

## APPENDIX A: DEFINITIONS

**Abatement Notice** has the same meaning as in Section 2 of the Resource Management Act.

**Access Strip** has the same meaning as in Section 2 of the Resource Management Act.

**Accessory Buildings** in relation to any site means a building, the use of which is secondary to the established Permitted Activity on the site, including garages or carports, and “buildings accessory to” has a corresponding meaning.

**Actively** means a strong emphasis will be placed on encouraging the participation of tangata whenua in the consultation process when activities will have the potential to adversely effect taonga whenua or tangata whenua relationships to taonga.

**Adjoining** means next to and joint with.

**Advertising Signs** means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance or any other thing of a similar nature to attract attention, and includes 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 official signs.

**Amenity Values** has the same meaning as in Section 2 of the Resource Management Act.

**Asset** means any useful or valuable property.

**Avoided** means kept away from or evaded.

**Bedroom** in relation to a household unit means a room generally reserved for sleeping or capable of being used as a bedroom, but does not include a living room, dining room, kitchen, laundry, bathroom or WC, or any combination of such rooms.

**Building** means any structure, whether temporary or permanent, movable or immovable of not less than 2 metres in height, and includes any fence 2 metres or more in height, or a wall or retaining wall and any stack or heap of building materials 1.2 metres or more high.

**Building Line** means a building line shown on the Planning Map. Yard provisions may apply in addition to a building line.

**Camping Ground** means an area of land used or intended to be used for the rent, hire or reward of sites for tents, caravans, or other mobile accommodation, or buildings providing temporary accommodation such as cabins.

**Car Sales Yard** means any land which motor vehicles, caravans, boats or trailers are offered for sale, lease or hire or on which motor vehicles are stored awaiting sale.

**Carport** see Accessory Building.

**Commercial Activity** any activity where profit is the main aim.

**Conditions** has the same meaning as in Section 2 of the Resource Management Act.

**Consent Authority** has the same meaning as in Section 2 of the Resource Management Act.

**Consultation** involves informing people of a proposal not yet firmly decided upon, listening to what others have to say, considering their responses, and then deciding what will be done.

**Contamination** is the process whereby an area of land or other defined location or material becomes corrupted by hazardous substances which have the potential to have adverse health or environmental impacts.

**Contaminant** includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; and
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

**Contaminated Land** means land of 1 of the following kinds

- (a) If there is an applicable national environmental standard on contaminants in soil, the land is more contaminated than the standard allows; or
- (b) If there is no applicable national environmental standard on contaminants in soil, the land has a hazardous substance in or on it that -
  - (i) Has significant adverse effects on the environment, or

- (ii) Is reasonably likely to have significant adverse effects on the environment.

**Controlled Activity** means any use specified in this Plan as a Controlled Activity and has the same meaning as in Section 2 of the Resource Management Act.

**Corporeal goods** means material or tangible goods wares or merchandise.

**Council** means the Kawerau District Council or any Committee, Subcommittee or person to whom the Council's powers, duties and discretion under this district plan have been delegated pursuant to the provisions of the Resource Management Act.

**Corner Site** means a site where two of the street boundaries provide a continuous street frontage of not less than 30 metres, provided that every boundary not being a street frontage is deemed to be a side boundary.

**Coverage** means that portion of a site which may be covered by buildings including accessory buildings.

**Dairy** means a shop which sells food and beverages, deriving a significant part of its trade from the retail sale of milk and ice cream, bread and other day to day requirements, and which may remain open on weekends and public holidays.

**Decontamination** refers to the process of eliminating contamination or hazardous substances from a site or other defined location.

**Development** means the development of a site required to establish or operate a land use and shall include buildings, structures, ground works and landscape.

**Discretionary Activity** has the same meaning as in Section 2 of the Resource Management Act.

**District** has the same meaning as in Section 2 of the Resource Management Act.

**Dwelling** means a self contained residential unit to be used by one household and includes apartments, semi-detached and detached houses, home units, townhouses and similar forms of residential development and includes the construction, removal and demolition of a dwelling.

**Effect** has the same meaning as in Section 3 of the Resource Management Act.

**Entrance Strip** in relation to a rear site means all that part of the site extending from the street frontage to the main part of the site and includes a system of rights-of-way and an access lot.

**Environment** has the same meaning as in Section 2 of the Resource Management Act.

**Environment Court** means the Environment Court constituted under Part XI of the Resource Management Act.

**Erection** in relation to a building, includes the re-erection or structural alteration of, or the making of any addition to the building or the placing of the building on a site, or the relocation of the building from one position on a site to another position on the same site; and “erect” and “erected” have corresponding meanings.

**Existing** means buildings and uses lawfully in existence at the time when an Ordinance or Rule first became enforceable, and lawfully continuing in existence until the time of interpretation.

**Front Site** means a site having direct frontage of not less than the minimum required by the Plan, but does not include a rear or corner site.

**Front Yard** means a yard between the street frontage and a line parallel thereto and extending across the full width of the site, provided that the building line (if any) shall be substituted for the street frontage for the purpose of ascertaining the position of any front yard boundary.

Where part of the site is shown on the Planning Map as proposed street, or proposed street widening, the proposed street frontage shall, for the purpose of all front yard requirements, be substituted for the existing street frontage. For a corner site with two street frontages there shall be two front yards.

**Garage** see Accessory Building.

**Geothermal Power Station** means a facility which uses geothermal steam or heat to drive turbine generators to produce electricity.

**GFA** is Gross Floor Area and means the sum of the floor area or floors of a building or buildings measured from the exterior walls, or from the centreline of walls separating two buildings including mezzanine floors and internal balconies, but excluding space occupied by internal walls, stairwells, external balconies and terraces, rooftop parking areas, machinery rooms and lift shafts.

**GIS** means geographical information system.

**Hazardous Substance** has the same meaning as in Section 2 of the Hazardous Substances and New Organisms Act, 1996.

**Heavy Motor Vehicle** means a heavy motor vehicle (other than a motor car that is used, kept, or available for the carriage of passengers for hire or reward) the tare weight of which exceeds 3500 kilograms, and includes a bus, housebus, motorhome or campervan.

**Height** in relation to a building means the greatest vertical distance between any external part of the building and the ground at that point.

The following are exempted from the height calculation:

- 1 Lift towers, elevators and stair bulkheads, roof water tanks, cooling towers and hose drying towers (together with their enclosures), provided that the maximum dimension parallel to the street does not exceed a total of 8 metres for every 30 metres of frontage.
- 2 Chimneys and flues, provided that the maximum dimension parallel to the street does not exceed a total of 8 metres for every 30 metres of frontage.
- 3 Spires, flagpoles, aerials and wire, chain link or other open or transparent fences, and such finials and similar parts which are only decorative features.
- 4 Freestanding poles and supported wires, radio and telecommunication masts and microwave towers up to and including 20 metres in height, together with associated satellite and microwave dishes and antenna not exceeding 5 metres in diameter, aerials not exceeding 4 metres in length and associated ancillary buildings not exceeding a gross floor area of 30m<sup>2</sup>. Masts may include antennas attached to the mast not exceeding a height of 6 metres above the apex of the mast with a maximum diameter of 75mm.

**High Degree of separation** refers to the maintenance of the low density quality of the rural lifestyle zone, which is characterised by a large spatial entity around dwellings. This provides a psychological and aural buffer from adjoining residences to a greater extent than that experienced by urban residential areas.

**High Voltage electricity transmission line** is an electricity line able to convey a voltage of 110kv or greater.

**Home Occupation** means a business activity that is clearly incidental to the permitted residential use of the site and is conducted for commercial gain.

**House** see Dwelling.

**Household** means the person or persons occupying a single dwelling.

**Household Unit** means the self-contained home or residence of a single household, which contains a single kitchen facility.

**Incompatible Activities** include those activities which are not in accordance with the character of the residential area (ie low density, low rise dwellings with a predominant feature being the open space aspect of the residential community) and may have a

detrimental impact on the residents of the district, in relation to loss of residential amenity and character.

**Industrial Activities** means any organised economic activity concerned with manufacture, processing of raw materials or construction, including the generation and transmission of electricity including buildings and associated infrastructure.

**Inoffensive** refers to signage which contains no material of a sexually explicit nature or that can be judged culturally or politically offensive.

**Land** has the same meaning as in Section 2 of the Resource Management Act.

**Landscaping** means an area which has been planted and, where appropriate, treated with fixtures such that amenities not naturally occurring are present. Such fixtures may include seats, lights, paving, sculptures, notice/display boards, fences and fountains and “landscape” and “landscaped” have corresponding meanings.

**Licensed Premises** means a building and land in respect of which there is, for the time being in force, a licence for the sale of liquor issued under the relevant legislation.

**Lifestyle Development** means any development designed to sustain the lifestyle of a person or persons in a rural environment, characterised by expansive open spaces and large separation distances between dwellings.

**Loading Space** means a space on a site available for a vehicle while being loaded or unloaded.

**Maori Heritage Site** includes any archaeological site or waahi tapu site.

**Minor Works** means works which do not modify geological features including routine maintenance and repair, the erection of information signs, the taking of samples, planting of indigenous species and the control of exotic species.

**Mitigated** means reduced in severity.

**Motel** means land and one or more buildings with self contained units for the transient accommodation of travellers, excluding “Camping Grounds”, but including residential accommodation available on a daily tariff and garaging facilities and may include services such as restaurants, swimming pools, and playground facilities.

**Multi-unit** in relation to residential development means more than one household unit.

**Medical and Paramedical Centre** means professional or consulting rooms for registered medical, dental, paramedical or other health related services, individually or in group practice.

**Net Area** in relation to a rear site means the difference in area between the area of such rear site and the area of its entrance strip.

**Network Utility** means all works undertaken by network utility operators as defined in Section 166 of the Resource Management Act 1991, including infrastructure associated with a network utility as well as, electricity generation infrastructure and facilities of local, regional or national importance.

**Net Public Floor Area** means the sum of any internal floor area of a building freely accessible to the general public or patrons and measured from the inside of exterior walls. It includes toilets and ablution facilities, defined on-site external areas intended for occupation by the public such as outdoor dining/bar facilities and display areas, but excludes space occupied by internal walls, lift shafts, hallways and stairwells, car-parking areas, vehicular loading and unloading areas, fire exits, and any area for which access is restricted to employees or operators of the premises.

**Non-Complying Activity** has the same meaning as in Section 2 of the Resource Management Act.

**Noise Sensitive Activities** means buildings or parts of buildings use for, or able to be used for the following purposes:

- residential activity
- visitor accommodation
- residential care activity
- education activity
- hospital activity
- healthcare activity
- early-childhood care activity
- marae

**Official Sign** means all regulatory traffic and official signs approved by a road controlling authority or provided for under any legislation and which are erected on a legal road or motorway.

**Open Space** means an area of land used for landscaping or outdoor activities, but does not include areas covered by buildings or used for vehicle access or parking spaces.

**Paramedical** includes acupuncturists, chiropractors, osteopaths and physiotherapists.

**Parking Space** means a parking space as required by this Plan, and includes covered parking spaces.

**Permitted Activity** has the same meaning as in Section 2 of the Resource Management Act.

**Poster** includes any poster, placard, handbill writing, picture, painting, engraving, carving, illuminated sign, or other device for attracting attention of passers-by, whether affixed to or incorporated with or painted on to any building or part thereof or other structure, and whether permanently or temporarily so affixed or incorporated or painted thereon.

**Poultry** means domesticated birds kept for eggs or meat production.

**Power station** means an industrial facility for the generation of electric power.

**Preschool** means kindergarten, play centre, Te Kohanga Reo, daycare or child care centre licensed by the Ministry of Education Preschool Advisory Services in terms of the Child Care Regulations 1985 as amended from time to time.

**Privacy** means secluded from the sight, presence, or intrusion of others and their activities.

**Private Hospital** means a building licensed as a private hospital under the relevant legislation.

**Public Parking** means parking provided for the use of the public general whether or not for hire or reward and shall not include parking space as required by this Plan.

**Rear Site** means a site generally to the rear of another site.

**Rear Yard** means a yard in any site other than a corner site, such yard being bounded by the rear boundary of the site and a line extending across the full width of the site, provided that a rear yard in respect of any rear site means a continuous yard bounded by all boundaries of the site, exclusive of the entrance strip.

In the event of there being no rear boundary, as in a triangular site, the boundaries of the rear yard shall be the converging side boundaries of the site, and the arc of a circle drawn with the apex as centre and a radius of 10 metres.

**Relocated dwelling** means any dwelling which was built off the subject site and is, or is proposed to be, repositioned on the subject site. This excludes prefabricated new dwellings or sections of a new dwelling.

**Reserve** has the same meaning as the Reserves Act 1977.

**Residential Activity** means one of the following:

- Dwelling
- Visitor accommodation
- Home occupation



**Residential Building** means any building or part of a building used or able to be used under the provisions of this Plan for human habitation.

**Residential Street** means any street, part of a street or service lane within the district, which adjoins the Residential Zone.

**Restaurant** means any land and/or buildings, or part of a building on, or in which meals are sold for consumption on the premises and includes a tea room.

**Restricted Discretionary Activity** has the same meaning as Section 2 of the Resource Management Act.

**Reverse Sensitivity** is the vulnerability of an established activity to objection from a sensitive land use.

**RMA** means Resource Management Act 1991

**Rural Character** refers to the predominance of expansive open spaces and large separation distances between buildings, which constitute the Rural Lifestyle Zone. Also encompasses the agricultural, and pastoral nature of this area which is reliant on low density development.

**School** shall mean land and/or buildings used to provide regular instruction or training of children including Kohanga Reo and Kura Kaupapa Maori establishments, early-childhood education facilities, primary, intermediate and secondary schools, tertiary education premises, work skills training centres, outdoor education centres and sport training establishments, and their ancillary administrative, cultural, health, recreational or communal facilities. Ancillary facilities include teacher or caretaker residential accommodation.

**Sensitive** refers to an area that may be vulnerable to outside influences, which may detract from the particular quality or character of that area.

**Service Station(s)** means any undertaking where the dominant activity is retail sales of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may also include any one or more of the following:

- retail sales of kerosene, alcohol based fuels, lubricating oils, tyres and batteries, vehicle spare parts and other accessories normally associated with motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment; and
- car wash facilities; and
- warrants of fitness testing; and

- other retail sales subsidiary to the main use of site.

**Shop** means any building or part of a building on or in which goods are sold, exposed or offered for sale by retail to the public and includes a lending library, restaurants, take away food premises, hairdressers and other personal services, and a depot for the receipt and delivery of articles to be cleaned, laundered or dyed, but does not include a service station or car sales premises or yard or licensed premises.

**Side Yard** means a yard which, except for any portion of the site comprised in a front or rear yard, lies between the full length of a side boundary and that in respect of a corner site every boundary not being a street frontage shall be deemed to be a side boundary.

**Signs** includes every sign placed or affixed (whether by painting or otherwise) as advertising matter upon a site and visible from off the site including the board, hoarding or other structure which supports the sign.

**Site** means an area of land permitted by the Plan and by general law to be used as a separate unit for one or more specified or ascertainable uses, and includes all related buildings. A site has legal access to a road. Where a site is partly within the district and partly within the adjoining district, the part of the district within the district will be deemed to be a site for the purpose of this Plan. The exception to this definition is the use of the term 'site' in Part C10 which refers to a location that is contaminated, not a legally defined parcel of land, as outlined here.

**Site Development Plan** in relation to a permitted activity means a preliminary plan of the overall development of a site, indicating the outline and placement of buildings, parking and access, open space and landscaping. The preparation of such a plan will enable Council officers to check the proposal for compliance with the Rules at an early stage, before final plans are prepared.

**Street Appeal** refers to those features of building developments which are visible on street frontages, and may have the potential to be visually appealing.

**Substation** means those parts of works or electrical installations being a building or structure, or enclosure, incorporating fittings that are used for the purpose of control, transformation, transmission or distribution of electricity, but excluding "distribution" substations having a primary voltage of 11000V or less.

**Telecommunication Line** means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor 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 Sign** means any sign not intended for permanent display which is erected on a site to announce a community event, electioneering, identifying a construction site, hazard identification or warning.

**Theatre** means a building used primarily for the presentation of films, concerts or dramatic productions.

**Through Site** means a site having two non-contiguous frontages to a road or roads.

**Townscape** means the visual form of the urban environment as viewed from within that environment.

**Uncontrolled Fill** refers to the release of soil or any other form of fill, in an uncontrolled or random manner, not subject to standards or controls in any form.

**Use** has the same meaning as in Section 9(4) of the Resource Management Act.

**Vehicle Access** means the area of land within the site which provides safe vehicle access to and from the street to any parking or loading space within the site including the necessary manoeuvring area.

**Visitor accommodation** means land or buildings which are occupied as a residence on a temporary basis (periods of less than 3 months continuous occupation) and includes bed and breakfasts, backpackers, homestays, motels, hotels, tourist lodges, holiday flats, motor inns, and accessory workrooms and buildings, reception areas and managers' accommodation

**Yard** means the distance between a boundary or building line which is required by this Plan to be unoccupied or unobstructed by buildings from the ground upwards except for open fire escapes, or decks, terraces and porches where the floor is not higher than 0.6 metres above ground level.

**Zone** means a spatially defined area that groups land use activities together according to anticipated environmentally results.