have been taken

**Rest Home:** Means land or buildings for the accommodation of the elderly and/or infirm where nursing/medical care is provided. They exclude hospitals, managed care facilities and residential centres.

**Restaurant:** Means premises where food is sold principally for consumption on the premises, whether or not the premises are licensed under the Sale and Supply of Alcohol Act.

**Restoration:** Means returning the existing physical material of heritage resources to a known earlier state.

**Restoration (In relation to a Significant Natural Area):** Means active intervention and management to maintain, reinstate or enhance the ecological values and functions of the Significant Natural Area. It includes the planting and management of indigenous vegetation or trees and reestablishment planting of indigenous vegetation or trees at the conclusion of infrastructure or public walkway and cycleway projects

**Retail:** Means the use of land or buildings where goods and services are offered or exposed to the general public for sale, hire or use, and includes premises serving food such as bakeries and cafes and ancillary storage and warehousing of goods to be sold through that retail activity, but excludes restaurants, licensed premises, offices or drive-through services.

**Retail – bulky goods:** Means buildings and activities involving the sale to the public of large bulky goods, such as furniture and whiteware appliances, where the gross floor area of the outlet exceeds 500m<sup>2</sup>.

**Retail – nurseries and garden centres:** Means the use of land or buildings involving the sale of plants and associated merchandise (excluding power-driven equipment) for the home gardener, and includes premises for the propagation, display or storage of plants for sale to the public.

**Retail – food and beverage:** Means buildings and activities associated with preparation and sale of food which is processed or cooked and ready to eat immediately. This includes cafes, lunch bars, restaurants, takeaways, bakeries.

**Retail – specialised food:** Means buildings and activities associated with the display and sale of food that requires processing or cooking first. This includes butchers, fishmongers, fruit and vegetable shops.

**Retirement Village:** Means part of any property, building, or other premises that contains two or more independent dwelling units or their dwelling unit equivalents that provide residential accommodation in the form of independent and/or supported living provided on a bed and/or room basis (for avoidance of doubt this includes rest home), predominantly for persons in their retirement



(including their spouses or partners), together with associated services and facilities. Associated services and facilities may include, but are not limited to, the following:

- a. Healthcare facilities providing medical support exclusively to village residents;
- b. Recreational service facilities for the exclusive use of village residents;
- c. Administrative offices for the day to day operation of the village.

The following are not retirement villages for the purposes of this definition:

- d. Owner-occupied residential units registered under the Unit Titles Act 2010 or owner-occupied cross lease residential units that in either case do not provide services or facilities to their occupants beyond those commonly provided by:
  - i. similar residential units that are not intended to provide accommodation predominantly for retired people and their spouses or partners; or
  - ii. residential units occupied under tenancies to which the Residential Tenancies Act 1986 applies;
- e. Boarding houses, guest houses, or hostels;
- f. Halls of residence associated with educational institutions;
- g. Residential centres or Managed care facilities; or
- h. Hospitals.

**Risk:** Means the likelihood of specified consequences of a specific event (e.g. an explosion, a fire or a toxic release) on people, property or the natural environment.

**Risk assessment:** Means the overall process of risk identification, risk analysis and risk evaluation.

**Riverfront overlay:** Means that area shown in Appendix 5: Central City Zone, Appendix 5-1.

**Road:** Means all land comprising formed and unformed roads as defined in section 315(1) of the Local Government Act 1974.

**Road Controlling Authority:** Means the territorial local authority, agency or approved organisation in control of roads in accordance with section 317 Control of Roads of the Local Government Act 1974. Approved organisation is defined in the Land Transport Management Act 2003.

**Root protection zone:** Means the minimum area required to ensure a tree's health and stability is safeguarded, as calculated using the following table.

Tree age	Vigour	Metres
Young trees (where the age of the tree is less than 20% of life expectancy)	Good vigour	6 x DBH*
Poor vigour	9 x DBH	

Mature trees (where the age of the tree is between 20% and 80% of life expectancy)	Good vigour	9 x DBH
Poor vigour	12 x DBH	
Over mature trees (where the age of tree is greater than 80% of life expectancy)	Good vigour	12 x DBH
Poor vigour	15 x DBH	

\*DBH means Diameter at Breast Height which in NZ is diameter at 1.4m high (the diameter of the stem 1.4m above ground level).

**Roto:** Means a lake of any size, and includes both historical, modified and current natural bodies of water.

**Rotokauri North:** Means the Rotokauri North Structure Plan Area, which is shown on Figure 2-8A in Volume 2, Appendix 2.

**Routine work:** Means the operational and maintenance work required to repair or otherwise return existing transport infrastructure assets to their intended level of service. This includes but is not limited to:

- a. General and environmental maintenance.
- b. Cleaning and maintenance of stormwater assets including street sweeping.
- c. Localised carriageway, footpath and cycle path repair, for example pavement digouts, patching and pothole repairs.
- d. Maintenance of street trees and landscape planting.
- e. Repair of traffic services.
- f. Repair of street furniture.
- g. Transport network inspections including structural inspections, and roughness and condition rating surveys.
- h. Structures maintenance, including repairs to guardrails and handrails associated with the structure, cleaning and painting, and stream clearing and debris removal to maintain water course under bridges.
- i. Traffic count surveys including pedestrian and cycle counts.

**Ruakura Structure Plan Area:** Means all of the area contained in the Ruakura Structure Plan boundary as shown in Figures 2-14 to 2-18 (Appendix 2).

**Rural industry:** Means any industry ancillary to rural activities which is dependent primarily on the direct handling of raw produce of, or supply of services to, farming, horticulture, intensive farming or forestry and includes; packing and storage of produce, engineering workshops for the repair and servicing of farm equipment, depots for rural transporters and farming contractors, depots for the

receipt of produce for preparation for market, agricultural, horticultural, or silvicultural research, horticultural services and primary processing of horticultural produce. It excludes saw mills, abattoirs, wool scouring and the like.

**Rural production:** Means an agricultural activity or combination of activities for commercial gain or exchange and can include:

- a. The cultivation of land.
- b. The keeping, maintenance and farming of animals and birds (including poultry) for the production of meat, fibre, or other animal-derived produce (including offspring).
- c. Horticulture (including all forms of fruit, vegetable, flower, seed, or grain crop farming).

But excludes forestry and intensive farming.

**Satellite dishes:** Refer to **Dish**.

**School:** Means land and/or buildings used to provide regular instruction or training of children including, primary, intermediate and secondary schools, and their ancillary administrative, cultural, recreational or communal facilities. This term excludes tertiary education and specialised training facilities and childcare facilities.

**Secondary containment system:** Means a system in which pooling substances held in a place will be contained if they escape from their original package or container from which they can, subject to unavoidable wastage, be recovered.

**Secure unit:** Means land or buildings using physical barriers and/or guards for the purpose of preventing departure from the facility for the primary purpose of the protection of property and/or the security or safety of any person other than staff, visitors and residents at the facility. For the purpose of this definition 'Managed Care Facilities' that require detaining or confining a resident for their own protection or for the protection of other people in the facility are excluded.

**Sensitive Transport Network:** Means transport corridors identified as Sensitive Transport Network in Appendix 15, Figure 15-8.

#### **Note**

1. *The Sensitive Transport Network is derived from the following factors:*
  - i. *The Strategic Network.*
  - ii. *Cycle lanes – Transport Corridors with cycle lanes marked in accordance with the Traffic Control Devices (Rule) 2004.*
  - iii. *Bus route – Transport Corridors with a key bus route operated by a local authority or an agent of a local authority.*
  - iv. *Central City Zone – All Transport Corridors within or adjoining the Central City Zone, excluding to the east of the Waikato River (refer Planning Maps).*
2. *As some of these factors alter over time administrative changes to the District Plan will be required from time to time to keep the Sensitive Transport Network planning map up to date.*  
*Bus route information can be sourced from the Waikato Regional Council website or [www.busit.co.nz/hamilton-routes/](http://www.busit.co.nz/hamilton-routes/)*

**Sensitive land use:** As defined in the National Environmental Standard for Electricity Transmission Activities (2009), this includes the use of land for a childcare facility, school, residential building, or hospital.

**Service areas:** Means an area provided for the service needs (including rubbish and recycling bin storage requirements) of the occupants of a residential unit; commercial; industrial; community or recreational activity.

**Service industry:** Means premises occupied by activities involving light manufacturing or the repair or servicing of goods of a light nature and includes repair of household appliances, electronic equipment assembly and servicing, craft manufacture and clothes manufacture. It does not include car repairs, furniture making and the like.

**Service lane:** Means land dedicated as service lane which is used from time to time for the vehicular servicing of adjacent properties.

**Service Station (within the Rototuna Town Centre Zone):** Means any premise primarily used for the sale of motor fuels and lubricants by retail and includes:

- a. Mechanical repair and servicing.
- b. Ancillary retail of goods and food provided that the trading space provided within the building devoted to their display, sale or hire does not exceed 50m<sup>2</sup> GFA.
- c. Vehicle washers.
- d. The hire of trailers.
- e. The storage and retailing of LPG and CNG.

But excludes:

- f. Panel beating and spray painting.
- g. Heavy engineering such as engine reboring and crankshaft grinding.

**Setback:** Means the distance from the boundary, specified object, or building line restriction in respect of a road widening, which is required to be free, unoccupied or unobstructed by buildings from the ground upwards, with the exception of eaves (extending no more than 0.50m into any setback) and, except as otherwise provided for in this District Plan. Front and rear setbacks extend across the full width of the site and side setbacks lie along the length of a side boundary between the front and rear setbacks.

**Setting (in relation to Volume 1, Chapter 19: Historic Heritage):** Means the area around and/or adjacent to a building, structure, site, and/or area of heritage value that is integral to its function, meaning and relationships, which may extend beyond the legal boundaries of allotment, and that includes:

- the structures, accessory buildings, features, gardens, curtilage, airspace, accessways forming the spatial context of, or used in association with, the building, structure, site, and/or area;

- the landscape, streetscape, perspectives and views to the building, structure, site, and/or area from public places;
- the views from the building or structure, where those views are integral to the heritage value of the building or structure.

**Shared path:** Means a path intended to be used by both pedestrians, cyclists, mobility devices and wheeled recreation devices (in the Rotokauri North Structure Plan area).

**Shared-use access way:** Means, for the purpose of this District Plan, an access way to provide for the movement needs of pedestrians, including the use of motorised disability equipment (e.g. mobility scooters), and cyclists.

**Shopping frontage:** Means the principal face of a commercial building which is intended to be occupied by retail activities or which adjoins other such buildings and which is on or adjacent to the street frontage or which faces a customer parking area with 15 or more car spaces.

**Short-stay worker accommodation:** Means the same as visitor accommodation but for the exclusive use of employees or contractors.

**Show home:** Means a residential building and land which displays the design, construction materials, and building techniques available to potential house buyers including outside living areas and gardens. The show home is likely to include an office and is available for inspection by the public.

**Sign:** Means any advertising, informational or directional device or advertising matter, whether consisting of a specially constructed device, structure, erection or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected on to, placed or otherwise affixed to or displayed upon anything.

**Single dwelling:** Means a residential building designed for, and occupied exclusively by, one household.

**Site:** Means an area of land which is:

- a. Comprised in a single certificate of title or in respect of which a single certificate of title could be issued without further consent from the Council.
- b. Composed of two or more lots held together in one (or more) certificate(s) of title and where no single lot can be dealt with separately without the prior consent of the Council.
- c. An area of land which has been defined for the purpose of transferring it from one certificate of title to another.
- d. An area of land which is, or is to be, used or developed as one property whether or not that use or development covers the whole or a part(s) of one or more lots.

Allotments shown on a subdivision or survey plan for the purposes of effecting cross leases or company leases or issuing separate unit titles under the Unit Titles Act 2010, shall be deemed to

comprise one site.

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**Front site:** Means an allotment:

- a. Which complies with the relevant frontage requirements for the zone.
- b. Whose frontage is not less than two-thirds the maximum width of the allotment, measured parallel to its street frontage.
- c. Is not a corner site as defined below.

**Corner site:** Means an allotment which lies within a general change of direction (being a change of 45° or more) of the abutting street or streets.

**Through site:** Means any allotment having two or more street frontages that are not contiguous.

**Rear site:** Means any allotment other than a front, corner or through allotment as defined above.

**Site coverage:** Means that portion of a site which is covered by buildings, whether principal or accessory, excluding eaves and uncovered decks and terraces. The net site area shall be used for the purpose of calculating coverage.

For the avoidance of doubt when calculating site coverage, the permitted eave overhang of 1.0m shall be excluded in all circumstances.

**Small-scale energy generation (produces less than 20kW):** Means renewable energy generation for the purpose of using electricity on a particular site or connecting into the distribution network (but excludes solar panels supplying electricity for the site on which they are located).

**Soil conservation and river control works:** Means any activity undertaken by or at the direction of a local authority for the express purpose of soil conservation, river and erosion control.

**Spectator facility:** Means an activity within a structure or building which supplies seating or standing accommodation at any racecourse, sports ground, recreation ground or similar place, whether or not such construction is enclosed or covered.

**Spill containment system:** Means a structure which will contain liquid or solid hazardous substances in the event of a spill, and prevent them from entering the stormwater system or a natural water body.

**State highway:** Means a road whether or not constructed or vested in the Crown that is declared to be a state highway under Section 11 of the National Roads Act 1953, or Section 60 of the Government Roading Powers Act 1989, and includes:

- a. All land along or contiguous with its route that is the road.
  - b. Any part of an intersection that is within the route of the state highway.
-

**Storage (in relation to hazardous substance facilities):** Means the containment of a substance, either above ground or underground, in enclosed packages, containers or tanks.

**Strategic network:** Means any transport corridor identified as being part of the strategic network in Appendix 15, Figures 15-4b to 15-4f, the function and form of which is defined in Appendix 15.5.

**Streetscape:** Means the physical features such as buildings, landscaping, street furniture and other elements that contribute to the appearance or view of a road.

**Structure Plan:** Means a plan that sets out the development concept for longer-term growth and the likely extent of future infrastructure provision within a locality. It may set out a logical sequence and timing for provision of infrastructure and establish the principles on which development levies are to be paid as part of a subdivision and/or development.

**Structures associated with the generation, storage, transmission or distribution of any network utility:** Means any pole, mast, aerial, dish, or equipment shelter used for the transmission, switching, measurement, or regulation of any approved network utility.

**Studio unit:** Means a residential unit with living areas combined into one main room (e.g. kitchen, lounge, and bedroom may be open plan with bathroom and toilet facilities in a separate room).

**Subdivision:** Has the same meaning as contained within section 218 of the Resource Management Act 1991 which means:

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

The term subdivide land has a corresponding meaning.

**Supermarket:** This includes:

An individual retail outlet having a store footprint over 1,000m<sup>2</sup> GFA that sells, primarily by way of

self service, a comprehensive range of:

- a. domestic supplies, fresh food, groceries, such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers and other paper tissue products; pharmaceutical, health and personal hygiene products and other toiletries; cigarettes, magazines and newspapers, greeting cards and stationery, batteries, flashlights, light bulbs and related products; and
- b. non-domestic supplies and comparison goods comprising not more than 20 per cent of all products offered for sale as measured by retail floor space, including (but not limited to) clothing and footwear; furniture; electrical appliances; office supplies; barbecue and heating fuels; audio visual products.

**Note**

*Retail floor space means that area of the premises to which the public has access for the purpose of shopping, together with any area:*

- a. taken up for the purpose of display of goods; and
- b. any counter areas used by or occupied exclusively by staff members whilst actively engaged in serving the public.

*This area does not include floor space used for:*

- storerooms
- back of house including delivery areas
- trolley storage areas
- entrance lobbies
- behind counter areas, and
- checkouts.

**Surroundings (in relation to Volume 1, Chapter 19: Historic Heritage):** The area of land surrounding a building, structure, site or area of heritage significance that is essential for retaining and interpreting the heritage significance of the building, structure, site or area. It includes curtilage and the setting of the heritage resource.

**Swimmable:** Means:

- a. the water quality meets the standards set out for human health for recreation for Attribute State B as defined in Appendix 2 of the National Policy Statement for Freshwater Management 2014 (Updated August 2017); and
- b. water quality is equivalent to a black disk clarity of 1.6m or more.

**Takiwaa:** Means regions that are historical boundaries, which do not necessarily conform with local authority boundaries or zones in the Plan, and include both the physical and metaphysical realms associated or individually.

**Te Awa Tupuna:** Means, in the context of Chapter 19, ancestral river.

**Te Rapa Corridor:** Means those lots shown in Volume 2, Appendix 6, Figure 6-2.



**Te Rapa Dairy Manufacturing Site:** Means the land identified on Figure 6-4 and the Planning Maps as Te Rapa Dairy Manufacturing Site.

**Temple View Flood Hazard Area:** Means that part of any land within the vicinity of Temple View affected by flooding during a 1% annual exceedance probability event. This is identified as Temple View Flood Hazard Area within the Planning Maps.

**Temporary activities in a public place:** This includes:

- a. Outdoor dining areas.
- b. Markets, stalls, merchandise displays and mobile shops.
- c. Busking, hawking and charitable collections.

A public place is:

- d. Under the control of Council.
- e. Open to, or being used by, the public, whether or not there is a charge for admission.

and includes:

- f. A road, whether or not the road is under the control of Council.
- g. Any part of a public place; but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007.

**Note**

*Refer to the Hamilton City Public Places Bylaw 2009 and Hamilton City Public Places Policy 2009 for restrictions to activities in a public place.*

**Temporary buildings and structures ancillary to an event:** These include marquees and spectator stands.

**Temporary logistics activities:** Logistics activities provided for in the Logistics Zone (Sub Area A) as a controlled activity in Rule 10.3c and excluding freight handling activities.

**Temporary sign:** Means a sign that is not reflectorised, illuminated, flashing or moving and the sign is used to:

- a. Advertise that the property is for sale, and is displayed only while the property is on the market.
- b. Advise of any temporary construction project being undertaken on the site.

- c. Inform of a public election.
- d. Inform for the purpose of public notification.
- e. Advertise an event associated with any temporary recreational or community activity.

**Tenancy:** Tenancy is defined as the gross floor area occupied by way of exclusive use by a tenant and includes both freehold and leasehold area.

**Tertiary education and specialised training facility:** Means land and/or buildings used to provide regular instruction, training and/or related research not meeting the definition of school and includes tertiary education institutions, work skills training centres, and their ancillary administrative, cultural, recreational, accommodation, retailing, research or communal facilities.

**TEU:** Means 20-foot equivalent unit and is a measure of container throughput in the freight industry.

**Three Waters:** Means the three key areas of strategic water management (including associated infrastructure) within the City. Three Waters comprises:

- a. Water supply – including drinking water and other water abstracted from the Waikato River, treated and used within the City, and water for fire fighting purposes.
- b. Wastewater – liquid waste (including liquids containing waste solids) from domestic, industrial and commercial premises including toilet wastes, grey water and tradewastes.
- c. Stormwater – rainwater that runs off a surface into streams, waterways, underground aquifers, rivers and eventually, far beyond Hamilton's boundaries, ends up in the sea.

**Tikanga (in relation to Chapter 19: Historic Heritage ) : Means correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention, protocol - the customary system of values and practices that have developed over time and are deeply embedded in the social context.**

**Trade and industry training facilities:** Means premises accommodating specialised education and training facilities where groups of people are given trade or industry tuition and training on a formal basis.

**Traffic services:** Means the transport corridor furniture, pavement markings and lighting assets that make up part of the transport infrastructure, and includes:

- a. Belisha beacons and lighting at pedestrian crossings.
- b. Carriageway and footpath lighting.
- c. Guard rails, pedestrian railings and fences.
- d. Pavement markings, including cycleway markings.
- e. Transport corridor delineation, including edge marker posts and raised and reflective pavement markers.

- f. Sight rails.
- g. Signs, including the posts.
- h. Traffic signals.
- i. Variable message signs (VMS).

**Transplanting (of a significant tree or indigenous vegetation in a Significant Natural Area):**

Means the relocation of a significant tree or indigenous vegetation to a new site in accordance with standard arboricultural practice.

**Transport corridor:** Means the whole corridor that provides for carriageway, berms and any adjoining pedestrian or cycle paths, landscaping and lighting, and includes roads and access segregation strips, but excludes private roads in the Ruakura Logistics Zone and the Knowledge Zone.

**Transport depot:** Means land, buildings and infrastructure used principally for the receiving, dispatching or holding of goods or passengers in transit by road or rail and any associated provision for vehicles.

**Transport infrastructure:** Means any structure that is necessary for the functioning of the transport network and that caters for the needs of transport users. This includes but is not limited to surfacing and pavement, traffic services and structures such as transport lighting, bridges, retaining walls, bus shelters, taxi shelters, information fixtures for bus passengers, parking and loading spaces and facilities, litter bins, drinking fountains, mobility scooter charging points, and public seating.

**Transport network:** Means the combined network of:

- a. Existing and future transport corridors (as shown on any Structure Plan, Figures 15-4b to 15-4f or Designation).
- b. Private roads and ways, access ways, service lanes pedestrian, cycle and passenger transport lanes or routes (both within and outside the transport corridor).
- c. Rail, river ferry and air travel routes

that provides for the movement of people and goods to, from and through the City. It includes all of the ancillary support transport infrastructure and activities, and vehicle entrances. It also includes those facilities in addition to transport infrastructure that support the use of the transport network, as well as (but not limited to) end-of-journey facilities and Travel Management Plans.

**Transportation service centre:** Means a development with the primary purpose of providing an accessible range of services to the motoring public using the State Highway network including commercial freight vehicles. A Transportation Service Centre may include the following uses.

- a. Service Stations and car wash facilities.

- b. Truck stops, truckers' lounges and associated accommodation.
- c. Food and refreshment facilities (including drive through services).
- d. Rest, picnic and sealed vehicle parking areas.
- e. Public toilets and showers.
- f. Lotto facilities.
- g. Playgrounds.
- h. Information centre for the provision of information for travellers and tourists.
- i. Storage area for tow trucks.
- j. Telephones, mail box, coin laundry, automatic teller machine banking facilities (ATMs) and fax/communication facilities.
- k. Premises for emergency and transport related regulatory services.
- l. Accessory buildings for the foregoing uses.

**Travel plan:** Means a set of measures to encourage people (e.g. employees, visitors and students) to travel to and from the site (e.g. workplace or school) by walking, cycling, passenger transport and car sharing or car pooling.

**Tree (in relation to landscaping and screening):** Means a large perennial plant with a woody trunk that has a mature growth height of greater than 3m or with a trunk diameter at its base of greater than 100mm.

**Unit site area:** Means either:

- a. A delineated area for exclusive use on a proposed plan of fee simple, cross lease, company lease subdivision.
- b. A principal unit and its accessory unit entitlements on a proposed unit title subdivision.
- c. A contiguous area of land for the exclusive use of a residential unit (including associated accessory buildings), and its required outdoor living area, and service area, and any vehicle parking and manoeuvring space.

**Upper floor levels:** Means those floors at a level higher than 2.5m above ground level at any corner of external foundations of the building.

**Urban block:** Means a group of lots that is bounded by roads in the Rotokauri North Medium-Density Residential Zone.

**Urupaa:** Means burial ground, chamber or site and is inclusive of body preparation sites both historical and existing.

**Use (in relation to the hazardous facilities screening procedure contained in Appendix 12):**

Means the manufacturing, processing or handling of a substance for a particular activity without necessarily changing the physical state or chemical structure of the substance involved. This includes mixing, blending and packaging operations, or the use of a substance as a cooling or heating medium. It does not include:

loading out and dispensing of petroleum products; or

the filling or drawing of substances from bulk storage tanks where the connection to the bulk storage tank is not permanent.

**Vegetation trimming and maintenance:** Means for the purpose of maintaining existing fence lines, vehicle tracks, walkways, cycleways, drains, ponds, utilities or other structures. It includes clearance required for the management of exotic plant species or compliance with a Pest Management Plan under the Biosecurity Act 1993 and must be in accordance with currently accepted arboricultural practice. This definition does not apply to clearance of indigenous or exotic vegetation or trees in a Significant Natural Area.

**Vegetation removal:** Means removing any vegetation or trees of any height including the root structure of such vegetation, provided that this shall not include emergency removal of protected trees and/or removal or alteration of vegetation necessary to avoid injury to persons or imminent danger to property or works undertaken by regional or territorial authorities for erosion control, flood management, or plant pest management purposes. This definition does not apply to removal of indigenous or exotic vegetation or trees in a Significant Natural Area.

**Vehicle crossing:** Means the formed and properly constructed vehicle entry/exit point from the carriageway of any road up to and including that portion of the road boundary of the site across which a vehicle entry or exit point is permitted by this District Plan. It includes any culvert, bridge or kerbing.

**Vehicle control point:** Means a point on an internal vehicle access route controlled by a barrier, or similar means, at which a vehicle is required to stop.

**Vibration sensitive activities:** Means residential activities, marae, hospitals, facilities for the elderly, hotels, accommodation and educational establishments.

**Visitor accommodation:** Means any land or buildings used for day-to-day accommodation of visitors on a temporary basis (up to three months' continuous occupation during any 12-month period). It includes motels, hotels, holiday or tourist flats, backpacker accommodation, motor or tourist lodges. It excludes camping grounds and motor camps.

**Waahi tapu:** Means a place sacred to Māori/Maori in the traditional, spiritual, religious, ritual, or mythological sense.

**Waikato Hydro System Operating Range:** Means

Waikato Hydro System Operating Range		
Location	Lower Level (m)	Upper Level (m)

Cobham Bridge	11.60	15.80
Victoria Bridge	11.40	15.44
Claudlands Bridge	11.20	15.29
Whitiora Bridge	10.99	15.18
Fairfield Bridge	10.83	15.06
Ann Street	10.70	14.92
Wairere Drive	10.40	14.38

**Waikato River:** Means the 'Waikato River' as defined by section 6 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

**Waikato Riverbank and Gully Hazard Area:** Means the area identified on the Planning Maps as Waikato Riverbank and Gully Hazard Area and is susceptible to land instability because of its slope and/or soil types.

**Note**

*Council holds mapping information that separates the gully network and Waikato Riverbank components of this Hazard Area.*

**Walkways and cycleways:** Means publicly accessible formed pathways and includes mountain bike/BMX tracks, boardwalks, shared paths, footpaths and cycle paths.

**Warehouse:** Means premises used for the receipt, storage and disposal of materials, articles or goods destined for a retail outlet, trader or manufacturer.

**Water-sensitive techniques:** These include a variety of methods designed for water conservation. They include many techniques referred to under other names, e.g. low-impact design (LID), water-sensitive urban design (WSUD), low-impact urban design and development (LIUDD), sustainable urban drainage systems (SUDS), "natural", "green" and "sustainable". A primary aim of water-sensitive techniques is to maximise the achievement of multiple benefits rather than a single engineering technical efficiency measure. Recognised water-sensitive techniques include:

a. For water supply:

- i. Rainwater reuse systems comprising rainwater tanks and appropriate connections that use rainwater instead of potable water for toilet flushing and landscape irrigation.
- ii. Low-flow fixtures.
- iii. Leak resistant fixtures and fittings.
- iv. Automated greywater reuse systems that use greywater instead of potable water for toilet flushing and landscape irrigation.
- v. Drought-resistant landscaping (e.g. xeriscape) with low water requirements.
- vi. Conservation education.

b. For stormwater:

- i. Rainwater tanks/chambers/ponds for reuse or detention.
    - ii. On-site soakage.
    - iii. Green roofs.
    - iv. Reed beds/wetlands.
    - v. Rain gardens.
    - vi. Vegetative filter strips.
    - vii. Swales and depression landscaping.
    - viii. Gross pollutant traps.
    - ix. Permeable paving.
    - x. Requiring buildings to be built above the freeboard of a 1% annual exceedance probability event.
  - c. For wastewater:
    - i. Low-flow and leak resistant fittings and fixtures on a water supply.
    - ii. Automated greywater reuse systems as in a. above.
    - iii. Best practice inflow and infiltration reduction methods.
  - d. Biodiversity:
    - i. Reed beds.
    - ii. Wetlands.
    - iii. Ponds.
    - iv. Rain gardens.
    - v. Green or living roofs.
    - vi. Water-quality protection and improvement devices.
    - vii. Maintenance or restoration of natural flow regimens.
  - e. Cultural:
    - i. Traditional food and fibre plants within riparian areas.
    - ii. Water-quality protection and improvement devices.
    - iii. Facilitation of appropriate water body access.
-

- iv. Maintenance or restoration of natural flow regimens.

**Wetland:** Means permanently or intermittently wet areas, shallow water, and land-water margins that support a natural ecosystem of plants and animals adapted to wet conditions.

**Wholesale retail and trade supplier:** Means premises that engage primarily in the storage, distribution and sale of goods to other businesses (rather than the general public, although it may include a minor proportion of its sales to the general public), including premises engaged in supplying the construction and building industries, such as plumbing and building materials, farming and primary production supplies (including seed and grain merchants, farming and horticultural equipment suppliers, and equestrian and veterinary suppliers).

**Yard:** Has the same meaning as setback.

**Yard area (relating to ancillary office activity):** Means that area of a site used for outdoor storage or outdoor activity related to the principal activity on the site, or which is the principal activity on the site. It excludes any provided staff or customer car-parking, landscaping areas and manoeuvring and loading areas.

**Yard-based retailing:** Means a retail activity selling or hiring products where more than half of the display area (not including any parking, servicing, landscaping or manoeuvring areas) is located outside of an enclosed building. Such activities include, but are not limited to car, boat and heavy machinery sales yards; garden centres and landscaping supplies; automotive and boating accessories; trailer and caravan sales yards, building and farm supply outlets, and hire pools.