
21. DEFINITIONS

The definitions included in this section are to be used for the purposes of this District Plan.

Access

Means an area of land which provides access from the road frontage to the main part of the site.

Accessory

Means a secondary or minor component of the main activity on a site.

Accessory building

In relation to any activity means a minor detached building or structure including but not limited to a garage, carport or storage shed, the use of which is incidental to the main activity on the site, and which is located on the same site as the principal building.

Accessory retail

In relation to industrial activities means the sale of goods manufactured or assembled on site, where the retail activity is an accessory activity to that undertaken on the site.

Act

Means the Resource Management Act 1991 and any subsequent amendments.

Advertising Signs and Devices (hereinafter referred to as signs or sign)

Means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, flag, advertising device or appliance, or any other thing of a similar nature to attract attention. They include all parts, portions, units and materials composing the same, together with the frame, background, structure and support of anchorage thereof, and shall also include any of the foregoing things when displayed on parked vehicles and/or trailers.

Amenity values

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Bar

Means premises where liquor is served to the public and where food may also be served.

Biodiversity

The variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part, this includes diversity within and between species.

Building

Has the same meaning as Sections 8 and 9 of the Building Act 2004.

Commercial operations

Means, in reference to the surface of water, includes commercial operations for tourism, entertainment, motorised recreation, or the transportation of cargo or people.

Commercial activity

Means service activities offered to the public, including but not limited to professional offices, commercial offices, banks, finance houses, real estate agents, travel agents, but does not include motor vehicle servicing and repair.

Community activity

Means the use of land and buildings which provides social and cultural services and facilities for the general public in respect of education, religion. Community facilities and leisure, may be associated with health clinics, schools, churches, probation and periodic detention centres.

Conservation planting

Means the planting and management of vegetation to contribute to the protection of conservation values, including for water and soil conservation purposes, recreational, aesthetic, amenity, or ecological purposes.

Contaminant

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Contractors depots

Means land and/or buildings used for administration, and the storage and maintenance of equipment and machinery used in relation to a contracting business, and includes tradesmen and agricultural services.

Corrected noise levels

Refers to the noise levels specified in this Plan where a correction of 5dBA is made for noise of impulsive character (eg hammering) and 5dBA for noise of predominant character (eg hum, screech).

Council

Means the Opotiki District Council, or any committee, or person to whom the Council's powers, duties, and functions have been delegated or transferred pursuant to the Act .

Customer car parking

Means on-site car parking provided for customers in relation to a particular activity

dBa

Means a frequency weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801 : 1991 clause 2.1. definitions of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level.

Developer

Means and includes the holder of any resource consent from any activity involving subdivision, building, or land development work of any kind.

Development plan

In relation to housing development, means a plan and such written description as is necessary to indicate the location of dwellings and any other structures or activities, access for vehicles and pedestrians, location and nature of services, source of water supply and proposed landscaping.

Dwelling

Means a self-contained residence of one household.

Ecosystem

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Education facility

Means land and buildings used to provide regular instruction or training, and includes early childhood centres, primary, intermediate and secondary schools, tertiary institutions, kohanga reo, Te Kura Kaupapa Maori, work skills centres, outdoor education centres, and sports training centres.

Environmental plan

Means a voluntary programme prepared by a landowner in conjunction with the regional council and with input from the Opotiki District Council and the Department of Conservation to address a range of environmental concerns, including riparian management, fertiliser applications and erosion protection measures.

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, where surface or sub-surface, that are reasonably necessary to determine the nature and size of a mineral deposits or occurrence.

Factory farming

Means intensive farming in relation to producing primary produce where the predominant processes are carried out within buildings, including but not limited to cows, steers, poultry, pigs, fungi, and commercial composting activities.

Farm plan

Means a plan agreed between a landowner and the regional council for a programme of soil and water conservation works. Also called a Soil Conservation Property Plan.

Farming

Means a land based activity having as its primary purpose the commercial production of any livestock or vegetative matter other than forestry. Farming includes horticulture, but excludes factory farming.

Food selling premises

Means premises where food is prepared and retailed for consumption on and off site, but excludes the sale of liquor.

Front yard

Means the distance specified between the road boundary and the building setback.

Habitat

Means an environment in which a particular species or group of species lives, and comprises the physical and biotic characteristics that are relevant to the species.

Hazardous facility

Means any activity involving hazardous substances and sites, including vehicles for their transport, at which these substance are used, stored, handled and disposed.

Hazardous substances

Has the same meaning as Section 2(1) of the Hazardous Substances and New Organisms Act 1996.

Height

Means, in relation to buildings, the vertical distance between the ground level and the highest part of the building at the point of measurement, but shall not apply to chimneys, flag poles, aerials, dish antennae 1.5 metres or less in diameter where they are fixed to the building, or street lighting standards, single poles, and pylons.

Heritage resource

Heritage resource means any historic place, waahi tapu site or archaeological site as defined by the Historic Places Act 1993; and items, including notable trees, objects or features.

Home occupation

Means an occupation, craft, or profession, carried out in a dwelling by a resident of the dwelling concerned and not more than one other person.

Identified coastal hazard area

Means an area identified in a statutory document such as a regional plan as being liable to erosion, slippage, or inundation by the sea.

Impermeable surface

Means a surface which is formed so that water can not pass through it.

Indigenous vegetation

Means any plant species found naturally in New Zealand. This does not apply to indigenous vegetation growing up under a planted exotic forest.

Industry

Means the production, processing, assembly, servicing, testing, repair, cleaning, painting, storage and/or warehousing of any materials, goods or products, vehicles or equipment, and also includes transportation service activities, and includes tradesmens depots, and contractors depots.

Intensive farming

Means raising or keeping plants or animals substantially within buildings or enclosures, and includes poultry farming, intensive pig farming, rabbit farming, mushroom farming, commercial kennels and catteries, but excludes growing horticultural plants or produce under cover.

Intensive pig farming

Means keeping pigs mainly within buildings or outdoors without ground cover being maintained.

kV

Means one thousand volts.

L₁₀

L10 means the L10 exceedance level, in A frequency weighted decibels, which is equalled or exceeded ten percent of the total measurement time. See NZS 6801 : 1991 clause 2.2 definition of exceedance level.

Landscaping

Means the planting of trees, shrubs, and ground cover for amenity purposes and may include provision for physical features such as paving and walls.

Land Use Capability (LUC) Assessment

Means an assessment that focuses on the land's capacity for sustained productive use taking into account physical limitations, soil conservation needs and management requirements. Although LUC assessments should not be confused with recommended land use or present land use, these can inform which soils are more productive than others, and which should be retained and protected

for their versatility. Class is the most general, classifying land from I (the most versatile and productive class) to VIII (the class with most limitations to use).

Licensed premises

Means any land or buildings for which a liquor licence has been issued under the Sale of Liquor Act 1989.

Limited access road

Has the same meaning as contained in the Transit New Zealand Act 1989.

Lmax

Lmax means the maximum A-frequency-weighted sound level (dBA L max) during a stated time period. See NZS 6801 : 1991 clause 2.1 definition of maximum sound.

Loading space

Means that portion of a site including buildings, used for loading vehicles as required by this District Plan, and includes a loading dock.

Lot

Means an allotment as defined in Section 218 of the **Act** and includes :

1. Front lots which meet the minimum frontage standards for subdivision in the zone.
2. Rear lots which are generally located to the rear of front lots, do not meet the frontage standards in the zone, and which obtain access by way of access strip on private road.

MHWS

Means Mean High Water Springs, which is the average line of spring tide and which is used for the purposes of determining land potentially affected by coastal hazard.

Maintenance, upgrading and replacement

Means any work any work necessary to continue the operation and/or functioning of a public work or network utility and shall also provide for the replacement of an existing line, building, or similar structure or facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar height.

Maori land

Means Maori customary and freehold land as defined in Te Ture Whenua Maori Act 1993, and excludes general land owned by Maori and other land in general title.

Marae

Means the open space in front of a meeting house located on Maori owned land, administered by Marae Trustees and relates to the grounds within the boundaries where cultural and ceremonial occasions are centred, and shall for the purposes of this District Plan include buildings and structures on marae complexes where these include whareniui, wharemate, wharekai, kohanga reo, and associated ablution facilities.

Mining

Means to take, win or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration.

Minor upgrading

Means an increase in the power carrying capacity, efficiency, or security of electricity and associated telecommunication facilities, utilising the existing support structures or structures of a similar scale or character and includes:

- (i) the addition of circuits and/or conductors;
- (ii) the reconductoring of the line with higher capacity conductors;
- (iii) the resagging of conductors;
- (iv) the addition of longer more efficient insulators;
- (v) the addition of earthwires (which may contain telecommunication lines, earthpeaks and lightning rods);
- (vi) the replacement or alteration of an existing telecommunication antenna.

Minor upgrading shall not include:

- (i) an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage

Moturiki datum

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

Multiple dwellings

Means more than one **dwelling** on a site, whether attached or detached.

Natural character

Those activities of the environment that give New Zealand its particular, natural and distinctive character. These qualities may be ecological, physical, spiritual, cultural, or aesthetic in nature. They include natural and modified environs.

Network utility

Means any component of a network that is operated by a Network Utility Operator as defined in Section 166 of the Resource Management Act 1991.

Noise levels

Exclude noise from an activity which excludes noise from vehicles being driven on the road.

Noise Limit

Means an L10 or Lmax sound level in A-frequency-weighted decibels that is not to be exceeded.

For the purposes of this Plan the following additional provisions shall limit application of NZS 6802 : 1991.

- (a) Adjustments for special audible characteristics, if present, as provided for in clauses 4.3 and 4.4 of the Standard, shall apply and will have the effect of imposing a numerical noise limit 5 dB more stringent than those L10 numerical limits stated in the Plan.
- (b) Where measured noise levels are averaged as provided for in clause 4.5 of the Standard, the L10 value shall be determined by an energy average (inverse logarithmic mean) of any four L10 measurement sample time intervals on the same day. Sample time intervals must include the sound under investigation. The total measurement period should be representative of any variations in the character and range of sound levels for the sound under investigation during any period of concern. Such a period may relate to a specific time of day when a sound is alleged to be a problem, or to a particular type of sound source. The total time interval over which measurements for the purpose of determining an average sound level are made shall not exceed four consecutive hours in any 24 hour period including night-time.

Notional boundary

Means a line 30 metres from any part of any rural dwelling or the legal boundary where this is closer to the dwelling.

Official signs

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.

Organised water event

Includes, but is not limited to boat races, regattas, where the event does not total more than one event more than four days in one year.

Papakainga housing

Means residential occupation of **Maori land** in multiple ownership.

Places of assembly

Means land or buildings which are used for meetings, entertainment, recreation, or similar purposes, and includes churches, halls, clubrooms, theatres.

Plantation forestry

Means the activities that are undertaken for the purposes of managing planted production forestry for the production of a wide range of timber and other products, and includes planting, silviculture, and harvesting.

Practical building platform

Means an area where a building can be established in compliance with the District Plan and taking into consideration such matters as the topography of the land, effluent disposal, visual impact, protection of native forest or trees, cultural sites, and heritage sites.

Professional Office

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

Prospecting

Means any activity undertaken for the purpose of identifying and likely to contain exploitable mineral deposits or occurrences; and includes

- a. Geological, geochemical, and geophysical surveys
- b. Aerial surveys

Where the taking of samples by hand or hand held methods, and excludes prospecting for single residential water supply.

Protection forestry

Means the planting, replanting, cultivation, and management of trees for soil conservation, riparian management or river control purposes.

Protection lot

Means an allotment created at the time of subdivision for the protection of an ecological, historical, or cultural feature, or to enhance access to the coast, a river or a **water body**. Legal protection of the feature will be secured by way of a covenant or other method.

Public Carparking

Means the provision of carparking available to the general public and which is the main activity on the site.

Quarrying

Means the extraction of minerals from the earth and includes that removal of overburden and the erection and maintenance of machinery and buildings and other work connected with such activities.

Reinstatement Works

Means the repair or replacement of any rotten or defective fabric of the structure where damage has resulted from relocation, or as to comply with the provisions of the Building Act 2004. It shall include works necessary to ensure that the building is not dangerous or insanitary.

Replacement of Network Utility Structures

Means the replacement of any network utility support structure or component part where the replacement occurs in the same or similar location and is of the same or similar scale, intensity and character.

Requiring authority

Has the same meaning as Section 166 of the Resource Management Act 1991.

Residential care facility

Means an activity providing residential accommodation for eight (8) or more people who need physical, medical, or psychiatric support, and who are unable to live independently.

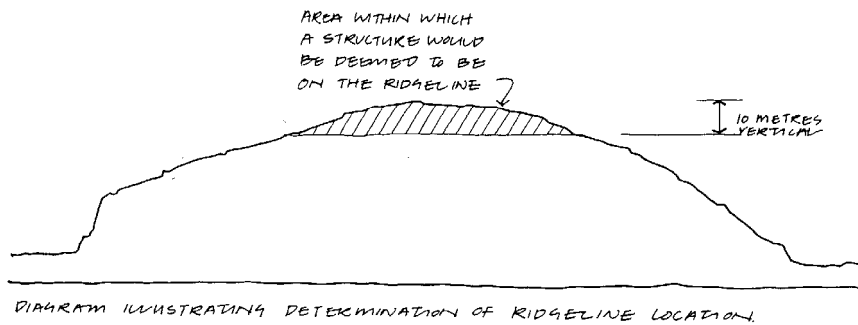
Restaurant

Means a commercial business providing meals with or without liquor.

Retail activity

Means an activity where goods are displayed, sold or offered for sale or hire to the general public.

Ridgeline



Riparian management area

Means an area of direct interaction between land and water ecosystems; that land immediately bordering or adjoining any water body.

Road

Has the same meaning as Section 2 of the Resource Management Act 1991 and Section 43 of the Transit New Zealand Act 1989, and does include a private road, private way, or service lane.

Rural industry

Means an **industry** undertaken within the rural areas of the district, and where the industrial activity is associated with the predominant rural activity undertaken on the site.

Rural selling place

Means a rural selling place being building or buildings and associated driveways, access ways, car parking and manoeuvring areas used for the sale to the public from the site of produce or goods grown or crafted on-site.

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.

Service station

Means any activity where the dominant activity is the retail sales of motor vehicle fuels (including petrol, LPG, and diesel) and may also include one or more of the following:

- (i) 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).
- (ii) Warrants of fitness testing
- (iii) Ancillary sale of convenience goods
- (iv) The mechanical repair and servicing of motor vehicles.
- (v) And other retail sales subsidiary to the main use of the site.

Sign

Includes any advertising device, such as names, figures, characters, pictures, notices and placards on any surface including walls, vehicles, fences, including carving in wood or stone, to attract attention, and includes any background, frame, or other supporting structure, except for poles supporting signs.

Site

Means an area of land required for the establishment of an activity which meets the requirements of the Plan for that activity and which may include part or all of a lot or more than one lot.

1. **Front site** means a site having direct frontage to a road.
2. **Rear site** means a site located generally to the rear of another site and which obtains access by way of an access strip or private road.

Site area

Means:

1. In relation to rear sites, means the site area exclusive of land used for access.
2. In relation to front sites, means the total site area, exclusive of land used for access.

Site coverage

Means that proportion of the site which may be covered by buildings or impermeable surfaces but does not include uncovered terraces or uncovered decks exceeding one metre at ground level.

Support Structure

Means any mast, tower, pole, or similar structure used or intended to be used for the support of lighting devices, lightning rods, signs, aerials, antenna and/or lines.

Means, in relation to Network Utility structures, the vertical distance between the ground level and the highest part of the structure.

Telecommunications facility

Means antennas, aerials, masts and poles used in the conveyance of telecommunications as defined in the Telecommunications Act 1987, and their supporting structures.

Temporary activity

Means any activity associated with carnivals, fairs, galas, public meetings, filming, concerts sporting and other special events and associated temporary buildings and structures where such activities or structures do not remain on site for more than seven days in any one year.

Temporary building

A structure related to the construction or maintenance of an activity. The temporary building shall not exceed 10m², and will be removed from the site immediately upon completion of construction or maintenance activities.

Temporary living unit

Means a tent or caravan or other mobile vehicle expressly intended as temporary accommodation for holiday makers.

Temporary military training activity

Means the temporary use of land, water, or buildings for the purpose of training personnel covered by the Defence Act 1990. The nature of the activity is transient, has no adverse permanent effects, and the site is reinstated. The activity does not involve the construction of permanent structures or excavation, unless otherwise provided for in this District Plan.

Temporary recreation

Any motorised sport, or noise generating sport as part of a sporting or cultural event provided no more than two events totalling a maximum of four days or less in any one year.

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 and warning, or a real estate sign in relation to the sale of land or buildings on the same site. The sign shall be removed upon completion of the event, or upon the time the sale of any structure is unconditional.

Total floor area

Means the floor area of all floors of all buildings on a site related to a particular activity.

Traffic sight line

Means a line of site between two carriageways and not less than 1 metre above a line drawn between them.

Vehicle and machinery sales

Means the display for sale, lease or hire of motor vehicles, motorcycles, caravans, boats, trailers, and farm machinery.

Versatile Soils

Means land classified as Land Use Capability I, II or III on the New Zealand Land Inventory Worksheets (as amended in the 1986 Second Edition), in accordance with "Milne, J. D. G.; Clayden, B.; Singleton, P. L.; Wilson, A. D. 1995: Soil Description Handbook (revised edition) Manaaki Whenua Press, Lincoln, New Zealand" or as alternatively further refined by a soil scientist qualified and experienced in soil and land classification using the above criteria at a more detailed scale. This may exclude Class III soils which have a **severe** soil limitation such as a shallow soil profile, stoniness, rock outcrops, low soil moisture holding capacity, low fertility (where this is difficult to correct), salinity or toxicity.

Versatility and Versatile land shall have a corresponding meaning as **Versatile Soils**.

Visitor accommodation

Means accommodation provided for payment for overnight or short term visitors, and includes homestay, farmstay, motels, hotels, lodges, and camping grounds.

Water body

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Yard

Means that part of a site which is required to be kept free of buildings, not including a fence, boundary wall or retaining wall not exceeding 1.8 metres, provided that the eaves of a building may project over any yard by not more than 0.6 metres or one quarter of the width of the yard, whichever is the greater.