



CHAPTER 21

DEFINITIONS

Nga Taka Kupu

21 Definitions

Access means an area of land providing practical vehicular access from a formed public road to that site and/or lot, and being a minimum specified width for the permanent and legal use of that site for ingress and egress only.

Access leg means that part of any lot or site between the road and the main body of the lot or site, utilised for vehicle access to the main body of the lot or site. An example of an access leg is shown in Appendix 21.1.1

Access lot means a lot owned in common in undivided shares by the owners of two or more lots in a subdivision of the principal purpose access from all or any of the other lots in the subdivision and to an existing road or street where the interests in the access lot are recorded in the certificate of title for the lots having the benefit of the access lot. An example of an access lot is shown in Appendix 21.1.2

Access strip means a strip of land created by the registration of an easement in accordance with section 237B of the Resource Management Act 1991, for the purposes of allowing public access to or along any river, or lake, or the coast, or to any **esplanade reserve**, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act).

Accessway means an area of land used only for ingress and egress. It includes;

- a. privateway (including access leg, access lot and right of way);
- b. service lane;
- c. vehicular access on cross or company leases or unit titles; and
- d. private road.

Accessory building means a building,

- a. the use of which is incidental to that of any other building or buildings on the site, or to any permitted activity on the land if not built upon, and
- b. located on the same site as the principal building, other structure, or use of land.

Accessory building for habitation means a habitable building such as a sleep out or granny flat which is incidental to the main dwelling.

Accommodation facilities means any form of **residential activity** which does not comply with the definition of **dwelling** and includes boarding houses, hotels, hostels, motels, camping grounds, accommodation for seasonal workers.

Act means Resource Management Act 1991 and Amendments.

Active frontage means the frontage of a building to the road, typically of a commercial nature, that is designed to provide for access, interaction between the activities within the building and the public space in the road, or for the display of the actual goods and services for sale within the building.

Additions means an extension or increase in floor area, number of storeys, or height of a building or structure. It includes the construction of new floors, walls, ceilings, and roofs.

Aerial for the purposes of Chapter 20 (Works, Network Utilities and Renewable Electricity Generation) means any array of rods or tubes, that is part of a telecommunication or radio communication facility used or intended to be used for transmission or reception of telecommunication or radio communication signals, including the aerial mounting but not any supporting mast or similar structure. This definition excludes any antenna.

Alterations means any changes to the fabric or characteristics of a building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally. It does not include repair or maintenance.

Alternative building site means an area of land comprising a minimum area of 350m² (or the minimum size for a lot in the land use activity zone in which it is located, whichever is the greater) which is held in the same certificate of title as the land in the **CHEPA**. It must be suitable for a dwelling and be of a size and shape that will contain a dwelling (and associated activities) as a permitted activity complying with all permitted activity conditions in the District Plan. Such land shall remain able to be used as an **alternative building site** for the donor building (the building located in the **CHEPA**), for the duration of the land use consent or, in the case of subdivision, until it is needed for relocation of the consented activity, building or structure.

Note: For the purposes of this definition the phrase “shall remain able to be used” means that the area identified as an **alternative building site** shall not be developed, landscaped or otherwise contoured, or planted in trees in such a way that would prevent the relocation of the subject building and the provision of yards, car-parking, access and manoeuvring areas in accordance with the Performance Standards in the District Plan. For guidance, the erection and placement of fences, garden structures, clotheslines, letterboxes and paving areas may be appropriate on the **alternative building site**.

Amenity values has the same meaning as in Section 2 of the Resource Management Act 1991.

Ancillary means small and minor in scale in relation to, and incidental to, the primary activity and serving a subordinate but supportive function to the primary activity. An activity that is of a scale, character or intensity that is considered independent of the principle activity is not ancillary.

Annual exceedance probability means the chance or probability of a natural hazard event (usually a rainfall or flooding event) occurring annually and is usually expressed as a percentage. **Antenna** means an electrical device that converts electric power to radio waves and vice versa. **Antenna** can be in a range of physical configurations including dishes, panels, arrays, rods, loops, coils, spheres and linear wire spans.

Artificial crop protection structure means structures with material used to protect crops and/or enhance growth (excluding greenhouses).

Artificial watercourse means a watercourse that is not a natural or modified watercourse, and is a completely human-made channel along which water would not naturally flow. An **artificial watercourse** includes irrigation canals, water supply races, and canals for the supply of water for electricity power generation, farm drains and other drains (e.g. roadside drains).

Assessment of Environmental Effects has the same meaning as in Section 2 of the Resource Management Act 1991.

Audible bird scaring device means a noise emitting device being used for the purpose of disturbing or scaring birds including a gas gun, avian distress alarm and firearm, when being used specifically for bird scaring.

Awatarariki High Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to a high risk to life and property from debris flows as shown on Planning Map 101A.

Awatarariki Medium Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to a medium risk to life and property from debris flows as shown on Planning Map 101A.

Awatarariki Low Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to low risk of life and property from debris flows as shown on Planning Map 101A.

Bed, for the purposes of **esplanade reserve** or esplanade strip requirements, means the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks.

Building means;

- a. any construction having a height from floor to ceiling (or to the underside of the rafters where no ceiling is provided) over any portion of the floor of more than 1.7m;
- b. any retaining wall or breastwork exceeding 1.5m in height;
- c. any fence or wall exceeding 2.0m in height;
- d. any pool or tank more than 1.0m in height above **ground level** immediately below (including a retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);
- e. any vehicle, caravan or construction, whether movable or immovable used as a place of residence or business or for assembly or storage purposes;
- f. any verandah, bridge or other construction over a public place or any tunnel or excavation beneath the same;
- g. any mast, radio or television aerial which exceeds 7m in height above the point of attachment or its base support;
- h. any pole supporting lighting which exceeds 6m in height above **ground level**;
- i. any permanent tent or marquee or air-supported canopy;
- j. any part of a deck or terrace which is more than 1m above **ground level**;
- k. excludes **mimai stands**; and
- l. excludes geothermal pipelines.

Building coverage means that portion of a site which may be covered by buildings but does not include fences, retaining walls, pergolas, or uncovered swimming pools.

Business activity means retail, industrial and commercial activity.

Car-equivalent movement for the purposes of 13.2.7 means:

One car to and from the site	= Two car-equivalent movements
One truck to and from the site	= Six car-equivalent movements
One truck and trailer to and from the site	= Ten car-equivalent movements

provided that a single residential **dwelling** is deemed to generate ten car-equivalent movements per day.

For the purposes of this definition, a car;

- a. a passenger car with a wheelbase of 3m or less;
- b. a van, utility or light truck up to 3.5 tonnes gross laden weight; and
- c. a motorcycle.

For the purposes of this definition a truck is any other motorised vehicle in excess of 3.5 tonnes gross laden weight.

The traffic generation per day is the average number of vehicle movements measured over a period of one week.

Catteries mean land or buildings used for the boarding and/or breeding of cats.

Chartered Professional Engineer (CPE) means a person who meets the requirements listed in the Chartered Professional Engineers of New Zealand Act, 2002, or any superseding legislation.

Chartered Professional Engineer experienced in coastal processes means a person who is a Chartered Professional Engineer who also holds expertise and qualifications in coastal geomorphology, coastal processes, coastal hazards and climate change effects, and is able to evaluate the impact of the coastal processes on any proposed development.

Clean fill means the depositing of any naturally occurring non-biodegradable material such as rocks, soil and clay excluding organic materials, combustible materials and **hazardous substances**.

Coastal Environment all of the coastal marine area, land inland to the point defined in Appendix I of the Bay of Plenty Regional Policy Statement, the natural and physical resources within it, and the atmosphere above it.

Coastal Hazard Erosion Policy Area (CHEPA) means the land that comprises the Current Erosion Risk Zone (CERZ), the 2060 Erosion Risk Zone (2060 ERZ) and the 2100 Erosion Risk Zone (2100 ERZ), being that area of land located between the Mean High Water Springs mark and the landward extent of the 2100 ERZ boundary along the District's coastline identified on Whakatāne District Planning Maps.

Coastal Hazard Flood Policy Area (CHFPA) means the land potentially affected by coastal inundation and wave run up and identified on the Planning Maps as either the Moderate Inundation Risk Zone or the Extreme Inundation Risk Zone.

Commercial (and commercial service) means the provision of a service activity for reward, and includes but is not limited to;

- a. offices;
- b. medical facilities;
- c. kennels and catteries; and
- d. Storage ancillary to commercial.

but does not include a retail or industrial activity.

Commercial recreation means a service carried out on the surface of the water, for reward.

Commercial service means the provision of a service activity for reward, and includes offices and medical facilities, but does not include a retail or industrial activity.

Commercial stockyards, salesyards or holding paddocks means land or buildings used for the holding, viewing, or selling of farm animals.

Complementary for the purpose of Rule 5.2.14.2, refers solely to similarity of merchandise use or application as between the stock-in-trade of co-occupants and excludes co-occupation by other traders.

Comprehensive residential development means the development of 4 or more separate or attached residential dwelling units planned and designed in an integrated manner incorporating buildings, infrastructure and landscaping. Comprehensive Residential Development may include subdivision, but this is not a requirement.

Construction for the purposes of Rule 18.2.2.2 (c) means to modify, repair, extend, remove or demolish.

Contaminated land has the same meaning as in the Resource Management Act 1991. For sites on the Bay of Plenty Regional Council's Selected Land Use Register, limited to that part of a site(s) that is identified as being contaminated and is registered as contaminated confirmed. **Contaminated land** does not include land identified on the Bay of Plenty Regional Council's Selected Land Use Register as:

- a. Contamination Managed or Contamination acceptable/Remediated, unless the contamination levels are not acceptable for the proposed land use; and/or where the development is proposed that may compromise the integrity of any methods or procedures to control access and contact to the contaminant;
- b. Verified Site History;
- c. Unverified Site History;
- d. No Identified Contamination; and
- e. Entered into Database in Error.

Convenience shop means a shop that sells goods that individuals purchase often such as food and

beverages. Convenience retail has a corresponding meaning.

Council means the Whakatāne District Council or any committee, sub-committee or person to whom the Council's powers, duties and discretions have lawfully been delegated pursuant to the provisions of the Act.

CPZ means Coastal Protection Zone

Crematorium means a building or part of a building that houses a cremator and may include an ancillary vehicle parking area for the person performing the cremation. It does not include an associated place of assembly such as a funeral director's premises, a cemetery or chapel. For the avoidance of doubt, a crematorium is not a commercial service.

Cremator means a furnace for cremating corpses.

Crop support structures means open structures on which plants are grown.

Depots means transport, tradespersons' or contractors' depots, and includes land and buildings which are used for the receipt, delivery and transit, and storage of goods, materials and machinery or as a terminal for passenger transport services, and may include the housing or parking of commercial vehicles in association with the operation.

Depth for the purposes of 18.2.2.3 (d) and 18.2.2.5 (b) and (d) means the distance below the lower of the toe of the adjacent stopbank or the existing **ground level**.

District means the district of Whakatāne District Council as constituted by Part 2 Schedule 1 of the Local Government Act 2002.

Drain means a watercourse or channel artificially constructed to either lower the water table or to divert water.

Drive in food premises means land and/or buildings, or part thereof, used or intended to be used for the sale of food for consumption either on or off the premises and the customers have the option of ordering and receiving foods while remaining in their vehicles.

Dwelling means a building or part of a building used or intended to be used for a **residential activity** on a permanent basis, being one month or more in duration, and may include an apartment, a semi-detached or detached house, home unit, town house, papakāinga unit, kaumatua flat, rest home for the rehabilitation and care of any group and similar forms of permanent residential development. This includes the construction, alteration, demolition, relocation, removal and re-siting of a **dwelling**.

For the purposes of 4.2.6, retirement village dwellings and independent apartments will be considered a dwelling on a one to one basis, and every 6 rest home bedrooms will be considered one dwelling.

Earthworks mean any disturbance of the land or modification to the shape of the land surface, including;

- a. removal, deposition or excavation of soil;
- b. drilling and tunnelling in soil
- c. infilling and recontouring of land; and
- d. construction of any new road, track, landing or drainage channel.

but earthworks exclude the disturbance and/or compaction of land caused by;

- a. stock grazing or movement;
- b. normal agricultural and horticultural practices such as cultivation, ploughing, root ripping, stump removal and harvesting;
- c. **maintenance** of an existing road or farm **raceway**, or track;
- d. **maintenance** of farm drains and waterways;
- e. **production forestry**;
- f. activities undertaken in accordance with a National Environmental Standard; and

- g. mining and quarrying.

Ecological corridor means an area of habitat connecting Indigenous vegetation and fauna that would otherwise have been separated by human activities (such as roads, development or logging)

Ecosystem means an interacting system of living and non-living parts such as sunlight, air, water, minerals and nutrients.

Education facilities mean land and/or buildings used to provide regular instruction or training and their ancillary administrative, cultural and commercial facilities. Such facilities include childcare facilities, pre-schools, Kōhanga reo, schools, and tertiary education institutions, work skills training centres, outdoor education centres, and sports training establishments.

Effluent means waste discharged as liquid.

Electrical line means the wire, cable (underground or overhead) or conductor that transmits electricity and includes the poles (and supports, switch gear and fuse gear), towers and pylons for supporting the lines insulations and casings necessary for their functioning.

Emergency services means those buildings, structures, facilities or authorities which are responsible for the safety and welfare of people and property in the community and includes but is not limited to, fire stations, ambulance stations and police stations.

Environment means

- 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.

Esplanade reserve has the same meaning as in Section 2 of the Resource Management Act 1991.

Esplanade strip has the same meaning as in Section 2 of the Resource Management Act 1991.

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.

Farming means agriculture, pastoral farming, organic farming, horticulture, floriculture, beekeeping, aquaculture, and the keeping and/or breeding of horses, poultry, pigs and other animals, and includes;

- a. the fencing of land;
- b. construction and use of accessory buildings or structures;
- c. planting shelterbelts;
- d. topdressing and spraying and associated airstrips;
- e. application of additives (including fertiliser) to enhance the life-supporting capacity of the soil, dairy factory wastewater, whey and dairy factory by-products.

Sika deer farming is excluded from this definition and is a prohibited activity.

Fertiliser means any substance or mix of substances that is described as or held to be suitable for sustaining or increasing the growth, productivity or quality of plants (or animals indirectly) through the application to plants and soils of:

- a. the following major nutrients: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chloride, and sodium;
- b. the following minor nutrients: manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium;

- c. non-nutrient attributes of the materials used in fertiliser;
- d. fertiliser additives;
- e. gypsum and lime;
- f. compost that does not include animal products or waste.

For clarity, fertiliser does not include biosolids, animal effluent or poultry farm litter or pig farm litter.

Formed road for the purpose of Rules 20.2 and 11.2.2.5 means all the land within the area designated as D27 and D47 (this generally means state highways and **Council** roads).

Freestanding sign means a sign (defined) fixed permanently to a site, independent of any other building or structure on the site. To avoid doubt, **freestanding signs** do not include sandwich signs or other signs not fixed permanently to the site.

Geothermal drilling means the construction, maintenance and upgrading of wells associated with Geothermal resource exploration or development, including drilling rigs, well pads, well heads, well testing, drill cutting ponds, accessory buildings, structures and equipment, temporary ancillary accommodation and fencing.

Greenhouses means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excluding **artificial crop protection structures**.

Gross floor area (GFA) is the sum of the total areas of building or buildings (including any void area in those floors such as service shafts or lift or stairwells) measured from the exterior faces of exterior walls or from the centre lines of walls separating two buildings, but excludes the floor area allocated to car-parking or vehicular access to car-parking and vehicular unloading areas.

Ground level means the level of the ground existing when approved earthworks associated with any subdivision of the land have been completed, but before cutting or filling of the land for any new building or structure has begun. Areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a building shall not be used in the measurement of height provided that;

- a. where **ground level**, as defined above, was established prior to 1 January 1990, then **ground level** shall be deemed to be the level of the ground on 1 January 1990.
- b. where the **Council** has subsequently approved the deposit of fill to avoid inundation, subsidence, soil erosion or any other land stability problem, then **ground level** shall be measured at the new level.

Habitable room means a space used for activities normally associated with domestic living, but excluding any garage, bathroom, laundry, toilet (water closet) pantry, walk-in-wardrobe, corridor, hallway, lobby, clothes drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

Hapū means the genealogical and political authority ensconced in the people of a defined territory, usually comprised of several whānau.

Hard protection works means any man-made works, other than **soft protection works** that are designed to, or have the function of, protecting a building, structure or land from erosion by the sea e.g. revetments and seawalls.

Hazardous facility means;

- a. any activity involving **hazardous substances**;
- b. the sites at which and structures within which **hazardous substances** are used, stored, handled or disposed of; and
- c. vehicles used for the transport of **hazardous substances**.

A **hazardous sub-facility** is any **hazardous facility** that is separated by more than 30m from any other

hazardous facility on the same site.

Hazardous facility does not include a vehicle being used to apply diluted hazardous substances in a manner consistent with their intended use and industry standards.

Hazardous substance means any substance;

- a. with one or more of the following intrinsic properties:
 - i. an explosive nature;
 - ii. flammability;
 - iii. an oxidising nature;
 - iv. a corrosive nature;
 - v. acute and chronic toxicity; and
 - vi. ecotoxicity, with or without bioaccumulation.
- b. which in 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;
- c. that, when discharged to surface or ground waters, has the potential to deplete oxygen as a result of the microbial decomposition of organic materials (for example, milk or other foodstuffs); and
- d. radioactive substances except as contained within a smoke detector.

Height in relation to a structure means the vertical distance between any part of the structure and **ground level** immediately below that part of the structure. For the purposes of this definition, the measurement of height shall not include lift towers, stairwells, skylights, antennae, or plant rooms, chimneys, flues, flagpoles, aerials or other such projections which;

- a. do not exceed the maximum permitted height by more than 15% of the height limit for the zone, or 2.5m, whichever is the lesser; and
- b. do not exceed more than 10% of the area of the footprint of the building, or 50m², whichever is the lesser.

Height plane means a contour parallel to **ground level** over a whole site (see Appendix 21.1.4).

Heliport means a commercial or private base used for regular helicopter movements including support services for passengers or aircraft. A heliport may include passenger terminals, administration, freight, refuelling, helicopter parking or hangaring and helicopter maintenance or servicing.

Helicopter landing area means any area used for helicopter flight movements on a temporary or intermittent basis only.

High Fire Risk Vegetation means vegetation species that burn readily at low/moderate fire danger conditions thereby increasing the fire risk to people and the environment.

Historic heritage means;

- a. those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities;
 - i. archaeological;
 - ii. architectural;
 - iii. cultural;
 - iv. historic;
 - v. scientific; and
 - vi. technological;
- b. historic sites, structures, places, and areas; and
- c. archaeological sites; and

- d. sites of significance to Māori, including waahi tapu; and
- e. surroundings associated with the natural and physical resources.

Home-based education and care service means the provision of education or care, for gain or reward, to fewer than 5 children under the age of 6 (in addition to any child enrolled at school who is the child of the person who provides education or care), in:

- a. their own home; or
- b. the home of the person providing the education or care; or
- c. any other home nominated by the parents of the children

Home occupation means an occupation or craft which is ancillary to the predominant residential or rural use on the same site, but does not include;

- a. retail activity over 10m² in GFA; and
- b. Kennels, catteries or beekeeping in any of the following zones;
 - i. Industrial;
 - ii. Light Industrial;
 - iii. Business Centre;
 - iv. Large Format Retail
 - v. Commercial;
 - vi. Mixed Use;
 - vii. Residential;
 - viii. Urban Living;
 - ix. Coastal Protection;
 - x. Education; and
 - xi. Active Reserve.

Hydrological neutrality means nil or minimal change to stormwater patterns as a result of development.

Impermeable surface means a surface which is formed so that water cannot pass through it.

Indigenous biodiversity means the variability among living organisms from all sources including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part as this pertains to species or genetic variant found naturally in New Zealand. It includes diversity within species, between species and of ecosystems, and includes migrant species visiting New Zealand on a regular or irregular basis.

Indigenous fauna means native animals (including birds, fish, frogs, lizards and invertebrates insects) which belong naturally in the ecological locality. It includes birds which are self-introduced but does not include animals naturalised in New Zealand with human intervention.

Indigenous vegetation means any native naturally occurring plant community containing a complement of habitats and native species normally associated with that vegetation type or having the potential to develop these characteristics. It includes vegetation with these characteristics that has regenerated following disturbances or has been restored or planted. It excludes plantations and vegetation that have been established for commercial purposes.

Where indigenous vegetation naturally regenerates or is replanted within a SIB in accordance with Rule 15.2.1.2(9), it is not a “plantation or vegetation established for commercial purposes” as described in the definition of indigenous vegetation.

Industrial activity means;

- a. the production of goods by manufacturing, processing (including the milling or processing of timber), assembling or packaging;
- b. dismantling, servicing, testing, repairing, cleaning, painting, storage, and/or warehousing of any materials, goods or products (whether natural or man-made), vehicles or equipment, and
- c. depots (excluding rural processing activities and rural contractor depots), engineering workshops,

panel beaters, spray painters.

Infrastructure for the purposes of Chapter 14 (Financial Contributions) includes the following components owned or managed by the **Council**, or to be owned or managed by the **Council** through vesting as part of the resource consent process:

- a. Water, wastewater, stormwater and road networks (excluding state highways);
- b. Public carparks;
- c. Service lanes; and
- d. Reserves (excluding **esplanade reserves**).

Intensive farming means farming that,

- a. is not dependent on the qualities of the soils naturally occurring on the site; or
- b. is undertaken predominantly within buildings or tightly confined structures.

Examples of **intensive farming** are;

- d. mushroom farming;
- e. aquaculture;
- f. hydroponics;
- g. poultry farms;
- h. pig farming of more than ten adult pigs; and
- i. animal feed lots.

Intensive farming does not include buildings used for short periods of time to provide shelter (such as herd or calf housing)

Kaitiaki means persons who carry out the function of Kaitiakitanga.

Kennels means land and buildings used for the boarding and/or breeding of dogs.

Key urban spaces means public spaces that are important for the form and function of the town centre.

kv means one thousand volts.

Lake, for the purpose of **esplanade reserve** or **esplanade strip** requirements, means a body of fresh water which is entirely or almost surrounded by land and whose bed has an area of eight hectares or more.

Limited access road means any State Highway declared to be a **limited access road** under section 88 of the Roading Powers Act 1989 and any other road declared as **limited access road** under section 346A of the Local Government Act 1974.

Liquid and solid waste for the purposes of Rule 20.2.7 means;

- a. liquid effluent;
- b. primary and secondary solids;
- c. septic tank solids and sludges;
- d. hog fuel (bark and sawdust) contaminated with dirt and stone;
- e. cut and split logs and log billets;
- f. timber off-cuts and breakages;
- g. paper broke;
- h. wood pulp;
- i. special wastes comprising tall oil sludge's, soap sludge's, laboratory chemicals and mill chemicals;
- j. asbestos insulation and wall cladding;
- k. timber treatment sludges;
- l. tank sludges;
- m. chemicals likely to cause spontaneous combustion or explosion;
- n. chemical containers;
- o. Grits and dregs;

- p. Boiler ash; and
- q. Municipal waste (general waste but not including food).

Living area means any room in a **dwelling** or **accessory building** used for habitation, which is used principally as a communal **living area** and does not include a bedroom, kitchen, laundry, bathroom, toilet or passage.

Loading, in relation to a vehicle, means its fuelling and unloading, and the adjustment or covering or tying of its load, and the loading or adjustment of any part of its load; and **load**, in relation to a vehicle, has a corresponding meaning.

Loading space means that portion of a site including buildings used for loading vehicles as required under this District Plan, and includes a loading dock.

Lot means a parcel of land held in a separate certificate of title (or two or more titles required to be held in one ownership) but does not include a parcel of land which has been or may be disposed of separately as a **public reserve** or for other public purposes or which is to be amalgamated with adjoining land.

In the case of land subdivided under the cross-lease or company lease systems (other than strata titles), **lot** shall mean an area of land containing:

- a. a building or buildings for residential or business purposes with any **accessory building**, plus any land exclusively restricted to the users of that building, 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.

In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), **lot** shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units, and an area of land being equivalent to the total land title area divided by the number of principal units located thereon.

In the case of strata titles, **site** shall mean the underlying certificate(s) of title immediately prior to subdivision.

Common land is to be included proportionally in the consideration of the District Plan rules.

Situations where part of a **lot**, a **lot**, or more than one **lot** comprise the site:

- a. **Corner lot** means a site having a frontage of not less than the minimum prescribed by this plan for front sites in the particular zone in which the site is situated to each of two or more roads, if the frontages are contiguous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees.
- b. **Front lot** means a site having one frontage of not less than the minimum prescribed by this plan for the particular zone in which the site is situated to a road.
- c. **Rear lot** means a site which is situated generally to the rear of another site and which has not the frontage required for a front site for that use in the zone.
- d. **Through lot** means a front site having two frontages to a road or roads, such frontages not being contiguous and the average width of the site being not less than the minimum frontage required for a front site.

Māhinga kai means areas where tangata whenua have traditionally gathered foods.

Maimai stands means temporary and permanent game bird hunting structures with a floor area not exceeding 5 square metres located in, on, under or over the bed of a river, stream, lake or wetland or within 25 metres on the landward side of the edge of any water body, as measured at its maximum annual water level.

Main living area means either a lounge or dining room in a **dwelling**.

Maintenance (excluding a heritage building) means the protective care of a place, building, object, tree or ecological feature in order to arrest processes of decay, fatigue, structural fatigue, erosion or dilapidation or to encourage a tree or ecological feature to remain healthy. **Maintenance** may include structural repair, painting, cleaning, erosion control planting, clearance and removal of debris except that **maintenance**, for the purposes of 18.2.1 (10) means all activities associated with keeping a structure in good condition, or restoring a structure to good condition, provided the activity;

- a. does not result in any increase in the base area or height of the structure; and
- b. does not change the character, scale or intensity of any effects of the structure on the environment (except to reduce any adverse effects).

Maintenance and repair of a heritage building includes work that involves stabilisation, preservation restoration and conservation as defined in the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Revised 2010 (the ICOMOS New Zealand Charter 2010). This work can include the patching, restoration or replacement of materials, elements, components or fixtures for the purposes of maintaining them in good condition. The work does not involve alterations, additions (including restoration and reconstruction as defined in the ICOMOS New Zealand Charter 2010), relocation, partial demolition and demolition (otherwise other standards apply).

Management for the purposes of the Criteria in 15.3 and 15.4 means, activities undertaken following accepted ecological practices, principally to avoid, remedy or mitigate adverse environmental effects on **indigenous vegetation**, or a habitat for **indigenous fauna**, or to otherwise maintain or enhance indigenous biodiversity. It shall include the following activities:

- a. Plant and animal pest control
- b. replanting of vegetation with locally sourced indigenous species if appropriate
- c. the trimming or pruning of **indigenous vegetation** or the removal of dead or diseased vegetation where it is necessary to maintain the health of the ecological feature, or public safety
- d. fencing to avoid an adverse effect on the managed feature from an adjoining activity
- e. monitoring the outcomes of the planned works.

Management of vegetation for the purposes of Rule c (b) means planned work undertaken in accordance with accepted arboriculture practices that will maintain the health of the vegetative cover on the escarpment and assist in stabilising the slope. **Management** may include;

- a. removal of weed species and animal and plant pests;
- b. replanting of vegetation;
- c. removal of dead or diseased vegetation where it is necessary to maintain the health of the vegetation or for public safety reasons;
- d. trimming or pruning of vegetation that achieves the purpose of the rule as described above; and
- e. seed collection.

Māori land shall have the same meaning as in Section 3 of Te Ture Whenua (Māori land Act) 1993.

Marae means a specific area containing a complex of buildings which an iwi, **hapū** or whānau regards as their base for hosting meetings and other ceremonial occasions (hui) which may include;

- a. wharenuī, wharetipuna (meeting house);
- b. paepaetapu (seating for tangata whenua);
- c. paepaemanuhiri (seating for visitors – shelter);
- d. Whakaruruhau (shelter);
- e. wharetaonga (building to house taonga);
- f. wharepaku (toilet block);
- g. wharetaputapu (mattress room/laundry room);

- h. wharemate (shelter for deceased body and bereaved family);
- i. pātaka/pākoro (storage shed);
- j. whare mo ngā ringawera (accommodation for cooks);
- k. waharoa (entrance to marae);
- l. wharekai (dining hall);
- m. urupā (cemetery);
- n. wharehauora (health centre); and
- o. other accessory buildings normally used in conjunction with the whareniui, but not permanent accommodation (except as provided within this definition).

Marine precinct activities means marina structures and activities, vessel haul-out, fuelling and storage activities, boat ramps, marina offices, ancillary retail, café and commercial services and associated car parking, landscaping, infrastructure and subdivision.

MHWS means Mean High Water Springs.

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 including aggregate, sand and gravel, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

Mining means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and "to mine" or "quarrying" has a corresponding meaning. **Mining** shall also include the processing of minerals, washing, crushing, screening, the removal of overburden, the erection and maintenance of buildings and structures, and other works connected with such operations.

Minor structures or works for the purposes of compliance with Rules 18.2.14 and 5 means fences, gardens, trees, garden structures (such as steps, pergolas, etc.), clotheslines, letterboxes and paving areas, and such structures and works not requiring a building consent or any other consent from the Council. Minor structures and works excludes **hard protection works**.

Minor upgrading for the purposes of 18.2.1, item 10 means all activities associated with improving the function of a structure, provided the activity;

- a. does not result in any significant increase in the base area or height of the structure; and
- b. does not significantly change the character, scale or intensity of any effects of the structure on the environment (except to reduce any adverse effects).

Moturiki datum is the base reference level used by Land Information New Zealand. Its origin is mean sea level as established by Land Information New Zealand from a tide gauge on Moturiki Island at Mount Maunganui. The point is defined as reduced level 0.00m.

National Grid means the assets used or owned by Transpower New Zealand Limited.

National Grid Yard means any land located within 12m of the centreline of a **National Grid** transmission line, or within 12m of the visible outer edge of any **National Grid** Support Structure. The **National Grid Yard** does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. Refer to Figure 1: Diagram to explain the definitions of **National Grid Yard** and **National Grid Corridor**.

National Grid Corridor means the area measured either side of the centreline of above ground **National Grid** transmission lines as follows:

- a. 16 metres for 110kV transmission lines in pi poles
- b. 32 metres for 110kV transmission lines on towers
- c. 37 metres for 220kV transmission lines

The **National Grid Corridor** does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. Refer to Figure 21.1: Diagram to explain the definitions of **National Grid Yard** and **National Grid Corridor**.

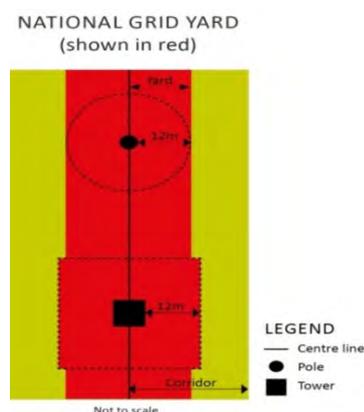


Figure 21.1 – Diagram to explain the definitions of **National Grid Yard** and **National Grid Corridor**

Natural and physical resources has the same meaning as Section 2 of the Resource Management Act 1991.

Natural character means: The qualities of the environment that give New Zealand recognisable character. These qualities may be ecological, physical, spiritual, cultural or aesthetic in nature. They include modified and managed environs. Natural character exists on a spectrum of values from low to outstanding with areas of high, very high and outstanding natural character being mapped and shown in Appendix I of the RPS.

Naturally regenerate means the harvested area is retired from other active land uses (including grazing) and indigenous vegetation is allowed to regenerate through natural processes. For kānuka and mānuka dominant stands this will typically take ten to twenty years.

Network utility means a network for any of the following activities:

- a. telecommunication and radio communications as defined in Section 2(1) of the Telecommunications Act 1987;
- b. the transformation, transmission or distribution of electricity;
- c. the distribution of water for supply, including irrigation;
- d. drainage or sewerage system;
- e. construction, operation and maintenance of roads and railways, including any lighting, signalling or other equipment relating to the safe use of the road or railway;
- f. construction, operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990;
- g. undertaking a project or work described as a "network utility operation" by regulations made under the Resource Management Act 1991;
- h. lighthouses, meteorological facilities, navigation aids and beacons;
- i. pipes for the distribution or transmission of petroleum, or natural or manufactured gas;
- j. street lighting;
- k. all structures and incidental facilities such as lines, support structures, pipes, pumping stations, aerials and similar structures which directly form part of the network;
- l. the operation, maintenance and upgrading of the network utility;
- m. private connections to the network utility.

Net density for a Greenfield site means the gross area of the site minus the area set aside for road reserve and other reserves.

Noise specific definitions

$L_{Aeq}(t)$ is the time-averaged, A-weighted sound pressure level during the sample period and effectively represents an average value. The suffix “t” represents the time period to which the sound level relates. A 15 minute measurement previously denoted as “55 dBA Leq” is now stated as “55 dB $L_{Aeq(15min)}$ ”; this should however not be confused with the rating level assessment as defined in NZS6802.

L_{AFmax} is the maximum A-weighted sound level measured using fast response (hence F), during a chosen sample period and previously denoted as L_{max} .

L_{AFmin} is the minimum A-weighted sound level measured using fast response (hence F), during a chosen sample period.

L_{A10} is the A-weighted sound level that is exceeded for 10% of the sample period. Previously denoted as L_{10} , this parameter has been used for many years to describe intrusive sound. In the latest version of New Zealand standards, it has been replaced by $L_{Aeq(t)}$.

$L_{90}(t)$ is the sound level that is exceeded for 90% of a chosen sample period, and is used to quantify background noise. Generally A-weighted (and denoted $L_{A90(t)}$, with the suffix “t” denoting the measurement time. L_{90} has replaced the previous L_{95} to bring New Zealand into line with International practice.

L_{AE} is the A-weighted Sound Exposure Level, previously known as SEL. This is a notional parameter and is the sound level, that if maintained for a constant 1 second, contains the same energy as the varying sound level.

L_{peak} is the peak sound pressure level, and unlike L_{max} which is the RMS value of sound measured. The L_{peak} measurement rise time is quicker than L_{max} and therefore may respond better to short duration events such as gunfire.

A-weighting is the process by which noise levels are corrected to account for the non-linear frequency response of the human ear.

dB decibels are a logarithmic unit used to measured sound pressure. A doubling of sound pressure results in a 3 dB increase in sound level.

L_{dn} is a “day-night” sound level. This is an L_{eq} measured over a 24hr period, where night-time sound levels are penalised by 10 dB to account for additional annoyance during sleeping hours.

SEL or L_{AE} Sound Exposure Level. The sound level of one second duration which has the same amount of energy as the actual noise event measured. Usually used to measure the sound energy of a particular event, such as a train pass-by or an aircraft flyover.

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

Noise sensitive activities means:

- a. Buildings used for **residential activities** including:
 - i. Boarding establishments
 - ii. Homes for elderly persons
 - iii. **Retirement villages**
 - iv. In-house aged-care facilities; and
 - v. **Dwellings.**
- b. Buildings used as temporary accommodation including hotels and motels but excluding camp grounds.
- c. **Marae;**
- d. Spaces used for overnight patient medical care within buildings;
- e. Teaching areas and sleeping rooms in buildings used as educational facilities including tertiary institutions and schools, and premises licensed under the Education (Childhood

Services) Regulations, and playgrounds which are part of such facilities and located within 20m of buildings used for teaching purposes.

Noise sensitive activities do not include:

- f. Residential accommodation in buildings which predominantly have other uses such as commercial or industrial premises.
- g. Garages and ancillary buildings.

ONFL means Outstanding Natural Feature Landscape.

On-site parking space means an area of land formed and set aside exclusively for the parking of motor vehicles and complying with this District Plan.

Outdoor living space means a part of a site of a minimum area and dimension which is required to meet the private outdoor leisure needs of the occupants of the **dwellings** (or **accessory building** used for habitation).

Outdoor retail activity means a retail activity where at least 40% of the area of a site is utilised for retail activity outside of buildings.

Papakāinga housing means housing on multiple-owned **Māori land**.

Pigs for the purposes of the definition of **intensive farming**, excludes suckling piglets.

Places of assembly means land or buildings or surface of water for the purposes of the congregation of people for deliberation, entertainment, cultural or recreation purposes and includes churches, halls, **marae**, funeral directors' premises, clubrooms, art galleries, theatres, sports fields, tourist facilities (not accommodation facilities), and ancillary services such as catering kitchens and ablution blocks, but excluding a crematorium, bars and taverns.

Potentially contaminated land means a piece of land for which there are reasonable grounds to suspect that contamination of land may have occurred, based on information about past land uses at that location, or on evidence from or near the land itself. Past land uses that may lead to contamination are outlined in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL). **Potentially contaminated land** includes land that is classified in the Bay of Plenty Regional Council's Selected Land Use Register as Verified Site History and Unverified Site History if HAIL.

Practically moved means that the activity, building (including foundations) or structure is able to be physically moved within a five-day period, upon commencement of the relocation activity, by way of a removal truck, a roller or rail system or crane and that access can be gained to the site to move the building. For the purposes of this rule the use of a helicopter, or abandonment of the activity, building or structure does not meet the definition of "relocatable".

Primary productive use means rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining.

Private road means any roadway, place or arcade laid out or formed on private land by the owner thereof, but intended for the use of public generally.

Private way means any way or passage whatsoever over private land, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally. **Access legs, access lots and rights of way** are types of **private way**.

Production forestry means the management of land for commercial wood production and/or carbon sequestration purposes including the preparation of land for planting and harvesting (which may include earthworks, ground and vegetation clearance, formation or maintenance of access tracks, landings, skid

sites, fire breaks, riparian crossings, erosion and sediment control) harvesting (felling and extraction of timber), but does not include the milling or processing of timber or mining and quarrying.

Prospecting means 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;
- b. the taking of samples by hand or hand-held methods; and
- c. aerial surveys.

Protected customary rights means customary activities, uses and practices (for example the collection of hangi stones, or launching waka). A group applying for recognition of a protected customary right will need to demonstrate the right has been exercised since 1840 and it continues to be exercised in a particular part of the common marine and coastal area in accordance with tikanga. A protected customary right may evolve over time.

Protection lot means a lot permitted to be subdivided, that is less than the minimum lot size for the zone where, as a result of the subdivision, part or all of a Scheduled Feature is to be protected in perpetuity. The whole or part of the scheduled feature can be contained within the protection lot or remain within the parent lot.

Public reserve means all reserves held under the Reserves Act 1977, wildlife refuges, sanctuaries under the Wildlife Act 1953 and marginal strips, stewardship areas, conservation parks, ecological areas, sanctuary areas under the Conservation Act 1987, and national parks under the National Parks Act 1980.

Quarrying has the same meaning as "mining".

Regionally significant infrastructure means infrastructure of regional and/or national significance and includes:

- a. Rotorua, Whakatāne and Tauranga airports.
- b. The regional strategic transport network as defined in the Bay of Plenty Regional Land Transport Strategy or state highways as defined in the National State Highway Classification System.
- c. The Bay of Plenty rail network.
- d. Commercial port areas including Tauranga Harbour and its channels necessary for the operation of ports and related adjoining land and storage tanks for bulk liquids.
- e. The national electricity grid, as defined by the Electricity Governance Rules 2003.
- f. Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network.
- g. Broadband and strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001.
- h. Strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989.
- i. Local authority water supply network and water treatment plants.
- j. Local authority wastewater and stormwater networks, systems and wastewater treatment plants.
- k. Pipelines for the distribution or transmission of natural or manufactured gas or petroleum and other energy sources.
- l. Regional parks.
- m. Tauranga, Rotorua and Whakatāne public hospitals.

Reinstatement means the reconstruction of the foredune to the extent that the natural buffering effect of the dune system is not compromised.

Relocatable (relocate, relocated or relocation) means, for the purposes set out in Chapter 18 Natural Hazards that the activity, building or structure is able to be "**practicably moved**";

- a. for subdivision: to an **alternative building site**; or
- b. for land use: the activity, building or structure shall be able to be **practicably moved** to and located on an **alternative building site**.

Renewable electricity generation means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources.

Renewable electricity generation activities means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes geothermal pipelines, small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

Residential activity means the use of land or buildings by people for living accommodation where those people voluntarily live at the site alone or in family and/or non-family groups, whether the person is subject to care, supervision or not, and who will generally refer to the site as their home and permanent address.

Restaurant/Café means premises where meals are sold principally for consumption on the premises, whether or not the premises are licensed under the Sale of Liquor Act.

Rest home means a facility that provides residential based health care with on-site (usually 24 hour) support to residents requiring nursing care or significant support with the activities of daily living. This may include a rest home based hospital specialising in geriatric care.

Restricted vehicle access means those locations identified on the Planning Maps where vehicle access onto the road is discouraged.

Retail activity means goods offered for sale to the public. Retail activity includes display areas, the sale and consumption of food and drink, roadside stalls, service stations, garden centres and storage ancillary to retail activity, but does not include warehousing, storage (other than as provided for in the foregoing), or the distribution or assembly of goods.

Retirement village means a complex containing dwellings, which could be apartments or Kaumatua Flats, for the purpose of housing people predominantly in their retirement, and may include;

- a. services and facilities, including rest homes and hospitals, for the care and benefit of the residents;
- b. activities pavilions and/or other recreational facilities or meeting places for the use of residents of that complex and visitors of residents.

Reverse sensitivity means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity.

Right of way means a portion of one lot which an owner of another lot is legally permitted to use to gain access to and from the latter lot; Two examples of rights of ways are shown in Appendix 21.1.3.

Riparian margin means a specified horizontal distance from a wetland, or from the bed of a river or lake, or from the coastal marine area, and excludes any intermittently flowing rivers or streams. The horizontal distance of a Riparian Margin is measured;

- a. for land adjacent to the coast, 40m landward from the edge of the coastal marine area; and
- b. on land adjoining a lake, river, stream or a wetland, the distance from the surface of the water body to the width stated:

Land Slope (°)	Horizontal Distance from a water body
0 to 7	5 metres
>7 to 15	10 metres
>15 to 25	20 metres
>25 to 35	25 metres
>35	40 metres

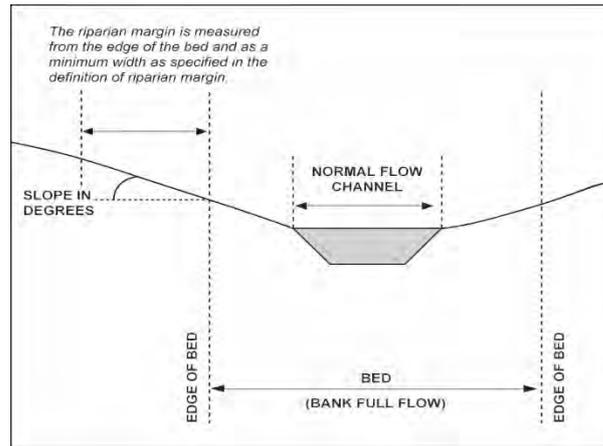


Figure 21.2 Riparian Margin

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

River, for the purposes of **esplanade reserve** or esplanade strip requirements, means a river whose bed has an average width of 3m or more where the river flows through or adjoins a lot.

RMA means the Resource Management Act 1991.

Road has the same meaning as in Section 315 of the Local Government Act 1974, and includes a motorway as defined in Section 2(1) of the Government Rounding Powers Act 1989, but excludes a **private road**, **private way** or service lane.

Road hierarchy means either strategic roads and/or district arterial and collector roads as defined in Appendix 22.8.

Rural character includes the following elements:

- a. A predominance of natural features over human made features;
- b. High ratio of open space relative to the built environment;
- c. Significant areas of vegetation in pasture, crops, forestry;
- d. Areas of indigenous vegetation;
- e. A rural working production environment;
- f. Presence of farmed animals;
- g. Noises, odour, landscape changes and effects associated with rural production activities and lawfully established activities;
- h. Low population;
- i. Existence of some narrow and/or unsealed roads;
- j. General lack of urban infrastructure (such as footpaths and streetlights) but includes the presence of infrastructure that has a functional need to be located in the rural environment.

Rural contractors depots is a base for an operation that provides a rural service, and includes the land and buildings used for the purposes of storing or maintaining associated machinery, equipment, goods and supplies associated with that rural services. Examples of rural services include (but are not limited to) hay and silage making, planting and harvesting crops, fertilising, fencing, farm drainage, spraying, hedge and shelter cutting, track maintenance, ploughing, mowing.

Excluded from this definition are transport and freight **depots**.

Rural processing activity means an operation that processes, assembles, packs and stores products from primary productive use. This includes wastewater treatment facilities associated with and within proximity of the Edgewater Dairy Manufacturing Site.

Rural production activity means rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining. Also included in this definition are processing and research facilities that directly service or support those rural land use activities.

SAL means a Significant Amenity Landscape

Scheduled features means those sites identified in Appendices 16.7 (Cultural Heritage), 17.7.1 (Outstanding Natural Features and Landscapes), 17.7.2 (Significant Amenity Landscapes), and 15.7.3 (Significant Indigenous Biodiversity Sites).

Screened, for the purpose of the Rules in 10.2.3, shall include the planting of a close-planted landscape strip with a minimum width of 2m which consists of plants that will grow to a mature height of at least 2m.

Screening for the purpose of Rule 5.2.13 shall mean;

- a. the construction of a 2m -high close-boarded wooden or concrete block fence, following consultation with the adjoining landowner(s); or
- b. the planting of a close-planted landscape strip with a minimum width of 2m which consists of plants that will grow to a mature height of 2m; or
- c. the construction of a building or **accessory building** located on the boundary, except where the rules in 5.2.4 (Distance to Boundaries) applies; or
- d. an alternative form of screening (including fence height up to but not exceeding 2m) approved by the adjoining landowner(s).

Screen planting means the planting and management of natural vegetation to provide a visual buffer.

Screen protection means a physical obstruction (other than screen planting) by mounding, natural topography, fences or walls to provide a visual barrier.

Sensitive activity means any Residential Building, Dwelling, Education Facilities, Rest Home, Retirement Village and Hospital.

Separate tenancy for the purposes of Rule 5.2.14.2 means a business conducted by, and marketed as, a single entity, within which space may not be sub-let, concessioned or otherwise occupied for trading purposes by any other entity (this excludes the one consented café on the development site).

Service Lane has the same meaning as in Section 315 of the Local Government Act 1974, and means any land laid out or constructed either by the authority of the Council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

Service station means a business where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may include;

- a. the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- b. mechanical repair and servicing of motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment;
- c. car-wash facility;
- d. Warrant of Fitness testing; and
- e. an ancillary retail activity.

SIBS means a Significant Indigenous Biodiversity Site.

Significant Indigenous Biodiversity Site (SIBS) means an area of indigenous vegetation or habitat of indigenous fauna that has been identified as significant using criteria in set 3 Indigenous Vegetation and

Habitats of Indigenous fauna in Appendix criteria F of the Bay of Plenty Regional Policy Statement

Significant Identified Ridgelines means ridgelines that are identified on the Planning Maps and were derived from the Whakatāne District Landscape Review 2011.

Sign means any name, figure, character, outline, display, delineation, announcement, poster, handbill, advertising device, advertising flag, trailer sign or appliance, or any other things of a similar nature to attract attention which is visible from some public place and shall include all parts, portions, units and materials composing same, together with the frame, background, structure and support or anchorage thereof, as the case may be, and shall also include any of the foregoing things when displayed on a billboard or building. For clarification, a signage installation with two panels placed at less than 90 degrees to each other is considered to be one sign.

Site means the area of land clearly related to a particular development, application, proposal, or use. Included in this definition are all buildings and curtilages which form part of the site;

Small scale rural enterprise activity means processing, assembling, packaging and storage or retailing of primary products from the site on which the activity is located, with the exception of honey processing where honey may be sourced from hives on other sites, and:

- a. employs no more than ten people on the site; and
- b. is located within a building or open space with a maximum **Gross Floor Area** or land area of 50m².

For the avoidance of doubt small scale rural enterprise activities do not include activities provided as part of **farming**.

Soft protection works means any man-made works requiring the establishment of increased beachfront or dune volume, including beach replenishment and restoration and that are designed to, or have the function of, protecting a building, structure or land from erosion by the sea.

Statutory acknowledgement is an acknowledgement by the Crown in an Act of an iwi's special relationship with identifiable areas having cultural, spiritual, historical or traditional association with that area. These areas are called statutory areas. The proposal should include an assessment of effects on any statutory area.

Stopbank means an embankment bordering one or both sides of a river or drainage channel to contain flows. A stopbank is designed and constructed to provide a specific level of flood protection.

Structure means any building, equipment, device or other facility made by people and which is fixed to land and includes any raft, and excludes **maimai stands**.

Structure Plan means a planning technique applied to a defined geographical area so as to ensure coordinated development of an area through the integrated provision of infrastructure and the integrated management of related environmental effects and which may also encompass financial, economic, social and cultural considerations.

Sub-station means those parts of works or electrical installations being a building structure, or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity.

Suitably Qualified and Experienced Practitioner means a person who is an independent expert with experience in natural hazard management who applies good professional practice, and assesses consequences with reference to accepted benchmarks and industry guidelines.

Supermarket: means the use of a building, having a GFA exceeding 350m², principally retailing groceries (including fresh fruit, vegetables, meat, fresh fish, bakery, delicatessen and liquor). A supermarket may also retail small variety goods (such as manchester, apparel and kitchenware), provided that the variety component occupies less than 20% of the floor area and that separate specialty shops do not comprise part of the operation.

Telecommunication kiosks means an interactive kiosk consisting of a computer terminal featuring specialised hardware and software designed within a public exhibit and provides access to information and applications for communication, commerce, entertainment and education. It can include card and coin phone boxes.

Telecommunication line means a wire or wires or a conductor of any kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, wiring, images, sounds or intelligence of any nature by means of any electromagnetic system, and includes any pole, mast or tower, insulator, costing, fixture, tunnel or other equipment or materials used or intended to be used for supporting, enclosing, surrounding or protecting any such wire or conductor, and also includes any part of a line.

Temporary military training activity means a temporary military training activity undertaken for defence purposes and covered by the Defence Act 1990.

Town centre means, as shown on the Planning Maps;

- a. the Whakatāne Town Centre;
- b. the Business Centre Zones at Murupara and Edgecumbe
- c. the Commercial and Business Centre Zones at Kōpeōpeō; and
- d. the Commercial Zones at Taneātua, Te Teko and Matatā.

Tourist facility, for the purposes of Rule 11.2.19.2 means;

- a. a site which is natural or built by people, and which is visited by tourists, whether or not tourists are charged to visit;
- b. geographical features viewed from the road but not actually visited; and
- c. a tourist route that has been selected by a regional or local authority for the particular scenic, cultural or historic attraction it offers

Accommodation facilities are not considered tourist facilities.

Upgrading, for the purpose of Rule 20.2.1.3 shall mean an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, utilising the existing support structures or structures of a similar scale or character, and includes:

- a. the addition of circuits and/or conductors
- b. the reconductoring of the line with higher capacity conductors
- c. the resagging of conductors
- d. the addition of longer or more efficient insulators
- e. the addition of earthwires (which may contain the telecommunication lines, earthpeaks and lightning rods).

Upgrading shall not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

Urban area means an area that incorporates all the Urban Zones, including Residential, Business Centre, Commercial, Mixed Use, and Industrial zones

Vegetation clearance means;

- a. the removal of any tree listed in the Urban Tree Schedule; and
- b. the removal of vegetation including by cutting, felling, logging, roller crushing, spraying and burning

but excludes;

- a. the collection of plant material for traditional purposes or for scientific samples;
- b. trimming or pruning that does not result in the death of the tree;
- c. clearance of exotic vegetation; and
- d. domestic gardening;
- e. cultivation, ploughing and harvesting of horticultural crops;
- f. clearance of indigenous vegetation that
 - i. has grown up underneath or has overtopped production species; or
 - ii. is within an area of failed planting (within the last rotation); or
 - iii. is temporary or intermittent and reversible disturbance caused by harvesting adjacent to an area of indigenous forestry or by hauling across indigenous vegetation in riparian margins where these are located within a production forest.

Vehicle has the same meaning as in the Land Transport Act 1998 and is defined as follows:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include;
 - i. a perambulator or pushchair;
 - ii. a shopping or sporting trundler not propelled by mechanical power;
 - iii. a wheelbarrow or hand-trolley;
 - iv. a pedestrian-controlled lawnmower;
 - v. a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - vi. an article of furniture;
 - vii. a wheelchair not propelled by mechanical power;
 - viii. any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - ix. any rail vehicle

Vehicular lifeline access means those public roads, or the private right-of-way at the west end of West End Road, that provide for the evacuation of occupants from property and which provide primary access in an emergency event, or which are part of the strategic road network.

Versatile land includes land under the New Zealand Land Use Capability Classification System categorised as being classes 1, 2 and 3.

Warehousing means the storage and distribution of goods.

Water reservoir means facilities for the storage of water but excludes lakes created for water power schemes.

Whānau means a family group or a group of families.

Works, for the purposes of Chapter 20, shall mean structures and activities (public or private) related to the provision of energy including non-renewable electricity generation (but excluding renewable electricity generation), telecommunication, meteorological monitoring, transportation, waste/wastewater services, waste treatment disposal services and land drainage and flood control works.

Yard means a part of a site unoccupied and unobstructed by buildings from the ground upwards, being measured from the title boundary.

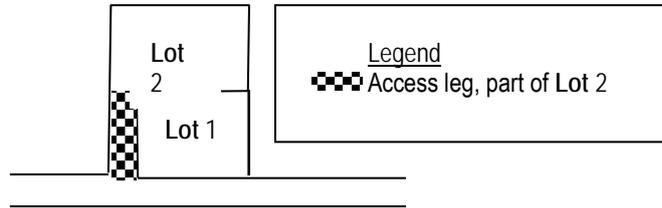
- a. **Front yard** shall mean that part of a site on any lot between the road and a line parallel thereto and extending across the full width of the site, where the width of the yard is determined by rules in the relevant zone. On Ōhakana Island and for lots with vehicle access available only on to

Plantation Reserve (Local Purpose [Accessway] Reserve), and not a legal road or over a right-of-way easement, the front yard shall be measured from the legal boundary of the lot adjoining the sea or the coast.

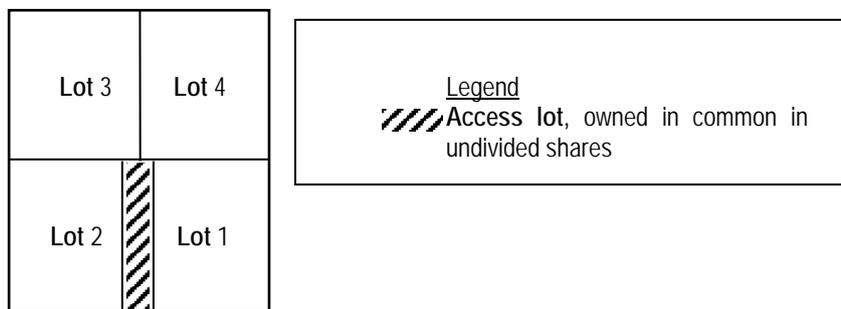
- b. **Rear yard** shall mean that part of a site on any lot between the rear boundary of the site and a line parallel thereto extending across the full width of the site, where the width of the yard is determined by rules in the relevant zone.
- c. **Side yard** shall mean that part of a site on any lot between a side boundary of the site and a line parallel thereto extending from the front yard (or the front boundary of the site) to the rear boundary of the site, or if there are two or more front yards extending from yard to yard where the width of the yard is determined by rules in the relevant zone.

21.1 APPENDICES

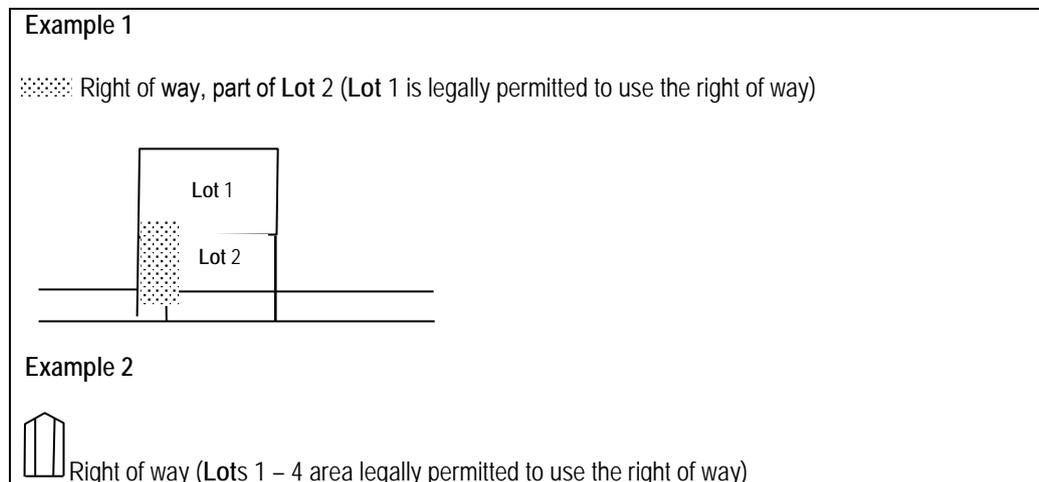
21.1.1 Access Leg

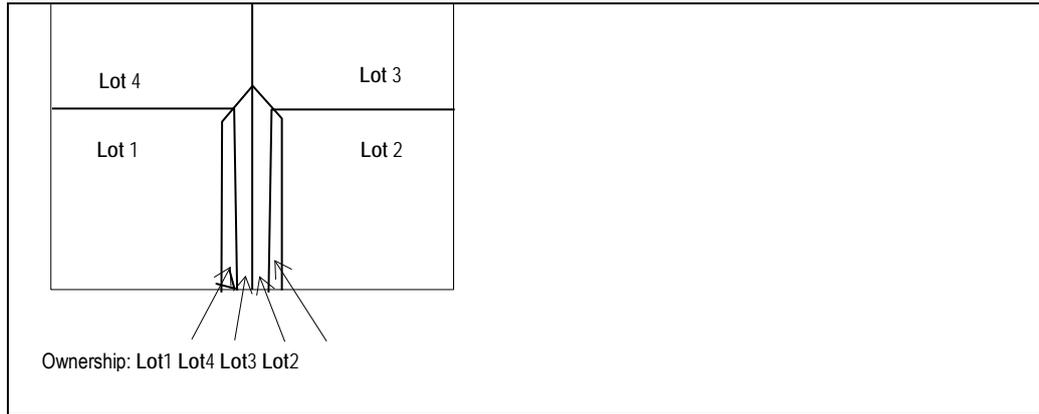


21.1.2 Access Lot



21.1.3 Right of Way





21.1.4 Height plane

