

35**DEFINITIONS**

For the purposes of the Plan, unless the context requires otherwise, the following definitions apply:

the Act	the Resource Management Act 1991 including any amendments thereto.
Access lot	any separate lot, owned in common undivided shares, and used primarily for access to one or more lots that have no legal frontage.
Accessory building	a building which is accessory to the main use of the site. On residential sites, this includes garages, carports, workshops, garden sheds, swimming pools, spa pools and glasshouses that are not used for commercial purposes other than home occupations. It also includes walls, fences and retaining walls defined as buildings. For the purposes of the Southern Hills Overlay Area, accessory buildings do not include any building in the Residential Zone or Residential Hill which exceeds 36m ² in floor area and/or 3 metres in height. (See definition of “building”)
Active recreation	recreation activities that are active in nature. It includes motorised activities and gun clubs which have an intermittent noise component but excludes all temporary events, such as organised competitive sporting events.
Activity	the use of a site including the construction, operation, maintenance, minor upgrading, replacement and refurbishment of buildings, structures, plant and equipment.
Allotment	has the same meaning as in section 218 of the Resource Management Act 1991.
Amenity values	has the same meaning as in section 2 of the Resource Management Act 1991.
Ancillary	in relation to an activity means an activity serving a supportive function to, and located on the same site as a primary activity, and which is small in scale.
Antenna	any telecommunication or radio-communication apparatus, including satellite dishes and aerials, used for transmission or reception, including the antenna mounting but not any supporting mast.
Boundary	the legal boundary of a site, unless otherwise specified.

Building

any structure whether temporary or permanent, movable or immovable, which, in addition to its ordinary and usual meaning, includes the following:

- Any structure of over 5m² in area with a height of more than 1.2m.
- Any fence or wall with a height of more than 2m.
- Any retaining wall with a height of more than 1.5m above the finished ground level.
- Any tank or pool, and any structural support:
 - (i) Which has a capacity of not less than 25,000 litres and is supported directly by the ground.
 - (ii) Which has a capacity of 2,000 litres or more and is supported at a height of more than 2.0 metres from the base of its structure.
 - (iii) Which has a capacity of 500 litres or more and is supported at a height of more than 4.0 metres from the base of its supporting structure.

This definition does not apply to utilities as defined in this chapter.

Building improvement centres

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

Cleanfill

an activity involving the depositing of exclusively inert, non decomposing material into or onto land, including materials such as clay, soil, rock, concrete or brick, that are free of combustible or putrescible components or hazardous substances or materials likely to create a hazardous leachate by means of biological or chemical breakdown.

Code of Practice for Civil Engineering Works

a document prepared by the Council which sets out performance criteria, standards and procedures for engineering works within Upper Hutt.

Commercial unit

any land or buildings designed to be self-contained for individual or separate commercial activities, companies or businesses.

Community care housing

special care housing used for the rehabilitation or care of any group of persons.

Community facilities

any land or building used, or intended to be used, for public indoor or outdoor recreation, meetings, or social or cultural events, and includes the provision of information, advice and

training associated with the use of the facility.

Comprehensive residential development

a residential development of at least three dwellings, on a site within a Residential (Centres Overlay) Area, at a density greater than the minimum net site area requirement for the Residential zone.

Note: A Comprehensive Residential Development may include an existing dwelling.

Conservation

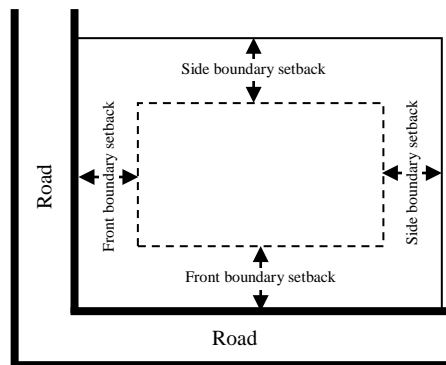
the maintenance or enhancement of environmental and heritage values.

Contaminated site

a site at which hazardous substances are present above local background levels and are likely to pose an immediate or long-term hazard to human health or the environment.

Corner lot

any site adjoining two or more contiguous roads with two or more contiguous frontages that each comply with the relevant subdivision standard (for the minimum frontage) of a corner lot in the relevant zone, but excludes any rear lot.



Corner lot

Council

the Upper Hutt City Council or any committee, subcommittee or person to whom the Council's powers, duties and discretions have been lawfully delegated.

Dripline (of a tree)

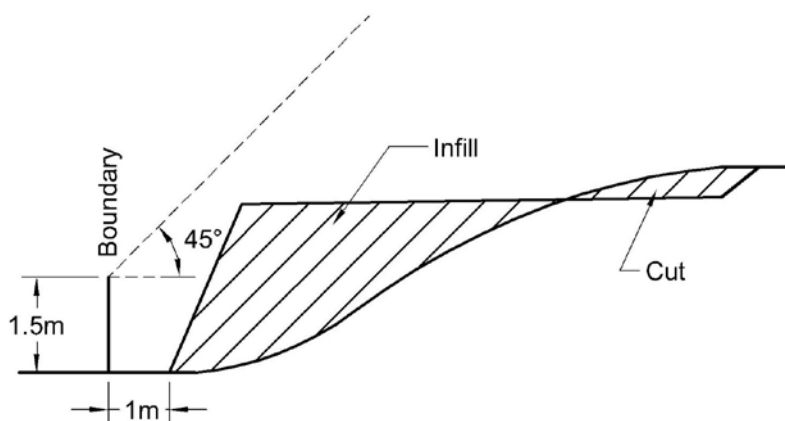
the shape defined on the ground by a series of vertical lines formed around the outer most extent of the tree, branches and foliage.

Dwelling a building or buildings, including detached habitable rooms, designed as self-contained accommodation for one or more persons on any site.

Early childhood centre means premises used for the care or education of four or more children under the age of seven, including but not limited to Kindergartens, Playcentres, Kohanga Reo, Licensed Childcare Centres, Day Nurseries and Creches.

Earthworks the removal, relocation or depositing of soil, earth or rock from, to or within a site, including quarrying or mining and the deposition of cleanfill, but excluding land disturbance resulting exclusively from domestic gardening and planting, cropping or drainage of land in connection with farming and forestry operations.

Earthworks plane means a height control plane applied at the ground level at a boundary from a height of 1.5 metres above any point along that boundary and entering the site at an angle of 45°



Ecosystem a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.

Effect has the same meaning provided in section 3 of the Resource Management Act 1991.

Environment has the same meaning provided in section 2 of the Resource Management Act 1991.

Erosion Hazard Area The area identified within the District Plan (Part 5) Hazard Maps that are at risk from erosion caused by the flood hazard.

Esplanade reserve and esplanade strip have the same meaning provided in section 2 of the Resource Management Act 1991.

Family flat

a self-contained dwelling unit no more than 55m² in floor area, on the same property and in the same ownership as the principal dwelling (and not leased to another party), for the purpose of providing ancillary accommodation.

Note: For clarity, a family flat which exceeds the 55m² limit will be considered as a dwelling and will be assessed against the appropriate rules.

Farming activity

an activity with the primary purpose of commercially producing livestock or vegetative matter. It includes horticulture but does not include forestry, veterinary hospitals, boarding kennels, catteries, aviaries or farm products processing industries. It also includes the sale of goods produced on the site, except where sale takes place via access to a State Highway.

Flood Hazard Extent

The area identified within the District Plan (Part 5) Hazard Maps. This identifies the area susceptible to the average flood return interval of 100 years (1 in 100-year flood), incorporating climate change to 2090. The Flood Hazard Extent comprises a High and Lower Hazard Area;

- High Hazard Area comprises the stream and river corridor, overflow paths and some parts of the Erosion Hazard Area.
- Lower Hazard Area comprises the ponding area and some parts of the Erosion Hazard Area.

Flood mitigation works

Work undertaken by local and regional authorities such as Greater Wellington Regional Council and Upper Hutt City Council or their nominated contractors where the primary purpose is to improve the ability and capacity of a stream or river to convey flood flows or reduce flooding across land, often in accordance with a relevant adopted Floodplain Management Plan.

Forestry

the management of forests for:

Soil conservation.

Forest protection.

Regulation of water.

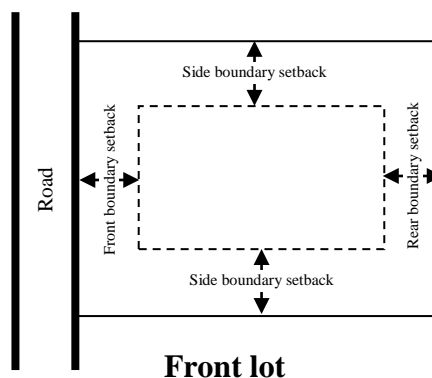
Production of timber or other forest products.

Recreational, aesthetic or scientific purposes.

It does not include forest products industries or on-site milling.

Front lot

any site abutting a road that complies with the relevant subdivision standard (for the minimum frontage) of a front lot in the relevant zone, but excludes any rear or corner lot.



Gang fortification	any building or site which is used by groups for accommodation as a base or headquarters, and which is typified by high fencing and other fortification.
Garden centre	any land and/or buildings used principally for the storage, display and sale of shrubs, plants, seedlings, and associated home garden supplies.
Ground level	the natural level of the ground before any excavation or filling has taken place. It also means the finished level of the ground after earthworks have been carried out in an approved subdivision.
Habitable building	any building where people live, work or may assemble, but does not include buildings associated with the storage or use of dangerous goods on the site.
Habitable room	a room used for activities normally associated with domestic living, but excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.
Hazardous substance	has the same meaning provided in section 2 of the Hazardous Substances and New Organisms Act 1996.
Home occupation	an occupation, art, craft, business, trade or profession which is ancillary to residential activities on a site.
Hydraulic neutrality	<u>the principle of managing stormwater runoff from all new lots or development areas through disposal or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development or subdivision situation.</u>
Indigenous vegetation	a plant community of any species or genetic variants of plants found naturally in New Zealand.
Indigenous vegetation	the removal, damage or destruction of indigenous vegetation, but excluding where such work is undertaken solely in

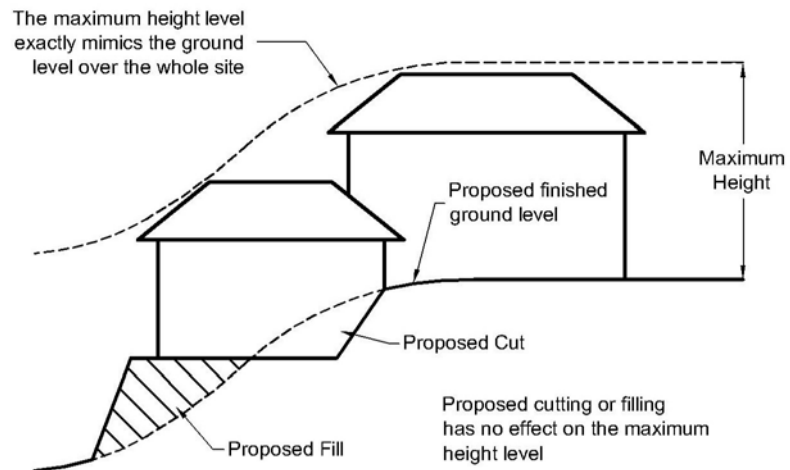
clearance	relation to any one or more of the following: <ul style="list-style-type: none">• Clearance of diseased, dead or dying vegetation;• Clearance undertaken for the purpose of flood control undertaken or approved by local authorities;• Clearance where necessary to maintain or restore existing essential services or for emergency work to avoid injury to persons or damage to property;• Clearance of regenerating vegetation under the canopy of a plantation forest;• Clearance of indigenous vegetation that has been planted and managed specifically for the purposes of harvesting.
Industrial unit	any building or buildings or land designed to be self contained for individual or separate industrial activities, companies or businesses.
Intensive animal farming	any farming operation where animals are kept and/or fed in a building or outdoor enclosures, where the stocking density precludes the maintenance of pasture or vegetative ground cover.
Kaitiakitanga	has the same meaning provided in section 2 of the Resource Management Act 1991.
Kohanga reo	premises where pre-school children are taught and cared for in accordance with tikanga Maori (Maori customs).
Land	has the same meaning provided in section 2 of the Resource Management Act 1991.
Landscaping	the provision of tree and shrub planting, and may include ancillary lawn, rocks, paved areas or amenity features.
Large format retail	is a retail activity or activities, located within a standalone building or complex of buildings, where the gross floor area of each retail activity is no less than 750m ² .
Loading	the loading and unloading of a vehicle including adjusting, covering or tying its load.
Lot	has the same meaning as allotment.
Marae	customarily means the open space in front of a meeting house upon which various ceremonial occasions are centred, but for the purpose of the District Plan a marae also consists of a Maori meeting house and/or hall together with the associated area of open ground.

Mast

any mast, pole, tower or similar structure which is used to facilitate the operation of a utility.

Maximum height

in relation to a building means the vertical distance between the ground level at any point along the building and the highest part of the building immediately above that point.

**Minor upgrading**

any work necessary to continue or improve the operation and/or functioning of an existing activity where, as a result of the work, the activity concerned would have effects that are the same or similar in character, intensity, and scale as those that existed before the work was carried out.

In respect of above ground cables and lines, minor upgrading includes the provision of one new or additional connection per site within existing developed areas already serviced by existing above ground lines.

Minor upgrading for the purposes of electricity transmission lines includes the following:

- (i) the addition of circuits and conductors;
- (ii) the reconductoring of the line with higher capacity conductors;
- (iii) the resagging of conductors;
- (iv) the addition of longer or more efficient insulators;
- (v) the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;
- (vi) an increase in the voltage of the line where the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

Motor vehicle wrecking

any land and/or building used for the dismantling and storage of wrecked motor vehicles for private or commercial purposes.

Natural and physical resources

has the same meaning provided in section 2 of the Resource Management Act 1991.

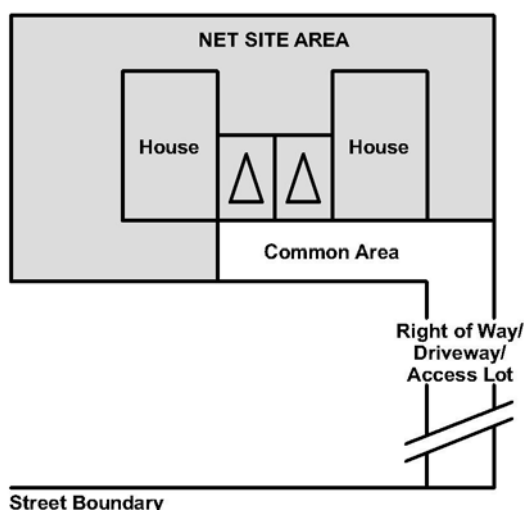
Net floor area

the superficial floor area of the actual room, rooms or spaces used for the particular activity and excludes areas such as hallways, ablutions, storage areas, stairwells and loading spaces.

Net site area

the area of a site excluding:

- Any access lot, driveway or right of way in the case of a rear lot.
- Any common area, access lot, driveway or right of way where there is more than one dwelling on a site.

**Notional boundary**

a line 20m from the façade of any rural dwelling or the legal boundary where this is closer to the dwelling.

Organised fireworks display

The public display of fireworks conducted by a suitably qualified person.

Outdoor living court

an area located on the net site area of a site set aside for outdoor activities in association with a dwelling.

Overflow path

the area defined on the District Plan Part 5 Hazard Maps. The overflow paths are areas identified as conveying moving flood water across land during a flood event and may be fast and/or deep.

Passive recreation

comprises all forms of informal recreational activity that are passive in nature, including the use of walkways, bridle paths and picnic areas, swimming and fishing

activities, cycling and outdoor education. It excludes facilities for organised, competitive sports.

**Pinehaven
Catchment
Overlay**

the area encompassing the upper sub-catchments of the Pinehaven stream catchment.

Places of assembly

land and/or buildings used for the public and/or private assembly of people primarily for worship, religious, educational, recreational, social and cultural purposes. This definition includes marae, churches and associated halls and grounds.

Ponding area

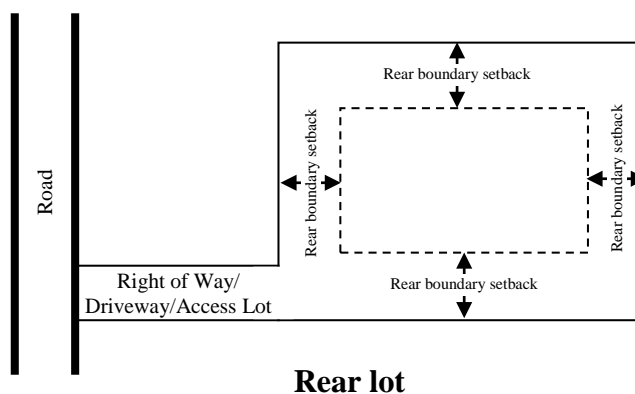
the area defined on the District Plan Part 5 Hazard Maps comprising areas of still or slow moving water during a flood event.

Property

all of that land held in one ownership.

Rear lot

any site situated generally to the rear of another site, which does not comply with the relevant subdivision standard (for the minimum frontage) for a front or corner lot in the relevant zone. It also includes any site, the net site area of which is accessed from a road by an access strip (i.e. right of way, access leg or access lot) that is less than the relevant subdivision standard (for the minimum frontage) for a front or corner lot.



Regional park

land which is managed and administered by the Wellington Regional Council in accordance with a Regional Park management plan.

Relocated building

any building or other structure, over two years old or which has been occupied for more than two years, which is intended to be removed and re-erected on another site.

Residential

the use of land, buildings, or any other facility, for domestic living purposes by people living alone or in

family or non-family groups, and includes dwelling units and accessory buildings.

Residential (Centres Overlay) Area

an area identified on the planning maps as a Residential (Centres Overlay) Area.

Restaurants

the use of land and/or buildings for the sale of food, mainly prepared on the premises, to the public. The food may be consumed on or off the premises. Cafes, coffee bars and take away food places are included. The premises may or may not be licensed under the Sale of Liquor Act.

Rest home

any nursing or convalescent home for aged and infirm persons or similar facility.

Retail

refers to any land, building or part of a building where goods, merchandise, equipment or services are sold, displayed or offered for sale or direct hire to the public. The definition does not include the sale and hire of motor vehicles, boats, caravans, motor homes and accessories and motor vehicle spare parts, home occupations, restaurants or service stations.

River Corridor

The area defined on the District Plan (Part 5) Hazard Maps comprising the open river channel and land immediately adjacent to the river.

Road

has the same meaning provided in section 43 of the Transit New Zealand Act 1989 and section 315 of the Local Government Act 1974.

Roading hierarchy

the classification of roads according to their intended function within the City's roading network (see Chapter 37).

Service station

any land and buildings where the predominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may also include, as ancillary activities:

- The mechanical repair and servicing of motor vehicles (other than panelbeating, trimming or spray painting, heavy engineering such as engine restoring and crankshaft grinding).
- The sale or hire of any goods, including the preparation and sale of food and beverages.
- Car wash facilities.
- The hire of light trailers and motor vehicles.

Setback

the minimum distance from a particular boundary of a site.

Sewage liquid wastes (including matter in solution or suspension therein) discharged from residential premises, or wastes of the same character discharged from other premises.

Shape factor a square with sides of the specified dimension which can be fitted within the net site area.

Sign a device or facility that displays information and which is visible from outside the site. It includes sandwich boards, shop frontages and every advertising device or advertising matter.

Site means:

- a. an area of land comprised in:
 - i. a single computer freehold register; or
 - ii. a single allotment for which a separate computer freehold register could be issued without further involvement of, or prior consent from, the Council;

whichever is the smaller.

- b. an area of land comprised in two or more allotments:
 - i. that are subject to a certificate issued under section 75(2) of the Building Act 2004, section 37(2) of the Building Act 1991, section 643(2) of the Local Government Act 1974, or any equivalent legislation; or
 - ii. that cannot be transferred or leased independently of each other without the Council's prior consent.
- c. an area of land:
 - i. comprised in two or more computer freehold registers; or
 - or
 - ii. for which two or more separate computer freehold registers could be issued without further involvement of, or prior consent from, the Council;

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

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

Site coverage that portion of the net site area, expressed in percentage terms, which may be covered by buildings, including accessory buildings (excluding fences and retaining walls).

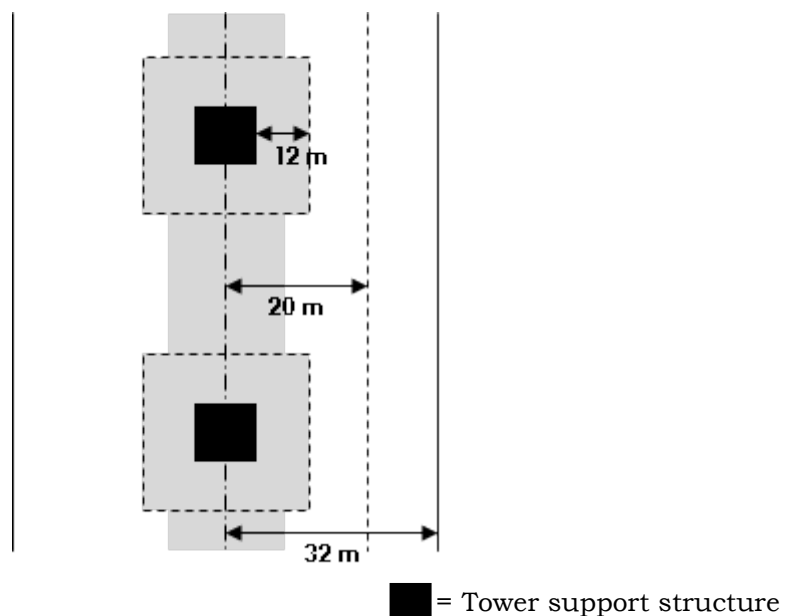
Stream corridor the area defined on the District Plan Part 5 Hazard Maps comprising the open stream channel.

Subdivision has the same meaning provided in section 218 of the

Resource Management Act 1991.

Tangata whenua	has the same meaning provided in section 2 of the Resource Management Act 1991.
Taonga	treasure or valued highly by Maori.
Temporary event	an organised event that is of a temporary nature, has a limited duration and that includes public entertainment events, cultural events and organised competitive sporting and recreational events, but excludes commercial promotional events.
Topsoil removal	the removal, relocation or stockpiling of topsoil for purposes other than in conjunction with conventional domestic gardening or the planting, cropping or drainage of land in connection with farming and forestry operations.
Tourism facilities	land and/or structures used for ventures, features, events and services primarily intended to attract tourists, visitors and travellers.
Transmission line	has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

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



Vehicle movement	<p>a movement of a vehicle between a road and a site, with the number of movements per day being calculated over a 24 hour period as follows:</p> <p>1 car to and from a site = 2 vehicle movements 1 truck to and from a site = 6 vehicle movements 1 truck and trailer to and from a site = 10 vehicle movements</p>
Utility	<p>one or more of the following:</p> <ul style="list-style-type: none">• The distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy;• Networks for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001 or radio-communication as defined in section 2(1) of the Radiocommunications Act 1989;• The distribution or transmission of electricity by an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992;• The collection, treatment, distribution or transmission by pipeline of water for supply (including irrigation);• The development, operation and maintenance of a drainage or sewerage system;• The construction, operation and maintenance of a road or railway line; <p>and includes all structures in relation to the operation of the utility.</p>
Verandah	<p>a permanent structure, constructed of weatherproof material, which is either cantilevered or supported on posts or pillars, which extends from a building facade, usually on the street frontage and at first floor level, and overhangs a footpath or other similar public pedestrian accessway or space.</p>
Visitor accommodation	<p>any land or building or other facility used to provide accommodation for visitors and backpackers. It includes hotels, motels, hostels and camping grounds but excludes homestays covered by the rules relating to home occupations.</p>
Waahi tapu	<p>a place which is particularly sacred or spiritually meaningful to tangata whenua. It includes burial grounds, tribal altars and locations where significant events have taken place.</p>
Water body	<p>has the same meaning provided in section 2 of the Resource Management Act 1991.</p>
Water catchment	<p>land managed and administered by the Wellington Regional Council for water supply purposes, protection and enhancement of native vegetation, forestry, and passive</p>

recreation uses, according to any management plan adopted by the Wellington Regional Council.

Warehouse

any building or part of a building, or land, where materials, articles or goods are stored. A warehouse may include offices and showrooms. Wholesale outlets may be included if incidental to, and a part of, the principal use of the site as a warehouse.

Wetland

has the same meaning provided in section 2 of the Resource Management Act 1991.

Yard oriented activities

are activities where the goods sold are sold in bulk and where internal retail (being retailing undertaken entirely from within a building but does not include goods stored outside under cover) does not occupy more than 20% of the area occupied by the activity. Yard oriented retailing is primarily for the sale of natural materials such as gravel, sand, shingle, rock, concrete, coal, fire wood and timber for construction purposes.

