

## 4A. MEDIUM DENSITY RESIDENTIAL ZONE DEFINITIONS

### NOTE TO PLAN USERS

A glossary of Māori words and terms is contained in Section 3 of this Plan.

In the Medium Density Residential Zone, unless the term is denoted with an \* (representing a definition in Section 4 of the District Plan) or the context otherwise requires it the following definitions apply:

<b>Accessory Building</b>	means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.
<b>Allotment</b>	<p>has the same meaning as in section 218 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px;"> <p>(2) In this Act, the term allotment means—</p> <ul style="list-style-type: none"> <li>(a) any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not— <ul style="list-style-type: none"> <li>(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</li> <li>(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</li> </ul> </li> <li>(b) any parcel of land or building or part of a building that is shown or identified separately— <ul style="list-style-type: none"> <li>(i) on a survey plan; or</li> <li>(ii) on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or</li> </ul> </li> <li>(c) any unit on a unit plan; or</li> <li>(d) any parcel of land not subject to the Land Transfer Act 2017.</li> </ul> <p>(3) For the purposes of subsection (2), an allotment that is—</p> </div>

	<p>(a) subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or</p> <p>(b) not subject to that Act and was acquired by its owner under 1 instrument of conveyance—</p> <p>shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.</p> <p>(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.</p>	
<b>Amenity values</b>	<p>Has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>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</p>	
<b>Ancestral Land</b>	<p>means:</p> <p>(a) 'Maori Land' as defined under Te Ture Whenua Maori Act 1993;</p> <p>(b) Land returned via Treaty Settlement Claims process;</p> <p>(c) Land procured via Treaty Settlement Claims process; or</p> <p>(d) 'General Land owned by Maori', as defined under Te Ture Whenua Maori Act 1993.</p>	
<b>Ancillary activity</b>	<p>means an activity that supports and is subsidiary to a primary activity.</p>	
<b>Bed</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means—</p> <p>(a) in relation to any river—</p> <p>(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;</p> <p>(ii) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and</p>	

	<p>(b) in relation to any lake, except a lake controlled by artificial means,—</p> <p>(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:</p> <p>(ii) in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and</p> <p>(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; and</p> <p>(d) in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.</p>	
<b>Boundary adjustment</b>	means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.	
<b>Building</b>	<p>means a temporary or permanent movable or immovable physical construction that is:</p> <p>(a) partially or fully roofed; and</p> <p>(b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.</p>	
<b>Building coverage</b>	means the percentage of the net site area covered by the building footprint.	
<b>Building footprint</b>	means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.	
<b>Commercial Activity</b>	means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).	
<b>Community Facility</b>	Means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.	
<b>Contaminant</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat—</p> <p>(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</p> <p>(b) when discharged onto or into land or into air, changes or is likely to change the physical,</p> </div>	

	chemical, or biological condition of the land or air onto or into which it is discharged.
<b>Cultivation</b>	means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops.
<b>Discharge</b>	has the same meaning as in section 2 of the RMA (as set out in the box below) includes emit, deposit, and allow to escape.
<b>Drain</b>	means any artificial watercourse designed, constructed, or used for the drainage of surface or subsurface water, but excludes artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes.
<b>Drinking water</b>	means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.
<b>Dust</b>	means all non-combusted solid particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from materials including rock, sand, cement, fertiliser, coal, soil, paint, animal products and wood.
<b>Earthworks</b>	Means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (of any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence post.
<b>Educational Facility</b>	means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.
<b>Effect</b>	has the same meaning as in section 3 of the RMA (as set out in the box below) includes— (a) any positive or adverse <i>effect</i> ; and (b) any temporary or permanent <i>effect</i> ; and (c) any past, present, or future <i>effect</i> ; and (d) any cumulative <i>effect</i> which arises over time or in combination with other <i>effects</i> — regardless of the scale, intensity, duration, or frequency of the <i>effect</i> , and also includes— (e) any potential <i>effect</i> of high probability; and (f) any potential <i>effect</i> of low probability which has a high potential impact.
<b>Environment</b>	has the same meaning as in section 2 of the RMA (as set out in the box below) includes— (a) ecosystems and their constituent parts, including people and communities; and (b) all natural and physical resources; and

	<p>(c) amenity values; and</p> <p>(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.</p>	
<b>Esplanade reserve</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means a reserve within the meaning of the Reserves Act 1977—</p> <p>(a) which is either—</p> <p style="padding-left: 40px;">(i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or</p> <p style="padding-left: 40px;">(ii) a reserve vested in the Crown or a regional council under section 237D; and</p> <p>(b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.</p>	
<b>Esplanade strip</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.</p>	
<b>Greywater</b>	<p>means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.</p>	
<b>Gross Floor Area</b>	<p>means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells) measured:</p> <p>(a) where there are exterior walls, from the exterior faces of those exterior walls;</p> <p>(b) where there are walls separating two buildings, from the centre lines of the walls separating the two buildings;</p> <p>(c) where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.</p>	
<b>Ground Level</b>	<p>means:</p> <p>(a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);</p> <p>(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;</p> <p>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.</p>	
<b>Habitable Room</b>	<p>means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.</p>	

<b>Hazardous substance</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—</p> <p>(a) with 1 or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> <li>(i) explosiveness:</li> <li>(ii) flammability:</li> <li>(iii) a capacity to oxidise:</li> <li>(iv) corrosiveness:</li> <li>(v) toxicity (including chronic toxicity):</li> <li>(vi) ecotoxicity, with or without bioaccumulation;</li> </ul> <p style="text-align: center;">or</p> <p>(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 1 or more of the properties specified in paragraph (a).</p> </div>
<b>Height</b>	means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.
<b>Height in Relation to Boundary</b>	<p>means the height of a structure, building or feature, relative to its distance from either the boundary of:</p> <ul style="list-style-type: none"> <li>(a) a site; or</li> <li>(b) another specified reference point.</li> </ul>
<b>Home Business</b>	<p>means a commercial activity that is:</p> <ul style="list-style-type: none"> <li>(a) undertaken or operated by at least one resident of the site; and</li> <li>(b) incidental to the use of the site for a residential activity.</li> </ul>
<b>Industrial and trade waste</b>	means liquid waste, with or without matter in suspension, from the receipt, manufacture or processing of materials as part of a commercial, industrial or trade process, but excludes sewage and greywater.
<b>L<sub>Aeq</sub></b>	has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics -Measurement of Environmental Sound.
<b>Land</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> <li>(a) includes land covered by water and the airspace above land; and</li> <li>(b) in a national environmental standard dealing with a regional council function under section 30 or a</li> </ul> </div>

	<p>regional rule, does not include the bed of a means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229. or river; and</p> <p>(c) in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.</p>	
<b>Main Living Area</b>	means a living room, dining room or family room.	
<b>Minor residential unit</b>	means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.	
<b>Natural and physical resources</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.</p>	
<b>Natural hazard</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>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.</p>	
<b>Net Site Area</b>	<p>means the total area of the site, but excludes:</p> <p>(a) any part of the site that provides legal access to another site;</p> <p>(b) any part of a rear site that provides legal access to that site;</p> <p>(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.</p>	
<b>Network utility operator</b>	<p>has the same meaning as in s166 of the RMA (as set out in the box below)</p> <p>means a person who—</p> <p>(a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or</p> <p>(b) operates or proposes to operate a network for the purpose of—</p> <p>(i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or</p> <p>(ii) radio communication as defined in section 2(1) of the Radio Communications Act 1989; or</p> <p>(c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for</p>	

	<p>the purpose of line function services as defined in that section; or</p> <p>(d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or</p> <p>(e) undertakes or proposes to undertake a drainage or sewerage system; or</p> <p>(f) constructs, operates, or proposes to construct or operate, a road or railway line; or</p> <p>(g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or</p> <p>(h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or</p> <p>(i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—</p> <p>and the words network utility operation have a corresponding meaning.</p>		
<b>Noise</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below</p> <table border="1" data-bbox="496 1137 1259 1178"> <tr> <td>Includes vibration.</td> </tr> </table>	Includes vibration.	
Includes vibration.			
<b>Outdoor Living Space</b>	means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.		
<b>Rail Corridor</b>	designation boundary - site #3 - maps 9, 10 and 14 in the DP.		
<b>Residential Activity</b>	means the use of land and building(s) for people's living accommodation.		
<b>Residential Unit</b>	means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.		
<b>Retirement village</b>	means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.		
<b>Road</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <table border="1" data-bbox="496 1742 1289 2000"> <tr> <td> <p>has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roding Powers Act 1989</p> <p><b>Section 315 of the Local Government Act 1974 road definition:</b></p> </td> </tr> </table>	<p>has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roding Powers Act 1989</p> <p><b>Section 315 of the Local Government Act 1974 road definition:</b></p>	
<p>has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roding Powers Act 1989</p> <p><b>Section 315 of the Local Government Act 1974 road definition:</b></p>			



	<p>road means the whole of any land which is within a district, and which—</p> <ul style="list-style-type: none"> <li>(a) immediately before the commencement of this Part was a road or street or public highway; or</li> <li>(b) immediately before the inclusion of any area in the district was a public highway within that area; or</li> <li>(c) is laid out by the council as a road or street after the commencement of this Part; or</li> <li>(d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or</li> <li>(e) is vested in the council as a road or street pursuant to any other enactment;—</li> </ul> <p>and includes—</p> <ul style="list-style-type: none"> <li>(f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:</li> <li>(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—</li> </ul> <p>but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989</p> <p><b>Section 2(1) of the Government Roding Powers Act 1989 motorway definition</b></p> <p>motorway—</p> <ul style="list-style-type: none"> <li>(a) means a motorway declared as such by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of this Act; and</li> <li>(b) includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but</li> <li>(c) does not include any local road, access way, or service lane (or the supports of any such road, way,</li> </ul>	
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	or lane) that crosses over or under a motorway on a different level
<b>Sewage</b>	means human excrement and urine.
<b>Site</b>	means: <ul style="list-style-type: none"> <li>(a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or</li> <li>(b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or</li> <li>(c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or</li> <li>(d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.</li> </ul>
<b>Stormwater</b>	means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within.
<b>Structure</b>	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft. </div>
<b>Subdivision</b>	Has the same meaning as "subdivision of land" in section 218 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Means- <ul style="list-style-type: none"> <li>(a) The division of an allotment- <ul style="list-style-type: none"> <li>a. By an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or</li> <li>b. By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or</li> <li>c. By a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or</li> <li>d. By the grant of a company lease of cross lease in response of any part of the allotment; or</li> <li>e. By the deposit of a unit plan, or an application to the Register-General of Land for the issue of a separate certificate of titles for any part of a unit on a unit plan; or</li> </ul> </li> <li>(b) An application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of the certificate of title is prohibited by section 226.</li> </ul> </div>
<b>Temporary military training activity</b>	means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those

	<p>purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:</p> <p>(a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act:</p> <p>(b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere:</p> <p>(c) the contribution of forces under collective security treaties, agreements, or arrangements:</p> <p>(d) the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations:</p> <p>(e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency:</p> <p>(f) the provision of any public service.</p>
<b>Visitor accommodation</b>	Means land and/or buildings used for accommodating visitors, subject to a tariff being paid and includes any ancillary activities.
<b>Wastewater</b>	means any combination of two or more the following wastes: sewage, greywater or industrial and trade waste.