

Definitions

"**Accessory Building**" is one which is incidental to any permitted activity. "**Buildings Accessory to**" shall have a corresponding meaning.

"**Accommodation Facilities**" means any form of residential accommodation which does not comply with the definition of dwelling or minor dwelling and includes boardinghouses, hotels, hostels, motels, camping grounds, retirement villages and resthomes for the rehabilitation and care of any group. Occupancy of any accommodation facility shall be assessed on a 1 person per bed basis (ie 1 single bed equals 1 person, 1 double/queen/king size bed equals 2 persons).

"**Act**" means the Resource Management Act 1991 and Amendments.

"**Aerial**" means the part of a radiocommunication facility or telecommunication facility used for transmission or reception including the aerial mountings but not any supporting mast or similar structure. This definition excludes antennae dishes.

"**Animal Saleyard**" means land or buildings used for the sale of farm animals.

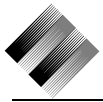
"**Annual Plan**" means as defined by the Local Government Act (S.223(d)).

"**Antennae Dishes**" means any flat, concave, circular or parabolic radiocommunication or telecommunication apparatus used for transmission or reception including the aerial mounting but not any supporting mast or similar structure. This definition includes satellite dishes.

"**Artificial Wind Shelters**" are structures with various colours of cloth used to protect crops from the wind.

"**Building**" means any building, or part of a building, and in addition to its ordinary and usual meaning shall include the following:

- (a) any retaining wall or breastwork exceeding 1.5m in height;
- (b) any fence or wall exceeding 2.0m in height;
- (c) any pool or tank more than 1.0 metre in height above ground level immediately below, (including a detention tank, swimming pool, spa pool, swirl pool, plunge pool and hot tub);
- (d) any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;
- (e) any mast, pole or radio or television aerial which exceeds 7m in height above the point of attachment or its base support;
- (f) any permanent tent or marquee or air supported canopy;
- (g) any part of a deck, or terrace, platform or bridge which is more than 1m above ground level; but does not include any fence or wall.



- (h) any other structure requiring building consent that will infringe daylighting and yard rules in the District Plan.

"Building and Construction Wholesalers and Retailers" means the wholesaling and/or retailing of goods for the erection or modification of buildings and other structures.

"Candela" is the basic unit for measuring luminous intensity from a light source in a given direction.

"Commercial Services" means servicing and repair activities including dry cleaning, laundries, shoe repair, locksmiths, domestic and garden appliance repair and the like but does not include motor vehicle servicing and repair.

"Commercial Sexual Service" means sexual services that –

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person, whether those acts are a minor or major part of their business; and
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

"Conservation Forestry" means the planting and management of trees for water and soil conservation, shelter belts, and for recreational, aesthetic or scientific purposes but excludes production forestry.

"Controlled Activity" means an activity which:

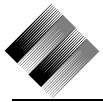
- (a) is provided for, as a controlled activity, by a rule in this plan; and
- (b) complies with standards and terms specified in this plan; and
- (c) is assessed according to matters the Council has reserved control over in this plan; and
- (d) is allowed only if a resource consent is obtained in respect of that activity.

"Council" means the Western Bay of Plenty District Council.

"Coverage" means the portion of the site that may be paved or covered in hard surfaces such as driveways and buildings.

"Dairy" means a shop selling food and beverages and deriving the majority of its trade from the retail sale of milk, bread, and other day to day food requirements.

"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 and machinery (including mail sorting distribution centres and hire centres) and as a terminal for passenger transport services and may include the care, housing or parking of commercial vehicles in association with the operation.



"Discretionary Activity" means an activity:

- (a) which is provided for, as a discretionary activity, by a rule in this plan; and
- (b) which is allowed only if a resource consent is obtained in respect of that activity; and
- (c) which may have standards and terms specified in this plan; and
- (d) in respect of which the Council may restrict the exercise of its discretion to those matters specified in this plan for that activity.

"District" means the Western Bay of Plenty District.

"Drain" means an artificial watercourse used for land drainage purposes.

"Dwelling" means a self contained residential unit designed for or occupied exclusively by one household and includes apartments, semi-detached and detached houses, home units, town houses and similar forms of residential development.

"Educational Facilities" means land and/or buildings used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments.

"Effluent Aerosols" means particles of effluent that are small enough to become airborne and carry significant distances.

"Electrical line" means the wire, cable or conduction that transmits electricity and includes the poles, towers and pylons for supporting the lines and insulators and casings necessary for their functioning.

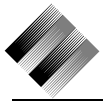
"Environment BOP" means the Bay of Plenty Regional Council.

"Existing Urupa" means Maori burial places existing at 2 July 1994 and includes expansion of such places at their existing sites.

"Farming" means and includes agriculture, including outdoor (extensive) pig farming, horticulture, floriculture, beekeeping, aquaculture, the keeping of not more than 25 poultry; and/or the keeping of not more than 12 weaned pigs when these are kept mainly within buildings or outdoors without groundcover being maintained.

"Floor Area Ratio (FAR)" means the ratio between the Gross Floor Area of all buildings on a site and the net site area.

$$\text{FAR} = \frac{\text{gross floor area}}{\text{net site area}}$$



"Formed Road within Section 17" means legal road developed with a formed carriageway and identified on Council's RAMM database. Such a road may include activities or equipment associated with the safe and efficient movement of vehicles and pedestrians and includes footpaths, pedestrian and traffic signs, speed cameras, landscaping, traffic signals, lights, letter boxes, roadway markings and information boards.

Such a road may include ancillary activities such as travellers rest areas, heavy vehicle weigh stations.

"Fresh Surface Water" means freshwater in a river, lake (including pond), stream, and drain but excludes wetland"

"Gross Floor Area" means the sum of gross area of all floors of a building measured either from the exterior faces of the exterior walls, or from the centre line of walls separating two tenancies, as the circumstances may require.

"Hazardous Facility" means any activity involving hazardous substances and their sites where hazardous substances are used, stored, handled or disposed of, and any installation or vehicles parked on site that contain hazardous substances but excludes vehicles or applicators being used to apply diluted agrichemical substances in a manner consistent with their intended use.

"Hazardous Substance" means substances with one or more of the following intrinsic properties:

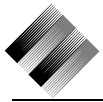
- An explosive nature
- An oxidizing nature
- A corrosive nature
- Flammability
- Acute and chronic toxicity
- Ecotoxicity with or without bioaccumulation
- Has one or more of the above properties on contact with air or water.

"Height" - in relation to buildings means the vertical distance between the ground level at any point and the highest part of the building above that point. Ground level shall be the natural ground level if existing or if not existing then the finished level of the ground as a result of subdivisional works approved by Council.

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.

In all cases for the purpose of calculating height account shall be taken of parapets, and satellite and microwave dishes, but not of chimneys, flagpoles, aerials or other such projections.

"Home Enterprise" means an occupation excluding occupations already provided as permitted, controlled or discretionary activities in the zone which is carried out by at least one person who resides permanently on the subject site.



Provided that

"Home Enterprise" does not include "Kennels/Catteries" or beekeeping in the Residential Zone.

"Home Enterprise" does include "Medical or Scientific Facilities" in the Residential Zone.

"Hotspot" - Hot Spots are areas of high concentrations of persistent chemicals like spills, sheep and cattle dips, spray pads or sheds, spray equipment wash down areas, bulk fuel storage, uncontrolled dumping of chemical containers, glasshouses, biosolid sites, farm dumps, sumps, implement and fertiliser sheds and ofal pits.

"Household equivalent" means the level of infrastructure used by a typical household, applied to a non-residential activity as a proportion or expansion of number of households, and household equivalence has the corresponding meaning.

For example, if a typical household uses 1,000 litres of water per day, and a proposed industry uses 100,000, the industry will have a household equivalence of 100 in terms of water supply. As well as average use of services, equivalence may be assessed on peak demands at the Council's discretion. A schedule of household equivalents for the various infrastructure, services or community facilities is held by the Council.

"Identified Significant Feature" means the whole of any area identified as of ecological, heritage or landscape significance in Appendices I, II, III of the District Plan and as shown on the planning maps, or a feature which has been certified by an appropriately qualified person as being of such significance to the community as to warrant its preservation in the public interest.

"Illuminance" is the level (or amount) of light measured on a plane e.g. vertical or horizontal, and is expressed in lux.

"Impermeable surface" means any surface that may be paved or covered in hard surfaces such as driveways and buildings.

"Industry" means and includes manufacturing, processing, packaging or dismantling activities and engineering workshops (including panelbeaters and spray painters).

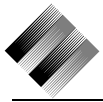
"Intensive Farming Activities" means mushroom farming, intensive livestock farming (whether free range or indoors) including poultry farms, piggeries, fitch farms, rabbit farms, animal feed lots and other activities which have or require:

- (a) no dependency on the qualities of the soils naturally occurring on the site, or
- (b) buildings for the housing and growth of livestock or fungi, and
- (c) excludes greenhouses and other buildings used for the growth of vegetative matter.

"Kennels/Catteries" means land and buildings used for the boarding and/or breeding of cats, dogs and other domestic pets.

"kV" means one thousand volts.

"Long Term Financial Strategy" means as defined by the Local Government Act (S.122(k)(l)).



"**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) or multiple owned Maori land not necessarily held in a separate Certificate of Title and which complies with the minimum standards for a proposed new lot as set out in Section 15 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 existing land."

"**Luminaire**" is a complete lighting unit consisting of a lamp or lamps together with the housing designed to distribute the light, position and protect the lamps and connect the lamps to the power supply.

"**Luminance**" is the physical measure of the sensation of brightness expressed in candelas per metre squared (cd/m²).

"**Lux**" (luminous flux) is the International System of Units (SI) unit of measure for illuminance and is equivalent to one lumen per square meter.

"**MfE Contaminated Land Guidelines**"

- Contaminated Land Management Guideline No. 1 - [Reporting on contaminated sites in New Zealand](#) (October 2003)
- Contaminated Land Management Guidelines No. 2 - [Hierarchy and Application in New Zealand of Environmental Guideline Values](#) (November 2003)
- Contaminated Land Management Guidelines No. 3 - [Risk screening system](#) (February 2004)
- Contaminated Land Management Guidelines No. 4 - [Classification and information management protocols](#) (August 2006)
- Contaminated Land Management Guidelines No. 5 - [Site Investigation and Analysis of Soils](#)

"**Maori Land**" means Maori Land as defined by Te Ture Whenua Maori/Maori Land Act 1993.

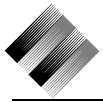
"**Mean High Water Spring (MHWS)**" means the average line of spring high tide.

"**Medical or Scientific Facilities**" means professional facilities for medical or scientific activities and includes medical centres, consulting rooms, and diagnostic and other laboratories.

"**Minerals Prospecting**" means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and involves geological, geochemical, and geophysical surveys; except that the taking of samples is restricted to by hand or hand held methods.

"**Minor Dwelling**" means a dwelling of not more than 50m² gross floor area plus an attached garage or carport with gross floor area not exceeding 18m² (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation.

"**Net Lot Area**" or "**Net Land Area**" means that part of an existing or proposed new lot which is available for development of the principal intended use and excludes any area available solely for access or any area providing access to other lots or to more than one dwelling.



“Network Utility” means an activity relating to:

- (a) distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or
- (b) telecommunication and radio communications as defined in Section 2(1) of the Telecommunications Act 1987; or
- (c) transformation, transmission, or distribution of electricity; or
- (d) the distribution of water for supply including irrigation; or
- (e) drainage or sewerage reticulation; or
- (f) construction, operation and maintenance of roads and railway lines; or
- (g) 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; or
- (h) undertaking a project or work described as a ‘network utility operation’ by regulations made under the Resource Management Act 1991; or
 - (i) lighthouses, navigation aids and beacons, metrological services and ancillary structures and includes:
 - (i) all structures, and
 - (ii) any incidental activity in relation to the network utility including without limitation, the operation, maintenance and upgrading of the network utility.

“Non-Complying Activity” means an activity (not being a prohibited activity) which:

- (a) contravenes a rule in this plan; and
- (b) is allowed only if a resource consent is obtained in respect of that activity.

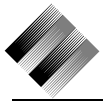
“Official Signs” include all regulatory, traffic and official signs approved by either a road controlling authority or under any legislation and which are erected on a legal road or motorway.

“Omokoroa Structure Plan” means those areas shown in colour on the Structure Plan in Appendix IX (c).

“Optimised depreciated replacement cost” means the current gross replacement cost less allowances for physical deterioration, and optimised for obsolescence and relevant surplus capacity.

“Outdoor (Extensive) Pig Farming” means the keeping of pigs in an extensive manner in paddocks where groundcover is maintained and where no fixed buildings are required.

“Permitted Activity” means an activity that is allowed by this plan without a resource consent if it complies in all respects with any conditions specified in the plan.



"Persistent chemical residues" – This description covers trace metals and pesticides. Of particular concern is Arsenic, Copper, Lead and DDT and its derivatives however other trace metals such as Cadmium, Nickel, Zinc and Chromium are of interest as are Endosulphans (Total), Gamma-BHC (Lindane), Dieldrin, Hexachlorobenzene, Metolachlor.

"Places of Assembly" means land or buildings or surface of water that involve the congregation of people for such purposes as deliberation, entertainment, cultural, recreation or similar purposes and includes churches, halls, funeral chapels, clubrooms, taverns, restaurants, art galleries, theatres, sports fields, and tourist facilities.

"Production Forestry" means the management of land for commercial wood production including the extraction of timber therefrom but does not include the milling or processing of timber.

"Prohibited Activity" means an activity which this plan expressly prohibits and describes as an activity for which no resource consent shall be granted; (and includes any activity prohibited by Section 105(d)(b) of the Historic Places Act 1993.

"Public Reserves" means all reserves held under the Reserves Act 1977, wildlife refuges, wildlife management reserves and wildlife sanctuaries under the Wildlife Act 1953 and marginal strips, steward strip areas, conservation parks, ecological areas, sanctuary areas under the Conservation Act 1981 and national parks under the National Parks Act 1980.

"Quarrying" means the excavation of materials from the earth and includes the removal of overburden and the erection and maintenance of plant, machinery and buildings and other works connected with such operations but does not include any of the foregoing where the material is for use on the same site.

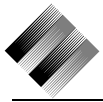
"Regional Council" means the Bay of Plenty Regional Council.

"Retailing" means any activity on land and/or within a building or part of a building whereby goods and services are sold, exposed or offered for sale to the public, including commercial sexual services, but does not include the sale of fuel for motor vehicles, vehicle and machinery sales, restaurants, warehouses, or the storage, distribution or assembly of goods.

"Reticulated infrastructure of adequate capacity" means an inter-connected piped, collection, distribution, and treatment system for water supply, wastewater and stormwater, and in addition for wastewater and stormwater, a disposal system where the pipes, structures and other components of the system are of sufficient size and capacity to meet the peak demands of a proposed subdivision, development or land use activity, and in general accordance with the Council's Code of Practice for Subdivision and Development.

"Rural Contractors Depot" means land and/or buildings used for the purpose of accommodating persons and storing equipment associated with the business and which wholly serves the farming industry.

"Rural Selling Place" means a retail activity in a rural location for plants and garden accessories, arts and crafts and unprocessed agricultural produce, not necessarily originating from the site.



"Service Station" means any site used for the retail sale of fuel and lubricating oils for motor vehicles and includes the sale of kerosene, diesel fuel, petrol, CNG, LPG, tyres, batteries and other accessories normally associated with motor vehicles and the sale of convenience goods and shall include premises solely or principally for the repair and servicing of vehicles provided that the repairs undertaken on the premises shall be confined to the repair of motors, motor vehicles and domestic garden equipment and shall exclude panelbeating, spray painting and heavy engineering such as engine reboring and crankshaft grinding.

"Sensitive Site" means a site that is either a school, licensed early childhood centre, a place of worship, marae or public playground.

"Sewered Lot" means a lot served by a reticulated sewerage system owned and operated by or specifically approved by Council.

"Shelter Belt" means a line of vegetation in one or more rows established to provide shelter from wind and weather.

"Sign" means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance or any other things of similar nature to attract attention for advertising or information purposes, and shall include all parts, portions, units and materials composing the same, together with the frame, background, structure and support or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle but shall exclude all traffic signs as detailed in the Fourth Schedule of the Traffic Regulations 1976.

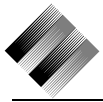
"Stall" means a retail outlet for the sale of produce or goods grown or manufactured on site and which:

- (a) does not have frontage to or access within 30m of a state highway.
- (b) occurs on a floor area not exceeding 20 square metres.
- (c) provides for the parking of at least four motor vehicles within the site and adjacent to the stall.
- (d) complies with the provisions of Section 14 relating to signs.

"Structure Plan" means a plan for an urban area that shows new areas for growth. They may include the existing urban area. They also show proposals for infrastructure (roading, water supply, wastewater disposal, stormwater and recreation) that is used as the basis for assessing the costs or urban development and the financial contribution levy. (See Appendix IX for Structure Plan Maps).

"Substation" 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.

"Takeaway Food Outlets" means premises where food is prepared and retailed for consumption off the premises.



"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, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system, and includes any pole, mast, tower, insulator, casing, fixture tunnel or other equipment or material 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 Accommodation Facility" shall be no more than one Caravan, Motor Home, House Truck or other form of mobile accommodation, which has a current warrant of fitness and registration, on any lot for not longer than six months in any one calendar year.

"Temporary Military Training" means an activity undertaken for defence purposes in accordance with the Defence Act 1990.

"Vehicle and Machinery Sales" means any land and/or buildings in which motor vehicles, caravans, boats, trailers, and farm machinery are offered for sale, lease or hire or in which the abovementioned are stored awaiting sale.

"Wall" means vertical structures made of wood, steel, brick or stone or like material which are used to enclose or screen an area.

"Yard"

Front Yard means an area of land between the road boundary and a line parallel thereto, extending across the full width of the lot.

Except that:

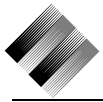
where any building line is shown on the Planning Maps this line shall be substituted for the existing road boundary.

Rear Yard means an area of land in any lot other than a corner lot, such area of land being bounded by the rear boundary of the lot and a line extending across the full width of the lot.

Except that:

a rear yard in respect of any rear lot means a yard which, except for any portion of the lot comprised in a front yard, lies between the full length of all boundaries of the lot and a line parallel thereto.

Side Yard means an area of land which, except for any portion of the lot comprised in a front or rear yard, lies between the full length of a side boundary and a line parallel thereto.



Except that:

in respect of a corner lot every boundary not being a road frontage shall be deemed a side boundary.

- All Yards
- (a) yards provided are to relate to the one site only and shall be measured from the title boundaries or the inner surveyed edge of the easement over a shared driveway.
 - (b) where land for a service lane or road widening is provided, the yard requirements shall diminish accordingly.
 - (c) Notwithstanding the provisions in the above rules, the following activities are permitted in yards:
 - (i) open fire escapes in side or rear yards.
 - (ii) parking of vehicles.
 - (iii) barbecues and fencing not being buildings.
 - (iv) playground equipment.
 - (v) signs.

For the purpose of this definition the yard shall be measured horizontally from the closest point of the building (excluding guttering which does not form part of the building structure) to the boundary.

