

# Section Contents

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## Definitions

**"Access Lot"** means a *lot* owned in common in undivided shares by the owners of two or more *lots* in a subdivision for the principal purpose of providing access from all or any of the other *allotments* 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.

**"Accessory Building"/"Buildings Accessory to"** means a *building* that is incidental or ancillary to any Permitted Activity but does not include facilities which when combined with an *Accommodation Facility* as defined hereunder would then comprise a self contained *dwelling* or stand alone household unit.

**"Accommodation Facility"** means any form of residential accommodation that is accessory to a primary *dwelling*, forms part of a primary *dwelling*, or is a stand alone facility, that does not comply with the definition of *dwelling*, *minor dwelling*, or *accessory building*. Included within this definition is; home-stays, farm-stays, bed and breakfast, boarding houses, hotels, motels, hostels and camping grounds. Excluded from this definition are *Retirement Villages* and *Rest Homes*. Occupancy is based on one person per single bed and two per double bed.

**Note:** Where the *Accommodation Facility* will solely be for the purpose of accommodating able bodied workers, an application may be made to *Council* to be exempt from providing disabled facilities when applying for a Building Consent, this is on a case by case basis and is dependent on approval by *Council's* Health and Building Department.

**"Aerial"** means the part of a radio communication facility or telecommunication facility used for transmission or reception including the aerial mountings but not any supporting mast or similar *structure*. Without limitation this definition excludes *antennas*, dishes and earthmats, but includes lighting rods.

**"All Terrain Park Activities"** means recreational activities and includes the following incidental or ancillary activities directly associated with recreational activities or with the operation and management of the Park:

- *Places of assembly, including club buildings;*
- *Accommodation facilities, including for Park workers;*
- *Education facilities;*
- *Infrastructure, including carparks, toilets, access tracks and signs;*
- *Park works depot;*
- *Park information/visitors building;*
- *Observation towers;*
- *Buildings accessory to the foregoing.*

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

**"Annual Plan"** means as defined by the Local Government Act 2002 and amendments.

**"Antenna"** means any device, including any dish or panel that receives or transmits radio communication or telecommunication signals. Without limitation this includes any mounting (including any head arrangement but not the mast) and any shroud, but does not include either an earthmat or a mast.

**"Approved Building Site"** means a site that has been approved in conjunction with a resource consent application under the *RMA* and has been approved in accordance with any natural hazard requirements contained in Section 8 (Natural Hazards) and any specific technical report to the satisfaction of *Council*.

It does not include sites for which consent conditions require further investigation, sites not approved in the resource consent, and sites for which technical assessments have not been previously obtained.

**"Aquaculture"** means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed in confined areas within natural water bodies or on land (whether in buildings, constructed ponds or other artificial water bodies), and includes ancillary activities.

**"Artificial Crop Protection"** means structures of cloth used to protect crops and/or enhance growth.

**"Base Land"** means the parcel of land that is to be subdivided into a unit title development by *unit plan*.

**"Building/Structure"** notwithstanding specific exemptions identified under the Building Act 2004, 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 *wall height* (whether above or below *ground level*);
- (b) Any fence or *wall* exceeding 2m in *height*;
- (c) Any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;
- (d) Any mast, pole or radio or television *aerial* which exceeds 7m in *height* above the point of attachment or its base support;
- (e) Any permanent tent or marquee, shade-sail or air supported canopy;
- (f) Any part of a deck, or terrace, platform or bridge which is more than 1.5m above natural ground level; but does not include any fence or *wall*;
- (g) Any pool or tank exceeding 1m in *height* above natural ground level as measured directly below the building/structure, (including, without limitation any retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);

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- (h) Any guttering;
- (i) Pergolas
- (j) Carports
- (k) Any other structure requiring building consent that will infringe daylighting and/or *yard* rules in the District Plan.

Excluded from this definition are;

- Crop support structures
- *Artificial Crop Protection* Structures (excluding plastic-clad shadehouses/glasshouses)

**“Building and Construction Wholesalers and Retailers”** means the wholesaling and/or retailing of goods and materials used in the *construction*, repair, alteration, improvement and renovation of *buildings* and other *structures* and may include home and building display centres and garden centres.

**“Building Coverage”** means that proportion of the net site area which may be covered by buildings. For this purpose ‘buildings’ includes accessory buildings, overhangs and those parts of eaves that are more than 1m from an outside wall, but excludes eaves less than 1m wide, pergolas or similar structure of a substantially open nature, uncovered decks, uncovered terraces, uncovered steps, and swimming pools.

**“Cabinet”** means a casing around equipment that is necessary to operate *infrastructure and network utilities*.

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

**“Capacity Consumption”** means the consumption of the available capacity of the road at the agreed Level of Service. Where the width of the road is inadequate, then the additional theoretical width shall be included in the consumption calculation.

**“Commercial Services”** means activities that service the community including banks, post offices, insurance offices, government agencies, dry cleaners, laundries, shoe repair, locksmiths, domestic 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).

**"Common Property"** means all the land and fixtures, in the unit title development except the *principal unit* and accessory units.

**"Community Facilities on Maori Land"** means *buildings* and outside areas and *structures* used directly in association with *buildings* on *Maori land* used for temporary *accommodation facilities, educational facilities, places of assembly*, health related activities, any Permitted Activities in the Rural Zone, and administration facilities, and activities directly associated with each of these foregoing uses.

**"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*.

**"Construction"** means any work in connection with the construction, erection, installation, carrying out, repair, *maintenance*, cleaning, painting, renewal, alteration, dismantling, removal or demolition of:

- (a) any *building*, erection, edifice, *structure*, *wall*, fence or chimney, whether constructed wholly or partly above or below ground;
- (b) any road, motorway, harbour works, railway, cableway, tramway, canal, or airfield;
- (c) any drainage, irrigation, or river control work;
- (d) any bridge, viaduct, dam, reservoir, *earthworks*, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;
- (e) any scaffolding or falsework.

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

**"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.

**"Depot"** means transport, tradespersons or contractors depots and includes land and *buildings* which are used for the receipt, delivery, 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.

**"Development/Land Use Development"** means any work that involves the disturbance and/or an excavation of the land surface and/or the provision of services for the purposes of compliance with Resource Consent approvals or as required to fulfill the obligations of a Permitted Activity, but excludes day to day *farming* activities such as fencing, cultivation, maintenance of farm tracks, and orchard activities such as shelterbelt and tree removal and

root ripping. It also may include the land use development process which can incorporate a multitude of activities which can be social, residential, commercial or industrial in nature and can also include building and civil construction activities.

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

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

**"Drip Line"** means the line formed when a vertical line from the outmost extent of a tree's branches or canopy meets the ground.

**"Dwelling"** means one *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. A dwelling may only contain one *Kitchen Facility* and one *Kitchenette*.

**"Earthworks"** means the alteration of land contours on any site including, without limitation: deposition, disturbance of land by moving, removing, placing or replacing soil by excavating, cutting, filling or backfilling and recompacting of existing ground, but does not include domestic and reserve gardening, quarrying and normal agricultural and horticultural practices.

**"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 and facilities for the care of children under the age of five, such as daycare facilities.

**"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.

**"Equipment Shelter"** means a casing or *structure* located around equipment that is necessary to operate a telecommunication or radio communication network.

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

**"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.

**"Extensive Pig Farming"** means the keeping of pigs outdoors a stock density which ensures groundcover is maintained and where no fixed buildings are used for the continuous housing of animals.

**"Farming"** means and includes agriculture, ~~including 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) pastoral farming (including extensive pig farming), horticulture, and floriculture (including the growing of plants or vegetative matter in greenhouses or other structures),~~ beekeeping, ~~aquaculture,~~ the keeping of not more than 25 poultry birds, and the keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary when these are kept mainly within *buildings* or outdoors in enclosed yards without where groundcover being is not continuously maintained. Excluded from this definition are intensive farming activities and aquaculture.

**"Formed Road"** 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 and heavy vehicle weigh stations.

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

**"Greenlane"** means (in relation to the Minden Lifestyle Structure Plan Area) any one or more of the following features:

- *Walkway;*
- *Walkway/Cycleway.*

**"Gross Floor Area"** means the sum of the 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.

**"Ground Level"** means the finished level of the ground at the time of the completion of the most recent subdivision in which additional *lots* were created, except that where no such subdivision has occurred, ground level shall be deemed to be the existing level of the ground. *Council* may require a survey to determine existing ground levels.

**"Habitable Space"** means a space used for activities normally associated with domestic living but excludes any bathroom, laundry, 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.

**"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 agricultural substances in a manner consistent with their intended use.

**“Hazardous Substance”** means substances with one or more of the following intrinsic properties:

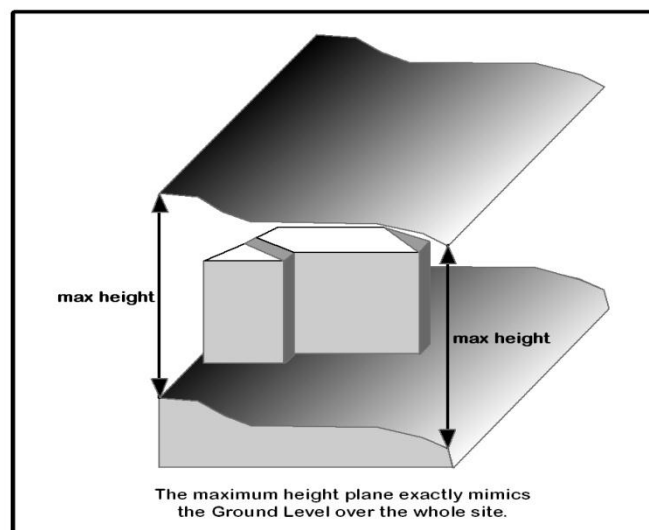
- *An explosive nature;*
- *An oxidising nature;*
- *A corrosive nature;*
- *Flammability;*
- *Acute and chronic toxicity;*
- *Ecotoxicity with or without bioaccumulation.*

Has one or more of the above properties on contact with air or water.

**“Hedge”** means a fence or boundary made up of contiguous plantings of dense bushes or shrubs.

**“Height”** in relation to *buildings* means the vertical distance between the *ground level* at any point and the highest part of the *building* directly above that point (or whichever part of the *building* directly above that point is being measured) to be measured from the external envelope of the *building*. Areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a *building* shall be excluded from the calculation of height.

In all cases for the purpose of calculating height account shall be taken of parapets, satellite and microwave dishes. Also any chimney, flue or other projection greater than 1m<sup>2</sup> in area and projecting more than 2m above maximum permitted height shall be included in the calculation of height.



**“Home Enterprise”** means the use of a site for an activity which is secondary and incidental to the use of the site for residential purposes for 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*, beekeeping or *medical or scientific facilities* in the Residential Zone.

**"Hotspot"** means areas of high concentrations of persistent chemicals such as spills, sheep and cattle dips, spray pads or sheds, spray equipment wash down areas, bulk fuel storage, uncontrolled dumping of chemical containers, glasshouses, bio-solid sites, farm dumps, sumps, implement and fertilizer sheds and offal pits.

**"Household Equivalent (HHE)"** means the impact on existing *infrastructure* generated by a typical household:

For subdivision and *development* in the Commercial Zones, one household equivalent corresponds to a *lot* size of 600m<sup>2</sup>.

For subdivision and *development* in the Industrial Zones, one household equivalent corresponds to a *lot* size of 1800m<sup>2</sup>.

Household Equivalent shall be applied to activities other than *dwelling*s and Commercial and Industrial Zones proportionate to the impact of that activity.

From the 2006 census the average household in the *District* is 2.7 persons per occupied *dwelling*.

### Household Equivalent

Infrastructure	Household Equivalent
Water	0.6m <sup>3</sup> per day
Waste Water	0.5m <sup>3</sup> per day
Transportation	10 vehicle movements per day

Note:

Water is based on usage of 220 litres/person/day and 2.7 persons per household, 1 household equivalent equates to 0.6m<sup>3</sup>/day.

Waste water is calculated as 0.85 of the water usage equating to 0.5m<sup>3</sup>.

As well as average use of services, equivalence may be assessed on peak demands at the *Council's* discretion.

### Household Equivalent for Accommodation Facilities, Places of Assembly and the like

HHE (averaged over 12 months)		
	Per Staff	Per Guest/customer/participant
Water	0.08	0.08
Wastewater	0.068	0.068
Persons Per Vehicle	1.5	2.7

Note:

These businesses may operate seasonally or operate for a variable part of the week or year. For such activities the operational time (OTF) needs to be specifically reported on and assessed.

OTF is the proportion of a full year that any enterprise may operate and is calculated as follows:

$$\frac{\text{Actual operating days per year}}{365} \times 100$$

**“Identified Significant Feature”** means the whole of any area identified as being of ecological, historic heritage or landscape significance in Appendices 1, 2 or 3 of the District Plan and as shown on the Planning Maps.

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

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

**“Infrastructure and Network Utilities”** include activities relating to:

- (a) Distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy.
- (b) Telecommunication and radio communications as defined in Section 5 of the Telecommunications Act 2001 or Section 2(1) of the Radiocommunications Act 1989.
- (c) Transformation, transmission, or distribution (including reticulation) of electricity, including lines and associated support structures.
- (d) The distribution of water for supply/reticulation including irrigation.
- (e) Drainage or sewerage system or reticulation.
- (f) The generation of electricity.
- (g) *Construction, operation and maintenance* of roads and railway lines.
- (h) *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.
- (i) Undertaking a project or work described as a ‘network utility operation’ by regulations made under the *RMA*.

- (j) Lighthouses, navigation aids and beacons, metrological services and ancillary structures.
- (k) Structures for transport on land by cycleways, rail, roads, walkways, or any other means.
- (l) Any incidental activity in relation to the infrastructure or network utility including without limitation, the operation, *maintenance* and *upgrading* of the network utility.

**"Integrated Transportation Assessment (ITA)"** means a comprehensive review of all the potential transport impacts of a development proposal. Its purpose is to identify appropriate transport information necessary to better align land use and multi-modal transport and to provide information on how the proposed development will function in terms of accessibility. A key feature of an ITA is the bringing together of all affected parties at the beginning of a development project to discuss and resolve issues.

~~**"Intensive Farming Activities"** means mushroom farming, intensive livestock farming (whether free range or indoors but excludes extensive pig farming) 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.~~

**"Intensive Farming Activities"** means agricultural production activities which have no dependency on the quality of the soils occurring naturally on the site and which are either:

- (a) carried out within the confines of buildings or pens or yards enclosed by fences or walls, or
- (b) undertaken in a manner which precludes the continuous maintenance of pasture or other groundcover.

Included in this definition are:

- Mushroom farming;
- Intensive livestock farming;
- Poultry farming involving the keeping of more than 25 birds (whether outdoors or indoors);
- Piggeries;
- Aquaculture
- Rabbit farming;
- Mustelid farming;

Excluded from this definition are:

- The growing of plants or other vegetative matter in greenhouses or other covered structures;
- Temporary uses or practices which are ancillary to a principal farming activity, such as the wintering of stock in *buildings* and calf-rearing;
- The keeping of not more than 25 poultry birds;
- *Extensive pig farming*;
- The keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within *buildings* or outdoors without groundcover being continuously maintained.

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

**“Kitchenette”** means a space which may contain a sink and is generally used for the purpose of tea and coffee making, a drinks bar and/or the rinsing of utensils or tools etc but does not otherwise meet the definition of *kitchen facility*.

**“Kitchen Facilities”/“Kitchen”** means a room or area equipped for the preparation and/or cooking of food; this may include but not be limited to a sink, bench top or oven/ extractor unit”.

**“Kitchen Facility”** means any space, facility or surface for the storage, preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hotplate or separate hob, refrigerator, dish-washer and other *kitchen* appliance. This definition includes *kitchenettes* and tea and coffee making facilities.

**“kV”** means one thousand volts.

**“Line”** means a wire or a conductor of any other kind (including fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information or intelligence by means of electromagnetic system; and includes:

- (a) Any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wire conductors; and
- (b) Any part of a line.

**“Leq”** means the average continuous noise level.

**“Lmax”** means the highest noise level that is allowed to occur from a single noise event.

**"Lot"/"Allotment"** 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 12 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.

**"LTP"** means Long Term Plan as defined in the Local Government Act 2002 and amendments.

**"Luminaire"** means 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"** means the physical measure of the sensation of brightness expressed in candelas per metre squared ( $\text{cd/m}^2$ ).

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

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

**"Mast"** means any pole, tower or similar *structure*, which is fixed to the ground and is designed to carry *aerials*, antennae or other utility network apparatus and includes a mast which forms part of a radio transmission aerial system but not an earthmat.

**"Maintenance"** means any work or activity necessary to continue the operation and/or functioning of an existing *network utility* and/or *infrastructure*, and shall include the replacement of an existing line, *building*, *structure* or other facility with another of the same or similar *height*, size and scale, within the same or similar position and for the same or similar purpose. It shall also include erosion and flood control, weed and sediment control, the maintenance of access and the monitoring of operations.

**"Maximum Average"** in relation to subdivision means the average of all the *lots* within a subdivision plan or stage which cannot be exceeded.

In relation to more than one *dwelling* per *lot*, means the average net land area per *dwelling* within a single *lot* which cannot be exceeded.

**"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 includes aerial, geological, geochemical, and geophysical surveys; except that the taking of samples is restricted to by hand or hand held methods.

**“Ministry for the Environment Contaminated Land Management Guidelines”** means guidelines produced by the Ministry for the Environment and includes the following publications:

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](#)

**“Minor Dwelling”** means a *dwelling* of not more than 60m<sup>2</sup> *gross floor area* plus any proposed attached or detached garage or carport (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation.

**“Minor Upgrading”** in relation to existing electricity lines means an increase in carrying capacity, efficiency or security of electricity and associated telecommunication lines, utilising the existing support structures or structures of a similar character, size and scale, and includes:

- (a) The addition of circuits and conductors.
- (b) The reconductoring of the line with higher capacity conductors.
- (c) The resagging of conductors.
- (d) The bonding of conductors.
- (e) The addition of longer or more efficient insulators.
- (f) The addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods.
- (g) The addition of electrical fittings.
- (h) Tower *replacement* in the same location or within the existing alignment of the transmission line.

- (i) The *replacement* of existing cross arms with cross arms of an alternative design but of a similar dimensions and scale.
- (j) An increase in tower *height* required to comply with the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).
- (k) *Replacement* of overhead electrical lines with another electrical line of similar character and scale.
- (l) Other *maintenance* and replacement activities.

**"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 Utilities"** refer to *"Infrastructure and Network Utilities"*.

**"Notional Boundary"** is as defined in New Zealand Standard NZS 6801:2008 Measurement of Sound and is a line 20m from any side of a *dwelling*, or the legal boundary of the property on which the *dwelling* is located, whichever point is closer to the *dwelling*.

**"Offices"** means professional administrative and commercial offices and includes real estate offices, travel agents and banks.

**"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.

**"Optimised Depreciated Replacement Cost"** means the current gross replacement cost less allowances for physical deterioration, and optimised for obsolescence and relevant surplus capacity.

**"Park and Ride Facility"** means an area including *buildings* that is used for transfer of people from one mode of transit to another and may include parking for private vehicles, car pooling meeting places, public and private bus transfers and rail transfers. Also known as 'Urban Transit Stations'.

**"Passenger Car Equivalent (PCE)"** means the combined number of vehicle movements equated to the equivalent effect of a number of passenger cars. Vehicle movements are converted to PCE using the following factors as the default, unless alternative evidence is provided:

Light vehicles = 1 PCE

Rigid truck and semi trailer (HCV) = 5 PCE

Truck and trailer (B train) = 10 PCE

**Note:**

The foregoing conversion factors are derived from the "Australia Mainroads Overtaking Lanes Guide", May 2010, which is based on section 13 of Austroads "Rural Road Design – Guide to the Geometric Design of Rural Roads 2003".

**"Persistent Chemical Residues"** means 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, and Metolachlor.

**"Pest Species"** means organisms such as plants and animals that are not native to New Zealand but which have become established here and are a threat to people's health, indigenous plants and animals, heritage and the economy. See the *Regional Council* for further details on the identification of these species.

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

**"Post Harvest Facilities"** is specific to only those facilities zoned Post Harvest and includes packhouses, coolstores, accessory office space, *seasonal worker accommodation* and servicing (such as storage and catering facilities) directly associated with the post harvest operations of horticultural crops.

**"Principal Unit/s"** means a unit or units shown as a principal unit on a *unit plan* that is designed for use as a place of residence or business.

**"Privateway"** has the same meaning as in Section 315 of the Local Government Act 1974 and amendments.

**"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.

**"Productive Crop"** means a specific permanent horticultural crop that has for the previous three years produced the industry average or above for that particular crop.

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

**"Quarry Effects Management Area (QEMA)"** means an area of land surrounding the Cameron Quarry site at Otamarakau to manage *reverse sensitivity* effects relating to noise and other effects from the quarry operation.



**"Quarrying"** may include the excavation of overburden, rock, sand and clay; blasting processing (crushing, screening, washing, and blending); the storage, importation, distribution and sale of minerals including aggregate; ancillary *earthworks*; deposition of overburden; treatment of wastewater; landscaping and rehabilitation works including clean filling; and ancillary *buildings* and *structures*.

**"Reflectivity"** means the reflectance value of a material or colour and is determined by the amount of light they will reflect and is indicative of their likely visibility in the landscape. For example, white has a reflectance value of 100% whereas black has a reflectance value of 0%.

**"Regenerating Forest"** means secondary forest that has developed following earlier clearance of primary forest (see definition of *Tall Forest*), and is dominated by species such as kanuka, kamahi (*Weinmannia racemosa*), rewarewa, treeferns (*Cyathea* and *Dicksonia* species) or mixtures of these and other species.

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

**"Replacement"** means improvement, repair and/or replacement of worn or technically deficient aspects provided the replacement is to a similar character, size and scale.

**"Restaurants and other eating places"** means any land and/or *building* on or in which food and/or beverages are sold to the public generally for consumption on the premises, and may include premises licensed under the Sale of Liquor Act 1999. Part of the trade of the premises may be derived from the sale of food for consumption off the premises.

**"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* or *retirement village* based hospital specialising in geriatric care.

**"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, but does not include the sale of fuel for motor vehicles, vehicle, machinery and automotive parts sales, *restaurants*, warehouses, *building and construction wholesalers and retailers*, or the storage, distribution or assembly of goods.

**"Reticulated Infrastructure"** means a communal or community inter-connected piped, collection, distribution, and treatment system for water supply, stormwater and wastewater systems, including any associated pumping station, treatment works and other ancillary equipment or facilities.

**"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* Development Code.

**"Retirement Village"** means a complex containing *retirement village dwellings* and/or *retirement village independent apartments* for the purpose of housing people predominantly in their retirement, and may provide services for the care and benefit of the residents (including *rest homes* and hospitals), including an activities pavilion and/or other recreational facilities or meeting places for the use of the residents of that complex and visitors of residents.

**"Retirement Village Dwelling"** means a self-contained residential unit and includes detached, semi-detached and attached houses within a *retirement village*.

**"Retirement Village Independent Apartment"** means a self-contained residential unit that is part of a block containing multiple apartments (usually multi-level) within a *retirement village*.

**"Reverse Sensitivity"** means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.

**"Riparian Area or Riparian Margin"** means a strip of land of varying width adjacent to the bed of a stream, river, lake or *wetland*, which contributes or may contribute to the maintenance and enhancement of the natural functioning, quality and character of the stream, river, lake or *wetland*; and the natural character of the margins of streams, rivers, lakes and *wetlands*. For the purposes of the District Plan, the definition does not include land adjacent to artificial watercourses, artificial waterbodies, and ephemeral flowpaths.

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

**"Road Capacity"** means the volume of traffic using the width of roadway defined in tables contained in Rule 12.4.4.2. This does not mean the absolute maximum volume, but is the Level of Service for that width of roadway and as agreed with the community.

**"Road Hierarchy"** means the hierarchy of roads making up the *transport network* which comprise the following:

	Type of Road	Primary Function/Generalised Description	Definition
1	Motorway	To provide for the movement of regional or inter-regional traffic. Access limited to intersecting roads.	All roads declared to be motorways.
2	Expressway		All roads managed as expressways.
3	Primary Arterial	Main roads other than motorways and expressways joining significant centres of population and/or providing for national and inter-regional traffic flow.	Means those roads that form part of a network of nationally or regionally important arterial roads. Nationally important routes are managed as State Highways, whereas other primary arterial roads may be managed by territorial authorities. These routes predominantly carry through traffic,

			and carry the major traffic movements in and out of the <i>District</i> . The primary function of the road is traffic movement with access limited.
4	Secondary Arterial	Roads joining smaller centres of population, joining larger centres of population to nearby primary arterials or linking between primary arterials.	Means those roads that cater for traffic movement between the major areas of the <i>District</i> . The primary function of the road is traffic movement. Access may be limited to ensure the safe and efficient operation of the roading network.
5	Collector	Roads providing direct access for residential and other areas of development in urban areas, with more than one intersection to other local or collector roads.	Means those roads that are principally collecting and distributing traffic to and from the arterial road network, but may act as links between two arterial roads (being Primary Arterial Roads and/or Secondary Arterial Roads). These roads also act as local main roads supplementing Secondary Arterial Roads.
6	Local	Local through-traffic generally makes up a high proportion of traffic flow but these roads are not intended to cater for large numbers of national, regional or district through-traffic movements because of likely effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads relative to Primary Arterial Roads and Secondary Arterial Roads. Cul-de-sacs are local roads with intersections to other local roads at one end only.  Access may be controlled to ensure the safe and efficient function of the roading network.	Means those roads that are intended to principally provide direct access to adjoining properties. Many local roads, except cul-de-sacs, also collect and distribute traffic to and from other roads within the <i>District</i> . Traffic flows are usually low, and these roads are intended to cater for only minimal through or extraneous traffic because of effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads.
7	Service Lanes	Land vested as Road for the purpose of providing access, generally, but not limited to, to commercial and industrial activities. The service lane provides an access function only and does not provide for frontage in the case of subdivision.	Means any lane laid out or constructed for the purpose of providing the public with a side or rear access for vehicular traffic to any land. This can also apply to residential areas, for example with rear laneways

**“Road Reserve”** means:

- (a) A formed legal road and the land, if there is any, right next to it up to the legal boundary of the adjacent land.
- (b) Land which is a State Highway or motorway as defined in Section 2(1) of the Government Roding Powers Act 1989, and the land, if any, right next to it up to the legal boundary of the adjacent land.

**“Rural Contractors Depot”** means land and/or *buildings* used for the purpose of storing equipment associated with a business 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 that are produced locally within the *District*.

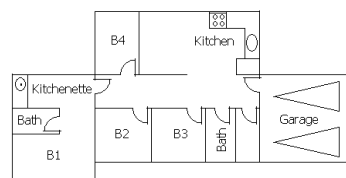
**“Seasonal Worker Accommodation”** is specific to *post harvest facilities* and means accommodation directly associated with the seasonal labour requirements of the horticultural industry and includes detached buildings (lodges, *dwelling*s, relocatable modular structures, caravans, mobile homes and house buses) and space within or attached to a post harvest building or combination thereof.

**“Secondary Shrub Land”** means woody vegetation in which the cover of shrubs and low-growing trees in the canopy is >80% and in which shrub cover exceeds that of trees (cf forest). Shrubs are woody plants <10cm dbh. Trees are woody plants >10 cm dbh. Secondary shrubland is dominated by indigenous species such as kanuka, manuka (*Leptospermum scoparium*), karamu (*Coprosma robusta*), and treeferns.

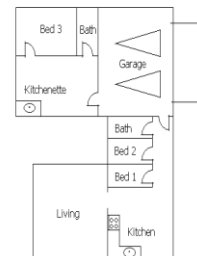
**“SEL”** means the Sound Exposure Level, the A-weighted sound pressure level which, if maintained constant for a period of one second, would convey the same sound energy to the receiver as is actually received from a given noise event (refer to NZS 6802:2008 Acoustics – Environmental Noise).

**“Self Contained”** is where a *building/dwelling* contains a *kitchen* and/or *kitchenette*, a bathroom and a living area and/or bedroom and is separated from any other self contained area by being in another *building*, or where within the same *building*, by a door, a *wall* or a garage.

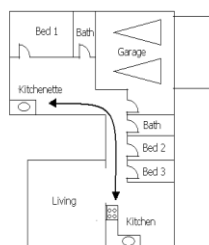
**For example:**



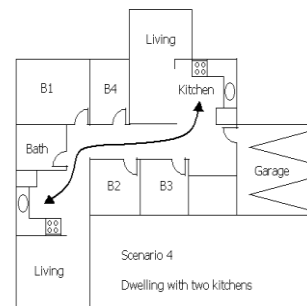
Scenario 3  
Dwelling with a KITCHEN and KITCHENETTE but a door between the main dwelling and kitchenette area  
= NOT permitted



Scenario 1  
Dwelling with a KITCHEN and a KITCHENETTE but access is through the garage  
= NOT Permitted



Scenario 2  
Dwelling with a KITCHEN and KITCHENETTE with clear access through the dwelling  
= Permitted



Scenario 4  
Dwelling with two kitchens  
= Not Permitted

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

**"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.

**"Sewered Lot"** means a *lot* served by a reticulated wastewater 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.

**"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.

For the purpose of the provisions within Section 4D, the definition of *Sign* is further divided into the three following types.

Low Intensity Signs	<i>Signs</i> which are painted or similar and have no illumination and low reflectivity.
Medium Intensity Signs	<i>Signs</i> which incorporate a static illuminated sign, device or symbol.
High Intensity Signs	Active <i>signs</i> which incorporate illumination which has a flashing or moving component.

**"Spill Light"** means artificial light that falls outside of the area intended to be lighted.

**"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 *gross floor area* not exceeding 20m<sup>2</sup>;

- (c) provides for the parking of at least one motor vehicle off the *formed road* and adjacent to the stall; and
- (d) complies with the provisions of Section 4D relating to *signs*.

**“Strategic Road Network”** means that part of the *transport network* comprising *secondary arterial roads, primary arterial roads, expressways and motorways*.

**“Structure”** – refer to “Building/Structure”.

**“Structure Plan”** means a plan for an area that identifies new areas for growth and which may also include an existing developed or zoned area. Such a plan shows proposals for *infrastructure* (roading, water supply, wastewater disposal, stormwater and recreation) that may be used as the basis for assessing the costs of *development* and any associated financial contributions.

**“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.

**“Sustainable Transport Network” or “Sustainable Land Transportation Network”** means one which recognises that the capacity of the *transport network* is a limited resource and that methods and techniques are required to be implemented in an integrated manner to ensure that the resource is able to meet the reasonably foreseeable needs of future generations.

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

**“Tall Forest”** means relatively large trees dominated by species such as tawa (*Beilschmiedia tawa*) and may have other tall canopy trees such as hinau (*Elaeocarpus dentatus*) and emergent rewarewa (*Knightia excelsa*) and podocarps such as rimu (*Dacrydium cupressinum*). Forest is woody vegetation in which the cover of trees and shrubs in the canopy is >80% and in which tree cover exceeds that of shrubs. Trees are woody plants >10 cm dbh. Shrubs are woody plants < 10cm bdh.

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

**“Transport Network” or “Transportation Network”** means the land, air and sea networks that enable the public to travel to and from their residence, or for the movement of goods and people as they need to fulfill their daily private and business needs.

**“Travel Management Plan”** means a plan for the provision of the movement of people and goods to and from a proposed *development* or land use activity.

**“Unit Plan”** means a plan that is intended to be deposited under the Land Transfer Act 1952 in accordance with the Unit Titles Act 1972 (or replacement legislation).

**“Upgrading/Development”** means structural improvement, repair and *replacement* of work or technically deficient parts of the power house, hydro dams, separation plants, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and *accessory buildings* and *structures* of similar character and scale, and includes associated drilling, *earthworks* and vegetation removal. Also includes the extension to existing *buildings* and *structures*, and the erection of new *buildings* and *structures* up to 100m<sup>2</sup> in area and not exceeding the maximum *height* permitted activity standards for the zone in which they are located.

**“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.

**“Vehicle Movement (VM)”** means one trip either to or from a property. For example, one passenger car visiting and then leaving the property is deemed to have generated two vehicle movements. Vehicle movements can also be expressed as ‘vehicle movements per day’ (VMPD).

**“Versatile Land”** is land categorized under the New Zealand Land Use Capability Classification System as being Classes I, II and III.

**“Viewshaft”** means a view from a Strategic Road or identified public lookout to a landscape of outstanding visual quality and of significance to the *District*.

**“Visually Permeable”** means a *structure* which will not obscure vision or light penetration beyond the percentage identified. For example visual permeability of 70% means that the structure has gaps that are transparent and the gaps cover at least 70% of the vertical surface of the *structure*.

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

**“Western Bay of Plenty Sub-Region” or “Sub-Region”** means the area comprising Western Bay of Plenty District and Tauranga City.

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

For the avoidance of doubt, the term ‘wetland’ applies to both water bodies and intermittently wet areas. The term does not apply to dry land that does not support a natural ecosystem of plants and animals that are adapted to wet conditions, and that occurs within an area commonly referred to in its entirety as a wetland.

For the purposes of this District Plan, ‘wetland’ excludes:

- (a) Wetted pasture and pasture with patches of rushes.
- (b) Oxidation ponds.
- (c) Artificial waterbodies used for wastewater or stormwater treatment. This includes wetlands that have been developed primarily for effluent or stormwater treatment or disposal, but are managed to appear 'natural'.
- (d) Artificial farm dams and detention dams.
- (e) Land drainage canals and drains.
- (f) Artificial reservoirs for firefighting, domestic or municipal water supply.
- (g) Temporary ponded rainfall over areas that would not otherwise be considered a wetland.
- (h) Artificial waterbodies that are not in the bed of a stream, river or lake; and are not degraded natural wetlands that have been modified. This includes artificial waterbodies that are managed to appear 'natural'.
- (i) Artificial watercourses associated with hydroelectric power schemes.

The edge of a wetland (i.e. where a wetland becomes land) should be determined by a person with appropriate expertise.

**"Warehousing and Storage"** means land and/or *buildings* used for the receipt, storage, handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer. Includes the direct collection of materials, articles or goods by traders but does not include a retail premise, transport depot or bulk store.

## **"Yard"**

### **All Yards**

- (a) Yards 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 unless it meets the definition of a *building*;
- (v) *Signs*.

For the purpose of this definition the yard shall be measured horizontally from the closest point of the *building* to the boundary.

**Front Yard** means an area of land between the road boundary (including the boundary of any *Structure Plan* road or designated road) 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.