

31 DEFINITIONS

- Access** in relation to any site means a crossing place or that part of a site providing access from the road frontage to the main part of the site.
- Accessory Building/Activity** means:
- a) A building, structure or activity that is detached from, and the use/operation of which is incidental to that of, any other principal building(s)/activity(ies) on the same site, and in relation to a site on which no principal building has been erected, is incidental to the use which may be permitted on the site;
 - b) A fence or free-standing wall of a height greater than 2m; and
 - c) Accessory activities shall not include home business activities.
- Accommodation Facility** means any form of residential accommodation that does not comply with the definition of Residential Activities/dwellings and includes; bed and breakfast facilities, farmstays, 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 person per bed basis (i.e. one single bed equals one person, one double/queen/king size bed equals two persons).
- Advertising Sign** means a sign and any other thing of a similar nature intended to attract attention for advertising purposes, placed on a site and visible from off the site, excluding:
- Official traffic control and advisory signs;
 - 'Welcome to' signs;
 - Signs required to be erected by statute;
 - Signs identifying a site of special scenic, historic or cultural interest;
 - Warning signs related to aspects of public safety;
 - Any advertising matter placed on or within a shop display window, or affixed to or incorporated within the design of the building; and
 - Signs and interpretation panels providing angling and hunting information.
- Alteration** means any change to, addition to, or partial demolition of, any heritage feature, building, structure or memorial; and any maintenance involving new finishes or materials. This excludes general maintenance involving replacement with materials that are the same as the original materials, and general cleaning.
- Antenna** means that part of a radio communication facility or telecommunication facility used for transmission or reception including dish antennas and antenna mountings but not any supporting mast or similar structure.
- Archaeological Site** as defined in the Historic Places Act 1993

Area Subject to Flood Hazards	means areas of land identified as part of a subdivision or land use consent application that may be subject to inundation or flood hazard.
Biodiversity	means the variability among organisms from all sources including, inter alia, terrestrial, marine and other aquatic organisms and the ecological complexes of which they are a part: this includes diversity within species, between species, and of ecosystems. Components include genetic diversity, species diversity, ecological (ecosystem) diversity.
Building	<p>means any structure 1.5 metres or more in height, movable or immovable, which in addition to its ordinary meaning shall include:</p> <p>a) any structure or erection enclosed or partly enclosed within walls or supported on columns, whether it has a roof or not;</p> <p>b) any retaining wall which either exceeds a height of 1.2 metres from the lowest ground level adjoining, or is within 1.2 metres of the boundary of a street or public place.</p> <p>But excludes:</p> <ul style="list-style-type: none"> • fencing for the containment of stock; • residential chimney and television aerials associated with a dwelling house; • structures less than 5m² and less than 1.8 metres in height (including fences); • any vehicle, trailer, caravan or boat which is not used for permanent or long-term residential purposes; • lines; and • masts, antennas and antenna support structures, and lightning rods.
Building Height	means the vertical distance between the average level at the ground and the highest part of the building (where this does not comprise chimneys, flues, aerials, antennas less than 0.3m ² in frontal area, lightning rods, flagpoles, or roof water tanks).
Building Site Coverage	<p>means that portion of the site area which may be covered by buildings and structures but does not include:</p> <ol style="list-style-type: none"> 1. eaves 1m or less in width; 2. uncovered terraces or uncovered decks less than 1m above ground level; 3. driveways; and 4. footpaths
Camping Ground	means a camping ground within the meaning of the Camping Ground Regulations 1985 or amendments thereof, and includes every area of land that would be a camping ground within the meaning of those regulations if the words “and includes any building, whether permanent or temporary, occupied either wholly or in part as a temporary living place for human habitation” were added to the

definition of the term “living space” in Regulation 3 of those regulations.

Chartered Professional Engineer

means a person who meets the requirements listed in the Chartered Professional Engineers of New Zealand Act, 2002, or any superseding legislation. The Chartered Professional Engineer (CPE) shall be experienced in the analysis and design of structure sand shall have experience in designing modular type structures. The role of CPE for Chapter 27A of the Plan is to confirm the suitability of the proposed structures design, consistent with the requirements of the District Plan relating to easily relocatable structures from within the CHEPA if erosion occurs.

Clearance or Disturbance

in relation to vegetation, means the felling, destruction or disturbance of trees, shrubs, grasses and other plants by any means, including cutting, burning, crushing or spraying. Clearance or disturbance does not include:

- the clearance or disturbance of scattered trees or shrubs amongst pasture/horticultural crops;
- actions necessary for the avoidance of imminent danger to human life or property;
- tree trimming and 'selective removal' of vegetation necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, stream or river access, fire water points, utilities, structures and fencelines, where this is to prevent a safety hazard or to ensure continued delivery of a service;
- the disturbance or damage (but not destruction) of indigenous vegetation as a consequence of the harvesting of plantation forest, including where the harvesting involves:
 - The lifting and/or dragging of logs, and/or
 - The construction and maintenance of forestry roads and stream crossings.

And the clearance is temporary and minor and does not compromise the ecological functioning of the area;

- the clearance or disturbance of vegetation that has grown up under the canopy of plantation forest, provided that, where this is within 20m of a river, lake or wetland listed in [Schedule 5](#), the area shall be allowed to stabilise and if necessary be replanted with indigenous vegetation as soon as reasonably possible;
- the clearance or disturbance of an agricultural or horticultural crop (including grazing pasture);
- diseased vegetation that creates an environmental or ecological risk; or
- incidental disturbance of a naturally occurring wetland arising from normal agricultural/horticultural or forestry activities outside a wetland.

Coastal Hazard Erosion Policy Area (CHEPA)

means land that comprises the Current Erosion Risk Zone (CERZ), the 2060 year Erosion Risk Zone (2060 year ERZ) and the 2100 year Erosion Risk Zone (2100 year ERZ), being that area of land located between mean high water springs (MHWS) and the landward extent of the 2100 year Erosion Risk Zone boundary.

Commercial Service

means an activity that provides social and cultural services and facilities for the general public in respect of health, education, religion and leisure and may be associated with health clinics, schools and churches.

Community Service Facilities

includes libraries, churches, clubs, schools, recreational facilities, medical centres.

Conservation Lot

means a parcel of land containing a contiguous area of significant indigenous vegetation &/or significant habitat for indigenous fauna, set aside for its long-term protection.

Depot

means a site or building used for the storage and maintenance of machinery, plant, equipment vehicles, and the storage of materials and includes a trucking and transport depot but does not include a warehouse, or the bulk storage of fuel and lubricants or any hazardous substances.

Dwelling

means any building, whether permanent or temporary, that is occupied in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purpose of the residence, but does not include the land upon which the residence is sited.

Earthworks

means the disturbance of the land surface by moving, removing, placing or replacing soil, earth or substrate.

The following shall not be included in the definition of earthworks. Earthworks associated with:

- domestic gardening, land cultivation, horticulture, production forestry, and indigenous habitat restoration activities;
- work carried out to provide for effluent disposal systems or foundations within buildings, swimming pools or fences;
- farm silage pits and farm tracks;
- emergency works;
- road or track maintenance;
- drilling for cores or water bores, but excluding access to sites;
- irrigation or land drainage works;
- utility trenching by the Council or network utility operator;
- construction of emergency firebreaks;
- trenching activity associated with a temporary military training activity, which is backfilled on cessation of the activity;
- dam building for farming and forestry use.

(refer to [Chapter 23](#) for rules relating to the drainage of wetlands).

Ecology

means any interrelated and functioning assemblage of plants, animals, and substrates (including air, water, soil) on any scale, including the processes of energy flow and productivity.

Ecosystem

means a biological system comprising a community of living organisms and its associated non-living environment, interacting as an ecological unit.

Education Facility

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.

Emergency Work

as outlined in Section 330 of the Resource Management Act 1991.

Endangered

means plant or animal species in danger of extinction and whose survival is unlikely if the causal factors continue.

Freedom Camping

means camping outside registered camping grounds or designated areas on any public open space identified in terms of Council's policy on "Freedom Camping".

Front Yard

means a yard stretching from side boundary to side boundary between a boundary fronting a road and a line parallel to that boundary at a depth specified in the zone.

Hazardous Substance

as defined in Section 2 of the Hazardous Substances and New Organisms Act 1996.

High Threshold Hazard Factor

describes a situation where there is a high level of risk to public health and the environment. This means situations where:

- i) the hazardous substance(s) may have extreme hazard levels;
- ii) the quantities involved are large industrial scale amounts;
- iii) large quantities of hazardous substances are used in a manner that increases the hazardous properties of the substance(s); or
- iv) substances with a high hazard level stored or used within 50 metres of a potable water source, important natural features or areas, residential areas or commercial activities.

(Refer examples in [Appendix III](#)).

Home Business

means a craft, business, trade or profession which is carried out in conjunction with and ancillary to a residential activity, that has a gross occupied area (inside and/or outside, excluding carparking and access) of 50m² or less and employ no more than one Full Time Equivalent (FTE) staff member not resident in the associated dwelling. Provided that the traffic generated by the Home Business Activity

	does not increase the total traffic movements to/from the site beyond that anticipated for a permitted residential activity.
<i>Home Occupation</i>	means any profession, trade, business or craft that is carried out by a member of a household within a residential or rural unit or an accessory building, on the same site.
<i>Indeterminate</i>	means plant or animal species, which may be Endangered, Vulnerable or Rare, but for which there is insufficient information to allow allocation to a category.
<i>Indigenous tree species</i>	means any indigenous woody plant which ultimately forms part of a canopy of a naturally occurring forest in the locality under consideration and includes any indigenous tree species which attains a diameter at breast height of 30 centimetres or greater.
<i>Industrial Activities</i>	<p>are activities that are likely to be noxious or dangerous in relation to the occupants in nearby houses, but when located with other industrial activities are not likely to be noxious or dangerous to adjacent activities, and may include retail activities.</p> <p>Industrial activities can generate noise, dust, odour, fumes and spray drift which have adverse effects on amenity values. Such activities may also involve the regular use, production, storage, movement or conveyance of large amounts of hazardous substances.</p> <p>Industrial activities can include:</p> <ul style="list-style-type: none"> • production, processing, bulk moving or storage in bulk of materials, goods or products.
<i>Intensive Farming</i>	means the raising of plants or animals primarily within buildings, and the raising and confinement of animals within a feedlot (whether it be primarily within a building or not). Intensive farming includes such activities as poultry farms, piggeries and mushroom production, but excludes glasshouses used for horticulture.
<i>Intrinsic Values</i>	as defined in Section 2 of the Resource Management Act 1991.
<i>Land Disturbance</i>	means the disturbance of land by any means including earthworks, blading, trenching, side-cutting, surface excavation, overburden and spoil disposal, ground levelling and construction of dams, roading or tracking, construction, maintenance, realignment or widening, and cultivation.
<i>Licensed Premises</i>	means premises that comprise principally a bar space where liquor is served to the general public and where food may also be provided.
<i>Line</i>	means a wire or wires or a conductor of any other kind (including a fibre optic cable) used for the transmission or reception of electricity, signs, signals, impulse, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any pole, 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 any part of the line.

Low Threshold Hazard Factor

describes a situation where the overall risk of hazard is estimated to be low. This means situations where:

- i) the hazardous substance(s) have only low to medium hazard levels on the classification system adopted by the 'UN Recommendations on the Transport of Dangerous Goods: 11th Edition' 1999;
- ii) the quantities involved do not exceed that associated with retail business providing goods to principally domestic consumers; and
- iii) the substances are not stored or handled under conditions that enhance their hazardous properties.

(Refer examples in [Appendix III](#)).

Marae

means the land and buildings used for traditional, cultural and social activities of the Maori.

Mast

means any mast, pole, tower or similar structure, which is designed to carry antennas or other apparatus.

Medical Centre

means a building or part of a building used for professional or consulting rooms for medical practitioners.

Medium Threshold Hazard Factor

describes a situation where there is an intermediate level of risk to public health and the environment. This means situations where:

- i) the hazardous substance(s) may have hazard levels up to the high threshold; but
- ii) the quantities involved are relatively small commercial scale quantities (less than 1000 litres of flammable liquids or 500 litres of corrosive liquids held in secure storage); or
- iii) the substances are stored or handled in association with a service station or any temporary military training.

(Refer examples in [Appendix III](#)).

Note: If substances of a high hazard level are stored or used within 50 metres of a potable water source, important natural features or areas, residential areas or commercial activities the quantities that would qualify as having "medium" hazard would be significantly less.

Meteorological Activities

means the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.

Minor Upgrading

means alteration to an existing facility or structure where the effects on the environment of the activity remain the same or similar in character, intensity and scale to those existing before the upgrade took place.

Minor upgrading activities will include an increase in the carrying capacity, efficiency or security of utilities, using the

existing structures, or replacement structures of a similar scale and character.

In respect of electricity lines and telecommunication lines, this includes:

- the addition of circuits and conductors;
- the re-conductoring of the line with higher capacity conductors;
- the re-sagging of conductors;
- the addition of longer or more efficient insulators;
- the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;
- replacement/reconstruction of existing support structures; and
- the addition of lines, cabinets, exchanges and containers to existing telecommunications networks.

Modification

means any action taken to alter, disturb, or partly remove or partly clear, an indigenous ecosystem which will not limit the ecosystem's ability to regenerate its intrinsic values.

Natural Hazard

as defined in Section 2 of the Resource Management Act 1991.

Net Site Area

means:

- a) The total area of the site less an entrance strip whether that strip is unencumbered and held in the same ownership as the balance of the site, or owned in common with the owners of other sites, or subject to an easement of right-of-way;
- b) Where the entrance strip is unencumbered and held in the same ownership as the balance of the lot, the strip shall be deemed to be limited to all that part of the site frontage and has a width of up to 10m in the Coastal (Mahia) Zone and 5m in the Residential (Mahia) Zone;
- c) Where the entrance strip is held in common ownership or is subject to an easement of right-of-way the strip shall be deemed to include all that area held in common ownership or subject to the easement; or
- d) A combination of (b) and (c) may apply.

Notional Boundary

means a line 20 metres from any side of a dwelling or place of assembly, or the legal boundary, whichever is the closer to the dwelling or place of assembly.

Office

means a building or part of a building where people are engaged in a profession, business or administrative activity.

On-Site Sign

means a sign (including an advertising sign) located on the site to which it is referring.

<i>Parking Space</i>	means a parking space for a vehicle required under the provisions of this Plan and in accordance with the standards set out.
<i>Place of Assembly</i>	means buildings used for the public or private assembly of people primarily for worship, education, recreational, social, ceremonial, cultural and spiritual activities for meditation and functions of a community character, and may include a church, public hall, and marae.
<i>Place of Entertainment</i>	means land, a building or part of a building, which is used to provide entertainment activities for the general public such as cinemas, theatres and video game centres.
<i>Production Testing</i>	means the processes employed in petroleum exploration to test and control hydrocarbons in order to assess the commercial viability of the resource field.
<i>Radiocommunication</i>	transmission, emission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by electromagnetic waves of any frequencies between 9 kilohertz and 3,000 gigahertz, propagated in space without artificial guide.
<i>Rare</i>	means plant or animal species with a small world population that are not at present Endangered or Vulnerable, but are still at risk of becoming so.
<i>Residential Activities/Dwellings</i>	means the use of premises for any domestic or related purpose by persons living alone or in family or non-family groups (whether any person is subject to care or supervision), and shall include emergency and refuge accommodation. Residential activity shall not include home business, accommodation facilities or caravans or mobile forms of accommodation unless they are used for residential activities for periods totalling more than six months in any one calendar year. Dwelling means a building or part of a building designed to accommodate one residential activity.
<i>Recreational Activity</i>	means land or buildings used for active or passive recreation such as sports grounds, reserves, show grounds, gymnasiums, sports stadiums, and art and craft centres.
<i>Retail Activities</i>	means activities that involve one or more of the following: <ul style="list-style-type: none"> • sale of goods; • offering goods for sale; • advertising goods for sale; and • exposing goods for sale.
<i>Retail Stall</i>	means an ancillary use of land or buildings for the retail sale of produce and goods.
<i>Rural Activities</i>	means agriculture, vegetable growing, organic farming, production forestry, conservation forestry, horticulture, floriculture, beekeeping, viticulture, and the keeping and/or breeding of horses, poultry, pigs and other animals, and ancillary activities.
	For the purposes of this definition:

- a) Production forestry is the management of land for commercial wood production including the preparation of land for planting, but does not include the harvesting, milling or processing of timber;
- b) Rural activities do not include intensive farming meaning mushroom farming, intensive livestock farming including poultry farms, pig farming of more than 10 pigs, animal feed lots and other activities (whether free range or indoors) which have or require:
 - (i) no dependency on the qualities of the soils naturally occurring on the site; or
 - (ii) buildings for the housing and growth of livestock or fungi.

Note: This excludes greenhouses and other buildings used for the growth of vegetative matter.
- c) Ancillary activities includes the fencing of land, constructing accessory buildings or structures, planting shelterbelts, and may include (but is not limited to) the operation of a topdressing strip and helipads, and the application of additives to enhance the life supporting capacity of the soil. This may include (but is not limited to) dairy factory wastewater, whey and dairy factory by-products.

Rural Service Industry

means any land, building or part of a building used for the processing of any of the district's resources, or providing a service to the rural sector or the rural community and includes quarrying.

Secondary Containment System

means a structure or installation that contains the hazardous substance should the primary container fail (for example, secondary containment for a can of petrol could be the building it is stored in).

Selective Removal

means the removal of individual trees or shrubs to prevent a safety hazard or to ensure the continued delivery of a service, where this cannot practicably be achieved by tree trimming.

Serviced Lots

means allotment(s) that have available at their boundary reticulated services for wastewater disposal and/or water supply or for which a commitment exists for the provision of these things prior to the construction of dwellings on the allotment(s).

Service Industry

means an activity where a service is provided to the general public related to the repair and maintenance of trade and domestic goods, vehicles, articles and equipment and also includes printing and publishing operations.

Side Yard

means a yard between a side boundary of the site and a line parallel there to extending from the front yard of the site to the rear yard of the site at a depth specified in the zone.

Significant Indigenous Vegetation and/or Significant Habitats of Indigenous Fauna

means:

- sites identified in [Schedule 4](#);

- an area of indigenous vegetation of 5 hectares or greater, which has an actual or emerging predominance of indigenous tree species of any height (where ‘tree species’ is any species which attains a diameter at breast height of 30 centimetres or greater at maturity);
- any indigenous vegetation over 1 hectare in area with an average canopy height of at least 6 metres;
- indigenous riparian vegetation within 20 metres of a river, lake or wetland listed in [Schedule 5](#);
- areas of indigenous vegetation where the person carrying out the activity knows or should reasonably know that the areas contain plants and/or animals identified in [Schedule 6](#).

Note: Agencies that may be able to assist in determining whether the area contains such plants or habitats include the Department of Conservation, Hawke’s Bay Regional Council, Wairoa District Council, Fish & Game NZ, Federated Farmers, Forest Owners Association; and/or

- Indigenous vegetation and/or habitat of indigenous fauna in an area set aside by national statute or covenant for protection and conservation.

Site

means any area of land comprised wholly in one certificate of title or any allotments as defined by the Act, or any allotments linked pursuant to the provisions of section 37 of the Building Act 1991.

Soil Conservation and Water Management Works

means the management of land to maintain the quantity, quality, and availability of the soil resources, including works for the purpose of mitigating the impacts of land related hazards including flooding, subsidence and erosion.

Storage

means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and emptying of the container. Storage does not include substances in use, or those used as a cooling or heating medium.

Telecommunication Activities

means facilities, services, transmissions and equipment associated with the operation of a telecommunication network and includes microwave stations, radio stations, cell sites, telephone exchanges, cabinets, containers, towers, masts, aerials, antennas, cables, lines, radio links, and satellite dishes and also includes other medium used for telecommunication and Radiocommunication.

Telecommunication

means the conveyance from one device to another of any sign, signal, impulse, writing, image, sound, instruction, information or intelligence of any nature, whether for the information of any person using the device or not.

Temporary activities

means any activity that is of a non-repetitive transient nature and includes entertainment, cultural and sporting events that are a maximum of four days’ duration and that do not

involve permanent structures. Also military training activity, carried out under the Defence Act, that is of a non-repetitive transient nature and maximum duration of 21 days and which does not involve the building of permanent structures.

Temporary Uses and Buildings

means temporary offices, storage sheds, storage yards, builder's workshops and other similar buildings and uses, which are required as incidental to a building or construction project.

Town Centre Activities

means non industrial activities involving commercial transactions; for example, shops (places where goods are sold or offered for sale), offices such as banks, retail outlets, licensed premises, service stations, real estate agents, business premises, restaurants and takeaway shops, supermarkets.

Traveller's Accommodation

means land or buildings used for transient accommodation and includes backpacker hostels, hotels, lodges, farm stay and residential accommodation, which is offered for a daily tariff.

Trimming

means limbing or pruning a tree or shrub whilst maintaining its ability to survive.

Use of Hazardous Substances

when used in the context of hazardous substances, means the manufacturing, processing or handling of a substance or mixture of substances for a particular activity without necessarily changing the physical state or chemical structure of the substance involved.

Use includes mixing, blending and packaging operations, but does not include the filling or drawing of substances from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products.

Utilities

means electrical lines, water, sewage and stormwater reticulation, gas lines, telecommunications, radiocommunications, roads, railway lines, and airports, energy generation facilities, and their ancillary activities; including, but not limited to, all activities undertaken by network utility operators as defined in Section 166 of the Resource Management Act 1991.

Vulnerable

means plant or animal species believed to become endangered in the near future if the causal factors continue.

Well Testing

means the processes employed in petroleum exploration on an initial and intermittent basis to clear and test fluids and hydrocarbons encountered during drilling activities.

Wetland

as defined in Section 2 of the Resource Management Act 1991 but, for the purposes of the rules in [Chapter 23](#) (Indigenous Vegetation and Habitats of Indigenous Fauna), excludes wet pasture and artificially created waterbodies.