

Definitions

Introduction

This chapter defines the meaning of words used in this Plan. Words defined in the Resource Management [Act](#) 1991 have the same meaning in this Plan, unless the context otherwise requires. Where a word is followed by an asterisk (*), the definition that follows is the meaning provided in the Resource Management [Act](#) 1991, and is repeated here to assist the readers. In the case of any inconsistency, the statutory definition prevails.

General Rules of Interpretation

- a. Any term which is not defined in this section takes its common meaning from the Concise Oxford Dictionary (Ninth Edition) or the Williams Māori Dictionary (Seventh Edition).
- b. Lists of items (for example, conditions, standards and terms in rules) and sub-paragraphs within paragraphs are to be read conjunctively, unless expressed as alternatives.
- c. Singular includes plural and vice versa.
- d. Cross references are for the assistance of the reader and are not necessarily exhaustive.
- e. Definitions of Māori terms are necessarily a brief approximation of meaning and have to be expanded and understood in the context of the specific usage and local language differences.
- f. Where a definition contains the word “includes” or “including” and is followed by a specific item or activity, or a list of specific items or activities, these shall be interpreted as falling within that definition.
- g. There are five “definition groupings” which gather specific [land](#) use activities into similar categories. These include: [Rural Production Activities](#), [Industrial Activities](#), [Residential Activities](#), [Commercial Activities](#) and [Community Activities](#). Within each grouping, activities are listed with the more general term on the left and the more specific term on the right. Where a District Plan rule manages a general activity, that general activity includes all of the specific activities listed in the definition grouping unless otherwise specified in the rules. Each definition grouping activity must also comply with any [building](#) and [built form](#) rules that are relevant to the activity. The five definition groupings are listed below:

Rural Production Activities	Farming
	Plantation Forestry
	Intensive Livestock Farming
	Farm Quarrying

Industrial Activities	General Industry
	Manufacturing
	Repair and Maintenance Services
	Artisan Industrial Activities
	Marine Industry
	Waste Management Facility
	Landfill
Storage	

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<u>Residential Activities</u>	<u>Supported Residential Care</u>	
	<u>Retirement Village</u>	
	<u>Residential Unit</u>	<u>Principal Residential Unit</u>
		<u>Minor Residential Unit</u>

<u>Commercial Activities</u>	<u>Retail Activity</u>	<u>Drive Through Facilities</u>	
		<u>General Retail</u>	
		<u>Grocery Store</u>	
		<u>Trade Retail</u>	
			<u>Marine Retail</u>
			<u>Hire Premise</u>
			<u>Motor Vehicle Sales</u>
			<u>Trade Suppliers</u>
			<u>Garden Centres</u>
		<u>Commercial Services</u>	
		<u>Food and Beverage Activity</u>	
		<u>Entertainment Facilities</u>	
		<u>Visitor Accommodation</u>	
	<u>Service Stations</u>		
	<u>Funeral Home</u>		
	<u>General Commercial</u>		

<u>Community Activities</u>	<u>Place of Assembly</u>	<u>Community Corrections Activity</u>
	<u>Recreational Facilities</u>	
	<u>Emergency Services</u>	
	<u>Care Centre</u>	
	<u>Educational Facilities</u>	
	<u>Hospital</u>	
	<u>General Community</u>	

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Access

means the area of [land](#) over which a [site](#) or [allotment](#) obtains legal, vehicular and pedestrian [access](#) to a legal [road](#).

Access Lot

means an [allotment](#) owned in common or undivided shares by the owners of two or more [allotments](#), for the principal purpose of providing [road frontage](#) or [access](#) to those lots, where their interests in the [access lot](#) are recorded on the certificates of title.

Access Strip

means a negotiated agreement of easement between a landowner and a [territorial authority](#) to provide public [access](#) across private [land](#). The [access strip](#) is surveyed and recorded on the title of [land](#) and ownership remains with the private landowner. An [access strip](#) can be used to link to an [esplanade reserve](#) or [esplanade strip](#) and includes [access strips](#), as defined in the Resource Management [Act](#) 1991.

Act*

means the Resource Management [Act](#) 1991, including amendments.

Active Frontage

means [building frontages](#) which are designed to have a connection to the [road](#) allowing visual interaction between pedestrians and people within [buildings](#).

Active Transport Modes

means non-motorised forms of transport involving physical activity, including walking and cycling.

Activities Ancillary to Farming, or Forestry

means processing and packaging facilities for [farming](#), and forestry that is dependent primarily on the direct handling of raw produce, or that primarily supplies services to [farming](#), horticulture, or forestry. Includes premises used for the manufacture of dairy products, abattoirs, timber processing, stock yards and sale yards, cool stores, pack houses and rural contractors.

Adaptive Re-use (*This definition only applies to the Historical Heritage Chapter of the District Plan*). is a process that adapts [buildings](#) for new uses while retaining their [historic heritage](#) features.

Additions and Alterations (*This definition only applies to the Historical Heritage Chapter of the District Plan*). means any work to existing [scheduled built heritage](#) resources which involves the addition, change, removal or replacement of walls, [fabric](#), windows or features resulting in changes to external appearance or an increase in [gross floor area](#) or [building coverage](#). It excludes [demolition or destruction](#) of a [building](#), [structure](#) or feature.

Aerial

means a device being a rod, wire, dish or similar, anemometer or other meteorological equipment (but excluding a weather balloon) used for the purpose of measuring collecting and distributing meteorological information or the reception of transmission of radio, telephone or electromagnetic signals.

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Aerial Support Structure

means a single supporting [structure](#) such as a tower, pole or mast, including guy wires, being permanent or temporary, and possibly extendable, used for the support of an [aerial](#) or [aerials](#).

Air Noise Boundary

[air noise boundary](#) defines the area around Whangarei Airport within which the 24 hour daily aircraft [noise](#) exposure will be sufficiently high as to require appropriate landuse controls or other measures to avoid, remedy or mitigate any adverse [effect](#) on the [environment](#), including [effects](#) on community health and [amenity values](#), whilst recognising the need to operate an airport efficiently. The average [night](#)-weighted sound exposure over a 24 hour period at the [air noise boundary](#) shall not exceed 65Ldn. The [air noise boundary](#) shall be established in accordance with NZS6805:1992.

Air Noise Margin

means the area of [land](#) that lies between the [air noise boundary](#) and the [outer control boundary](#), as identified on the Planning Maps.

Allotment*

This definition has the same meaning as in section 218 of the Resource Management [Act](#) 1991.

1. in this [Act](#), the term [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, under another Act; or
 - ii. a [subdivision](#) consent for the [subdivision](#) shown on the survey plan has been granted under the Resource Management [Act](#) 1991; or
 - b. any parcel of [land](#) or [building](#), or part of a [building](#), that is shown or identified separately:
 - i. on a survey plan; or
 - ii. on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or
 - c. any unit on a unit plan; or
 - d. any parcel of [land](#) not subject to the Land Transfer Act 2017.
2. for the purposes of subsection (1), an [allotment](#) that is:
 - a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 records of title could be issued under that Act; or
 - b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance 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](#).
3. for the purposes of subsection (1), the balance of any [land](#) from which any [allotment](#) is being or has been subdivided is deemed to be an [allotment](#).

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Alteration

means reconstruction, relocation or structural changes to a [building](#) or [major structure](#) (excluding [minor buildings](#)).

Amateur Radio Configuration

means an individual [structure](#) with antennas, [aerials](#) (including rods, wires and tubes) and/or associated support [structures](#) which are owned and used by licensed [amateur radio operators](#) for the reception or transmission of radio signals.

Amateur Radio Operator

means persons who have been granted a license under the Radiocommunications Act 1989 to operate an amateur radio station.

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 Activity

means an activity that supports and is [subsidiary](#) to a primary activity.

Annual Exceedance Probability (AEP)

the probability of exceedance of an event (generally a rainfall storm) within a period of one year (1% [AEP](#) is equivalent to 1 in 100 year storm). Guidance on calculating [AEP](#) can be found in the Whangarei District Council Engineering Standards.

Archaeological Site (as defined in the Historic Places Act 1993)

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; and
- b. is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.

Archaeological Site for the Historical Heritage Chapter of the District Plan

(This definition only applies to the Historical Heritage Chapter of the District Plan).

in terms of section 6 of the Heritage NZ Pouhere Taonga Act 2014, means any place in New Zealand (including [buildings](#), [structures](#) or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. Modifications to [archaeological sites](#) as defined above require consent from Heritage New Zealand.

Notes:

1. Under the Resource Management [Act](#) 1991 definition of '[historic heritage](#)' the term '[archaeological site](#)' is not limited to pre-1900 activity and may include evidence of archaeological significance such as [sites](#) of later activity of heritage interest (e.g. former World War II army camps).
2. Installing [signs](#) into pre-1900 [built heritage sites](#) may require an Authority from Heritage New Zealand.
3. Nineteenth Century [buildings](#) and [structures](#) above and below ground are [archaeological](#)

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sites and may require an Authority depending upon the nature of the works proposed.

Artificial Crop Protection Structures

means open structures that are used to protect crops from damage:

including:

- a. bird netting; and
- b. wind-break netting.

excluding:

- a. greenhouses.

Artisan Industrial Activities

This definition is included within the industrial activities definition grouping.

means manufacture, repair, storage or maintenance associated with production of art, crafts or specialist foodstuffs.

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; and
- 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; and
- 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
- d. in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

Bicycle Parking Spaces

means parking spaces available for bicycle parking which enable a cyclist to manoeuvre and attach or secure a bicycle to each stand/space.

Bird Scaring Device

means a gas gun, avian distress alarm, firearm or other such device used primarily for the purposes of bird scaring.

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Boundary

means:

- a. in relation to fee simple titles, the [site boundary](#).
- b. in relation to cross-lease titles, the [boundary](#) of any restrictive covenant area.
- c. in relation to unit titles, the [boundary](#) of the accessory unit associated with a particular principal unit.

Boundary Relocation

means a [subdivision](#) in the Rural Production Zone that relocates an existing [boundary](#) between adjacent [allotments](#) where separate computer freehold registers (records of title as per Land Transfer Act 2017) has been issued for those [allotments](#) without:

- a. altering the number of [allotments](#).
- b. cancelling existing amalgamation conditions.
- c. creating additional capacity to subdivide as a controlled activity in accordance with the relevant [subdivision](#) rules.

for the purposes of this definition “adjacent [allotments](#)” means [allotments](#) that are:

- a. part of a contiguous landholding; or
- b. separated only by a [road](#), [access allotment](#), railway, [stream](#) or [river](#).

Buffer Area

means that part of the Quarrying [Resource Area](#) which is outside of the [Mining Area](#).

Building

means a temporary or permanent moveable or immovable physical construction that is:

- a. partially or fully roofed, and
- b. is fixed or located on or in [land](#), but
- c. excludes any motorised vehicle or other mode of transport that could be moved under its own power.

Building Area

means an area of [land](#) on which a [building](#) could be accommodated. The [building area](#) does not include areas associated with [minor buildings](#), parking, manoeuvring, [landscaping](#), effluent treatment and disposal or private open space.

Building Coverage

means the proportion of the [net site area](#) which is covered by [buildings](#) and includes any part or overhangs or [eaves](#) in excess of 0.80m in width.

Building Frontage

means a side of a [building](#) that is facing the [frontage](#) of the [allotment](#).

Built Form

defined as (a) the general pattern of [built form](#) and development intensity and (b) the structural elements that define the District physically, such as natural features, transportation corridors, open

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space, public facilities, as well as activity centres and focal elements. **Built form** refers to the physical layout and design of the city.

Built Heritage (*This definition only applies to the Historical Heritage Chapter of the District Plan*). means physical or **built forms** of **historic heritage** predominantly comprising historic **sites**, **structures**, places, areas and associated settings/surroundings.

Business Net Floor Area

means the **net floor area** occupied exclusively for a single **commercial activity** or a single **community activity**.

ENV-2022-
AKL-
000151:
Marsden
City Limited
Partnership

Business Zones

means the City Centre, Mixed Use, Waterfront, Commercial, Shopping Centre, Local Centre, Neighbourhood Centre, Light Industrial and Heavy Industrial Zones.

Canopy Dripline

means the outermost circumference of the tree's canopy, from which **water** drips onto the ground.

ENV-2022-
AKL-
000152:
Bream Bay
Village
Limited

Care Centre

*This definition is included within the **community activities** definition grouping.*

means an activity used for any one or more of the following purposes:

- a. children, in addition to the children of the person in charge, aged six years or younger are cared for.
- b. children, in addition to the children of the person in charge, aged five years or older and are cared for out of school hours.
- c. elderly people are cared for during the day.
- d. people with disabilities (including mental health, addiction, illness or intellectual disabilities) are cared for during the **day**.

excludes:

- a. **supported residential care**.
- b. care provided by family members within a **residential activity**.
- c. **educational facilities**.

Cleanfill Area

means an area used exclusively for the disposal of **cleanfill material**.

Cleanfill Material

means virgin excavated natural material including clay, gravel, sand, soil and rock that are free of:

- a. combustible, putrescible, degradable or leachable components;
- b. **hazardous substances** and materials;
- c. products and materials derived from hazardous waste treatment, stabilisation or disposal practices;
- d. medical and veterinary wastes, asbestos, and radioactive substances;
- e. contaminated soil and other contaminated materials; and

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- f. liquid wastes.

Coastal Hazard Area

means an area of coastal [land](#) that is or is likely to be, subject to the [effects](#) of natural coastal hazards such as erosion, landslip and flooding over a defined planning horizon.

Coastal Hazard Area 1

means an area of coastal [land](#) bounded by the coastline and [Coastal Hazard Area 2](#) that is at relatively high to extreme risk from the [effects](#) of coastal hazards, over a planning horizon of 50 years.

Coastal Hazard Area 2

means an area of coastal [land](#), landward and adjacent to [Coastal Hazard Area 1](#), that is at relatively low to moderate risk from the [effects](#) of coastal hazards over a planning horizon of 100 years.

Coastal Marine Area*

means the foreshore, seabed, and [coastal water](#), and the air space above the [water](#):

- a. of which the seaward [boundary](#) is the out limits of the territorial sea:
- b. of which the landward [boundary](#) is the line of mean high water springs, except that where that line crosses a [river](#), the landward [boundary](#) at that point shall be whichever is the lesser of:
 - i. 1km upstream from the mouth of the [river](#); or
 - ii. the point upstream that is calculated by multiplying the width of the [river](#) mouth by 5.

Coastal Water*

means seawater within the outer limits of the territorial sea and includes:

- a. seawater with a substantial [fresh water](#) component; and
- b. seawater in estuaries, fiords, inlets, harbours or embayments.

Commercial Activity

means any activity trading in goods, equipment or services. It includes any [ancillary activity](#) to the [commercial activity](#) (for example administrative or head offices).

Commercial Services

This definition is included within the [commercial activities](#) definition grouping.

means businesses that sell services rather than goods. For example: banks, real estate agents, travel agents, dry cleaners, health care facilities and hairdressers. Includes offices conducting activities within a [building](#) and focusing on business, government, professional, IT or financial services and includes the personal service elements of these activities offered to consumers or clients where visits by members of the public are accessory to the main use.

Communal Open Space

means a quantity of outdoor area freely available to all residents on the [site](#), exclusive of driveways, [buildings](#), [major structures](#) and private outdoor space of individual [residential units](#).

Community Activities

means activities for recreational, sporting, cultural, safety, health, welfare, worship, educational or similar community and well-being purposes for members of the community. It includes provision for [ancillary activities](#).

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Community Corrections Activity

This definition is included within the [community activities](#) and [place of assembly](#) definition groupings.

means the use of [land](#) and [building](#) for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community work groups.

Community Sign

means a [sign](#) displaying information relating to the location of public facilities, place-names, destinations of historical, cultural, spiritual, sporting, or scenic significance. The advertising of public, sporting, recreation, community, social or cultural events.

Conservation (*This definition only applies to the Historical Heritage Chapter of the District Plan*).

means all of the processes of understanding and caring for a [built heritage](#) item so as to safeguard its [historic heritage](#) values.

Consolidated Sign Installation

means a [sign](#) which identifies or advertises at least three different businesses, activities, or events (or a combination thereof) within a single permanent [structure](#).

Contaminant*

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:

- a. when [discharged](#) into [water](#), changes or is likely to change the physical, chemical or biological condition of [water](#); or
- b. when [discharged](#) onto or into [land](#) or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is [discharged](#).

Contaminated Land*

means [land](#) that has a [hazardous substance](#) in or on it that:

- a. has significant adverse [effects](#) on the [environment](#); or
- b. is reasonably likely to have significant adverse [effects](#) on the [environment](#).

Contaminated Site

means an area of [land](#) on which [hazardous substances](#) occur at concentrations above background levels, and where assessment indicates the substance poses, or is likely to pose an immediate or long term hazard to human health or the [environment](#).

CPTED (Crime Prevention Through Environmental Design)

means a framework promoted by the Ministry of Justice Tāhū o te Ture for incorporating crime prevention within quality urban design by focusing on reducing the opportunity to commit crime, therefore lessening the motivation to offend.

Crop Support Structure

means open pervious, [structures](#) with the primary purpose to provide support for horticultural crops. [Crop support structures](#) are stand-alone unattached to any [building](#) or [major structure](#).

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Cultivation

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.

Day

means the period 07:00 to 22:00 hours unless specified otherwise.

Demolition or Destruction (*This definition only applies to the Historical Heritage Chapter of the District Plan*).

means any activity that destroys, damages or modifies in whole or in part the fabric of a historic heritage item and adversely affects the heritage values that contribute to its significance. The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute 'demolition or destruction'.

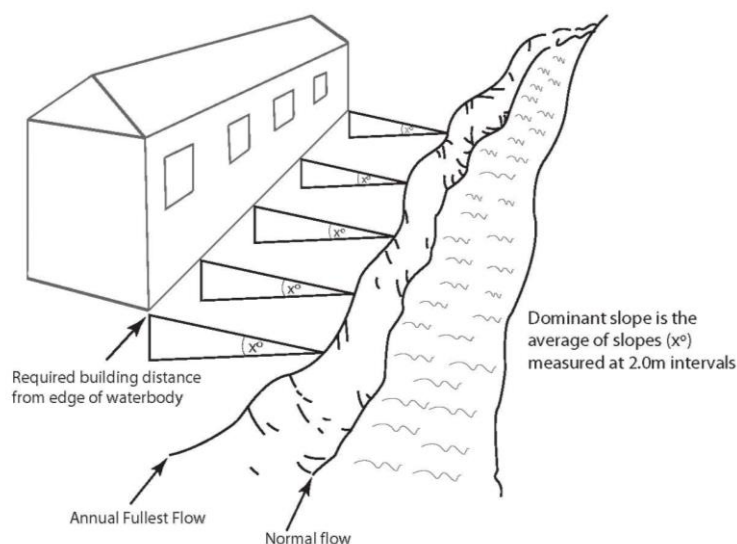
Discharge*

includes emit, deposit, and allow escape.

Dominant Slope

means the average slope of land above the level of annual fullest flow of a river or lake adjacent to the width or length of the proposed building or major structure. The dominant slope is determined by averaging measurements taken at 2m intervals above the Annual Fullest Flow between projections of the outer dimensions of the proposed building or major structure (see illustration below). When determining building and major structure setbacks from water bodies the dominant slope rule applies only to any river bed that has a width of less than 3m or the bed of a lake under 8ha. For the purposes of determining dominant slope, annual fullest flow in relation to a river is the highest point at which the river can rise without overtopping the bank and in the case of a lake the point at which the waters cover at the highest level without exceeding its margin.

Illustration of Dominant Slope



Drinking Water

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.

Drive Through Facilities

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This definition is included within the [commercial activities](#) definition grouping.

means any part of any fast food or restaurant activity where the product is sold directly to the customer while in their vehicle.

Dry Stone Wall (*This definition only applies to the Historical Heritage Chapter of the District Plan*). means a wall that has been constructed by hand, without mortar, from locally sourced volcanic rocks, as opposed to man-made construction materials. Located primarily within the areas of Maungatapere, Maunu, Glenbervie, Three Mile Bush and Maungakaramea, these walls were generally constructed between the 1850's and World War II. Pre -1900 [dry stone walls](#) are also classed as '[archaeological sites](#)'.

Earthworks

means the [alteration](#) or disturbance of [land](#), including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the [land](#) including soil, clay, sand and rock); but excludes gardening, [cultivation](#), and disturbance of [land](#) for the installation of fence posts.

Earthworks Associated with Subdivision

means [earthworks](#) undertaken in anticipation of, or as part of, the [subdivision](#) of [land](#).

includes [earthworks](#) for:

- a. the stripping of topsoil.
- b. [infrastructure](#) and services.
- c. [access](#) and [roads](#).
- d. [building](#) platforms.
- e. [site](#) stabilisation.
- f. the compaction of fill material.

Eaves

means that portion of the roof extending beyond the exterior wall of a [building](#) having a maximum overhang of 800mm.

Educational Facility

This definition is included within the [community activities](#) definition grouping.

means [land](#) or [buildings](#) used for teaching or training by child care services, schools, or tertiary education services, including any [ancillary activities](#).

Effect*

includes:

- a. any positive or adverse [effect](#); and
- b. any temporary or permanent [effect](#); and
- c. any past, present or future [effect](#); and
- d. any cumulative [effect](#) which arises over time or in combination with other [effects](#), regardless of the scale, intensity, duration or frequency of the [effect](#), and also includes:
- e. any potential [effect](#) of high probability; and

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f. any potential [effect](#) of low probability which has a high potential impact.

Electric Vehicle Charging Station

means a [structure](#) with the primary purpose of recharging an electric vehicle. The station must be available for use by electric vehicles.

Electric Vehicle Charging Station Parking Space

means a parking space of sufficient dimensions to accommodate [infrastructure](#) for an [electric vehicle charging station](#).

Electricity Infrastructure

means all transmission and distribution systems for electricity comprising of lines, cables, substations and switchyards and other paraphernalia provided by a [network utility operator](#), but excluding generation facilities. [Electricity infrastructure](#) within the District is comprised of the [National Grid](#) and the Electricity Distribution Network.

Emergency Services

This definition is included within the [community activities](#) definition grouping.

means the activities of authorities who are responsible for the safety and welfare of people and property in the community and include fire, ambulance and police services.

Emergency Tree Works

means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or [telecommunications infrastructure](#).

End-of-trip Facilities

means facilities provided primarily for cyclists but also for walkers and runners at the end of their trip, and must include showers and changing areas.

Entertainment Facilities

This definition is included within the [commercial activities](#) definition grouping.

facility used for leisure or entertainment.

includes:

- a. nightclubs;
- b. theatres;
- c. cinemas;
- d. concert venues.

Environment*

includes:

- a. ecosystems and their constituent parts, including people and communities; and
- b. all [natural and physical resources](#); and
- c. [amenity values](#); and
- d. the social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.

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Environmental Protection Authority and EPA*

means the [Environmental Protection Authority](#) established by section 7 of the Environmental Protection Authority Act 2011.

Equine Related Activities

means any activities within the Ruakaka Equine Zone that relate to the agistment (resting and grazing), training, housing and racing of horses.

these activities include, but are not limited to:

- a. stabling and care of horses together with incidental [buildings](#) and [major structures](#).
- b. equine training and [educational facilities](#).
- c. accommodation for horse trainers, students and caretakers.
- d. car parking areas.
- e. broadcasting.
- f. TAB and related gaming facilities.
- g. grandstand/viewing areas.
- h. entertainment (related to race [days](#)).
- i. race meetings.
- j. racecourse administration with incidental [buildings](#) and [major structures](#).
- k. sale and auction of race horses and stock.
- l. catering activities associated with racing [days](#).
- m. pony clubs and riding schools.
- n. activities associated with horse breeding and training, including feed supplies, veterinary services, horse transport, riding schools, saddlery and farriers.

Esplanade Reserve

means an area of [land](#) adjoining a [water body](#) and vested in the territorial or regional authority or the Crown, for the purposes of section 229 of the Resource Management [Act](#) 1991 (conservation, public [access](#) and recreational use). The [land](#) is surveyed and titled, and its [boundaries](#) do not alter with changes to the margins of the [water body](#), and includes [esplanade reserves](#), as defined in the Resource Management [Act](#) 1991.

Esplanade Strip

means an area of [land](#) adjoining a [water body](#) that complies with the purposes of section 229 of the Resource Management [Act](#) 1991, and ownership of the strip remains with the landowner with a note of interest expressed on the title. An [esplanade strip](#) is defined as an area of specified width from the margins of the [water body](#), and also includes [esplanade strip](#), as defined in the Resource Management [Act](#) 1991.

Existing Use Rights

is the term that is commonly applied to the rights protected under section 10 and section 10A of the Resource Management [Act](#) 1991. A summary of the rights protected by those sections of the

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Resource Management [Act](#) 1991 follows. This summary is designed to assist understanding of the term, but is not a substitute for the statutory provisions.

[existing use rights](#) apply to the use of [land](#) or to activities that contravene a rule in a district plan or proposed district plan. The rights apply if:

- the use or activity was lawfully established before the rule became operative or the proposed plan was notified; and
- the [effects](#) of the use or activity are similar in character, scale and intensity to those that existed before the rule became operative or the proposed plan was notified.

[existing use rights](#) are extinguished if a use or activity is discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified.

However, an extension can be granted by the [territorial authority](#) on application up to two years after the use or activity is first discontinued.

Exploration

means any activity undertaken for the purpose of identifying [mineral](#) deposits or occurrences, and evaluating the feasibility of mining particular deposits or occurrences of one or more [minerals](#); and includes any drilling, dredging or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a [mineral](#) deposit or occurrence; and "to explore" has a corresponding meaning.

Fabric (*This definition only applies to the Historical Heritage Chapter of the District Plan*).

means all the physical material associated with a [built heritage](#) item, including [structures](#), interior and exterior surfaces, fixtures and fittings.

Farm Quarry(ies)

This definition is included within the [rural production activities](#) definition grouping.

means the extraction of [minerals](#) for uses ancillary to [farming](#), horticulture, or forestry, where:

- a. the quarried material is used only on the property of extraction;
- b. no extracted material, including any aggregate is removed from the property of origin; and
- c. there are no retail or other sales of quarried material.

Farming

This definition is included within the [rural production activities](#) definition grouping.

means any agricultural or horticultural activity having as its primary purpose the commercial production of any livestock or vegetative matter for human or animal consumption. The production of livestock or vegetative matter utilises the in situ production capacity of the soil, [water](#) and air as a medium for production.

includes:

- a. all types of livestock breeding, cropping, grazing, aquaculture
- b. horticulture, including covered cropping as in greenhouses
- c. apiaries
- d. normal rural practices including associated [buildings](#) and [structures](#)
- e. [crop support structures](#) and artificial crop protection

Definitions

f. airstrips.

excludes:

- a. [plantation forestry](#) and [intensive livestock farming](#).
- b. [equine related activities](#).

Field Trials (Tests)

means, in relation to a [genetically modified organism](#), the carrying on of outdoor trials, on the [effects](#) of the organism under conditions similar to those of the environment into which the organism is likely to be [released](#), but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.

Financial Contribution

means a contribution of:

- a. money; or
- b. [land](#), including an [esplanade reserve](#) or [esplanade strip](#) (other than in relation to a [subdivision](#) consent), but excluding Māori land within the meaning of the Māori Land Act 1993 unless that Act provides otherwise; or
- c. a combination of [land](#) and money.

Flood Susceptible Area

means an area which has been assessed as being likely to experience [water](#) covering the surface of the [land](#) in a 1 in 50 year [stormwater](#) flood event. A [flood susceptible area](#) does not imply any particular duration or level of flood [water](#) but is generally part of a contiguous area of flood susceptibility. It includes areas likely to experience [surface water](#), either ponding or flowing, from heavy rainfall and overflows from [rivers](#), [streams](#), and drainage channels. In areas adjacent to the coast, the [flood susceptible area](#) relates to areas which are or are likely to be, subject to permanent or temporary inundation from sea [water](#) due to sea level rise, storm tides or tsunami over a planning horizon of 100 years. In the coastal areas there is also the potential for inundation to occur as a result of the combination of [stormwater](#) and sea [water](#) flood events.

Food and Beverage Activity

This definition is included within the [commercial activities](#) definition grouping.

means activities where the primary business is selling food or beverages.

includes:

- a. restaurants and cafes;
- b. food halls; and
- c. takeaway food bars and bakeries.

excludes:

- a. retail shops; and
- b. [grocery stores](#).

Freestanding Sign

Definitions

means a [sign](#) placed on or mounted or supported off the ground independent of any other [building](#) or [structure](#) for its primary support. Includes tower [signs](#), pole [signs](#), head post [signs](#) and goal post [signs](#).

Fresh Water*

means all [water](#) except [coastal water](#) and geothermal [water](#).

Frontage

means any [boundary](#) of a [site](#) abutting a legal [road](#), or contiguous to a [boundary](#) of a [road](#) designation.

Funeral Home

This definition is included within the [commercial activities](#) definition grouping.

means an activity for holding funerals.

includes:

- a. mortuary facilities (excluding those ancillary to a [hospital](#)); and
- b. funeral chapels.

Garage

means a [building](#) or part of a [building](#) that is principally used for the housing of vehicles and other miscellaneous residential items. Includes a carport/lean-to.

Note:

1. [Building](#) rules apply to any [garage](#) as well.

Gardening

means the planting, growing and tending of vegetation and the mowing of grass, but excludes the layout of paths, walls, fences and garden structures that are embedded in the soil. Gardening can include the use of driven stakes or poles to support landscaping above the soil.

Garden Centre

This definition is included within the [commercial activities](#) definition grouping.

means the sale of plants, trees or shrubs. Provided that the sale of the following is accessory to the sale of plants, trees or shrubs, it also includes the sale of:

- a. [landscaping](#) supplies
- b. bark and compost
- c. statues and ornamental garden features

General Commercial

This definition is included within the [commercial activities](#) definition grouping.

means any [commercial activity](#) which is not a commercial service, [entertainment facility](#), [food and beverage activity](#), [funeral home](#), [retail activity](#), [service station](#) or [visitor accommodation](#).

General Community

This definition is included within the [community activities](#) definition grouping.

means any [community activity](#) which is not a [care centre](#), [educational facility](#), [place of assembly](#), emergency service, [hospital](#) or [recreational facility](#).

Definitions

General Industry

This definition is included within the [industrial activities](#) definition grouping.

means any [industrial activity](#) which is not [manufacturing](#) and [storage, repair and maintenance services](#), [artisan industrial activities](#), [marine industry](#), [waste management facilities](#), or a [landfill](#). It includes any research laboratories used for scientific, industrial or medical research, or any training facilities for an [industrial activity](#).

General Public Amenities

means facilities established by the Council, or their authorised representative, for the convenience and amenity of the public.

includes:

- a. [landscaping](#) and planting.
- b. public toilets.
- c. seating and picnic tables.
- d. bicycle stands and cycle parking [structures](#).
- e. fountains.
- f. drinking fountains.
- g. rubbish bins.
- h. barbeques.
- i. footpaths and walking tracks.

Note:

1. All [buildings](#) subject to relevant [building](#) rules.

General Retail

This definition is included within the [commercial activities](#) definition grouping.

means any [retail activity](#) which is not [motor vehicle sales](#), [garden centres](#), [trade suppliers](#), [marine retail drive through facilities](#), [grocery stores](#), or a [hire premise](#).

Genetically Modified Organism and GMO

means, unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:

- a. have been modified by in vitro techniques; or
- b. are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques.

Note:

1. *For the absence of doubt, this does not apply to GM products that are not viable (and are thus no longer GM organisms), or products that are dominantly non-GM but contain non-viable GM ingredients (such as processed foods).*

Genetically Modified Veterinary Vaccine

means a [veterinary vaccine](#) that is a [genetically modified organism](#) as defined in this Plan.

Goat Resistant Fencing

Definitions

means a fence constructed so that the following requirements are met:

- a. the line of the fence is bulldozed or cleared by some other method to ensure that the bottom wire is no more than 70mm from the ground.
- b. there is a minimum of 9 wires (kept tight at all times) such to meet the following standards:
 - minimum high tensile 2.5mm diameter galvanized steel is used;
 - the wires shall be spaced at the following intervals from the bottom – 100, 100, 100, 110, 120, 135. 150 and 165mm;
 - the top wire shall be approximately 50mm below the top of the post;
 - the bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.
- c. there are no internal stays.
- d. all posts are at the following spacings:
 - less than 30° ground slope – 5m;
 - 30° to less than 45° ground slope – 4m;
 - more than 45° ground slope – 3 m
- e. all battens are at 1m intervals.
- f. where a water body crosses the boundary of the area to be fenced, either one or both of the following requirements shall be adhered to in order to maintain the integrity of the area to be fenced to prevent stock escape:
 - fences which meet the above specifications shall be constructed alongside waterways with an appropriate setback to avoid the possible effects of bank erosion and slumping which may cause a breach of the fencing standard; and/or
 - fences across water bodies, shall require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that it will allow the passage of water but will not cause a breach of the fence by stock escaping up or down the watercourse. Wire netting is not to be used in floodgate construction. Floodgates across culverted water bodies shall be on the downstream side of the culvert.

Green Infrastructure

means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to:

- a. provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and
- b. provide services to people and communities, such as stormwater or flood management or climate change adaptation.

Greywater

means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.

Grocery Store

Definitions

This definition is included within the [commercial activities](#) definition grouping.

means a self-service [retail activity](#) selling mainly food, beverages and small [household](#) goods.

Gross Floor Area (GFA)

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:

- a. where there are exterior walls, from the exterior faces of those exterior walls
- b. where there are walls separating two [buildings](#), from the centre lines of the walls separating the two [buildings](#)
- 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.

Ground Level

means:

- 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;
- b. if the [ground level](#) cannot be identified under paragraph (a), the existing surface level of the ground;
- 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](#).

Habitable Room

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.

Hapū Environmental Management Plan (Iwi Management Plan)

means a plan prepared by an iwi, hapū, or whanau for management of resources within its rohe.

Hazardous Facility

means any activity involving [hazardous substances](#) and [sites](#) at which these substances are used, stored, handled or disposed of (including on-[site](#) movements and the transit [storage](#), for example, in stationary vehicles or containers) for a period of time exceeding one hour.

Hazardous Sub Facility

means a facility that is separated by more than 30m from any other [hazardous facility](#) on the same [site](#).

Hazardous Substance*

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 –

- a. with 1 or more of the following intrinsic properties:
 - i. explosiveness:

Definitions

- 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 1 or more of the properties specified in paragraph (a).

Hazardous Substances and New Organisms Act and HSNO

means the [Hazardous Substances and New Organisms Act](#) 1996.

Heavy Vehicle

means any vehicle exceeding 3,500kg gross laden weight.

Height

means the vertical distance between a specified reference point and the highest part of any feature, [structure](#) or [building](#) above that point.

Height in Relation to Boundary

means the [height](#) of a [structure](#), [building](#), or feature, relative to its distance from either the [boundary](#) of a:

- a. a [site](#), or
- b. another specified reference point.

High Noise Area

means an area where the average background sound level ([L_{A90}](#)) is greater than 45 dB [L_{A90}](#) between 06:30 and 21:30 hours; or greater than or equal to 35 dB [L_{A90}](#) between 21:30 and 06:30 hours.

Highly Erodible Land

means Land Use Capability Classes 6e17, 6e19, 7e1-7e10, 8e1-8e3 and 8s 1 as mapped in the New Zealand Land Resource Inventory

Highly Versatile Soils

means Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 as mapped in the New Zealand Land Resource Inventory.

Hire Premise

This definition is included within the [commercial activities](#) definition grouping.

means an activity for the hiring of machinery and equipment.

includes:

- a. servicing and maintenance of hire equipment; and
- b. storing hire equipment.

excludes: premises for the hire or loan of books, videos, DVD, kayaks and other similar entertainment and tourist related items which are classified as [general retail](#).

Definitions

Historic Heritage*

means those [natural and physical resources](#) that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- a. archaeological;
- b. architectural;
- c. cultural;
- d. historic;
- e. scientific;
- f. technological; and

includes:

- a. historic [sites, structures](#), places and areas; and
- b. [archaeological sites](#); and
- c. sites of significance to Māori, including [wāhi tapu](#); and
- d. surroundings associated with the [natural and physical resources](#).

Historic Heritage Resources *(This definition only applies to the Historical Heritage Chapter of the District Plan).*

means heritage items, features or components, (including archaeological features, [buildings](#), objects or [structures](#)) that contribute to [historic heritage](#) as defined in the Resource Management [Act](#) 1991 and as adopted in the Proposed Regional Policy Statement.

Historical and Cultural Heritage *(This definition only applies to the Historical Heritage Chapter of the District Plan).*

as referred to in the Heritage NZ Pouhere Taonga Act 2014 is similar in meaning to the Resource Management [Act](#) 1991 definition of [historic heritage](#).

Hospital

means any [regionally significant infrastructure](#) that provides for the medical, surgical or psychiatric care, treatment and rehabilitation of persons.

Hospital Related Activities

means activities associated with the provision of medical, surgical or psychiatric care, treatment and rehabilitation of persons within a [hospital](#), including:

- a. offices and administration facilities;
- b. pharmacies, [food and beverage activities](#), bookstores, gift stores and florists;
- c. [commercial services](#) including banks and dry cleaners;
- d. ambulance facilities and first aid training facilities;
- e. conference facilities;

Definitions

- f. helicopter facilities;
- g. hospices;
- h. hospital maintenance, operational and service facilities, including kitchens, storage facilities, waste processing and laundries;
- i. medical research and testing;
- j. mortuaries;
- k. rehabilitation facilities;
- l. training; and
- m. private specialist and general medical facilities, services and practices.

Hours of Darkness

means that time between sunset and sunrise.

Household

means a person or a group who reside together and directly interact on a daily basis to maintain an independent and self-contained housekeeping unit.

Illuminated Sign

means any sign with a specifically designed means of illumination of the whole or any portion of its visible area. Includes internally illuminated and externally illuminated (floodlit) signs, reflective signs, digital signs, and signs that incorporate flashing, animation and variable message displays.

Impervious Area

means an area with a surface which prevents or significantly retards the soakage of water into the ground.

includes:

- roofs
- paved areas including driveways and sealed/compacted metal parking areas, patios
- sealed tennis or netball courts
- sealed and compacted metal roads
- engineered layers such as compacted clay
- artificial playing surfaces or fields.

excludes:

- grass and bush areas
- gardens and other landscaped areas
- permeable paving and green roofs
- slatted decks.

'Inappropriate' Subdivision, Use and Development (*This definition only applies to the Historical Heritage Chapter of the District Plan*).

includes inappropriate intensity, scale, character and design and inappropriate location.

Definitions

Indigenous Vegetation

means plants which belong naturally in the ecological locality and includes Manuka and Kanuka.

Indigenous Wetland

means a naturally occurring [wetland](#) of 50m² or more (with a minimum width of 5m) which is permanently or seasonally wet (in that the [water](#) table is at or near the ground surface during high [water](#) table conditions), and which is dominated by [indigenous wetland](#) plant species including all or some of the following:

- a. raupo
- b. flax
- c. sedge associations
- d. kahikatea
- e. cabbage tree
- f. manuka/kanuka on peatlands
- g. mangrove and saltmarsh
- h. kuta

for the purposes of this Plan [indigenous wetlands](#) that have been created for conservation purposes, as a requirement of a resource consent, are included within the definition of "[indigenous wetland](#)".

the definition excludes [wetlands](#) created and subsequently maintained principally for, or in connection with:

- a. effluent treatment and disposal systems; or
- b. [stormwater](#) management; or
- c. [water storage](#); or
- d. other artificial [wetlands](#), watercourses or open drains.

the definition also excludes:

- a. trees with a pasture under storey; or
- b. exotic rush/pasture communities; or
- c. [land](#) which has been modified prior to the date of notification of this Plan, to the extent that it is no longer ecologically viable.

Note:

1. *This definition does not include [indigenous wetlands](#) which have been created voluntarily, that is not as a requirement of a resource consent. If you are unsure if an area is an [indigenous wetland](#) and is subject to rules in the Plan, contact the Whangarei District Council for advice.*

Industrial Activity

means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or good. It includes any [ancillary activity](#) to the [industrial activity](#).

Definitions

Industrial and Trade Waste

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](#).

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.

Integrity (*This definition only applies to the Historical Heritage Chapter of the District Plan*).

is a term applied to heritage resources that retain a high proportion of their original characteristics or [fabric](#).

Intensive Livestock Farming

This definition is included within the [rural production activities](#) definition grouping.

means any intensive [farming](#) of animals and/or includes fungi (mushrooms), dependent on a high input of food or fertiliser from beyond the [site](#) and which is predominantly carried out in [buildings](#) or outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover and includes pig [farming](#) and cattle feedlots. Poultry [farming](#) is excluded if it is considered free

Definitions

range in accordance with the relevant minimum standards outlined in the MAF Animal Welfare (Layer Hens) Code of Welfare 2005.

Intermittently Flowing River

means a [river](#) that is dry at certain times and has one or more of the following characteristics:

- a. appears on the NSMS260 1:50,000 map; or
- b. has stable pools in late summer; or
- c. supports species of plants and animals that are adapted to wet conditions, for example:
 - native fish (bullies, kokopu, inanga)
 - crayfish
 - aquatic snails or shrimp
 - mayflies, stoneflies or caddisflies.

Iwi Authority*

means the authority which represents an iwi, and which is recognised by that iwi as having authority to do so.

Kaitiaki

means, for the purpose of this Plan, those nominated by [tangata whenua](#) to exercise [kaitiakitanga](#) on their behalf.

Kaitiakitanga*

means the exercise of guardianship by the [tangata whenua](#) of an area in accordance with [tikanga Māori](#) in relation to a [natural and physical resources](#), and includes the ethic of stewardship.

Kauri dieback disease containment area

means an area identified in a kauri dieback management plan within which soil organic material and surface water from works within a kauri hygiene area are contained and confined.

Kauri hygiene area

Means the area within three times the maximum radius of the canopy dripline of a kauri tree.

L_{A90}

has the same meaning as 'Background sound level' in New Zealand Standard 6801:2008 Acoustics- Measurement of Environmental Sound.

L_{AE} (Sound Exposure Level)

means the sound level of one second duration which has the same amount of energy as the actual [noise](#) event measured. This is usually used to measure the sound energy of a particular event, such as a train pass-by or an aircraft flyover.

L_{Aeq}

has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics- Measurement of Environmental Sound.

L_{AF(max)}

Definitions

has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics- Measurement of Environmental Sound.

L_{dn}

has the same meaning as the '[Day night](#) level, or [day](#) average sound level' in New Zealand Standard 6801:2008 Acoustics- Measurement of Environmental Sound.

L_{peak}

has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Acoustics- Measurement of Environmental Sound.

Lake*

means a body of [fresh water](#) which is entirely or nearly surrounded by [land](#).

Land*

- a. includes [land](#) covered by [water](#) and the airspace above [land](#); and
- b. in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the [bed](#) of a [lake](#) or [river](#); and
- 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](#).

Land Disturbance

means [alteration](#) or disturbance of [land](#), (or any matter constituting the [land](#) including, soil, clay, sand and rock), that does not permanently alter the profile, contour or [height](#) of the [land](#).

Land Preparation

means the disturbance of the soil by machinery in preparation for planting or replanting crops or pasture grasses or trees, and includes blading, contour ploughing and ripping.

Landfill

This definition is included within the [industrial activities](#) definition grouping.

means an area used for, or previously used for, the disposal of solid waste. It excludes [cleanfill areas](#).

Landscaping

means [land](#) which is planted in lawns, trees, shrubs or gardens.

Live/Work

a residential and work format entailing the establishment of [residential units](#) above work units such as office, retailing, [manufacturing](#) and services.

Living Accommodation

includes [visitor accommodation](#) for up to six people.

Living Areas

means a living room, lounge, family room or dining room.

Low Noise Area

Definitions

means an area where the average background sound level (L_{A90}) is less than or equal to 45 dB L_{A90} between 06:30 and 21:30 hours; or less than or equal to 35 dB L_{A90} between 21:30 and 06:30 hours.

Maintenance (*This definition only applies to the Historical Heritage Chapter of the District Plan*).
means regular and ongoing protective care of a built heritage item to prevent deterioration and to retain its historic heritage value. Maintenance differs in meaning from 'repairs'.

Major Roading Alteration to an Existing Public Road

includes:

- a. road widening, realignment or extensions that take place outside the existing legal road reserve over an area greater than 500m².

excludes:

- a. routine maintenance for the safe operation of the transport network.
- b. maintenance and minor upgrade works necessary to keep transport infrastructure in good condition or restore transport infrastructure to a good condition.
- c. installation, maintenance and replacement of road signs, street lighting, landscaping, parking meters and other ancillary transport network structures or features.
- d. activities required by by-law or for public health and safety.
- e. construction works associated with installation/alterations to network utilities or vehicle crossings.
- f. temporary traffic management.

Major Structure

means any:

- a. vehicle used as residential activity, excluding temporary activities.
- b. network system exceeding 1.5m in height above ground level or 3m² ground coverage.
- c. fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either then their height shall be measured from the lowest ground level of either to the highest point of either.
- d. tank or pool exceeding 35,000 litres.
- e. structure greater than 2.2m in height above ground level or greater than 9m² ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.

Mana Whenua*

means customary authority exercised by an iwi or hapū in an identified area.

Manufacturing

This definition is included within the industrial activities definition grouping.

means activities involving:

- a. making items by physical labour or machinery.

includes:

Definitions

- a. assembly of items.

excludes:

- a. retail;
- b. [service stations](#);

Marine Industry

This definition is included within the [industrial activities](#) definition grouping.

means manufacture, repair, [storage](#) or maintenance, including their facilities associated with production or processing of boats, accessory goods or seafood, marine scientific and research.

Marine Retail

This definition is included within the [commercial activities](#) definition grouping.

means the sale or hire of boats, wholesale and retail sale of fish, and accessory goods and services.

Marsden Technology Park Industrial Activity

means any of the following activities within the Marsden Technology Park Precinct:

- a. communications technology;
- b. computer and information technology; and
- c. associated manufacturing, electronic data storage and processing, and research and development.

Mineral

means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under [water](#); and includes all metallic [minerals](#), non-metallic [minerals](#), fuel [minerals](#), precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

Mineral Extraction

means the excavation of [minerals](#) from the ground, including:

- the removal of overlying earth and soil,
- the stacking, crushing, storing, depositing, treatment, transportation and sale of excavated materials,
- the placement of [overburden](#),
- the removal of unwanted material and the rehabilitation of the [site](#),
- the works, machinery and plant used to undertake the activities above.

Mining Area

means that part of the Quarrying [Resource Area](#) which is owned by or under the control of the quarry operator at the time the Quarrying [Resource Area](#) is established or extended. It is where the full range of [mineral extraction](#) activities may occur.

Mining Hazard Area

means an area which is subject to possible subsidence due to past coal mining activities undertaken on the [land](#).

Mining Hazard Area 1

Definitions

indicates the area where there is a possibility of crown-holing and major subsidence due to there being less than 10.t cover (t being seam thickness).

Mining Hazard Area 2

indicates:

- a. areas where there is up to 100m of cover and "medium" subsidence is possible; and
- b. areas where there has been 2 seam pillaring and greater than 100m of cover exists.

Mining Hazard Area 3

indicates areas where there is greater than 100m of cover. Although this is a low risk zone, it is possible for buildings to be affected by mining.

Minor Building

means:

- a. a network system which is 1.5m or less in height above ground level and which has 3m² or less ground coverage.
- b. any tank or pool not exceeding 35,000 litres.
- c. any tent or marquee erected on a temporary basis.
- d. any structure 300mm or less in height above ground level.
- e. any structure which is 2.2m or less in height above ground level and which has 9m² or less ground coverage.

Minor Residential Unit

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.

Minor Upgrading

means an increase in the carrying capacity, efficiency or security of any network utility operation utilising the existing support structures or structures with the effects of a similar scale, character, bulk and form. It includes, in regard to electricity, telecommunication and radio-communication services:

- the addition of circuits and conductors;
- the reconductoring of the line with higher capacity conductors;
- the resagging of conductors;
- the addition of longer and more efficient insulators;
- the addition of earth wires (which may contain telecommunications lines), earth peaks and lightning rods;
- additional telecommunication lines;
- the replacement of existing cross arms with cross arms of an alternative design;
- the replacement or alteration of existing antennas;
- the replacement or alteration of existing masts, poles and associated structures in the same or similar location and in accordance with the relevant New Zealand Standard.

minor upgrading shall not include:

Definitions

- additional [structures](#) or the replacement of [structures](#) with the [effects](#) that are not of a similar scale, character, bulk and form.

Mixed Use

means development that integrates compatible [land](#) uses such as commercial, residential and retail.

Motor Vehicle Sales

This definition is included within the [commercial activities](#) definition grouping.

means the sale or hire of motor vehicles and caravans.

Multi Title Site

means a [site](#) where an activity is situated on two or more separate certificates of title and is indicated on the planning maps as a "[Multi Title Site](#)".

Multi Unit Development

means development of three or more [residential units](#) on a [site](#) within the General Residential Zone and the Medium Density Residential Zone.

National Grid

means 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. [National Grid](#) means the assets used or owned by Transpower NZ Limited.

National Grid Corridor

means an area of 12m from the outer edge of a support [structure](#) and 12m from the centreline of the [National Grid](#) shown on the planning maps while they are owned or operated by Transpower NZ Limited.

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 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](#).

Net Environmental Benefit

means an activity where it is demonstrated that the benefits of environmental protection and on-going management are greater than the adverse [effects](#) created by [subdivision](#) and associated [land](#) development. The benefits achieved through environmental protection and on-going management do not include:

- a. with respect to the area to be protected:
 - i. requirements of a condition of a prior consent, unless the prior consent has not been implemented and will be surrendered on the grant of a [subdivision](#) that proposes

ENV-2022-
AKL-
000151:
Marsden
City Limited
Partnership

ENV-2022-
AKL-
000152:
Bream Bay
Village
Limited

ENV-2022-
AKL-
000153:
GNLC
Limited

Definitions

- environmental protection and on-going management of an environmental protection area.
- ii. requirements of existing legal mechanism such as a covenant, easement, designation or private agreement / contract.
- iii. the level of protection provided under regional or district plan rules.
- b. methods required to avoid, remedy or mitigate adverse effects of the allotments being created (such as planting to integrate allotments into their surroundings, and control of cats and dogs).

Net Floor Area

- a. means the sum of any gross floor area; and
- b. includes:
 - i. both freehold and leased areas; and
 - ii. any stock storage or preparation areas; but
- c. excludes:
 - iii. void areas such as liftwells and stair wells, including landing areas;
 - iv. shared corridors and mall common spaces;
 - v. entrances, lobbies and plant areas within a building;
 - vi. open or roofed outdoor areas, and external balconies, decks, porches and terraces;
 - vii. off street loading areas;
 - viii. building service rooms;
 - ix. parking areas and basement areas used for parking, manoeuvring and access; and
 - x. non-habitable floor spaces in rooftop structures.

Net Site Area

means the total area of the site, but excludes:

- a. any part of the site that provides legal access to another site;
- b. any part of a rear site that provides legal access to that site;
- c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

Network System

means any building or major structure owned or operated by a network utility operator whose purpose is to provide reticulation from a network system to and from individual properties and structures, including all structures and equipments owned or used by a network utility operator.

Network Utility Operator*

means a person who:

- a. undertakes or proposes to undertake, the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy; or
- b. operates or proposes to operate a network for the purpose of:

Definitions

- i. [telecommunication](#) as defined in section 5 of the Telecommunications Act 2001; or
- ii. radiocommunication, as defined in section 2(1) of the Radio Communications Act 1989; or
- c. is an electricity operator or electricity distributor, as defined in section 2 of the Electricity Act 1992, for the purpose of line function services as defined in that section; or
- d. undertakes or proposes to undertake the distribution of [water](#) for supply (including irrigation); or
- e. undertakes or proposes to undertake a drainage or sewerage system; or
- f. constructs, operates, or proposes to construct or operate, a [road](#) or railway line; or
- 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
- h. is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- 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.

and the words network utility operation have a corresponding meaning.

Night

means a period 22:00 to 07:00 hours unless specified otherwise.

Noise*

includes vibration.

Noise Rating Level*

means a derived [noise](#) level used for comparison with a [noise](#) limit.

Noise Sensitive Activities

means those activities that involve habitation of people within which concentration (of thoughts) is required and includes [residential activities](#), marae, [hospitals](#) and education facilities, excluding Airport staff and aviation training facilities or aero clubs (other than airport staff training facilities).

Notional Boundary

means a line 20m from any side of a [residential unit](#) or other [building](#) used for a [noise sensitive activity](#), or the legal [boundary](#) where this is closer to such a [building](#).

Official Sign

means all [signs](#) required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.

Open Space and Recreation Zones

means the Open Space, Conservation and Sport and Active Recreation Zones.

Outdoor Living Court

means an area of outdoor open space which may be either permeable or impervious or a combination of both and includes balconies, recessed balconies, decks and roof terraces, available for the exclusive use of the occupants of the [residential unit](#) to which the space is allocated, that has

Definitions

direct [access](#) to a main [living area](#) and that does not contain [structures](#) that would impede its use for outdoor living purposes.

Outdoor Living Space

means an area of open space for the use of the occupants of the [residential unit](#) or units to which the space is allocated.

Outer Control Boundary

defines an area outside the [air noise boundary](#) within which there shall be no further incompatible [land](#) uses. The predicted 3 month average [night-weighted](#) sound exposure at or outside, the [outer control boundary](#) shall not exceed 55 dB [L_{dn}](#).

Overburden

means clay, soil, vegetation and rock associated with [mineral extraction](#) activities.

Parent Lot

means [land](#) held in one certificate of title or [land](#) held by the same owner in adjoining certificates of title, separated by no more than a (formed or unformed) legal [road](#).

Pedestrian Arcade

means an area with a minimum dimension of 5m and minimum area of 30m² between a [building](#) and a [public place](#) that provides visual and pedestrian [access](#) onto the [site](#) and can be used for activities such as outdoor dining or informal leisure or recreation space.

Permanent All Weather Surface

means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of concrete, asphalt, bitumen or similar.

Place of Assembly

This definition is included within the [community activities](#) definition grouping.

means facilities for the wellbeing of the community, generally on a not for profit basis.

includes:

- a. arts and cultural centres (including art galleries and museums);
- b. places of worship;
- c. community centres;
- d. halls;
- e. libraries;
- f. marae;
- g. citizens advice bureau;
- h. justice facilities (including [community corrections activities](#)); and
- i. visitor information centres.

excludes:

- a. [entertainment facilities](#); and

Definitions

- b. [care centres](#).

Plantation Forestry

This definition is included within the [rural production activities](#) definition grouping.

means the ongoing management of trees or stands of trees, for the production of timber or timber related products, and includes planting, pruning, felling, and removal of trees from the [site](#) but does not involve the processing of timber.

Port Activities

means the use of [land](#) and/or [building](#) within the Port Zone for port related activities, including but not limited to:

- a. port and ancillary [port activities](#);
- b. cargo handling, including the loading, unloading, [storage](#), processing and transit of cargo;
- c. debarking;
- d. fumigation;
- e. transport, [storage](#) and goods handling activities;
- f. maritime passenger handling/services;
- g. construction, maintenance and repair of port operations and facilities;
- h. port administration;
- i. refuelling/fuel handling facilities;
- j. activities associated with surface navigation, berthing;
- k. maintenance or repair of a reclamation or drainage system;
- l. marine and port accessory [structures](#) and services.
- m. [repair and maintenance services](#) and facilities ancillary to [port activities](#).

PPV (Peak Particle Velocity)

measure of the vibration amplitude, zero to maximum. This parameter can be used for assessing [building](#) structural damage and also has application to human annoyance.

Principal Residential Unit

This definition is included within the [residential activities](#) definition grouping.

means a [residential unit](#) that is not ancillary to any other [residential unit](#).

Public Tree *(This definition only applies to the Notable Trees Chapter of the District Plan).*

[public tree](#) means, any tree or trees located on a [road](#) reserve, park or reserve administered by Whangarei District Council (excluding any tree or trees within any designated State Highway) greater than 6m in [height](#) or with a girth (measured 1.4m above the ground) greater than 600mm except:

- a. pest species identified in the Northland Regional Council Pest Management Strategy and Surveillance list are not subject to general protection.
- b. any tree listed as an Environmental weed or National pest plant under an approved document prepared in accordance with the Biosecurity Act 1993.

Definitions

- c. any tree subject to an order made under Section 129 of the Property Law Act 1952.
- d. any tree species grown for its edible fruit (except Walnut (*Juglans* spp.), Chestnut (*Castanea sativa*), Pecan nut (*Carya illinoensis*) and Carob (*Ceratonia siliqua*) which are protected).
- e. the following additional tree species are not subject to protection within a [road](#) reserve, park or reserve administered by Whangarei District Council:
 - i. *Acacia* species – all except *Acacia melanoxylon*.
 - ii. *Eucalyptus cinera* (silver dollar gum).
 - iii. *Acmena smithii* (*acmena* or lillypilly).
 - iv. *Casuarina* spp.
 - v. *Phoenix canariensis* (Phoenix palm).
 - vi. *Ligustrum* spp (Privet).
 - vii. *Sailx* species (willow).
 - viii. *Hakea salicifolia*.
 - ix. *Archontophoenix cunninghamiana* (Bangalow palm).
 - x. *Erythrina x sykesii* (Coral Tree – also referred to as Flame Tree).
 - xi. *Trachycarpus Fortunei* (Windmill palm).
 - xii. *Populus yunnanensis* (Chinese Poplar).
 - xiii. *Cupressus macrocarpa* (Macrocarpa).
 - xiv. *Pinus* spp.
 - xv. *Prunus campanulata* (Taiwan cherry)
 - xvi. Bamboo (*Bambuseae*)

Public Place

means a place:

- a. that is under the control of the [territorial authority](#); and
- b. that is open to, or being used by, the public, whether or not there is a charge for admission; and

includes:

- a. a [road](#), whether or not the [road](#) is under the control of a [territorial authority](#); and
- b. any part of a [public place](#)

Radio-Communication

means any transmission, emission or reception of [signs](#), signals, writing, images, sounds or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 300 gigahertz, propagated in space without artificial guidance.

Raft*

means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage

Definitions

or other device used to contain or restrain fish or marine vegetation; but does not include booms situation on [lakes](#) subject to artificial control which have been installed to ensure the safe operation of electricity generating facilities.

Rear Site

means a [site](#) with a [frontage](#) of less than 6m to a legal [road](#), except that a [site](#) served by a [service lane](#) is not a [rear site](#).

Recognised Acoustician

means a recognised member of the Acoustical Society of New Zealand or equivalent as determined at Whangarei District Council's discretion.

Recreational Facilities

This definition is included within the [community activities](#) definition grouping.

means a facility where the primary purpose is to provide for sport and recreation activities.

includes:

- a. recreation centres
- b. aquatic facilities, swimming pools, both indoor and outdoor;
- c. fitness centres and gymnasiums;
- d. indoor sports centres; and
- e. playgrounds

Refinery Activities

means the use of [land](#), [buildings](#) and [major structures](#) within the Marsden Point Energy Precinct for activities associated with the production, import, refining, and/or distribution of energy products, including:

- a. operation of [storage](#) and fuel tanks;
- b. refining and/or processing plants;
- c. distribution of products;
- d. electricity generation plants and associated transmission lines;
- e. ancillary offices;
- f. ancillary support and [community activities](#);
- g. visitor centres;
- h. canteens/cafes and residential dwellings associated with the refinery; and
- i. ancillary facilities catering to the needs of staff and visitors.

Regionally Significant Infrastructure

means the [infrastructure](#) listed in Appendix 3 of the Regionally Policy Statement for Northland 2016.

Release

Definitions

means to allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987.

a [release](#) may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.

Repair and Maintenance Services

This definition is included within the [industrial activities](#) definition grouping.

servicing, testing or repairing vessels, vehicles or machinery.

includes:

- a. articles or goods by traders.
- b. automotive mechanics;
- c. panel beating; and
- d. devanning, [storage](#) and testing of LPG cylinders.

Repairs/s *(This definition only applies to the Historical Heritage Chapter of the District Plan).*

means making good decayed or damaged material using the same or similar materials, colour, texture, form and design.

Requiring Authority*

means:

- a. a Minister of the Crown; or
- b. a local authority; or
- c. a [network utility operator](#) approved as a [requiring authority](#) under section 167 of the Resource Management [Act](#) 1991.

Residential Activity

means the use of [land](#) and [building\(s\)](#) for people's [living accommodation](#).

Residential Unit

This definition is included within the [residential activities](#) definition grouping.

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.

Residential Zones

means the Large Lot Residential, Low Density Residential, General Residential and Medium Density Residential Zones.

Resource Area

means areas of the District which have characteristics, values and qualities that require special management to protect these features and control activities that would adversely affect them. These areas are listed in Part 4 of the District Plan.

Retail Activity

This definition is included within the [commercial activities](#) definition grouping.

Definitions

means activities selling, exposing, displaying or offering: of goods, merchandise or equipment for sale or direct hire to the public.

Reticulated

means, in respect of [infrastructure](#), connection to a system of pipes and ancillary development owned and operated by a [network utility operator](#) for the purposes of gas supply, [telecommunications](#), power supply, [water](#) supply or [stormwater](#) or [wastewater](#) drainage.

Reticulated Stormwater Area

means any [site](#) within 200m of an existing public primary [reticulated stormwater](#) system that can accept gravity flow from the [site](#).

Reticulated Wastewater Area

means any [site](#):

- a. within the General Residential, Medium Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b. within the Settlement Zone, [Strategic Rural Industries](#) Zone or the Future Urban Zone (except the ToeToe or Whau Valley areas of the Future Urban Zone) and within 150m of an existing public [reticulated wastewater](#) network (excluding rising mains).

Reticulated Water Supply Area

means any [site](#):

- a. within the General Residential, Medium Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b. within 135m of an existing public [reticulated water](#) supply distribution main as measured along [roads](#), [right of ways](#) or [access](#) paths.

Retirement Village

This definition is included within the [residential activities](#) definition grouping.

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.

Reverse Sensitivity

means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the pre-existing activity.

Right of Way

means an area of [land](#) over which there is registered a legal document giving rights to pass over that [land](#) to the owners and occupiers of other [land](#) and shall have the same meaning, as defined in Schedule 4 of the Land Transfer Regulations 2002.

River*

means a continually or intermittently, flowing body of [fresh water](#); and includes a [stream](#) and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, [water](#) supply race, canal for the supply of [water](#) for electricity power generation and farm drainage canal).

Definitions

RMS (Root Mean Square) Velocity

means the RMS averaged velocity of vibration, typically given in mm/s. RMS velocities are typically measured using single axis vibration transducers such as accelerometers.

Road*

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

section 315 of the Local Government Act 1974 road definition:

road means the whole of any land which is within a district, and which:

- a. immediately before the commencement of this Part was a road or street or public highway; or
- b. immediately before the inclusion of any area in the district was a public highway within that area; or
- c. is laid out by the council as a road or street after the commencement of this Part; or
- d. is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- e. is vested in the council as a road or street pursuant to any other enactment; -

and includes:

- 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;
- 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;

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

section 2(1) of the Government Roding Powers act 1989 motorway definition

motorway:

- 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
- b. includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but
- c. does not include any local road, access way, or service lane (or the supports of any such road, way, or land) that crossed over or under a motorway on a different level

Note:

1. *Mapping of roads: A road in the context of this Plan means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway.*

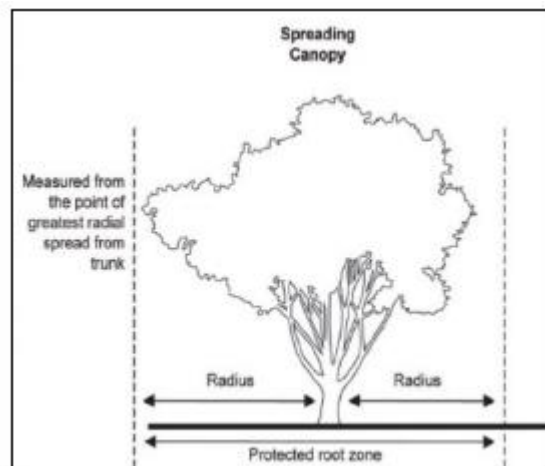
Road Sign

Definitions

means any [signs](#) which is erected for the purpose of traffic control or public [road](#) safety, including illuminated and reflective [signs](#) where they are designed and operated in accordance with the requirements of the [road](#) controlling authority.

Root Zone

means the area of ground around a tree trunk created by taking a radius equal to the greatest radial spread of the canopy/foilage of the tree, measured from the trunk and rotating that radius in a full circle around the trunk.



Rural Area

means the area of the District comprising the [Rural Zones](#).

Rural Centre Service Activity

means the use of [land](#) and [buildings](#) within the Settlement Zone - Centre Zone for commercial and service activities including the sale or hire of goods, equipment or services, automotive service and repair, post boxes, [service stations](#), shops, markets and takeaways.

Rural Production Activity

means the use of [land](#) and [buildings](#) for [farming](#), [intensive livestock farming](#), farm quarrying and [plantation forestry](#).

Rural Zones

means the Rural Production Zone, [Strategic Rural Industries](#) Zone, Settlement Zone, Rural Lifestyle and Future Urban Zone.

Safe Potable Water Supply

means [water](#) that is fit for human consumption and may be supplied by rainwater collection, artesian bore, [reticulated](#) network or a natural [water](#) source.

Scheduled Built Heritage

(This definition only applies to the Historical Heritage Chapter of the District Plan).

means [built heritage](#) resources included in the Schedule of [Built Heritage](#) Items. Refer to 'HH-BH-SCHED1 – Group A Scheduled Built Heritage items' and 'HH-BH-SCHED2 – Group B Scheduled Built Heritage items' in the Historical Heritage Chapter of the District Plan.

Definitions

Scheduled Historic Area

(This definition only applies to the Historical Heritage Chapter of the District Plan).

means an area of [land](#) containing an inter-related group of [historic heritage resources](#) included in the Schedule of Historic Areas. Refer to HH-BH-SCHED3 – Scheduled Historic Areas in the Historic Heritage Chapter of the District Plan.

Sea-Farers Mission and Managers Accommodation

means Christian welfare centre located within the Port Zone providing communal facilities for transitional merchant seafarers. Includes a single [residential unit](#) to be used solely for the purpose of providing accommodation for the Manager/Pastor of the Sea Farers Mission and immediately family. Does not include motels or hotels, backpackers, bed and breakfast, farmstay or homestay accommodation, or any other types of accommodation.

Segregation Strip

means a strip of [land](#) vested (or upon [subdivision](#) to be vested) in the roading authority to limit or preclude legal [access](#) directly onto an adjoining street or [road](#).

Seismic Upgrading *(This definition only applies to the Historical Heritage Chapter of the District Plan).*

means structural works required to meet relevant earthquake-prone [buildings](#) legislation and related Council Policy.

Sense of Place *(This definition only applies to the Historical Heritage Chapter of the District Plan).*

generally means the attachments of people and communities to their [land](#) or special places, developed through experience and knowledge of an area. [Sense of place](#) may be experienced at an individual or personal level or by a group of people. It comprises two essential elements - the 'community' or those people who feel attachment or a sense of belonging to a particular place, and the physical, cultural and intangible elements of a place that contribute to its special character, familiarity, or sense of belonging.

Sensitive Activities

means, childcare and education facilities, [residential activity](#) and [hospitals](#).

Service Lane

shall have the same meaning as defined in Section 315 of the Local Government Act 1974 and includes any shared private [access](#) for non-residential developments that are not managed under TRA Appendix 2D of the Transport Chapter.

Service Station

means any [site](#) where the dominant activity is the retail of motor vehicle fuels (including petrol, LPG, CNG and diesel), and may include any one or more of the following: the sale of kerosene, alcohol based fuels, lubricating oil, tyres, batteries, motor vehicle spare parts and other accessories; retail premises; convenience food premises; mechanical repair and servicing of motor vehicles (including motor cycles, caravans, boat motors, trailers) and domestic gardening equipment; warrant of fitness testing; trailer hire; and car wash facilities.

Setback

means the horizontal distance between a [building](#) and a [water body, boundary](#) or [frontage](#) of its [site](#). For the purposes of this definition, intrusions of [eaves](#) or guttering of up to 800mm are excluded, except where an [eave](#) would overhang an easement or a [boundary](#).

Definitions

Sewage

means human excrement and urine.

Shared Access

means any [access](#) that is used by two or more lots, [principal residential units](#) or [commercial activities](#) or [industrial activities](#) and includes any [access lot](#).

Showroom

an area where merchandise can be displayed, but does not any include areas for customer self-service.

Sign

means any device, character, graphic or electronic display, whether temporary or permanent; which

- a. is for the purpose of:
 - i. identification of or provision of information about any activity, property or [structure](#) or an aspect of public safety;
 - ii. providing directions; or
 - iii. promoting goods, services or events; and
- b. is projected onto, or fixed or attached to, any, [structure](#) or natural object; and
- c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

Sign Area

means the entire area with a continuous perimeter enclosing the extreme limits of lettering, graphics or symbols, together with any material or colour forming an integral part of the display or used to differentiate such a [sign](#) from the background against which it is placed. [Sign area](#) in relation to a multiple-sided [sign](#) means the total [signage area](#) that may be viewed from every viewable perspective (including front and back, and inflatable or three dimensional [signs](#)). Structural supports and [building](#) surfaces are not included in the calculation of [sign area](#), except where they form an integral part of the [sign](#).

Site

means:

- a. an area of [land](#) comprised in a single record of title under the Land Transfer Act 2017; or
- b. an area of [land](#) which comprises two or more adjoining legally defined [allotments](#) in such a way that the [allotments](#) cannot be dealt with separately without the prior consent of the Council; or
- c. the [land](#) comprised in a single [allotment](#) or balance area on an approved survey plan of [subdivision](#) for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- d. despite paragraphs (a) to (c), in the case of [land](#) subdivided under the Unit Title 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.

Site Surrounds (*This definition only applies to the Historical Heritage and Signs Chapters of the District Plan*).

Definitions

means all the curtilage (including trees, gardens, [buildings](#) and [structures](#) associated with a [scheduled built heritage](#) item that contributes to its significance, the removal of which would detract from the item's inherent heritage significance and value. Unless otherwise specified in the Schedule of [Built Heritage](#), '[site surrounds](#)' includes all [land](#) within the title [boundary](#).

Standalone Car Park Facility

means either indoor or outdoor on-[site](#) car parking which is not directly associated with any other activity within the [site](#).

Statement of Significance (*This definition only applies to the Historical Heritage Chapter of the District Plan*).

means a report from a recognised heritage expert, describing the heritage values of an [historic heritage](#) item, based on District Plan scheduling criteria.

Stone Wall

means a wall that has been constructed by hand, from locally sourced rocks, as opposed to man-made construction materials.

Storage

This definition is included within the [industrial activities](#) grouping.

means activities involving:

- a. facilities used for the receipt, [storage](#), handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer.
- b. business that provides facilities to the public for storing possessions.
- c. facility used for receiving, despatching or consolidating goods in transit by [road](#), rail, air or sea.

includes:

- a. direct collection of materials;
- b. articles or goods by traders;
- c. carriers' depots;
- d. courier services;
- e. mail distribution centres;
- f. trucking depots; and
- g. electronic data servers.

excludes:

- a. composting plants; and
- b. [waste management facilities](#) and refuse transfer stations.

Stormwater

means run-off that has been intercepted, channeled, 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.

Strategic Rural Industries

Definitions

means industrial activities that require a rural location because of factors such as access to resources or the large area of land required for the operation of the activity. Strategic rural industries are significant at a regional or national scale rather than solely at a district level due to the area they supply; the investment in infrastructure required for the establishment of the activity or their contribution of the economy. Within the District Plan the term is applied specifically to the Strategic Rural Industries Zone and does not include strategic industries located within urban areas with specialized business or industrial functions such as Port Marsden or the Marsden Point Energy Precinct.

Stream

refer to definition of river.

Structure*

means any building, equipment, device or other facility, made by people and which is fixed to land; and includes any raft.

Subdivision

means:

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

Subsidiary

means incidental and occurring within the same building and being held in common ownership with the primary activity.

Supported Residential Care

This definition is included within the residential activities definition grouping.

means a residential activity of more than one household providing accommodation and fulltime care, support or supervision for aged or disabled people, or people receiving health support (including mental health, addiction, illness or intellectual disabilities) or people receiving reintegration or rehabilitation.

excludes:

- a. hospitals.

Definitions

Surface Water

means all water, flowing or not, above the ground. It includes water in continually or intermittently flowing rivers, artificial watercourses, lakes and indigenous wetlands and water impounded by structures such as dams or weirs, but does not include water while in pipes, tanks, cisterns, nor water within the Coastal Marine Area.

Sustainable Management*

means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Tangata Whenua*

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

Taonga

means treasure, or all that is held precious.

Telecommunication (*This definition has the same meaning as in section 2(1) of the Telecommunications Act 1987*).

means the conveyance from one device to another of any sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not.

Temporary Activity

means any commercial activity undertaken in a temporary or moveable structure within a road or an activity which is undertaken for a short term, not exceeding 3 days duration, either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year, and includes any gala, sports event, festival, hui or other community activity or any temporary military training activity not exceeding 60 days duration.

Temporary Military Training Activity

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 purposes for which a defence force may be raised and maintained under s5 of the Defence Act 1990 which are:

- a. the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;
- b. the protection of the interests of New Zealand, whether in New Zealand or elsewhere;
- c. the contribution of forces under collective security treaties, agreements, or arrangements;
- 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:

Definitions

- e. The provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency:
- f. the provision of any public service.

Temporary Sign

means any [sign](#), whether portable or fixed which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of [temporary signs](#) include [signs](#) associated with; real-estate, election(s), construction or redevelopment.

Note:

1. Unless otherwise stated [community signs](#) will be considered as [temporary signs](#) where they are erected no more than 21 [days](#) prior to the event and are removed within two [days](#) after the event concludes.

Territorial Authority (*This definition has the same meaning as in section 5 of the Local Government Act 2002*). means a city council or a district council named in Part 2 of [Schedule 2](#).

Through-site Link

means a defined pedestrian [access](#) which is continuous and clearly identifiable and is designed specifically to traverse a [site](#) to connect [roads](#) or other [public places](#) or other [through-site links](#). A [through-site link](#) provides a shorter and more convenient public pedestrian route than the existing alternative.

Tikanga Māori*

means Māori customary values and practices.

Trade Retail

means [motor vehicle sales](#), [garden centres](#), [marine retail](#), [trade suppliers](#) and [hire premises](#).

Trade Suppliers

This definition is included within the [commercial activities](#) definition grouping.

means an activity supplying one or more of the categories below, engaged in sales to businesses and institutional customers but may also include sales to the general public:

- a. automotive suppliers;
- b. [building](#) suppliers;
- c. catering equipment suppliers;
- d. [farming](#) and agricultural suppliers;
- e. industrial clothing and safety equipment suppliers;
- f. landscape suppliers; and
- g. office furniture, equipment and systems suppliers

Traffic Movement

means any movement of a motor vehicle to or from a [site](#), whether the vehicle parks on or off the [site](#) or moves through the [site](#) without stopping. When a vehicle travels to a [site](#) and subsequently leaves the [site](#) (or vice versa) this is counted as two [traffic movements](#).

Transport Infrastructure

Definitions

means facilities, assets and [structures](#) that are necessary for the functioning of the transport network and that cater for the needs of all transport users (including [active transport modes](#) and public transport) including:

- a. cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;
- b. pedestrian facilities and accessways, including footpaths, footways and foot bridges;
- c. [roads](#) including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;
- d. lighting, signals, [signs](#) and control [structures](#) and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;
- e. safety devices including handrails, bollards, cameras, [road](#) markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;
- f. other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls and traffic and cycle monitoring devices.
- g. parking control devices;
- h. [site access](#) including [vehicle crossings](#);
- i. street and rail furniture, artworks, passenger shelters and ticketing/tolling facilities;
- j. ancillary equipment and [structures](#) associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle [storage](#) and cabinets;
- k. [noise](#) attenuation walls or fences;
- l. [stormwater](#) management facilities, ventilation [structures](#), drainage devices and erosion control devices.

Urban Area

means the area of the District comprising the [Urban Zones](#).

Urban Environment Allotment*

means an [allotment](#) within the meaning of section 218:

- a. that is no greater than 4,000m²; and
- b. that is connected to a [reticulated water](#) supply system and a [reticulated](#) sewerage system; and
- c. on which there is a [building](#) used for industrial or commercial purposes or as a dwelling house; and
- d. that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Urban Zones

means the [Residential Zones](#) and [Business Zones](#) and includes the Airport, [Hospital](#), Port, Ruakaka Equine and Marsden Primary Centre Zones.

Vegetation Clearance

Definitions

means any activity that results in the cutting, disturbance, removal or destruction of [indigenous vegetation](#).

Vegetation Cover

means an area that is principally covered in [indigenous vegetation](#).

Vehicle Crossing

means the formed and properly constructed vehicle entry or exit point from the carriageway of any [road](#), up to and including that portion of the [road boundary](#) of the [site](#) across at which a vehicle entry or exit point occurs and includes any culvert, bridge or kerbing.

Verandah

means a weatherproof covering, substantially covering a footpath used by the public.

Versatile Soils

means those soils identified as Class I, II or III on the New Zealand [Land](#) Inventory Worksheets.

Veterinary Vaccine

means a biological compound controlled by the Agricultural Compounds and Veterinary Medicines Act that is used to produce or artificially increase immunity to a particular disease and has been tested and approved as safe to use by a process similar to that conducted for approval and use of medical vaccines.

Viable Genetically Modified Veterinary Vaccine

means a [genetically modified veterinary vaccine](#) that could survive or replicate in the [environment](#) or be transmitted from the inoculated recipient.

Visitor Accommodation

This definition is included within the [commercial activities](#) definition grouping.

means [land](#) and/or [buildings](#) used for accommodating visitors, subject to a tariff being paid, and includes any [ancillary activities](#).

Visual Permeability

means the amount of transparency through an object such as a screen, fence or wall.

Wāhi Tapu

means a place which is sacred or spiritually meaningful to [tangata whenua](#).

Waste Management Facility

This definition is included within the [industrial activities](#) definition grouping.

means an activity receiving waste for transfer, treatment, disposal, or temporary [storage](#).

includes:

- a. refuse transfer stations; and
- b. recycling.

excludes:

- a. [landfills](#).

Definitions

Wastewater

means any combination of two or more of the following wastes: sewage, greywater, or industrial and trade waste.

Water*

means water in all its physical forms, whether flowing or not and whether over or under the ground,

- a. includes fresh water, coastal water and geothermal water; and
- b. does not include water in any form while in any pipe, tank or cistern.

Water Body*

means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the Coastal Marine Area.

Wetland*

includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Wind Turbine

means a wind turbine used to extract kinetic energy from the wind and having a swept area of greater than 200m².

Revision and Sign-off Sheet

Editor	Paragraph	Change Reference	Operative Date	Council Decision Date	Approved By
FP	Building definition	MS Word reformatting of bullet points to read correctly a) to i)	27 June 2007	27 June 2007	PW
FP	Definition of Contamination site	Plan Change 45 Adopted by Council ES meeting	1 October 2007	20 September 2007	PW
FP	Definition of Forestry	Plan Change 45 Adopted by Council ES meeting	1 October 2007	20 September 2007	PW
FP	Definition of Eaves and Set Back	Plan Change 57 Adopted by Council ES meeting	5 October 2007	20 September 2007	PW
FP	Intensive Livestock Farming	Plan Change 45 Amendments to Factory Farming definition.	26 March 2008	ES 12 March 2008	PW

Definitions

Editor	Paragraph	Change Reference	Operative Date	Council Decision Date	Approved By
FP	Building	Plan Change 45 Amendment to the definition of 'Building'	11 March 2008	ES 9 April 2008	PW
FP	Intensive Livestock Farming	Move this definition to match the alphabetic order of the definitions	17 April 2008		PW
FP	Various	Plan Change 45 amendments of various definitions Bed* (of a river) Dominant Slope and illustration, Home Occupation, Residential Activity, Set Back and Water Body.	23 May 2008	ES 14 May 2008	PW
JL	Public Place and Community Sign	Plan Change 41 addition of definitions	11 July 2008	ES 9 July 2008	PW
FP	Residential Unit	Plan Change 45 amendment of the definition	13 October 2008	ES 8 October 2008	PW
FP	Eaves	Move this definition to page 7 to suit the alphabetical order	30 October 2008		PW
FP	Comprehensive Development Plan	Cross reference to Rule 47.4 corrected to read 48.7	15 July 2009	Email from Consent Planner 2 July 2009	NW
FP	Addition of a note in the Definition of Roads	From chapter 1.9 Mapping of Roads - Introduction Section 'Sophisticated Yet simple Clause 16(2) 10/37288	12 May 2010	Clause 16(2) 10/37288 12 May 2010	NW
FP	New definitions	Bulk Form Retail, Built Form, Supermarket, Urban Area	24 August 2011	4 August 2011	NW
LB	New definitions	Live/Work, Retirement Village, Showroom	24 April 2012	11 April 2012	NW

Definitions

Editor	Paragraph	Change Reference	Operative Date	Council Decision Date	Approved By
LB	Change of definition	Minor Upgrading	25 June 2012	12 June 2013	NW
MD	New definitions	Electricity Infrastructure, National Grid, National Grid Corridor, Sensitive Activities	13 January 2014 TRIM 14/4071	11 December 2013	NW
TB	Additions and amendments to definitions	Plan Change 120 additions and amendments to definitions	23 June 2015 TRIM 15/52461	10 June 2015	MM
TB	Additions and amendments to definitions	Plan Change 110 additions and amendments to definitions	24 May 2016 TRIM 16/52692	11 May 2016	MM
LM	New definition	Plan Change 113 addition to definitions.	7 December 2016	24 November 2016	MM
AM	Intensive Livestock Farming	Correction of Minor error	27 April 2017	Clause 20A Minor Amendment - Scheduled Activities. DSTPLN-659943184-68	MM
AM	Amendments throughout	Plan Changes 85 A-D, 86A & 102	6 March 2019	6 March 2019	MM
AM	Amendments throughout	Plan change 87 Coastal Area and Plan Change 114 Landscapes To be treated as Operative in terms of Section 86F of the Resource Management Act 1991.		Consent Order (ENV-2018-AKL0000022, ENV-2018-AKL-000025, ENV-2018-AKL-000029, ENV-2018-AKL-000032) issued 21 February 2019	MM
EE	Forestry	Clause 20A Minor Amendment DSTPLN-659943184-196	20 June 2019	20 June 2019	MM

Definitions

Editor	Paragraph	Change Reference	Operative Date	Council Decision Date	Approved By
AS	Multiple	Clause 20A Minor Amendment DSTPLN-659943184-344	25 February 2020	25 February 2020	MM
AKM	Port Zone	Clause 20A Minor Amendment DSTPLN-659943184-396	21 February 2022	21 February 2022	DK
AKM	Building	Clause 16A Minor Amendment DSTPLN-721421080-200	13 May 2022	13 May 2022	DK
AKM	Whole Chapter	National Planning Standards 2019	8 June 2022	19 May 2022	DK
AKM	Several new Definitions	Consent order ENV-2020-AKL-000127 DSTPLN-1744632856-2077	Environment Court Decision 30 June 2022		DK

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