

PART 50 RULE 50 - DEFINITIONS

The following definitions apply to this PLAN unless otherwise stated. Where a word or term used in this PLAN is defined in the Resource Management Act 1991, that meaning shall apply to this PLAN unless otherwise stated. (*Note: Within the text for each definition, the words in CAPITALS are defined in this Rule.*)

ACCESSIBILITY (ACCESSIBLE) refers to the extent to which land (or any defined parcel of land) is, or would remain, in an appropriate state of preparedness for accommodating a wide range of activities. Accessibility depends on, or relates to (and is not limited to), various characteristics pertaining to the land, or locality, or to a lot or lots of a proposed subdivision, such as:

- the shape and size of the land (or lot/s) and the pattern of lots;
- topography and aspect of the land (or lot/s) particularly in relation to the position of boundaries;
- proximity to roads and other means of access;
- type/s (Classes) of land, and the areal extent of different types within the lot/s and the degree to which such areas are dissected or fragmented (see "CLASS I, II OR III LAND");
- efficiency and effectiveness of water supplies available to the property or lot/s;
- the location, alignment, width and nature of existing and proposed driveways, tracks and easements over lot/s and adjoining lots;
- location and extent of coverage of existing or proposed houses and outbuildings;
- the presence of natural or physical features of the property or locality which would severely constrain or compromise the capability of the land (or lot) for accommodating a range of activities;
- the likelihood of the pattern of land development compromising access to or use of land in the future;
- reverse sensitivity issues arising from actual or potential conflict due to incompatibility between existing or proposed activities on adjoining properties or lots in the subdivision or locality.

ACCESSORY BUILDING means a separate detached 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 has been erected, is one which is incidental to any *Permitted* or, in some cases, lawfully established, use of the SITE. An ACCESSORY BUILDING may include sleeping and ablution facilities, but no facilities for food preparation or cooking. It includes a "sleepout"; PACKING SHED; BUILDINGS HOUSING ANIMALS; LPG, petrol and diesel installations on farms for farming activities; carports; garages; fences above 2.0 metres in HEIGHT; retaining walls above 1.0 metre in HEIGHT from the lowest ground level adjoining; dish (satellite) aerials not exceeding 1.5 metres in HEIGHT at any point; but not swimming pools unless they are covered, SIGNS or any RESIDENTIAL BUILDING.

"BUILDING accessory to" shall have a corresponding meaning.

ACTIVE RECREATION means an activity undertaken for entertainment, exercise, recreation or enjoyment that involves the active participation of people, animals or machines, and may or may not involve spectators. It includes MOTORISED SPORTS, war games, EQUESTRIAN CENTRES and dog racing; and associated facilities such as tracks, grandstands, clubrooms, administration and equipment storage buildings.

ADJOINING PROPERTIES means all properties sharing any length of boundary with the subject SITE, but does not include properties across a ROAD, service lane, or PRIVATE WAY unless specifically stated in the context.

AERIAL means that part of a RADIOCOMMUNICATION or TELECOMMUNICATION facility used for transmission or reception including the AERIAL mountings but not any supporting MAST or similar structure. This definition excludes any ANTENNA DISH.

AGRICULTURAL ACTIVITIES includes FARMING, HORTICULTURE, and FORESTRY.

AGGREGATE EXTRACTION ACTIVITIES includes aggregate excavation, blasting, processing (crushing, screening, washing and blending); the storage, distribution and sale of aggregates by wholesale to industry or by retail; ancillary earthworks; the removal and deposition of overburden; treatment of stormwater and waste water; landscaping and rehabilitation works including cleanfilling; ancillary buildings and structures; and residential accommodation necessary for security purposes.

AMENITIES means all those things which contribute to the establishment of *amenity values* in any particular situation or locality.

AMENITY AREAS means areas developed for the benefit and convenience of the pedestrian shopper, generally within a ROAD, and may include works or structures such as landscaping, planting, special paving materials or surfaces, seats, tables, litterbins, lighting, notice boards, bollards, fences, structures for shelter, murals, sculptures, bicycle stands, fountains, post boxes and telephone cubicles, and such other works as may be appropriate to the location.

ANCILLARY ACTIVITY means an activity located on the same SITE as the primary activity, where such activity is small and minor in scale and incidental to the primary activity and serves a subordinate but supportive function to the primary activity. ANCILLARY ACTIVITY includes ablution and staff facilities.

ANIMAL FEEDLOT means a hard standing area covered or uncovered used for the purpose of intensively feeding animals. It does not include the concentrated but temporary wintering of stock numbers normally present on the property.

ANNUAL EXCEEDANCE PROBABILITY (AEP), 10 MINUTE STORM EVENT means a storm event of a 10 minute duration that has a given expected occurrence probability of being exceeded in any one year (eg. a 20% AEP 10 minute storm event means the 10 minute storm event that has a 20% probability of occurring, or being exceeded, in any one year).

ANTENNA DISH means a flat, concave, circular, parabolic or similar shaped RADIOCOMMUNICATION or TELECOMMUNICATION apparatus used for transmission or reception including the AERIAL mounting but not any supporting MAST or similar structure. This definition includes any satellite dish.

ATTACHED UNIT/S means two or more UNITS which are contained within one building on a site or which are attached or have a length of common wall.

BUILDING means any thing or part of a thing constructed or erected whether temporary or permanent, movable or immovable, including any vehicle or object used as a place of assembly, work, storage, or residence but does not include the following:

- SIGNS;
- ROADS and ELECTRIC LINES and TELECOMMUNICATION LINES in ROADS;
- Underground services or installations;
- Any scaffolding or other temporary construction erected for maintenance work;
- Any MAST, pole, or AERIAL less than 8.0 metres in HEIGHT above ground provided the cross-sectional dimension of the structure does not exceed an average of 1000 millimetres;
- Any ANTENNA DISH less than 1.5 metres in HEIGHT at any point above ground;
- Any construction or erection not exceeding 9 m² in a horizontal plane and that does not exceed 1.2 metres in HEIGHT above the lowest ground level adjoining;
- Any open construction involving vertical and/or horizontal posts with no roofing or wall cladding, attached or detached to any BUILDING on the SITE, erected for ornamental or

garden purposes and not exceeding 2.4 metres in height and complying with the relevant "HEIGHT IN RELATION TO BOUNDARY" requirement of this PLAN;

- Any fence or wall less than 2.0 metres in HEIGHT;
- Any retaining wall less than 1.0 metre in HEIGHT from the lowest ground level adjoining;
- Any tank, pool or tub,
 - A. of less than 25,000 litres capacity and supported directly by the ground;
 - B. supported not more than 1.2 metres above the ground.
- Any tent or marquee in use for less than 32 days or that is in a reserve or CAMPING GROUND;
- Any storage of goods or materials that does not exist for more than one month.

BUILDING/S HOUSING ANIMALS means any structure that houses animals (including birds) of any kind, whether or not that structure:

- has a roof;
- is used for short term, intermittent or permanent occupation;
- requires a building consent from the COUNCIL

but does not include

- a dog kennel for a single dog or one bitch with pups;
- a shelter for a single animal on a chain;
- a shelter for any other single animal that is kept as a household pet.

BUILDING LINE means a BUILDING line shown on the PLAN Maps or listed in the PLAN for specified purposes over which BUILDINGS may not encroach except by way of a resource consent. A BUILDING line shall constitute the new front boundary for the SITE and any "YARD" requirements are determined accordingly.

CAMPING GROUND means any area of land used or designed or intended to be used to provide non-permanent living places for rent, hire or reward for two or more HOUSEHOLDS, and usually involves the use of tents, cabins, caravans or other vehicles, or other structures or shelters which would not normally comply with the *New Zealand Building Code* as to RESIDENTIAL BUILDINGS. While HOUSEHOLDS would normally live separately they may enjoy the use in common of entrances, parking areas, recreation areas, water supplies, cookhouses, sanitary conveniences, or other premises and equipment.

CEMETERY means land or premises used for the burial and/or cremation of corpses, and may include administration and meeting rooms and parking and landscaping works or areas.

CHILD CARE AND LEARNING CENTRES means any land or buildings used for the care or training of predominantly pre-school children and includes a play centre, kohanga reo, kindergarten but does not include children residing overnight on the property, or a SCHOOL.

CHURCH see COMMUNITY FACILITY.

CLASS I, II or III land is land that has such a classification by virtue of the information shown on the *New Zealand Land Resources Inventory Worksheets* (a copy of which is held by the Council).

CLEAN FILL means any material that has no potential or actual ability to adversely affect the environment. This material should be of a natural origin such as clay, rock and soil, and other material, such as clean concrete, brick and demolition products that are free of combustible and organic materials, substantially free of voids, and not subject to biological breakdown.

COASTAL PROTECTION YARD see YARD.

COMMUNITY FACILITY means any land and/or BUILDING/s operated by an organisation for purposes other than financial reward or profit. (This does not preclude ancillary fund-raising activities provided they are not continual). COMMUNITY FACILITY includes, citizen advice bureaux, libraries, legal aid offices, churches, halls, rooms for scouting groups and the like, sports clubs, public toilets, plunket rooms and rooms where information, counselling, advice or

other like assistance conducive to people's welfare is provided, but does not include the holding of a LIQUOR LICENCE under the Sale of Liquor Act 1989.

CONSERVATION includes the process of preserving, maintaining or restoring to protect or enhance the natural, historic, intrinsic, or other identified values, including recreation, public access to the coast, lakes and rivers, and tikanga Maori.

CONSERVATION VALUES includes historic, landscape, and biological values, recreational use, public access to and along the coastal marine area, lakes and rivers, and tikanga Maori.

CONTAMINANT has the meaning set out in the Act.

CONTAMINATED SITES are sites at which hazardous substances are present in concentrations that are above local background levels and are likely to pose an immediate or long term risk to the environment and/or human health.

COURT means that part of a SITE that is required by the PLAN to be set apart for the exclusive use of the occupants of a HOUSEHOLD to provide for their outdoor living needs, and may include decks and open structures that are not BUILDINGS.

COVERAGE or SITE COVERAGE means that portion of the area of a SITE which is covered by BUILDINGS and shall include:

- Overhanging or cantilevered parts of BUILDINGS;
- Any part of the eaves and/or spouting projecting more than 600mm measured horizontally from the exterior wall of the BUILDING; and
- ACCESSORY BUILDINGS;

but does not include uncovered swimming pools, pergolas, slatted open decks, or similar structures of an open nature that are not BUILDINGS.

DAIRY means a RETAILING ACTIVITY that derives a substantial part of its trade from the retail sale of milk, bread, non-alcoholic beverages and other day-to-day food requirements and grocery items and may include the preparation of food and meals for consumption off the premises.

DEPOT means a SITE and/or BUILDING/s used for the storage and maintenance of machinery, plant, equipment, materials or objects as part of a business activity and where the application of the skills and services of that business predominantly occurs at other SITES, and may include ancillary offices and a DWELLING HOUSE.

DEVELOPMENT in relation to any land, means the carrying out of any work on the land including the construction or alteration of any BUILDING or structure of any excavation or filling, and the fitting out of the BUILDING with fixed plant and equipment but does not include the subdivision of land.

DOMESTIC PIGS means the keeping, raising or breeding of pigs for the production of meat or live pigs provided that not more than 15 pigs are present on the SITE at any one time.

DOMESTIC POULTRY means the keeping, raising or breeding of poultry for the production of eggs, meat or live birds provided that not more than 40 birds are present on the SITE at any one time.

DWELLING HOUSE means a detached or semi-detached residential BUILDING designed for, or occupied exclusively by one HOUSEHOLD, and which is the only RESIDENTIAL BUILDING on the SITE. A DWELLINGHOUSE may be used for the following activity: Where board, lodging or live-in physical or mental health support is provided by no more than two persons for no more than four other people, all of whom must be permanent residents of the BUILDING but need not be related by blood or other means (marriage, adoption etc).

EARTHWORKS means the disturbance of land surfaces by blading, contouring, ripping, moving, removing, excavating, placing or replacing soil or earth, or by cutting or filling operations.

ECOSYSTEM means a self-regulating community of plants and animals interacting with one another and with their non-living environment.

EQUESTRIAN CENTRE means land or BUILDINGS where:

- people are trained to ride, or can ride horses, for a fee; or
- horses are raced or showed competitively (including trotting, galloping, show-jumping, cross-country and dressage).

ELECTRIC LINE has the same meaning as in the Electricity Regulations 1993.

ELITE LAND refers to the most highly versatile land in the District, and is generally land which contains well drained, friable and well structured soils, with little or no slope, or with unique features (such as the frost-free elevated slopes of Bombay hill) and which are capable of sustaining high levels of continuous cultivation. This is generally 'Land Use Capability Class I' land, but other lands may upon investigation be deemed to be Class I (see "CLASS I, II OR III LAND").

EXOTIC in relation to plants and animals, means a species that is not indigenous to New Zealand.

EXPLORATION (for MINERALS) has the meaning given in the *Crown Minerals Act 1991* which is: "*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*"

FACTORY FARMING see INTENSIVE FARMING.

FAST FOOD/FAMILY RESTAURANT means a land use activity which principally involves the preparation, packaging, serving and selling of freshly cooked or reheated food or meals for consumption by people on or off the site or premises, whether the food has been cooked, heated, prepared or packaged on the site or not. Such activities have a dedicated dining area and may or may not have a drive-through facility, and/or a fast-turnaround home-delivery service, and/or children's playground. Such premises are generally designed and operated to suit all household types.

FARMING means a land based activity that relies on the productive capacity of natural resources and includes HORSE TRAINING CENTRES, DOMESTIC PIGS, DOMESTIC POULTRY, apiaries, and ANCILLARY ACTIVITIES but does not include VETERINARY CENTRES, FORESTRY, HORTICULTURE, INTENSIVE FARMING, boarding and breeding kennels, or dog training grounds.

FARM STAY ACCOMMODATION means the use of a private DWELLING HOUSE to accommodate visitors on a short stay, fee-paying basis.

FARM PRODUCE in relation to a lawfully established PRODUCE STALL means eggs, honey, flowers, fruit or vegetables grown or produced on the property, and includes the extracted juices of fruit and vegetables but does not include any other processing beyond cleaning, trimming, extracting juices, freezing, or drying.

FLATS see MULTI-UNIT HOUSING.

FORESTRY means the ongoing management of trees or areas for the production of timber, for soil conservation or water control or waste water disposal or purification purposes, or for aesthetic or scientific purposes, and includes planting, pruning, felling and removal from the

SITE of trees, and may be carried out in conjunction with other AGRICULTURAL ACTIVITIES, and may include

- non-commercial recreation activities that make use of or in some way rely on trees;
- informal or passive recreation activities not involving any vehicle or equipment that generates any noise;

but does not include

- the processing of timber unless specifically provided for in the Zone;
- any activity that is excluded from FARMING.

FORESHORE has the meaning given by Section 2 of the Act.

FRONT SITE see SITE.

FRONT YARD see YARD.

FUNERAL SERVICES PREMISES or **FUNERAL PARLOUR** means premises where the predominant activity is the administration, directing and conducting of funerals, and may include a mortuary, viewing room, a work room, the garaging of specially equipped vehicles, and a chapel.

GARDEN CENTRE means the use of land and/or BUILDINGS for the propagation and sale of plants, garden accessories, and landscaping products, and includes a nursery garden.

GLASSHOUSE means a BUILDING within which plants are grown in a controlled environment, and includes a greenhouse, tunnel-house and shade-house, but does not include a BUILDING used for housing animals.

GROSS FLOOR AREA (sometimes expressed as gfa) means the sum of the gross areas of the several floors of all BUILDINGS on a SITE measured from the exterior faces of exterior walls or from the centre lines of common walls separating BUILDINGS, and includes basements and mezzanine floors but does not include

- areas which fall outside "COVERAGE";
- uncovered stairs or access ramps;
- covered public parking areas on the SITE;
- covered pedestrian areas in front of a BUILDING within the defined *Business Centres* that act as open extensions of the footpath;
- carport-type display areas except any part used for staff parking or loading/unloading;
- service station forecourt canopies;
- enclosed mall or arcade areas not accessible to the public outside of trading hours.

GROUND LEVEL (or "at ground level") in Rule 29 for the avoidance of doubt, refers to 'normal' residential development where the main ('ground') floor level of the building is on the ground (concrete or similar construction) or just above ground level (on piles or similar construction), and where there is no other type of land use under the main ('ground') floor level of the building.

HABITABLE ROOM means any room in a RESIDENTIAL BUILDING other than:

- a laundry, bathroom, water closet, pantry, walk-in wardrobe, or clothes drying room;
- any room or space used solely as an entrance hall, lobby, passageway or private garage;
- any other space or small room of a specialised nature occupied neither frequently nor for extended periods.

HANDCRAFT/S means those goods produced by hand, by the use of hand tools, or the use of mechanical appliances where such appliances:

- Do not produce goods in a repetitive manner through the use of jigs, templates, moulds, patterns, dies, jolleys or other similar devices, except that such devices may be used to produce the original or first unit; or
- Do not produce the goods other than through the direct control of the operator; or

- Do not produce the goods according to a predetermined pattern for production run purposes;
- The person producing such goods shall have complete control over the production of every piece and stage of production.

HAZARDOUS SUBSTANCE means dangerous goods as defined by the Dangerous Goods Act 1974, toxic substances as defined by the Toxic Substances Act 1979, and any other inflammable, toxic, explosive, infectious, radioactive, or other substance which may impair human, plant or animal health.

HEALTH CENTRE means premises like doctors' or dentists' surgeries or rooms used by those involved in health care and diagnosis where clients are generally seen on an individual basis by appointment, but does not include any display or advertising of goods for sale. **HEALTH CENTRE** does not include diagnostic laboratories, **VETERINARY CENTRES**, hairdressers' premises, massage parlours, or gymnasiums.

HEIGHT means the vertical distance between the highest point of the **BUILDING** and the average of the highest and lowest ground levels at the base of the **BUILDING** or structure. For the purpose of this definition:

- a. Ground levels will be those that will exist when the **BUILDING** is completed, which are to be indicated on the application plans in addition to former ground levels.
- b. Base of the **BUILDING** means the level at which the external walls of the **BUILDING** meet the ground. Where a **BUILDING** is supported on poles, pillars, or by any other means, they will be considered to be part of the base of the **BUILDING**.
- c. In calculating the **HEIGHT** of a **BUILDING**, the following items shall be excluded:
 - In all Zones - architectural appurtenances, chimneys, and solar heating panels;
 - In all but *Residential* and *Rural-Residential* Zones - lift towers and machinery rooms provided that such items:
 - Do not exceed a vertical distance of 3 metres above the maximum **HEIGHT** permitted for the **BUILDING**; and
 - Do not exceed an area, measured in a horizontal plane, of 5% of the **GROSS FLOOR AREA** of the top storey of the **BUILDING**.

HEIGHT IN RELATION TO BOUNDARY means the permitted height of a **BUILDING** relative to the distance the structure (or part of it) is from the **SITE** or *notional lot* boundary: The permitted **HEIGHT** increases as the distance from the boundary increases, as determined by a mathematical formula.

HISTORIC AREA and **HISTORIC PLACE** have the meanings given by Section 2 of the Historic Places Act 1993.

HOME ENTERPRISE means an occupation, craft, profession, business or service which, not being a **HOME OCCUPATION**:

- Is carried out in association with a **HOUSEHOLD**; and
 - Is engaged in by at least one person who resides permanently on the **SITE**; and
 - Engages not more than two persons who are not permanently resident on the **SITE**;
- but does not include the servicing, panel beating or wrecking of vehicles, **RURAL SERVICES**, or any activity which requires the holding of a **LIQUOR LICENCE** under the Sale of Liquor Act 1989.

HOME OCCUPATION means an occupation, craft, profession, business or service which would otherwise meet the definition of **HOME ENTERPRISE** but which can satisfy the particular requirements set out in the Zone. (**HOME OCCUPATION** can include: hairdressing, clerical work, art/pottery studio, dressmaking, **PLAN** drawing, teaching of speech, drama, music or ballet, typing, offering specialist health care or professional advice).

HORSE TRAINING CENTRES means facilities for the housing and training of thoroughbred and standard bred horses, and usually involves some form of training track but does not include any form of racing or show jumping or other activity to which the general public is permitted, whether or not an entrance fee is paid (see EQUESTRIAN CENTRE).

HORTICULTURE means the growing and cultivation of plants for the production of flowers, fruit, vegetables, and grains but excludes FORESTRY, INTENSIVE FARMING, and GARDEN CENTRE. HORTICULTURE includes market gardening, orcharding, and also GLASS HOUSES and shade houses unless these are separately listed and provided for in the Zone.

HOSPITAL means land and BUILDINGS used for, or ancillary to, the reception and care of persons needing specialised or controlled health care or medical treatment due to injury, disease, or any form of non-permanent ill-health, or the process of child birth and post-natal care, and who would usually stay for between 24 hours and one month in order to have their condition attended to.

HOUSEHOLD means a self-contained housekeeping unit, of one or more persons occupying and using a BUILDING for normal domestic residential or housekeeping activities. A HOUSEHOLD may include the following activity: Where board, lodging or live-in physical or mental health support is provided by no more than two persons for no more than four other people, all of whom must be permanent residents of the BUILDING but need not be related by blood or other means (marriage, adoption etc).

INDIGENOUS in relation to plants and animals, means a species that occurs naturally in New Zealand or arrived in New Zealand without human assistance.

INTENSIVE FARMING means the intensive production of animals and/or fungi, carried out under BUILDING cover and/or "free-range". It includes, but is not restricted to, ANIMAL FEEDLOTS and the farming of poultry, pigs, rabbits, and mushrooms but does not include DOMESTIC PIGS or DOMESTIC POULTRY.

KOKIRI CENTRE is included in the definition of SCHOOL and means any premises in which training and tuition is given in respect of the following matters:

- any trade, profession or occupation;
- any skill or art that promotes the general well-being of the community;
- Maori language, Maori customs and traditions, Maori arts and handicrafts and other aspects of Maori culture essential to the identity of the Maori race;
- Language, customs and traditions and arts and handicrafts of members of other races.

L 10 (sound level) means the level of sound which is equalled or exceeded for 10 percent of the observation time, measured in accordance with NZS 6801: 1991 *Measurement of Sound*, and assessed in accordance with NZS 6802: 1991 *Assessment of Environmental Sound*.

L max (sound level) means the maximum sound level observed during the measurement period, measured in accordance with NZS 6801: 1991 *Measurement of Sound*, and assessed in accordance with NZS 6802: 1991 *Assessment of Environmental Sound*.

LANDFILL means the controlled deposit of solid wastes onto or into the land.

LICENSED PREMISES means any place where a LIQUOR LICENCE under the Sale of Liquor Act 1989 is, or is intended to be, operating.

LIQUEFIED PETROLEUM GAS INSTALLATION means land and BUILDINGS, or a BUILDING with ancillary structures, for the storage of Liquefied Petroleum Gas to be used for supplying LPG as an energy source for any purpose or into any container.

LIQUOR LICENCE means a licence to sell liquor which is granted in terms of the Sale of Liquor Act 1989 or its Amendments. *On, Off, Club and Special Licences* are as defined in the Sale of Liquor Act 1989 or its Amendments.

LISTED OR LISTED ITEMS means any BUILDING or tree or other item listed or scheduled for preservation, conservation or protection in terms this PLAN.

LIVING COURT see COURT.

LOADING in relation to a vehicle, includes the fuelling and unloading of it, and the adjustment or covering or tying of its load, and the loading, unloading or adjustment of any part of its load; and "load", in relation to a vehicle, has a corresponding meaning.

LOADING SPACE means a loading space required under this PLAN. Every loading space shall have a surface area, height and width of minimum dimensions as prescribed in this PLAN and situated on the SITE which it is intended to serve and which is available for a vehicle being loaded or unloaded.

LOT means a parcel of land held, or proposed to be held, under a separate Certificate of Title.

MARAE means the whole complex of meeting house (wharehui), open area for ceremonial occasions, dining hall (wharekai) and other traditional 'community facilities' generally associated with a MARAE community or hapu (sub-tribe), or whanau (extended family), and which is used for community and family gatherings. It may include PAPA KAINGA and KOKIRI CENTRES.

MAST means any mast, pole, tower or similar structure designed to carry any AERIAL or ANTENNA DISH or otherwise to facilitate RADIOCOMMUNICATION or TELECOMMUNICATION.

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.

MOTEL see TRAVELLERS' ACCOMMODATION.

MOTOR CAMP means a camping ground together with land and one or more BUILDINGS used for transient accommodation of travellers by ROAD. For the purpose of this definition *transient accommodation of travellers by road* shall include residential accommodation and garaging facilities and may include services by way of fuelling of vehicles, shops, restaurants, swimming pool, playground facilities and the like, provided that these are ancillary to the camping ground and are not available to the general public.

MOTORISED SPORTS means the competitive racing or rallying of motorised vehicles including, but not restricted to, cars, trucks, motor-cycles, go-karts and dune buggies, and includes any form of practising in any way connected with that racing or rallying.

MOTOR VEHICLES includes all vehicles, caravans, boats and trailers.

MOTORWAY SERVICE AREA means a comprehensively designed and integrated development catering primarily for the needs of the motorway travelling public and may include premises for the sale of fuel, motoring accessories, personal items, produce, meals for consumption on the premises and takeaway food, vehicle repairs, emergency services, parking and picnic areas and travellers' information services (See Rule 33: MOTORWAY SERVICE ZONE).

MULTI-UNIT HOUSING means any residential development, whether of attached or detached structures or a combination thereof, which provides for the existence or establishment of more than one HOUSEHOLD on a SITE, but may not incorporate common areas or shared facilities other than for vehicles, underground services (or overhead telecommunication or power lines), rubbish collection, or recreation, and does not include SPECIAL HOUSING DEVELOPMENT or CAMPING GROUND.

NET AREA in relation to a front or corner SITE, means the total areas of the SITE and for a rear SITE means the site area minus the area of the entrance strip or PRIVATE WAY.

NET FLOOR AREA means the net usable area calculated by deducting areas set aside for administration offices and staff facilities (areas not usually accessible to the public or trade customers) from the GROSS FLOOR AREA of a BUILDING.

NETWORK AND OTHER UTILITIES means any activity relating to:

- i. distribution or transmission by pipe line of natural or manufactured gas, petroleum, or geothermal energy, or
- ii. TELECOMMUNICATION or RADIOCOMMUNICATION, or
- iii. transformation, transmission or distribution of electricity, or
- iv. the transmission and distribution of water for supply including irrigation, or
- v. stormwater control work for which a local authority has financial responsibility, and drainage reticulation systems, or
- vi. sewage reticulation systems, or
- vii. erosion and flood control work for which a local authority has financial responsibility, or
- viii. construction, operation and maintenance of ROADS and railway lines, or
- ix. AMENITY AREAS and structures for amenity and information in ROADS, or
- x. lighthouses, navigation aids and beacons, or
- xi. meteorological facilities, or
- xii. a project or work described as a “network utility operation” by regulations made under the Resource Management Act 1991;

and includes

- a. structures necessary for the operation of the network or other utility, and
- b. the operation and maintenance of the NETWORK AND OTHER UTILITY.

NON-COMPLYING ACTIVITY has the meaning given by Section 2 of the Act.

NON-NOTIFIED APPLICATION means an application for a resource consent that is not required to be or has not been PUBLICLY NOTIFIED in terms of the relevant provisions of the Act.

NOTIFIED means publicly notified in terms of Section 93 of the Act (usually involving a notice in the public notices column of a newspaper circulating in the district, a sign fixed to the land or building the subject of the proposal [if appropriate], and copies of the proposal posted to affected persons, who are usually those living in the vicinity of the property or within the affected locality).

OCCUPIABLE FLOOR SPACE means a building or part of a building which functions primarily as a meeting place or place of residence or work (and includes houses, TRAVELLERS' ACCOMMODATION, and commercial, industrial, community or recreational buildings) but does not include garages, hay barns or other out-buildings.

OUTDOOR LIVING COURT see COURT.

PACKHOUSE means a BUILDING operated by any number of growers on a co-operative or commercial basis and used for the storage, packing, inspecting and grading of eggs, fruit, vegetables or other primary produce.

PACKING SHED means a BUILDING used for the storage and packing of eggs, fruit, vegetables or other primary produce grown on the SITE on which the BUILDING is located.

PAPAKAINGA HOUSING means residential occupancy on any ancestral land owned by Maori (see also MULTI-UNIT HOUSING).

PARKING SPACE means a space for the parking of one vehicle which when required under the provisions of this PLAN, must be designed and constructed in accordance with this PLAN in order for it to be counted as a conforming or complying space.

PASTORAL FARMING means the growing of grass and fodder crops and the grazing of livestock thereon but does not include INTENSIVE FARMING.

PERFORMANCE STANDARDS means those standards, terms or conditions which must be satisfied or achieved either before the lawful commencement of the activity, development, or use of the land (in which case they may also be called "development standards") or as an ongoing prerequisite to its lawful operation.

PLAN means the Franklin District PLAN which is the District Plan of the Franklin District Council prepared in terms of the Resource Management Act 1991.

POULTRY means fowls, ducks, geese, turkeys and other similar domesticated birds.

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

PROCESSING THE PRODUCE OF THE SITE means any processing of produce, goods or materials beyond that permitted under FARM PRODUCE or HANDCRAFT but does not include HOME OCCUPATION.

PRODUCE STALL means any land, building, or part of a building, from which FARM PRODUCE or HANDCRAFT/S is/are sold or offered for sale, and includes tables, tractor, barrow, platform, box or any other structure or vehicle used for that purpose.

PROSPECTING (for MINERALS) has the meaning given in *The Crown Minerals Act 1991* which is: "*any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes:*

- (a) *Geological, geochemical, and geophysical surveys; and*
- (b) *The taking of samples by hand or hand held methods; and*
- (c) *Aerial surveys"*

PUBLIC STORMWATER SYSTEM means the primary stormwater system under the control of Council as Network Utility Operator for the purpose of conveying stormwater to discharge at a designated point.

PUBLIC SYSTEM IS NOT AVAILABLE means that, in the opinion of Council, to connect to the PUBLIC STORMWATER SYSTEM would be unreasonable due to excess distance of it from the property boundary and/or the inability of the existing PUBLIC STORMWATER SYSTEM to cope with additional stormwater flows.

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

RANGE OF ACTIVITIES refers to the listed Permitted, Controlled, Discretionary (Restricted Assessment) and Discretionary activities of the zone in which the subdivision is proposed, unless a different meaning is specified or the context clearly provides for an alternative meaning.

REGULATION/S refers to the *Resource Management Regulations 1991*, and their Amendments unless otherwise stated.

RESERVE or public reserve means an area of land set apart or available for recreational, community or conservation purposes and may be subject to the *Reserves Act 1977*.

RESIDENTIAL BUILDING means any BUILDING or part of BUILDING used or intended to be used for ongoing human habitation by a HOUSEHOLD.

RETAILING ACTIVITIES means the sale or hire of goods or services or equipment direct to the public and "retail sales" has a corresponding meaning.

REVERSE SENSITIVITY is used to refer to the effects of the existence of sensitive activities on other activities in the vicinity, particularly by leading to restraints in the carrying on of those other activities. An example of reverse sensitivity would be where the establishment of an educational facility in proximity to a long established manufacturing plant caused the closure of the manufacturing plant as a result of the adverse effects of odour and noise.

ROAD has the meaning set out in section 2(1) of the Resource Management Act 1991.

ROAD SEVERANCE means a parcel of land that has been separated from a larger parcel of land by the realignment of a formed public road and which is not greater than 2 hectares in area.

RULE means a District Rule identified as such in this PLAN, unless the PLAN clearly states otherwise.

RURAL LOT means a parcel of land, not being a closed road or ROAD SEVERANCE, which is held in a separate Certificate of Title and which satisfies one of the following criteria:

- i. is at least one hectare in area;
- ii is a lot approved or granted consent by a territorial local authority;
- iii was separately recorded on the Valuation Roll of the former Franklin County Council as at 22 September 1977;
- iv had the right to erect one dwelling as a *Permitted* activity as at 30 May 1994 in terms of the Transitional District Plan of the Franklin District Council.

RURAL SERVICES means any business activity or service that has a functional connection with the agricultural activities of the Franklin District and which has some form of depot, base, or storage area, whether or not it is returned to each day or night, and from which the activity or service is normally commenced or performed. It includes but is not limited to:

- the manufacture, servicing or repair of agricultural machinery or any farming equipment;
- the services of a trencher, post-hole borer or fencing contractor;
- freight or transportation services of any kind;
- the storage of vehicles or equipment for hire;

but does not include an activity which qualifies as an HOME OCCUPATION.

SCHOOL means land and buildings used solely or predominantly for the training and education of people and ancillary activities but does not include any activity where some form of training or education occurs as an ancillary or incidental part of that main activity on the SITE, nor CHILD CARE AND LEARNING CENTRES.

SEGREGATION STRIP (or SPITE STRIP) means a strip of land vested (or upon subdivision to be vested) in the Council to limit or preclude legal access directly onto an adjoining ROAD or street.

SEMI-DETACHED UNIT refers to each UNIT of a development of two or more attached RESIDENTIAL BUILDINGS, whether of one or more storeys, which is, or will be by way of freehold subdivision, the only RESIDENTIAL BUILDING or UNIT on its SITE but which shares a common (freehold) boundary with the UNIT/S to which it is attached.

SERVICE STATION means any SITE used predominantly for the refuelling of motor vehicles by retail and may include:

- The testing or mechanical repair and servicing of motor vehicles and domestic equipment (other than panel beating, trimming or spray painting); and
- The ancillary sale or hire of any goods or vehicles provided that the trading space devoted to their display sale or hire does not exceed the area of the forecourt canopy;
- Car wash facilities

but does not include:

- The storage of more than 4 6 tonnes of LIQUEFIED PETROLEUM GAS provided that a greater amount may be installed where the provisions of AS 1596: 1989 are complied with;
- The selling of vehicles;
- Any activity which requires a licence under the Sale of Liquor Act 1989.

SHOW HOME means any RESIDENTIAL BUILDING placed on temporary or permanent foundations for the purpose of the temporary display or advertising of that home or that type of house; and may include relocatable signs and flags.

SIDE YARD see YARD.

SIGN means any name, figure, character, outline, spectacle, poster, placard, display, delineation, announcement, handbills, hoarding, or advertising device (including but not limited to blimps, balloons, flags and banners) used to promote or advertise information about people, places, events, products and services.

An 'animated' feature is considered to be any moving part of a sign, but does not include balloons, banners, or flags. For the purpose of Rule 15.4.3, further definition is provided:

- A road sign means a sign erected by the Council or Transit New Zealand for the purpose of providing directional or road safety information;
- A temporary sign means a sign that is erected for no more than a total of 3 months within any 12 month period, or for the purpose of real estate advertisement.

A permanent sign means a sign that is erected for a period greater than a total of 3 months in any 12 month period, except for a sign that is erected for the purpose of real estate advertisement.

SITE according to the context in which it is used, shall have whichever of the following meanings is appropriate:

- (1) An area of land comprised in a single certificate of title or in respect of which a single certificate of title could be issued without further consent from the Council provided that the allotments shown on a subdivision or survey plan for the purposes of effecting cross leases or company leases or issuing separate unit titles under the Unit Titles Act 1972 shall be deemed to be comprised in one SITE;
- (2) An area of land composed of two or more lots held together in one (or more) certificate(s) of title and where no single lot can be dealt with separately without the prior consent of the Council;
- (3) An area of land which has been defined for the purpose of transferring it from one certificate of title to another;
- (4) An area of land which is, or is to be, used or developed as one property whether or not that use or development covers the whole or a part(s) of one or more lots.

FRONT SITE means either:

- (1) A SITE whose frontage is not less than two-thirds the maximum width of the site, measured parallel to its street frontage, or
- (2) In any Zone where a minimum frontage is not prescribed or indirectly determined by a shape factor Rule, any SITE with a frontage not less than 10 metres; provided that FRONT SITE shall exclude any CORNER SITE as defined below.

CORNER SITE means a SITE which lies within a general change of direction of the abutting street or streets, such change of direction being more than 45 degrees measured as shown in the diagram below.

THROUGH SITE means any SITE having two or more street frontages that are not contiguous.

REAR SITE means any SITE other than a front, corner or through SITE as defined above.

SPECIAL HOUSING DEVELOPMENT means a residential development intended to suit the particular residential needs and characteristics of a homogenous group of people and includes any BUILDING or BUILDINGS used to provide board, lodging or any form of live-in or on-site physical or mental health support for five (5) or more people. The development may involve one or more housing or accommodation types (such as detached or attached UNITS, or boarding or shared-room accommodation) and may include ancillary facilities for medical care, recreation, fitness, counselling, training, dining, or other communal or personal services provided they are available only to the residents of the development. For the avoidance of doubt SPECIAL HOUSING DEVELOPMENT includes housing for the elderly constructed by the Council or other public body, licensed Rest Homes or "homes for the aged", "retirement villages", PAPA KAINGA, "half way houses", and housing for the physically or mentally challenged but does not include CAMPING GROUND or MOTOR CAMP.

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

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

THROUGH SITE see SITE.

TRADEPERSON'S STORAGE means storage of plant and/or materials in connection with the business of a builder, paperhanger, plumber, electrician or other tradesperson of a like nature on the same SITE as the DWELLING HOUSE of the tradesperson who owns the store plant and/or materials, but does not include the repair and/or maintenance of plant and equipment on a regular basis.

TRAVELLERS' ACCOMMODATION means land or BUILDINGS used for transient accommodation which is offered at a daily tariff, but does not include any ancillary facilities open to members of the general public, FARM STAY ACCOMMODATION, or any activity which requires a LIQUOR LICENCE in terms of the Sale of Liquor Act 1989.

UNIT means the RESIDENTIAL BUILDING occupied by one HOUSEHOLD.

VARIETY DISCOUNT (SUPERMARKET) MERCHANDISING means a trading activity generally involving a self-service style of retail selling of a wide range of goods and/or services of whatever classification, and may include groceries and fresh foods. The goods for sale are generally of a variety, type and price that makes them suited or attractive to virtually all households or persons. Such trading will often involve larger floor areas (over 1500 square metres) and is often characterised by the absence of large warehouse or storage areas, such that virtually all goods awaiting sale are stacked or stored within the aisles (ie customer-accessible areas) of the building. For the avoidance of doubt, retailing which is generally regarded as the activity of 'supermarket' is included in this definition.

VERSATILITY (VERSATILE LAND) refers to the extent to which land is suitable for, and capable of, supporting a wide range of land use activities that can make use of the natural qualities of the land, especially the soil's physical and structural characteristics, with little or no artificial inputs. Versatile land is generally that land which is referred to as (or is deemed to be) Land Use Capability Class I, II or III (see "CLASS I, II OR III LAND").

VETERINARY CENTRE means premises used by one or more registered veterinary surgeon and may include the keeping of animals overnight or an animal hospital.

WAAHI TAPU and **WAAHI TAPU AREA** have the meanings given by the *Historic Places Act 1993*.

WASTE MANAGEMENT means activities relating to the minimisation or reduction of waste material and reuse, recycling, recovery, treatment, storage and disposal processes.

WETLAND means any area where land and water come together. It includes freshwater marshes, peatlands and bogs, swamps, tidal marshes (saltwater and freshwater), mangrove systems, estuaries and ponds, lakes, streams and rivers. It also includes riparian lands that provide a habitat for plants and animals adapted to wet conditions.

YARD means a part of a SITE which, except as otherwise provided by this PLAN, is to be unoccupied and unobstructed by BUILDINGS from the ground upwards provided that eaves may overhang by up to 650mm.

- **COASTAL PROTECTION YARD** means an open space extending along the full length of the sea and its bays, inlets and tidal creeks or rivers, which adjoins the mean high water mark, or in the case of the Manukau Harbour, the line of mean high water spring tide and does not include any front, side or rear YARD which may abut that space;
- **FRONT YARD** means a YARD between the street boundary and a line parallel thereto and extending across the full width of the SITE provided that where any BUILDING line is shown on the PLAN Maps this line shall be substituted for the existing street boundary for the purpose of ascertaining the commencement position of any front YARD depth;
- **REAR YARD** means a YARD in any SITE other than a corner SITE, between the rear boundary of the SITE and a line parallel to that boundary extending across the full width of the SITE, provided that a rear YARD in respect of any rear SITE means a continuous YARD bounded by all the boundaries of the net SITE area;
- **SIDE YARD** means a YARD which, except for any portion of the SITE comprised in a front or rear YARD, lies between the full-length of a side boundary and a line parallel thereto, provided that in respect of a corner SITE, every boundary not being a street frontage shall be deemed to be a side boundary.

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