

## 4 Definitions

### 4.1 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.

### 4.2 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 Maori 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) Headings do not affect the interpretation of the Plan;
- e) Cross references are for the assistance of the reader and are not necessarily exhaustive;
- f) References to New Zealand or overseas standards include amendments.
- g) Definitions of Maori 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.

### 4.3 Definitions

#### **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.

**Accessory Building**

means any building, the use of which is incidental to that of the principal building or buildings on the site, and in relation to a site on which no principal building stands, means a building, the use of which is incidental to any permitted activity on the site.

**Act\***

means the Resource Management Act 1991, including amendments.

***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 contractor .

**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.

**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 arials.

**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 Planning Map 46.

**Allotment**

means:

1.
  - 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 Part I of the Companies Amendment Act 1964; or
  - c) Any unit on a unit plan; or

- d) Any parcel of land not subject to the Land Transfer Act 1952.
2. For the purposes of the above, an allotment that is:
- a) Subject to the Land Transfer Act 1952 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or
  - b) Not subject to that Act and was acquired by its owner under one instrument of conveyance:
    - shall be deemed to be a continuous area of land notwithstanding that part of it that 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 the Resource Management Act 1991, or by a subdivision approval under any former enactment relating to the subdivision of land.
3. For the purposes of Section 1 of this definition, the balance of any land from which any allotment is being, or has been subdivided is deemed to be an allotment.
4. For the purposes of the subdivision rules of this Plan, the terms 'allotment' and 'proposed allotment' shall mean an allotment either created by, or to be created by the subdivision, unless the context indicates otherwise.

**Alteration**

means reconstruction, relocation or structural changes to a building.

**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.

**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.

**Artificial crop protection structures**

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

- a) Including:
  - i. Bird netting; and
  - ii. Wind-break netting.
- b) Excluding:
  - i. Greenhouses.

**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.

**Bird Scaring Device**

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

**Boundary**

means:

- a) In relation to fee simple titles, the site boundary:
  - i. In relation to cross-lease titles, the boundary of any restrictive covenant area;
  - ii. In relation to unit titles, the boundary of the accessory unit associated with a particular principal unit.

**Buffer Area**

means that part of the Quarrying Resource Area which is outside of the Mining Area.

**Building**

means any temporary or permanent, movable or immovable structure, including any place, vehicle or construction used as a place of residence or business or for assembly or storage purposes; but does not include:

- a) A network system 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, provided that a system including any structure or equipment does not exceed 1.5m in height and has 3m<sup>2</sup> or less ground coverage; or
- b) Any aerial or aerial support structure, clothesline or similar device; or
- c) Scaffolding or support work used in the course of the construction process; or
- d) A fence or wall, or combination of either, 2m or less in height and where such structures are constructed adjacent to each other a minimum separation distance of 1m shall apply; or
- e) Any tank or pool not exceeding 35,000 litres; or
- f) Any tent or marquee erected on a temporary basis; or
- g) Any temporary stack of goods or materials; or

- h) Any sign not attached to a building; or
- i) Any structure 300mm or less in height; or
- j) Any structure which is 2.2m or less in height and which has 9m<sup>2</sup> or less ground coverage. ,or
- k) Any artificial crop protection or support structure in the RCE. [000022]

### **Building Area**

means an area of land on which a building could be accommodated. The building area does not include areas associated with accessory 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 of overhangs or eaves in excess of 0.80 metres in width.

### **Building line Restriction**

means a restriction imposed on a site, by reference to a boundary, to ensure that when new buildings are erected or existing buildings re-erected, altered or substantially rebuilt. No part of any such building shall stand within the area between the building line and the relevant site boundary (unless otherwise stated). All building line restrictions are shown on the Resource Area Planning Maps, Volume 2, and are further detailed in Appendix 1.

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

### **Bulk Format Retail**

Typically a collection of stand alone large retail stores (20 – 50,000 m<sup>2</sup> trading floor space in a cluster or retail node) specialising in comparison shopping (i.e. items not obtained on a frequent basis). Typical tenants of bulk format retail stores include trade suppliers (e.g. paint, catering, plumbing, hardware), yard based (e.g. building supplies, garden centres, car sales), bulky comparison goods (e.g. whiteware, furniture, office products, carpet, bedding), general merchandise (e.g. hypermarkets, discount stores, homewares, factory outlet clothing stores).

### **Business Environments**

means Business 1, 2, 3 and 4 and the Kamo Activity Precinct.

### **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.

### **Commercial Activity**

means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, markets, showrooms, restaurants,

take-away food bars, professional, commercial, and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.

Excluding: Farming

### **Comprehensive Development Plan (C.D.P)**

A C.D.P. is a plan of proposed development, submitted by an applicant when making a consent application to utilise the rules of an Overlying Environment within a Future Environment. The information to be included within a Comprehensive Development Plan is contained in Rule 48.7 of the District Plan.

### **Community Sign**

means a sign relating to matters of public health and safety, the location of public facilities, place-names and their distances, destinations of historical, cultural, spiritual, sporting, or scenic significance, and the advertising of public events.

### **Contaminant\***

includes any substance (including gases, 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 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.

### **Controlled Activity\***

means an activity which:

- a) Is provided for as a controlled activity by a rule in a plan or proposed plan; and
- b) Complies with standards and terms specified in a plan or proposed plan for such activities; and
- c) Is assessed according to matters the council has reserved control over in the Plan; and
- d) Is allowed only if a resource consent is obtained in respect of that activity.

### **Corner Site**

means a site which is located on the corner of two intersecting roads.

### **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.

### **Day**

means the period 0700 to 2200 hours unless specified otherwise.

### **Discretionary Activity\***

means an activity:

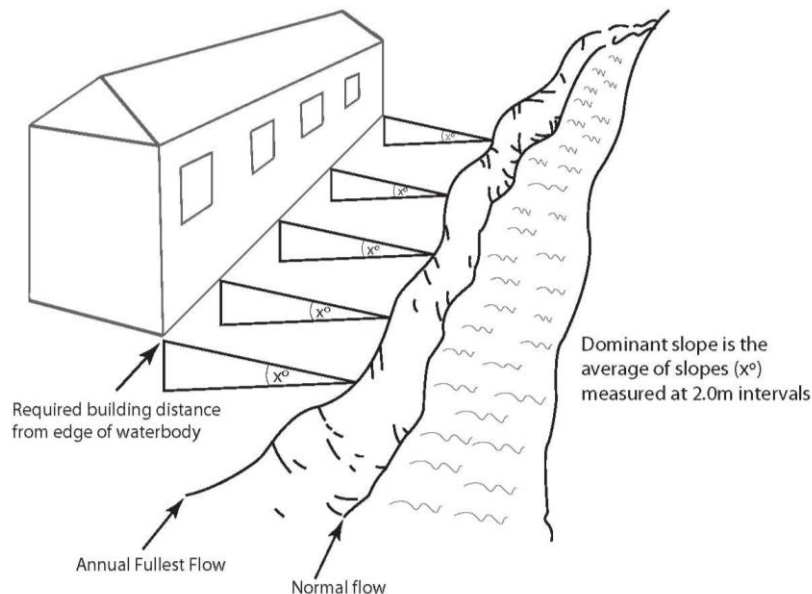
- a) Which is provided for as a discretionary activity, by a rule in a plan or proposed plan; and
- b) Which is allowed only if a resource consent is obtained in respect of that activity; and

- c) Which may have standards and terms specified in a plan or proposed plan; and
- d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.

### **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. The Dominant Slope is determined by averaging measurements taken at 2 metre intervals above the Annual Fullest Flow between projections of the outer dimensions of the proposed building (see illustration below). When determining Building Setbacks from Water Bodies the dominant slope rule applies only to any river bed that has a width of less than 3.0m 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**



### **Drive through Facilities**

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

### **Earthworks**

means any modification to the shape of the land surface, including removal of soil, excavation, infilling, re-contouring and construction of any road, track, landing or drainage channel.

### **Eaves**

Eaves means that portion of the roof extending beyond the exterior wall of a building having a maximum overhang of 800 mm.

### **Effect\***

means:

- 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
- f) Any potential effect of low probability which has a high potential impact.

#### **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**

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.

#### **Environment\***

Includes:

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

#### **Environmental Protection Authority and EPA\***

means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011.

#### **Equine Related Activities**

Equine related activities means any activities within the Ruakaka Equine Environment 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.
- 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 accessory buildings.
- 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 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.

### **Farming**

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.

Farming 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
- f) airstrips.

But excludes:

- a) Plantation forestry and intensive livestock farming.
- b) Equine related activities.

#### **Farm quarry(ies)**

- means the extraction of minerals for uses accessory to farming, horticulture, or forestry, where:
  - the quarried material is used only on the property of extraction;
  - no extracted material, including any aggregate is removed from the property of origin; and
  - there are no retail or other sales of quarried material.

#### **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 Maori land within the meaning of the Maori 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 tsunamis 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.

#### **Front Site**

means a site that is not a rear site.

#### **Frontage**

means any boundary of a site abutting a legal road, or contiguous to a boundary of a road designation, or building line restriction defined in Appendix 1 of this Plan.

### Future Environments

These are areas set aside in the Plan to accommodate future growth. Each Future Environment contains Overlying and Underlying Environments. The Underlying Environment of a Future Environment is the current zoning of the land. The Overlying Environment(s) indicates potential future Environment(s). Applicants must make a **discretionary** resource consent application and provide a Comprehensive Development Plan of their proposed development (for either a land use or a subdivision) to enable the rules associated with the Overlying Environment to apply. The Future Marine Village Environment is a Future Environment, made up of the Environments shown in [Figure 48.1](#).

### 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.

*N.B. 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

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

1. 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.
2. 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.
3. There are no internal stays.
4. 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
5. All battens are at 1m intervals.
6. 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.

### **Gross Floor Area (GFA)**

means the sum of the total area of all floor areas of a building or buildings, including additional floors above ground level, measured from the exterior faces of the exterior walls or from the centre line of walls separating two buildings but excluding covered parking areas and covered vehicle loading and unloading areas.

### **Ground Level**

ground level shall be taken as the level of the ground existing when works associated with any prior subdivision of the land are completed, but before excavation for new buildings on the land has commenced.

### **Habitable Room**

means any room in a residential building which is or is likely to be, used as a rumpus or games room, study, lounge, living room, bedroom, dining room, kitchen or general amusement room.

### **Hapu Environmental Management Plan (Iwi Management Plan)**

means a plan prepared by an iwi, hapu, 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 Substance**

means, unless expressly provided otherwise by regulations, any substance:

- a) With one or more of the following intrinsic properties:
  - i. Explosiveness;
  - ii. Flammability;
  - iii. A capacity to oxidise;
  - iv. Corrosiveness;
  - v. Toxicity (including chronic toxicity);
  - vi. Ecotoxicity, with or without bioaccumulation; or

Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition; or

When discharged to surface water or groundwater, has the potential to deplete oxygen as a result of microbial decomposition of organic matter (for example, milk).

### **Hazardous Substances and New Organisms Act and HSNO**

means the Hazardous Substances and New Organisms Act 1996.

### **Hazardous Sub Facility**

means a facility that is separated by more than 30 metres from any other hazardous facility on the same site.

### **Health Care Facilities**

means facilities relating to the physical and mental health, and the care and welfare of people.

**Heavy Vehicle**

means any vehicle exceeding 3500kg gross laden weight.

**Height**

in relation to a building means one of the following:

- a) The vertical distance between the highest part of the building and the average ground level, being the level of the ground at the external foundations of the building (see Figure 4.A); or
- b) The vertical distance between ground level at any point and the highest part of the building immediately above that point (see Figure 4.B).

For the purpose of calculating height, account shall be taken of parapets, but not of:

- a) Aerials, provided that the maximum height of aerials normally permitted by the rules for the site are not exceeded; or
- b) Chimneys (not exceeding 1.1m in width); or finials, provided that the maximum height normally permitted by the rules for the Environment is not exceeded by more than 1.5m; or
- c) Steeples, turrets, spires or towers located upon Places of Assembly provided the height limit normally permitted by the rules for the Environment is not exceeded by more than 2.0m.

Figure 4A Above Ground Method

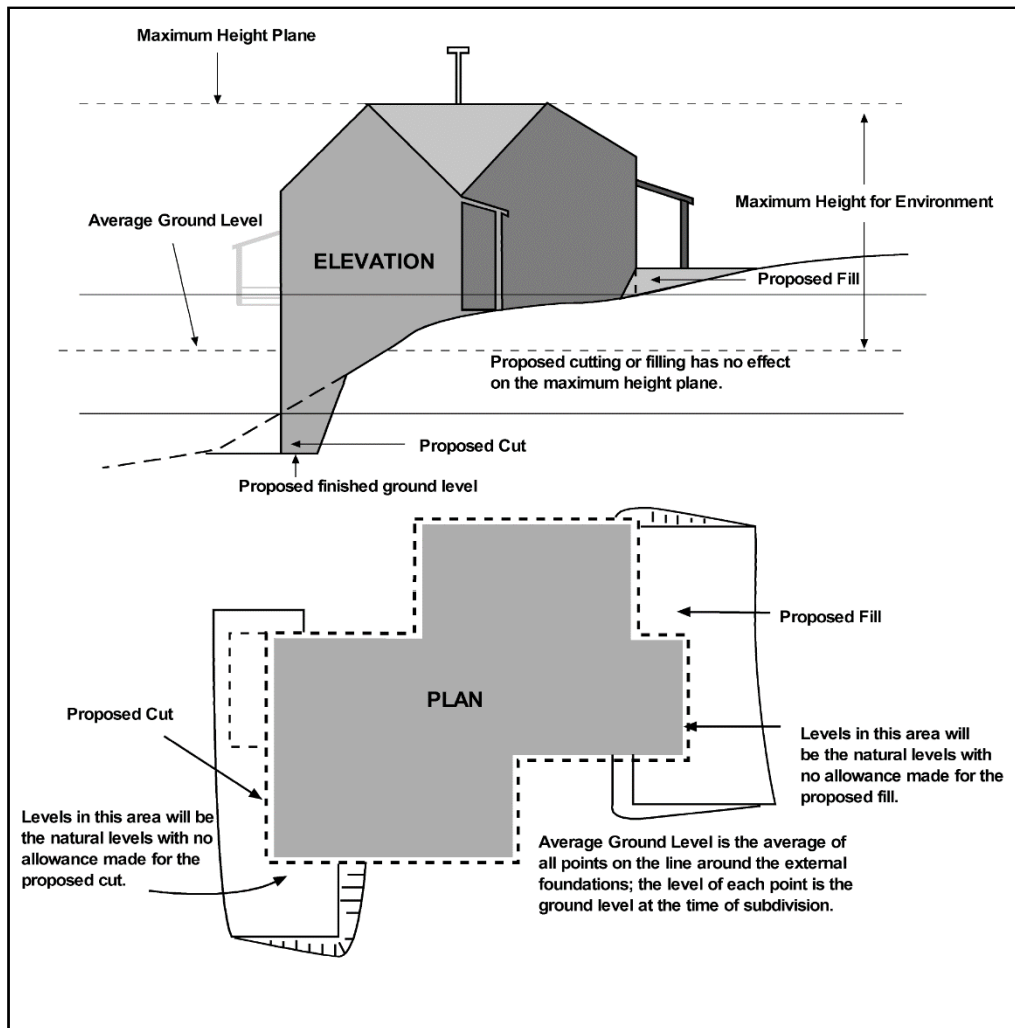
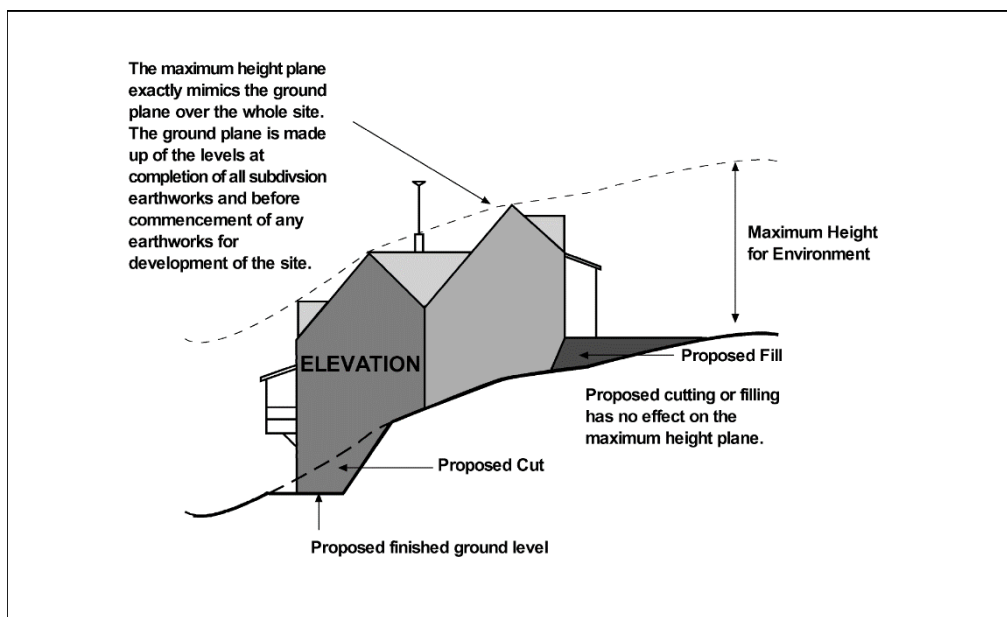


Figure 4B Rolling Height Method



**High Noise Area**

means an area where the average background sound level ( $L_{A90}$ ) is greater than 45 dB  $L_{A90}$  between 0630 and 2130 hours; or greater than or equal to 35 dB  $L_{A90}$  between 2130 and 0630 hours.

**Highly Erodible Land**

Means Land Use capability Classes 6e17, 6e19, 7e1-7e10, 8e1-8e3 and 8s1 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.

**Home Occupation**

means an occupation, or craft, or profession that is ancillary to the residential use of the site and where the principal operator of the home occupation is a permanent resident on the site. It does not include panel beating or car wrecking and the activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles. The storage of materials associated with a non-residential activity shall not be visible from a public road or neighbouring residential property. The generated effects from the scale, hours of operation and the type of home occupation activity shall not be any different from those of other permitted activities in the Environment, except in the KMP, KLP, RLE, RUEE and RVE where specific provisions apply.

**Impervious Area**

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.

Excludes:

- grass and bush areas
- gardens and other landscaped areas
- permeable paving and green roofs
- artificial playing surfaces or fields.

**Indigenous Vegetation**

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

**Indigenous Wetland**

means a naturally occurring wetland of 50m<sup>2</sup> or more (with a minimum width of 5 metres) 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:

- i. Raupo
- ii. Flax
- iii. Sedge associations
- iv. Kahikatea
- v. Cabbage tree
- vi. Manuka/kanuka on peatlands
- vii. Mangrove and saltmarsh
- viii. 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) Storm water management; or
- c) Water storage; or
- d) Other artificial wetlands, water courses 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:** 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 the processing, manufacturing, fabricating, packing or storage of goods or other ancillary activities, and includes servicing and repair activities.

#### **Intensive Livestock Farming**

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 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 Maori in relation to a natural and physical resources, and includes the ethic of stewardship.

**L<sub>AE</sub> (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<sub>AFmax</sub> (Maximum Sound Level)**

means the maximum, A-frequency-weighted, fast-time-weighted sound level, in decibels (dB), in a given measurement period.

**L<sub>Aeq</sub> (Time Averaged Sound Pressure Level)**

means the time-averaged, A-weighted sound level measured in decibels (dB).

**L<sub>Cpeak</sub> (C-Weighted Pressure Level)**

means the peak instantaneous C-weighted pressure level recorded during the measurement period. The “peak” level is not RMS averaged within the measurement circuitry of the sound level meter and therefore can appear much higher than other levels of instantaneous noise levels such as L<sub>AFmax</sub>.

**L<sub>dn</sub> (Day/Night Level)**

means the day-night sound level which is calculated from the 24 hour L<sub>Aeq</sub> with a 10 dB penalty applied to the night-time (2200-0700 hours) L<sub>Aeq</sub> to account for potentially increased annoyance during this time.

**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.

**Low Noise Area**

means an area where the average background sound level (L<sub>A90</sub>) is less than or equal to 45 dB L<sub>A90</sub> between 0630 and 2130 hours; or less than or equal to 35 dB L<sub>A90</sub> between 2130 and 0630 hours.

**Live/Work**

a residential and work format entailing the establishment of residential units above work units such as office, retailing, manufacturing and services.

**Living Environments**

means Living 1, 2, and 3, Kamo Medium Density Living Precinct, Kamo Low Density Living Precinct.

**Mana Whenua\***

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

**Metal Working**

includes the smelting, casting, milling, forging, turning, die casting, machining, pressing, tumbling, drawing, rolling and galvanising electroplating, grinding of metal or related activities.

**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 QRA 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**

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 100 metres of cover and "medium" subsidence is possible; and
- b) Areas where there has been 2 seam pillaring and greater than 100 metres of cover exists.

### **Mining Hazard Area 3**

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

### **Minor Residential Unit**

means a residential unit located no more than 15.0 metres from another residential unit on the same site/lot with a gross floor area of no more than 70.0m<sup>2</sup>, excluding the gross floor area used exclusively for the storage of motor vehicles in association with the minor residential unit.

### **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 antennae;

- 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:**

additional structures or the replacement of structures with the effects that are not of a similar scale, character, bulk and form.

**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.

**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:

- i. With respect to the area to be protected:
  - a) 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 environmental protection and on-going management of an environmental protection area.
  - b) Requirements of existing legal mechanism such as a covenant, easement, designation or private agreement / contract.
  - c) The level of protection provided under regional or district plan rules.
- ii. 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 Site Area**

means the total area of the site, excluding any part of the site:

- a) Subject to a building line restriction;
- b) Containing a right-of-way servicing other sites;
- c) Used for access less than 6m wide.

**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 or geothermal energy; or
- b) Operates or proposes to operate a network for the purpose of telecommunication or radio communication, as defined in section 2(1) of the Telecommunications Act 1987; 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) Includes the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information, including telecommunication, radio and satellite links required as part of meteorological activities; or
- j) 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. The words "network utility operation" have a corresponding meaning.

**Night**

means a period 2200 to 0700 hours unless specified otherwise.

**Noise Sensitive Activities**

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

**Non-Complying Activity\***

means an activity which:

- a) Is provided for as a non-complying activity, by a rule in a plan or a proposed plan; or
- b) Contravenes a rule in a plan or a proposed plan, and is allowed only if a resource consent is obtained in respect of the activity.

**Notional Boundary**

means a line 20 metres from the facade of any noise sensitive activity, or the legal boundary, where this is closer to the noise sensitive activity.

**Outdoor Living Court**

means an area of outdoor open space including 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 direct access to a main living space and that does not contain structures that would impede its use for outdoor living purposes.

**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.

**Overlying Environment**

An Overlying Environment indicates the proposed environment (or proposed environments), of any Future Environment. The Overlying Environment will have been defined in a strategic land use study, either undertaken by council or privately initiated. In order to utilise the provisions of the Overlying Environment, an applicant must make an application for a resource consent (either subdivision or land use), and provide a Comprehensive Development Plan of the proposal. Rules relating to Overlying Environments apply as though they are the rules of that Environment in the assessment of the **C.D.P.** unless the Plan specifically provides otherwise.

**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 Network**

means the Primary Pedestrian Network and Secondary Pedestrian Network as shown on the District Planning Maps within the Kamo Walkability Environment.

**Permitted Activity\***

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

**Place of Assembly**

means any land or buildings used principally for public or private assembly of people, worship, educational, recreational, social, ceremonial and spiritual activities; for meditation and functions of a community character; and includes churches, church halls, church yards and marae complex.

**Plantation Forestry**

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.

**PPV (Peak Particle Velocity)**

means the measure of the vibration aptitude, zero to maximum. This parameter can be used for assessing building structural damage and also has application to human annoyance.

**Public Place**

means a place

a)

- i. that is under the control of the territorial authority; and
- ii. that is open to, or being used by, the public, whether or not there is a charge for admission; and

b) includes—

- i. a road, whether or not the road is under the control of a territorial authority; and
- ii. any part of a public place

**Prohibited Activity\***

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

**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.

**Rear Site**

means a site with a frontage of less than 6 metres 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.

**Refuse Accumulation**

means the process of collection and storage of discarded and/or derelict organic or inorganic material and includes domestic appliances and whiteware, scrapmetal, vehicle bodies, vehicle parts, machinery, glassware, paper, timber and building materials.

**Release**

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.

**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 or occupation of land and buildings by people for the purpose of living accommodation, where the occupiers voluntarily intend to live at the site for a period of one month or more, and includes accessory buildings and leisure activities directly associated with the residential activity. It also means the occupation of land or buildings for the purpose of living accommodation on a temporary basis (i.e. up to one month) where the accommodation is ancillary to the predominant use or activity on the site, and involves up to six people only, such as bed and breakfast, farmstay or homestay accommodation. For the purposes of this definition, residential activity therefore



includes rest homes (Geriatric Care facilities), guesthouses, apartments, emergency and refuge accommodation, domestic pastimes and activities associated with residential accommodation. The definition of residential activity therefore does not include motels or hotels; backpackers, bed and breakfast, farmstay or homestay accommodation, for more than six people; which are commercial activities.

### **Residential Unit**

means a building or group of buildings, room or group of rooms, with associated services and facilities, designed, used or intended to be used separately or in conjunction with each other as a single independent and separate household unit for a Residential Activity. This includes baches or other similar private holiday accommodation but excludes temporary Activities.

### **Restricted Discretionary Activity**

means an activity which is provided for as a restricted discretionary activity by a rule in a Plan or Proposed Plan, and which is allowed only if a resource consent is obtained in respect of that activity, but the matters or standards to be assessed in considering an application for resource consent are limited to those specified in the Plan or Proposed Plan.

### **Retail Activity**

means land and/or buildings from which goods, merchandise, equipment or services are sold, exposed, displayed or offered for sale or direct hire to the public and includes: a market; a showroom; a banking chamber (being that part of a bank which includes all the teller areas and all areas to which the public generally has access); off-licensed premises; and betting premises, but does not include a service station, motor vehicle sales and service premises or a restaurant, café and other eatery places.

### **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.

### **Retirement Village**

Part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with shared services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum return for their right to live in the place. As well as a lump sum, a "capital sum" can also mean periodical payments, if the payments are substantially more than would be paid to cover rent and such services or facilities for the relevant period. A retirement village is centrally managed and includes common areas and facilities to which residents of the retirement village have access under their occupation right agreements.

### **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.

### **River\***

means a continually or intermittently, flowing body of fresh water; and includes a stream and modified water course; 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).

### **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

shall have the same meaning, as defined in section 315 of the Local Government Act 1974 and includes a motorway, as defined in section 2(1) of the Transit New Zealand Act 1989. The width of the Building Line Restrictions identified for specific roads, (refer to Appendix 1 of this Plan and the Planning Maps) shall be included as forming part of the road, for the purpose of calculating building setbacks.

**Note: 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. Roads are generally represented without Environment colouring on the Planning Maps. Formed roads are marked with a line on a white background to provide orientation to map users and to provide a ready reference point to locate properties.

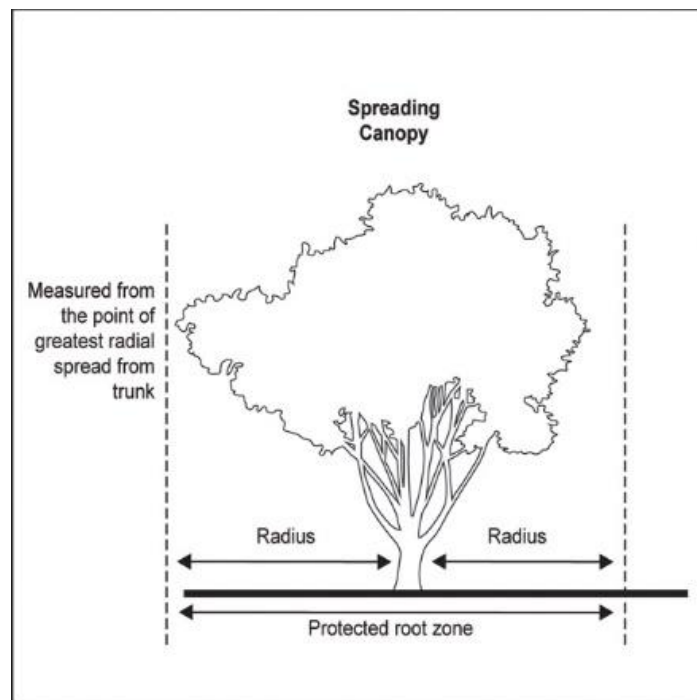
Roads are in the same Environment as the land that surrounds them. Where a road runs along the boundary between two Environments, the boundary of the Environments is the centre line of the road. Where the road runs beside the coast, the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land Environment.

### 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.

### 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 Centre Service Activity

means the use of land and buildings within the Rural Village Centre Sub-Environment 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 Environments

means the Rural Countryside, Strategic Rural Industries, Rural Village, Rural Living and Rural (Urban Expansion) Environments.

#### **Rural Production Activity**

means the use of land and buildings for farming, intensive livestock, farm quarrying, seasonal activities and plantation forestry.

#### **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.

#### **Seasonal Activity**

means the following activities:

- a) The harvesting, picking, pruning or planting of primary produce on a temporary seasonal basis; or
- b) Forestry, including the storage of harvested timber with in forest plantation sites (whether recently harvested or not) and the transport of raw logs with the processing or packing of primary produce and harvested timber not constituting seasonal activities for the purposes of this definition.

#### **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.

#### **Sensitive Activities**

means, childcare and education facilities, Residential Activity, hospitals, Health Care Facilities and Retirement Villages.

#### **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.

#### **Set Back**

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.

#### **Shared Access**

means any access that is used by two or more lots, residential units or commercial 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 intended to attract attention for the purpose of directing, identifying, informing or advertising, except for traffic signs and advertising matter placed on or within a display window of commercial premises, and includes structural supports; three dimensional and inflatable surfaces; and flags.

#### **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 that the total signage area that may be viewed from any 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 an area of land or volume of space, shown on a plan with defined boundaries, and includes:

- 1)
  - a) Land which is:
    - i. Comprised in a single allotment or other legally defined parcel of land, and held in a single certificate of title; or
    - ii. Comprised in a single allotment or legally defined parcel of land for which separate title cannot be issued without further consent of the council; or
  - b) An area of land which is comprised of two or more adjoining certificates of title where such titles are:
    - i. Subject to a condition imposed under Section 80 of the Building Act 2004; or
    - ii. Held together in such a way that they cannot be dealt with separately without the prior consent of the council;

or
- 2) In the case of land subdivided under the cross lease or company lease systems (other than strata titles), an area of land containing:
  - a) A building for residential or business purposes with any accessory building, plus any land exclusively restricted to the users of those buildings; or
  - b) A remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes; or
- 3) In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan, together with its accessory units; or
- 4) In the case of strata titles, site shall mean the underlying certificates of title, immediately prior to subdivision.

Site shall also include the access to the site.

### **Stone Wall**

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

### **Strategic Rural Industries**

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 to the economy. Within the District Plan the term is applied specifically to the Strategic Rural Industries Environment and does not include strategic industries located within urban areas with specialized business or industrial functions such as Port Marsden or the Marsden Point Oil Refinery.

**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 a District Land Registrar 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 20 years or longer (unless that part of the allotment is in the coastal marine area, and that lease is allowed for a term of 20 years or longer by a coastal permit or by a rule in a regional coastal plan); 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 a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- b) An application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226, and the term "subdivide land" has a corresponding meaning.

**Supermarket**

A self-service store selling mainly food, typically with a gross floor area of up to 6,500 square metres, with supporting car parking.

**Surface Water**

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.

**Tangata Whenua\***

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

**Taonga**

means treasure, or all that is held precious.

**Telecommunication**

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

**Temporary Activity**

means 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.

**Temporary Military Training Activity**

means a temporary military training activity including any associated building established onsite for a maximum period of 60 days undertaken for defence purposes. Defence purposes are described in section 5 of the Defence Act 1990.

**Tikanga Maori\***

means Maori customary values and practices.

**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.

**Underlying Environment**

An Underlying Environment is the existing (or current) Environment of any Future Environment at the time that the Future Environment is created. Permitted activities, as defined in the existing Environment continue to be permitted when this Environment becomes an Underlying Environment of a Future Environment. Rules relating to Underlying Environments are applied as though they are the rules of that Environment, unless the Plan specifically provides otherwise.

**Urban Area**

refers to areas that are considered 'urban' in the context this chapter (and the wider District Plan), refers to both Living and Business Environments, excluding areas zoned as RVE in coastal and rural settlements.

**Vegetation Clearance**

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**

means short stay accommodation such as short stay apartments, hotels, motels, hostels or boarding houses.

**Visual Permeability**

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

**Waahi Tapu**

means a place which is sacred or spiritually meaningful to tangata whenua.

**Water\***

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

- 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, indigenous wetland or aquifer or any part thereof that is not located within the coastal marine area. Environmental Rules relating to building setbacks from water bodies are applicable only in relation to rivers, lakes and Mean High Water Springs.

**Wind Turbine**

means a wind turbine used to extract kinetic energy from the wind and having a swept area of greater than 200m<sup>2</sup>.



## Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
27 June 2007	FP	Building definition	MS Word reformatting of bullet points to read correctly a) to i)	27 June 2007	PW
1 October 2007	FP	Definition of Contamination site	Plan Change 45 Adopted by Council ES meeting	20 September 2007	PW
1 October 2007	FP	Definition of Forestry	Plan Change 45 Adopted by Council ES meeting	20 September 2007	PW
5 October 2007	FP	Definition of Eaves and Set Back	Plan Change 57 Adopted by Council ES meeting	20 September 2007	PW
26 March 2008	FP	Intensive Livestock Farming	Plan Change 45 Amendments to Factory Farming definition.	ES 12 March 2008	PW
11 March 2008	FP	Building	Plan Change 45 Amendment to the definition of 'Building'	ES 9 April 2008	PW
17 April 2008	FP	Intensive Livestock Farming	Move this definition to match the alphabetic order of the definitions		PW
23 May 2008	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.	ES 14 May 2008	PW
11 July 2008	JL	Public Place and Community Sign	Plan Change 41 addition of definitions	ES 9 July 2008	PW
13 October 2008	FP	Residential Unit	Plan Change 45 amendment of the definition	ES 8 October 2008	PW
30 October 2008	FP	Eaves	Move this definition to page 7 to suit the alphabetical order		PW
15 July 2009	FP	Comprehensive Development Plan	Cross reference to Rule 47.4 corrected to read 48.7	Email from Consent Planner 2 July 2009	NW
12 May 2010	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	Clause 16(2) 10/37288 12 May 2010	NW
4 August 2011	FP	New definitions	Bulk Form Retail, Built Form, Supermarket, Urban Area	Operative Date 24 August 2011	NW
11 April 2012	LB	New definitions	Live/Work, Retirement Village, Show room	Operative Date 24 April 2012	NW
12 June 2013	LB	Change of definition	Minor Upgrading	Operative Date 25 June 2013	NW
11 December 2013	MD	New definitions	Electricity Infrastructure, National Grid, National Grid Corridor, Sensitive Activities	Operative Date 13 January 2014 TRIM 14/4071	NW
10 June 2015	TB	Additions and amendments to definitions	Plan Change 120 additions and amendments to definitions	Operative Date 23 June 2015 TRIM 15/52461	MM
11 May 2016	TB	Additions and amendments to definitions	Plan Change 110 additions and amendments to definitions	Operative Date 24 May 2016 TRIM 16/52692	MM

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
24 November 2016	LM	New definition	Plan Change 113 addition to definitions.	7 December 2016	MM
27 April 2017	AM	Intensive Livestock Farming	Correction of Minor error	Clause 20A Minor Amendment - Scheduled Activities. DSTPLN-659943184-68	MM
6 march 2019	AM	Amendments throughout	Plan Changes 85 A-D, 86A & 102	6 March 2019	MM
6 March 2019	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 Feburary 2019	MM
20 June 2019	EE	Forestry	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-196</a>	20 June 2019	MM
25 February 2020	AS	Multiple	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-344</a>	25 February 2020	MM

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