
SECTION 20 - DEFINITIONS

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ACCESSORY BUILDING:

means a building on any site which is incidental to an activity which is allowed on such site.

ACCOMMODATION UNIT:

Applies only within the Special 16 (Omaha South Development) Zone.

means a building or part of a building providing travellers accommodation for up to six persons in a maximum of three bedrooms.

THE ACT:

means the Resource Management Act 1991 or any Act passed in substitution therefore.

ADEQUATE SANITARY DRAINAGE:

means in relation to a site either:

- (a) That it is possible to connect the site to an approved sewage disposal system; or
- (b) That the ground porosity of the site is such that, if the building on the site were permanently and continually occupied at the normal occupancy rate, sewage effluent could be disposed of on the site in such a manner as not to cause a nuisance on the site or to adjoining properties.

ADEQUATE STORMWATER DRAINAGE:

means in relation to a site either:

- (a) That it is possible to connect the site to an approved stormwater disposal system; or
- (b) The site is such that the stormwater could be disposed of on the site in such a manner as not to cause a nuisance on the site or to adjoining properties and not to cause pollution or siltation of nearby water bodies.

AGRICULTURAL CONTRACTOR DEPOT:

means an area of land and buildings for the administration, and the storage, maintenance and refueling of vehicles and machinery used on a contract basis on farms.

AMUSEMENT CENTRE:

means premises which provide principally for indoor entertainments such as pool, snooker, ten pin bowling, shooting, slot machines, electronic games or a combination of such entertainments.

APPROVED:

means approved by the Council.

ARABLE FARMING:

means farming which involves ploughing of the land in preparation for extensive cropping, but does not include horticulture.

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AQUATIC PLANT PEST:

means any of the following:

African feather grass (*Pennisetum macrourum*); Alligator weed (*Alternanthera philoxeroides*); Arrowhead (*Sagittaria montevidensis*); Bladderwort (*Utricularia gibba*); Bogbean (*Menyanthes trifoliata*); Clasped pondweed (*Potamogeton perfoliatus*); Eel grass (*Vallisneria gigantea* - Lake Pupuke variety); Eel grass (*Vallisneria spiralis* - Meola Creek variety); Egeria (*Egeria densa*); Fringed water lily (*Nymphoides peltata*); Hornwort (*Ceratophyllum demersum*); Houttuynia (*houltuynia cordatum*); Hydrilla (*Hydrilla verticillata*); Lagarosiphon (*Lagarosiphon major*); Mauchurain wild rice (*Zizania latifolia*); Marshwort (*Nymphoides geminata*); Nardoo (*Marsilea mutica*); Pampas grass (*Cortaderia selloana*, *Cortadetiia jubata*); Parrot's feather (*Myriophyllum aquaticum*); Phragmites (*Phragmites australis*); Sagittaria (*Sagittaria graminea* ssp. *platyphylla*); Senegal tea (*Gymnocoromis spilanthoides*); Spartina (*Spartina* spp.); Water poppy (*Hydrocleys nymphoides*); Water primrose (*Ludwigia peploides* ssp. *montevidensis*); Yellow flag (*Iris pseudacorus*); Yellow watch lily (*Nuphar lutea*).

BOAT:

includes all forms of water craft and rafts, but does not include a houseboat or permanently moored pontoon.

BOARDINGHOUSE (HOSTEL):

means a residential building in which lodging and/or boarding is provided or intended to be provided (with or without reward) for 5 or more lodgers, (other than members of the family of the occupier or person in charge or control of the building), and includes a halfway house, private hotel and a guest house, but excludes a motel, and premises licensed under the Sale of Liquor Act 1962, or any Act in substitution therefor.

BOUNDARY RELOCATION:

means a resubdivision of existing titles which complies with the requirements of the relevant rule and involves either a change in the position of existing boundaries, or the enlargement or diminution of the size of existing sites, or the consolidation of existing sites, or the relocation of an existing site or sites or any one or more of those circumstances.

BUILDING:

means any structure, whether temporary or permanent, moveable or immovable, and includes any fence or wall and any stack or heap of materials, but excludes any such structure which is less than 1.8 m in height.

BUILDING AREA:

means an area of land suitable for a building platform for a household unit, and an area of open space for outdoor living not exceeding twice the gross floor area of the household unit.

CAMPING GROUND:

means a camping ground as defined in the Camping Ground Regulations 1985, or any Regulation substituted therefore, excluding Relocatable Home Parks, and includes the use of a site for camping for more than 3 days in any 12 month period by more than 10 people at any one time. A camping ground may include residential accommodation, caravans, baches, cabins, huts, motel or similar structures not intended for permanent accommodation, and garaging facilities, and may include services by way of

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shops, restaurants, swimming pools, playground facilities and the like, provided that these are ancillary to the camping ground.

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CHILD CARE FACILITY:

means land and buildings for the care, education and welfare of pre-school age children, and includes a child care centre, creche, day nursery, playcentre and kindergarten.

CLEAN FILL SITE:

means a site for the deposition of the following materials only:

Materials of natural content, such as soil, clay, concrete, brick or demolition materials, which are free of combustible materials and are not subject to biological or chemical breakdown, but does not include domestic, commercial and industrial wastes, hazardous wastes, or timber, or trees and garden trimmings; provided that in the case of demolition materials, minimal quantities not exceeding 5% of any one truck load of untreated timber still firmly embedded or attached to concrete or brickwork is acceptable.

CLUSTER HOUSING:

means a type of low-density housing where household units are in proximity to each other or in a number of groups in proximity to each other.

COMMERCIAL SERVICES:

means services such as data processing, photocopying and duplicating, typing, jobbing printing, research and diagnostic laboratories, and jewellery, instrument and light mechanical and electrical repairs, but excludes motor vehicle servicing and repairs.

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COMPREHENSIVELY DESIGNED MULTIPLE HOUSEHOLD UNITS:

means a household unit development in which the design of buildings, their layout, access and relationship to one another has been planned as a whole to achieve compatibility between all buildings on a site.

THE COUNCIL:

means the Rodney County Council or the Rodney District Council or any Committee, Sub-Committee, or person to whom the Council's powers, duties and discretions under the Act have lawfully been delegated pursuant to the provisions of the Act.

DAIRY:

means a shop deriving a substantial part of its trade from the retail sale of milk, bread and other day-to-day requirements and which may be open for trade on weekends and public holidays, but excludes takeaway food bars.

DEPOT:

means a site or building used for storage and maintenance of machinery, plant and equipment, and the storage of materials either inside or outside, and includes depots used for transport, trucking, contracting, courier or agricultural contracting services, but excludes the use of outdoor areas for the storage of recycled or second hand buildings and goods.

DEVELOPER:

Applies only within the Special 16 (Omaha South Development) Zone.

Means any person carrying out development.

DEVELOPMENT:

Applies only within the Special 16 (Omaha South Development) Zone.

Means any activity undertaken to change the scale, character or intensity of any use of land, and includes any building activity or subdivision.

DUMPING:

means the disposal of waste or other matter into the sea or onto tidal lands, other than as part of an authorised reclamation.

EARTHWORKS:

Applies only within the Special 16 (Omaha South Development) Zone.

means the disturbance of land surfaces by the removal or deposition of material, excavation, filling or the formation of roads, banks, tracks, but excludes the cultivation of land and the digging of holes for the erection of posts or the planting of trees, landscaped area and gardens.

ENTRANCE STRIP:

means, in relation to a rear site, all that part of the site extending from the street frontage having a width less than 7 m.

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ERECTION:

in relation to any building includes the re-erection or structural alteration or the making of any addition to the building or replacing of the building on a site, or the removal of the building from one position to another position on the same site; and "erected" and "erect" have corresponding meanings.

ESTABLISHED AREA

for the purposes of Section 3 means land defined as such in the following table:

	Where the land had a Residential zoning prior to 15 February 1994 it is deemed to be within the:	Where the land had no Residential zoning prior to 15 February 1994 it is deemed to be within the:
AREA OF SITE 1 hectare or less	"ESTABLISHED AREA"	"NEW URBAN AREA"
AREA OF SITE Greater than 1 hectare	"NEW URBAN AREA"	"NEW URBAN AREA"

EXCLUSION AREA:

means, in relation to an LPG installation, those areas in which no dwellings or any other buildings or any place of regular occupation (including hospitals or schools) other than the service station itself, are present. Where the installation is not related to a service station, the exclusion area shall apply to all buildings or other places of regular occupation which function independently of the activity occupying the site, unless all parts of the building affected by the exclusion area are adequately protected by an appropriate standard of fire-rating.

FACTORY:

means a building or part of a building or land used for packaging, processing, assembling or manufacturing goods or materials for sale, gain or service.

FARM:

Means a site on which farming takes place but excludes a site suitable only for residential or conservation purposes.

FARM DWELLING:

means a dwelling necessary for the efficient farming of the site on which it is located.

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FARMSTAY/HOMESTAY:

means the accommodation of visitors (paying guests) in household units allowed in the zone.

FITTING OUT:

means any of the boat building operations that occur between completing the hull and decks and completing the finished boat.

FLOOR AREA RATIO:

Means a ratio where the gross floor area of buildings on any one site is determined by the net lot area. For example, where a property has a net lot area of 1,000m² and the Floor Area Ratio is 1:0.30, the total gross floor area of all buildings on that site shall not exceed, when added cumulatively, 300m².

FORESHORE:

means such parts of the bed, shore or banks of a tidal water as are covered by the flow and ebb of the tide at ordinary spring tides.

FORESTRY:

means the use of land for the planting, tending and harvesting of trees for commercial gain, including the location and operation of mobile sawmill facilities on a site for no longer than three months in any 12 month period, but excludes any other sawmilling or timber processing.

FORMED ROAD:

means a road which has been formed and is maintained as a road by the Council or Transit New Zealand.

FRONTAGE:

In relation to a site means the boundary line on which the site abuts an existing formed road maintained by the Council, except that in relation to rear sites frontage includes the frontage which may be gained over a jointly owned access lot, right of way for the benefit of the sites, or combination of both.

FUNERAL PARLOUR:

means premises used for the purpose of directing or conducting funerals and may include mortuary facilities, buildings or parts thereof set aside as a funeral chapel and facilities for the cremation of persons whose funeral has been conducted on the premises.

GARAGE:

means a domestic building used for the housing of vehicles and includes a carport.

GARDEN CENTRE:

means any land and/or buildings used for the purposes of retailing or wholesaling garden supplies to the general public including large garden items such as fence and paving materials, garden furniture, gardening tools and domestic garden fertilisers.

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GREENHOUSE:

includes glasshouse, shadehouse and buildings covered in translucent plastic designed to protect crops from the environment.

GROSS FLOOR AREA:

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

GROSS LEASABLE AREA:

means the total sum of any floor areas (within the external walls for buildings or boundary for outdoor areas) designed for tenant occupancy and exclusive use including both freehold and leased areas. GLA includes any stock storage and preparation areas whether exclusive or not but excludes the following areas where common and not designed for rental:

- (a) common lift wells and stairwells, including landing areas;
- (b) common corridors and malls;
- (c) common toilets and bathrooms;
- (d) any parking areas or loading areas;
- (e) electrical/mechanical rooms. [Amendment 55 as modified by ENV-2006-AKL-000105]

GROSS SITE AREA:

means the total area of a site including any entrance strip.

HABITABLE ROOM:

means any room in a household unit other than:

- (a) a laundry, bathroom or toilet,
- (b) any room designed to be used solely as an entrance hall, passage way, storeroom or private garage,
- (c) any room which does not comply with the minimum areas and heights specified in the building bylaws.

HAPU:

means a sub-tribe of Maori people with close family ties.

HAZARDOUS SUBSTANCE:

means dangerous goods as defined by the Dangerous Goods Act 1974, or any Act in substitution therefore, toxic substances as defined by the Toxic Substances Act 1979, or any Act in substitution therefore, and any other inflammable, toxic, explosive, infectious, radioactive, or other substance which may impair human, plant or animal health.

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HEALTH AND WELFARE SERVICES:

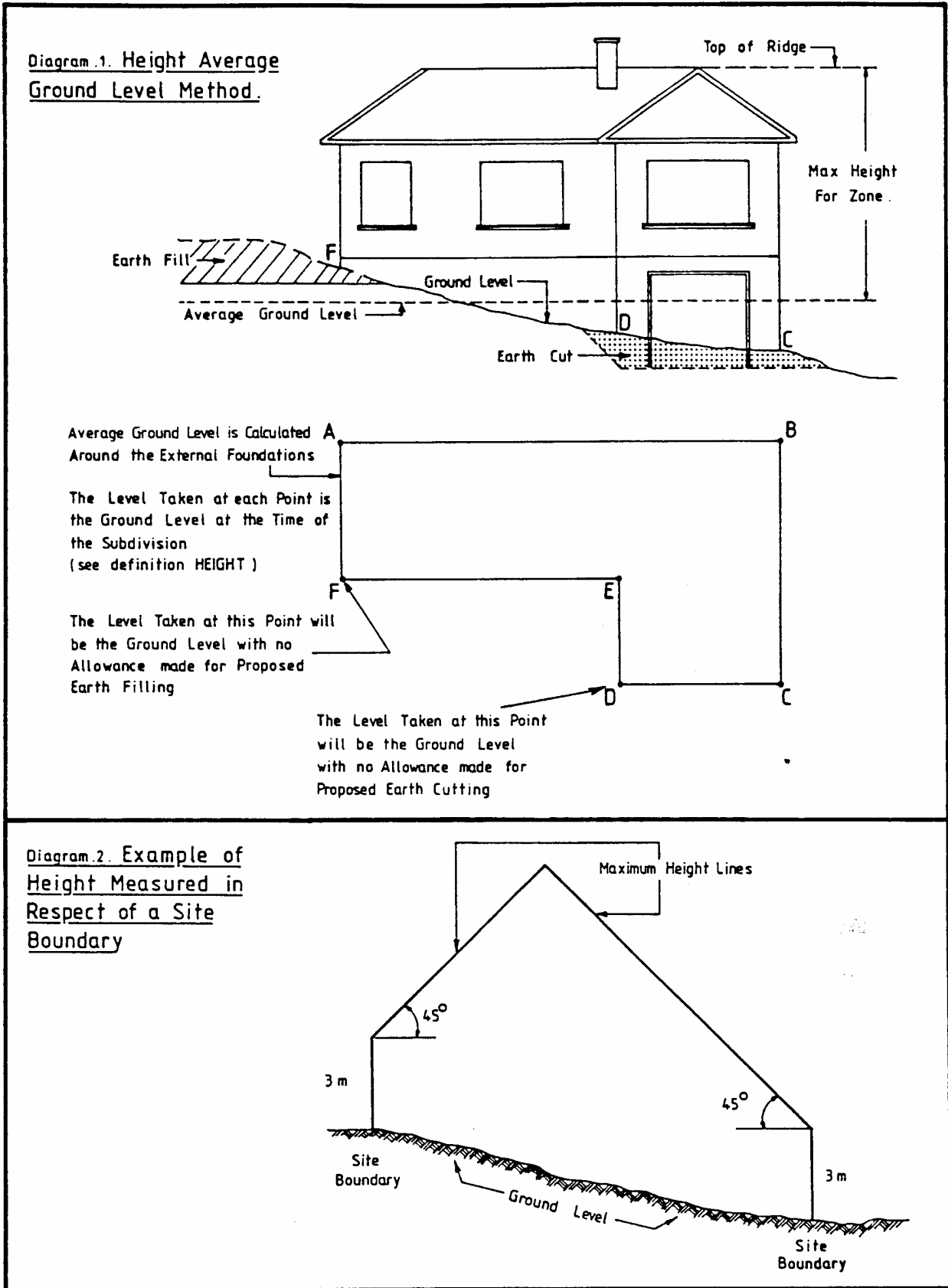
means services relating to the physical and mental health and welfare of people including, for example, dentists and medical practitioners, medical centres and homeopaths.

HEIGHT:

- (a) In relation to any building means the vertical distance between the highest part of the building and average ground level (Diagram 1).
- (b) Where the District Plan requires height to be measured in respect of a distance from a site boundary, the height measurement shall be made above the ground level at the site boundary (Diagram 2).
- (c) For a fence, boundary or retaining wall, or any combination thereof, means the vertical distance between ground level at any point and the highest part of the structure immediately above the point.
- (d) For the purposes of this definition:
 - (i) Ground level means the finished level of an approved subdivision.
 - (ii) Average ground level means the average ground level at the external foundations of a building, provided that where a building does not have a continuous foundation line then the ground level directly beneath the downward projection of the exterior faces of the exterior walls shall be used.
 - (iii) Highest part of the building means the highest part of the main building and parapets, but excludes aerials and their supporting structures not exceeding 100 mm maximum diameter, chimneys, spouting external to a fascia board, turrets, lift or water towers, or any other such projection; and excludes free standing broadcasting radio and television receiving aerials up to 10 m in height.

DIAGRAMS 1 AND 2

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HIGH CONSERVATION VALUES:

means, for the purposes of section 229 of the Act, the presence of one or more of the following characteristics:

- (i) High or potential high value as habitat for or associated with native fauna.
- (ii) Comprises significant indigenous vegetation.
- (iii) Considered to comprise an integral part of an outstanding natural feature or landscape.
- (iv) Considered to require protection (as a reserve) in order to safeguard the life-supporting capacity of the adjacent waterway (which must be of high conservation value in terms of habitat and/or landscape/natural character).
- (v) Adjoins and has a functional relationship with an area identified in the Regional Plan: Coastal as a coastal protection area.

HIRE PREMISES:

means land and/or building(s) or part thereof used for the purposes of hiring machinery and equipment, including the storing, servicing and maintenance of such machinery and equipment.

HOME OCCUPATION:

means an occupation, business, trade, craft or profession which is carried out in association with a household unit, and

- (a) is subordinate to the residential activity; and
- (b) the activity occupies an area not greater than the equivalent of:

Residential Zones: 25% of the gross floor area of the household unit and buildings accessory thereto.

Rural Zones: 25% of the gross floor area of the household unit; and 25% of the gross floor area of accessory buildings up to a maximum of 75m² (except as provided for as a discretionary activity in the Rural 1 Zone); and

- (c) in Residential Zones is engaged in by at least one person who resides permanently on the site, and no more than three persons overall.

in Rural Zones is engaged in by at least one person who resides permanently on the site, and no more than two who reside off the site, and no more than five persons overall; and

- (d) is carried out without detracting from the amenities of the neighbouring properties of the locality by reasons of dust, smoke, smell, fumes, noise, vibration, effluent, unsightliness, glare or electrical interference or other objectionable elements; and
- (e) is not significantly different in generated characteristics, including the generation of traffic and parking, from the residential function of a household unit; and
- (f) there is no exterior display, no external storage of materials unless they are screened from view from land beyond the site boundary, and no other external indication of the home occupation (except for signs as pursuant to the Council's bylaws); and

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- (g) the activity operates only between the hours of 7.00 a.m. and 10.00 p.m. (Monday to Saturday); and
- (h) does not include:
- the sale of produce or goods from the site unless otherwise allowed; or
 - any activity involving panelbeating, spray painting, motor vehicle repairs, heavy trade vehicles, sheet metal work, wrecking of motor vehicles, bottle or scrap metal storage, rubbish collection service, wrought iron work or manufacture, motor body building, fibreglassing, fish or animal processing, commercial breeding or boarding of animals or birds; or
 - the use of the premises as a depot or hire centre and
- (i) for non-rural zones the activity complies with the following noise controls:

No activity shall be allowed to create any mechanical or amplified noise which results in the following criteria being exceeded:

- (i) The corrected noise level (L10) as measured on or at the boundary of any site should not exceed the following limits:

Monday to Friday	0700-1800 hrs	45dBA
All other times, including Public Holidays	0900-1800 hrs	40dBA

- (ii) The background noise level (L95) as measured on or close to the boundary of any site shall not exceed the following limits:

Monday to Friday	0700-1800 hrs	40dBA
All other times, including Public Holidays	0900-1800 hrs	35dBA

- (iii) Notwithstanding the above standards and compliance with them, the relevant provisions of any legislation or Council bylaws may also be invoked by the Council to control any noise which has become an objectionable element.

- (iv) The noise level shall be measured and assessed in accordance with the requirements of New Zealand Standards NZS6801 : 1991 Measurement of Sound and NZS6802 : Assessment of Environmental Sound. The noise shall be measured with a sound level meter complying at least with the International Standard IEC L51 (1979) Sound Level Meters, Type 1.

- (j) For rural zones the activity complies with the noise controls set out in Section 2.3, Development and Environmental Controls, Proposed Plan Change 55.

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HOME FOR THE AGED:

means premises licensed as a home under the Old Peoples' Homes Regulations 1987 or any Regulation in substitution therefore.

HORSE TRAINING:

means the accommodation and training of horses in preparation for racing.

HORTICULTURE:

means intensive growing of plants, flowers, fruit or vegetables outdoors (as in market gardens); in artificial shelters (as in shade houses); or indoors (as in greenhouses); and includes orcharding and vine growing.

HOSPITAL:

means any public or private hospital within the meaning of the Hospitals Act 1957 of any Act in substitution therefore.

HOTEL:

means any land or building where accommodation is provided for the travelling public and in or from which liquor is lawfully sold for consumption on the premises, whether or not liquor is also lawfully sold for consumption off the premises, and includes hotel centres, an integrated complex of residential, commercial, service and recreational uses associated with and including a hotel, whether or not the non-residential uses are restricted to hotel guests.

HOUSEBOAT:

means a floating structure primarily designed to provide overnight accommodation as opposed to transport or recreation.

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HOUSEHOLD:

means a housekeeping unit whether of one or more persons.

HOUSEHOLD UNIT:

means a room or rooms used or intended for habitation by one household and complying with the Council's bylaws.

Single Household Unit:

means a household unit which is the only household unit on a site.

Multiple Household Unit:

means household units forming part of a development comprising two or more household units located on a site.

HOUSEHOLD UNIT EQUIVALENTS:

Applies only for the purposes of determining household unit equivalents in the Residential 11 (Omaha Limited Development) Zone as stated in 3B.13. Policies (c) and Rules 3.3 and 3.4.

Means:

(a) In the case of buildings:

- One household unit for every household unit, and for any other building used for accommodation, means 0.4 of a household unit for every room intended to be used for sleeping accommodation;
- For shops, means one household unit for every 10 persons employed;
- For schools, means one household unit for every 16 pupils enrolled;
- For places of assembly means one household unit for every 50 persons admitted;
- For hospitals means five household units for every four beds;
- For taverns and restaurants means one household unit for every seven patrons allowed;
- For service stations (not including car wash facilities) means one household unit for every 10 persons employed.

(b) In the case of camping grounds:

- 0.6 of a household unit for every camping site as defined by the Camping Ground Regulations 1985.

HOUSING FOR THE ELDERLY:

means residential accommodation provided for elderly persons, where there are two or more units for this purpose, and may include the provision of medical, community, recreational and other activities appropriate to the functioning of such residential accommodation.

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INDEPENDENT FARMING UNIT:

means a sufficiently sized unit for the intended or established activity to provide an income sufficient to meet all reasonable outgoings including debt servicing and drawings necessary to sustain a family (two adults and two dependent children for the purpose of this definition) living on the site without recourse to supplementary income. (In any assessment the Council may require a financial report to attest the independence of the farm unit.)

INDEPENDENT GROWER:

means a grower producing horticultural produce from a site that is legally and physically separate from that operated by any other member of a legal co-operative set up for the purpose of joint sales of horticultural produce.

INTENSIVE FARMING:

means a primary production activity which does not rely upon the productive capacity of the soil, but does not include greenhouse production of plants, flowers, fruit or vegetables in artificial growing media. Intensive farming includes but is not limited to pig farming, poultry farming for eggs or meat, fitch farming, rabbit farming, mushroom growing and aquaculture.

KOKIRI CENTRE:

means a skills training centre usually associated with a marae.

LIMITED ACCESS ROAD:

means any road declared to be a Limited Access Road under Section 346A of the Local Government Act 1974 or Section 153 of the Public Works Act 1981. Crossing places and types of traffic movement onto the road are controlled by the authority declaring the road Limited Access.

LPG INSTALLATION:

means land and/or buildings or part thereof used for the storage and/or sale of LPG.

LOADING:

in relation to a vehicle means the loading and unloading of it and the adjustment or covering or tying of its load and the loading, unloading or adjustment of any part of its load; and "unload" in relation to a vehicle has a corresponding meaning.

MAIMAI:

means a structure erected as a hide for game-bird hunting, which has a maximum floor area of 10m² and is located clear of any wahi tapu area and not closer than 90 metres to any other maimai.

MAINTENANCE DREDGING:

means the removal of material and plants by dredging to maintain navigation channels and to maintain (but not deepen) depths alongside licensed foreshore structures.

MARAE:

means an area of land set apart for the common use of a hapu or Maori groups for community and family gatherings including any associated buildings such as a meeting house, dining hall and kitchen facilities.

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MARINA:

means a comprehensively designed facility primarily for the accommodation of pleasure boats, comprising marina berths and any associated reclamations, car parks and ancillary commercial facilities and services, including yacht broking.

MARINA BERTH:

means a berth for the long-term accommodation of boats.

MARINE FARMING:

means the cultivation and harvesting of shellfish (other than oysters, mussels or scallops), fish, marine crustaceans or marine vegetation.

MAORI LAND:

means land owned by Maori people and under the jurisdiction of the Maori Land Court under the Maori Affairs Act 1953, or any Act in substitution therefore.

MINOR HOUSEHOLD UNIT:

means a dwelling unit which is ancillary to the major household unit on the site, where the gross floor area does not exceed 65m², excluding any provision for parking for this unit. A minor household unit can only be erected on a site which contains a single household unit or a farm dwelling, and the land on which it is located shall not be disposed of independently from the larger household unit.

MOTEL: see **TRAVELLERS' ACCOMMODATION****MOTOR SPORTS:**

includes motorcar, motorcycle, go-cart, truck and 4 wheel drive racing and rallying, model aircraft flying and motorised rides.

NATIVE BUSH:

means, for the purposes of the rules for Rural Activity Areas, areas of vegetation where the canopy is substantially intact and is composed of a mixture of native species and regenerating understorey. Stands of predominantly kanuka and manuka which have reached a maturity where they contain an obvious mixture of regenerating native tree species are considered to be native bush. Stands which are dominated entirely by manuka and kanuka lacking understorey development are not native bush for the purposes of these rules. Native trees planted as forest crop in Rural Activity Areas are not considered to be native bush in terms of this definition.

NATIVE TREES, BUSH AND VEGETATION:

means all species of indigenous flora regardless of size, but does not include indigenous flora planted as a crop in Rural Activity Areas.

NET SITE AREA:

means the total site area less the area of any entrance strip.

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NEIGHBOURHOOD UNIT:

Applies only within the Special 16 (Omaha South Development) Zone.

Means a discreet residential area, the geographical boundaries of which are defined upon the Structure Plan that is attached as Appendix 11H.

NEW URBAN

New Urban area for the purposes of Section 3 means land defined as such in the following table:

	Where the land had a Residential zoning prior to 15 February 1994 it is deemed to be within the:	Where the land had no Residential zoning prior to 15 February 1994 it is deemed to be within the:
AREA OF SITE 1 hectare or less	"ESTABLISHED AREA"	"NEW URBAN AREA"
AREA OF SITE Greater than 1 hectare	"NEW URBAN AREA"	"NEW URBAN AREA"

NON-CONFORMING:

in relation to a site or building or the use of a site or building means a site or building or use of either that does not conform to the provisions of the District Plan.

OFFICE:

means an administrative, professional or commercial office and includes a bank and T.A.B. premises.

ON SITE SOAKAGE AREA:

Applies only within the Special 16 (Omaha South Development) Zone.

means the surface area of a soakage facility, such as a soakage pit, used for collecting and draining stormwater into the Omaha aquifer.

OUTDOOR DISPLAY AREAS:

means any land used for the display of goods such as building materials and outdoor equipment, but excludes any area used for the sale of goods.

OUTDOOR RECREATION AND ENTERTAINMENT FACILITIES:

means any land used for public and/or private outdoor recreation activity and tourist facilities excluding:

- Residential Accommodation
- Motor Sports

OWNER MAINTENANCE:

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means maintenance work carried out on a boat by its owner, and includes work carried out on a boat at its mooring, jetty or wharf on the owner's behalf.

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PARTITION:

means a subdivision as it applies to Maori land. It requires the consent of Maori Land Court and the Council. The partitioned land remains under the jurisdiction of the Maori Land Court.

PASTORAL FARMING:

means farming based on the use of pasture for raising and sustaining herds of domesticated animals such as, but not limited to, cattle, sheep, deer and horses, and includes specialist breeding and stud farming.

PERMANENT CROPS:

means a horticultural crop with an inground life of at least five years.

PIG KEEPING:

means the keeping of not more than two adult pigs and their progeny up to weaner stage except that two progeny may be kept up to baconer stage.

PIG FARMING:

means the keeping of pigs for any purpose in numbers exceeding those defined as "pig keeping".

PLACES OF ASSEMBLY:

means any building or land used for public and/or private assembly or meeting of people and includes Marae, libraries, churches, halls, clubrooms, community centres, conference centres, chartered clubs and premises with a club licence and other similar establishments, including outdoor recreation facilities, but excludes motor sports. Places of assembly shall also include recreation facilities such as badminton and squash courts but not amusement centres.

POULTRY KEEPING:

includes the keeping of fowls, ducks, geese and turkeys, and means the keeping of up to 25 such animals in rural zones, and up to 12 of such animals in urban zones. Roosters and cockerels are excluded in urban zones.

POULTRY FARMING:

means the commercial farming of poultry for egg or meat production and means the keeping of poultry in numbers exceeding those defined as "poultry keeping".

PRIMARY PRODUCTION:

means the growing of vegetative matter or raising of animals for commercial gain.

PRIVATE HOTEL: see BOARDINGHOUSE (HOSTEL)**PROFESSIONAL SERVICES:**

means medical, dental, paramedical, veterinary, legal, architectural, engineering, surveying, accounting and similar services.

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PUBLIC UTILITY:

- (a) means works of a scale and nature contemplated by Section 64 of the Town and Country Planning Act 1977, as at September 1988; and
- (b) includes, for the purposes of the Plan, telephone exchanges and associated plant and equipment; and telecommunication transmission and receiving masts, towers and aerials and associated buildings, plant and equipment.

RABBIT KEEPING:

means the keeping of up to 25 adult rabbits (past weaning).

RABBIT FARMING:

means the keeping of rabbits in excess of the numbers for rabbit keeping i.e. more than 25 rabbits (past weaning).

RECYCLING STATION:

means land or buildings used for the collection and recycling of materials, and includes the sale of those materials from the site.

REFUSE TRANSFER STATION:

means land or buildings for the collection, consolidation and compaction of rubbish and waste materials, but does not include storage.

REMOTE CAMP SITE:

means a remote camp site as defined by the Camping Ground Regulations 1985 or any Regulation in substitution therefore.

RELOCATABLE HOME PARK:

means a relocatable home park within the meaning of the Camping Ground Regulations 1985 or any Regulation in substitution therefore.

RESERVE:

means a reserve in terms of the Reserves Act 1977 of any Act in substitution therefore.

RESIDENTIAL BUILDING:

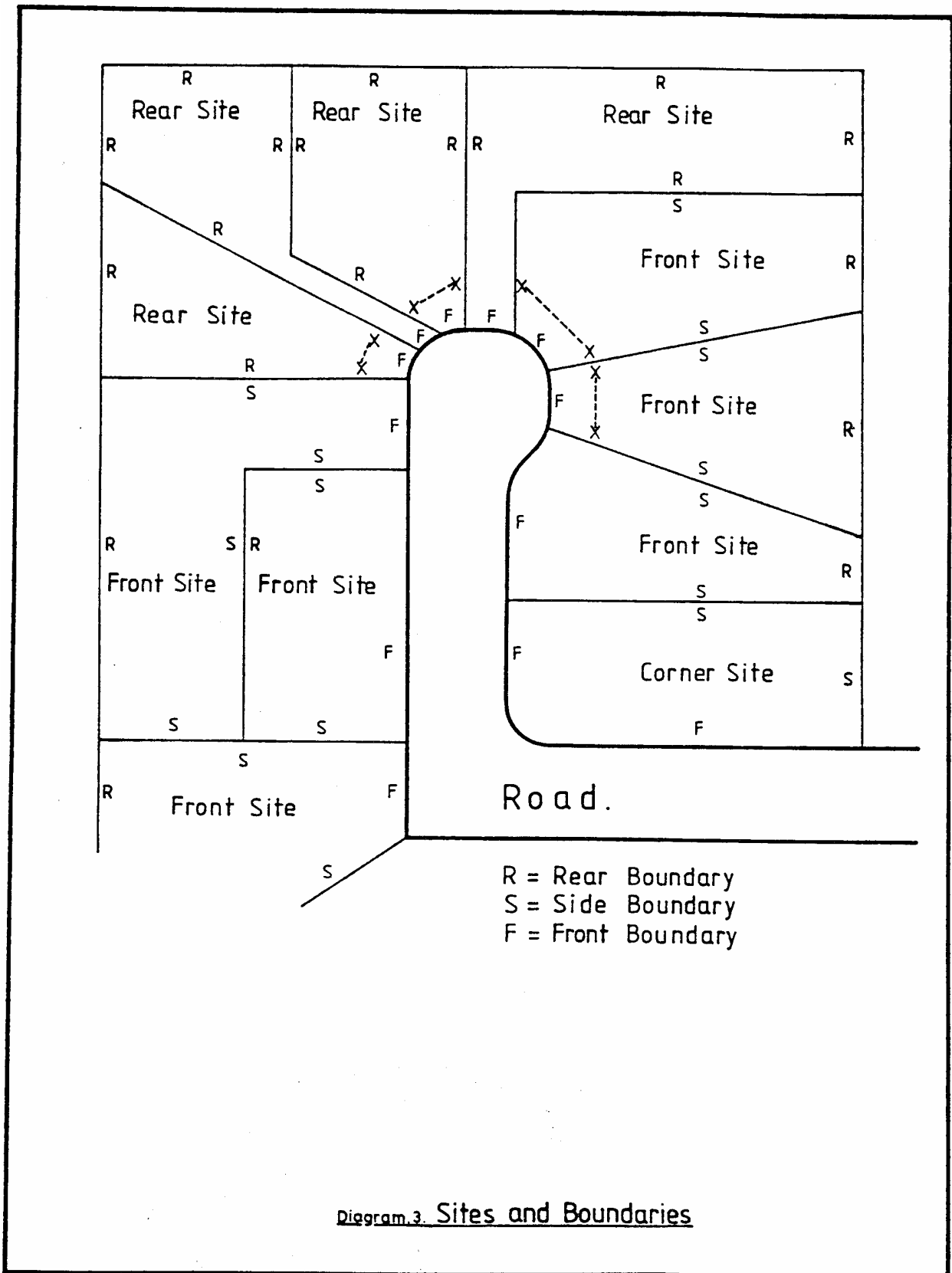
means any building or part of a building intended to be used for human habitation.

RESTAURANT:

means any premises on or in which meals are regularly supplied for consumption on the premises, with or without liquor, and includes a tearoom and coffee bar.

DISTRICT RULES - DEFINITIONS

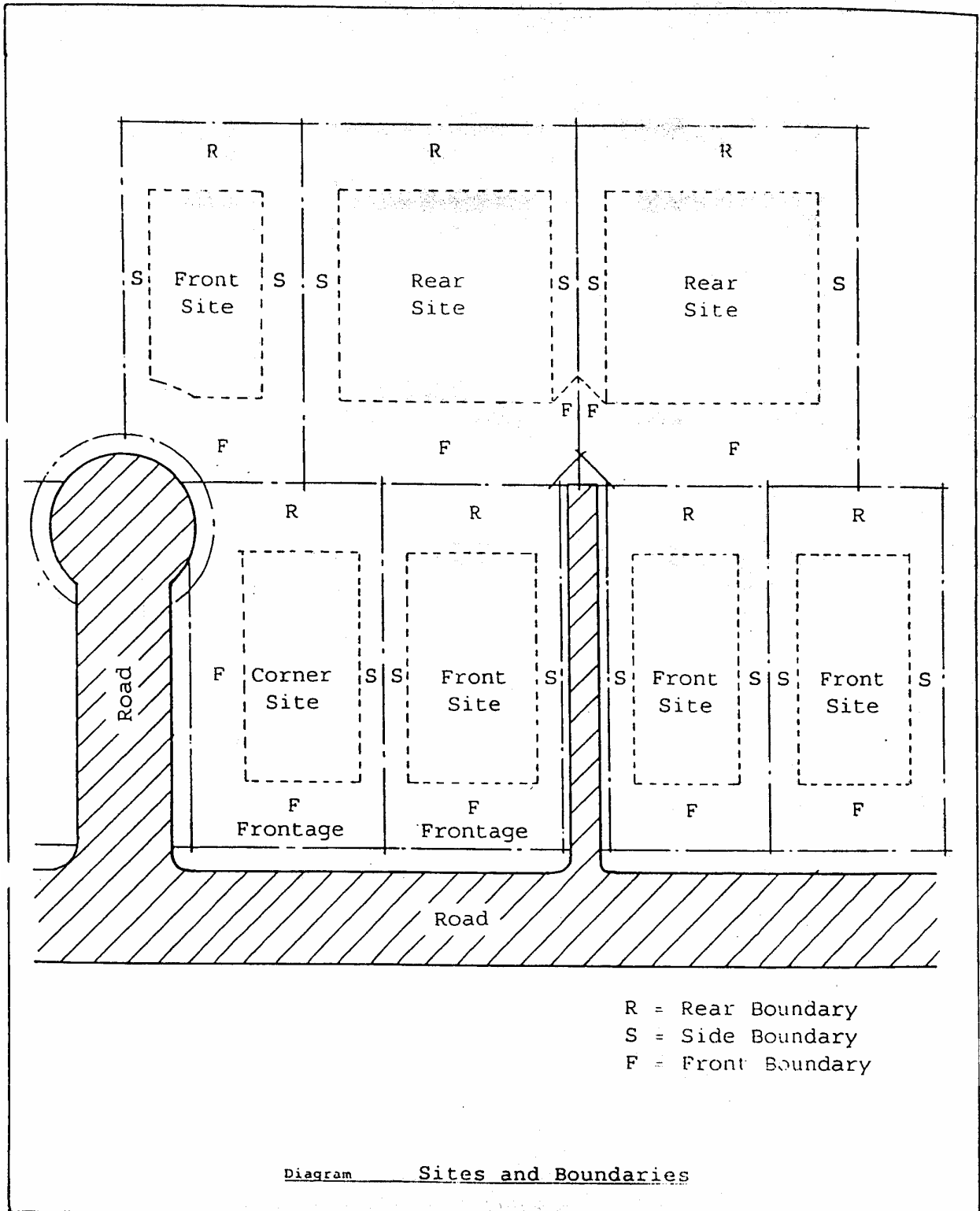
DIAGRAM 3



DISTRICT RULES - DEFINITIONS

DIAGRAM 4

SITES AND BOUNDARIES IN SPECIAL 16 (OMAHA SOUTH DEVELOPMENT) ZONE



DISTRICT RULES - DEFINITIONS

RETAIL WAREHOUSE:

means in relation to the Commercial 6 (Retail Warehouse) zone:

Shops with a minimum gross floor area of 500m², provided that no food or clothing shall be sold or displayed, and provided further that every such shop shall consist of and comprise a single minimum warehouse retail area hereafter defined. (In the foregoing context "food" excludes confectionary and "clothing" shall include all articles of clothing generally worn on the body and include fashion accessories, jewellery and cosmetics. The term clothing does not include industrial clothing or boots, or wet weather gear. "Minimum warehouse retail area" is an area of not less than 500 m² gross leasable area contained in a single ownership, business unit or tenancy. Such an area may not be further divided pursuant to sub-leasing or other similar arrangement so as to result in two or more businesses operating out of the same or part of the same area.)

ROOF CATCHMENT:

Applies only within the Special 16 (Omaha South Development) Zone.

means the area of a roof measured in square metres (or m²).

RUBBISH:

means waste material not intended to be re-used on the site on which it is produced.

RURAL CAMP GROUND:

means a camp ground which provides sites for the temporary accommodation of tents, caravans and mobile camping vehicles. Tents, caravans and mobile camping vehicles may only remain in a rural campground for a maximum of 42 days in any 12 month period.

SALES AREA:

means any building, place, or part thereof, where goods are kept, exposed, or offered for sale by retail.

SEPARATE CERTIFICATE OF TITLE:

means in relation to dwelling houses as permitted activities in rural zones, a certificate of title that comprises only the allotment or site on which the dwelling house is to be erected. (See also "SITE.)

SERVICE AREA:

Applies only to commercial activities located within the Special 16 (Omaha South Development) Zone.

Means any area used to accommodate (on a temporary or permanent basis) rubbish/refuse, or to store goods outside of a commercial activity.

SERVICE STATION:

means any land or building or part of a building used for the retail sale of motor spirits and lubricating oils and the sale of kerosene, diesel fuel, CNG, tyres, batteries, accessories and goods normally associated with motor vehicles and motorists and includes the repair and servicing of motor vehicles but excludes: panelbeating, spray painting, auto electrical work, upholstery, undersealing, engine reboring, crankshaft grinding and metalling of engine parts.

SHELLFISH FARMING:

means the cultivation and harvesting of oysters, mussels or scallops.

DISTRICT RULES - DEFINITIONS

DISTRICT RULES - DEFINITIONS

SHOP:

means any land, building or part of a building on or in which goods are sold, disposed of or offered for sale by retail and includes a takeaway food bar, real estate agents' premises, hairdressers' premises, post office, video hire premises, lending library, laundromat and drycleaners, but does not include vehicle fuel retailing facilities, vehicle sales premises, amusement centres, restaurants, garden centres or wholesale liquor outlets.

SHOWHOME SITE:

means a site on which one or more houses are temporarily erected for the purpose of indicating designs available, and includes the use of space within a house as an ancillary sales office.

SHOWROOM:

means any land or building in which goods are displayed but not necessarily sold.

SIGN (for the purpose of the Commercial 6A zone only)

means any display of posters, placards, hoardings, writings, pictures, images, murals and logos or devices (including but not limited to blimps, balloons, flags, sandwich boards and banners) for advertising or other purposes, together with any frame or support thereof. In relation to vehicles, means where the vehicle may be reasonably assumed to be used solely for the purpose of carrying or supporting any advertising or election sign notice or placard. It shall not mean any public sign required by law or provided by any statutory body in accordance with its powers under any law. [Amendment 55 as modified by ENV-2006-AKL-000105]

SIGN AREA (for the purpose of the Commercial 6A zone only)

means in respect of any free-standing sign the term "area" refers to the surface area of one face of a double faced sign, or the aggregate of those parts of one side of a composite sign, which display information, but does not include that part of the structure used solely for support purposes.

For any other sign the term "area" refers to an imaginary best-fit box enclosing the lettering, logos, or other graphic symbols. [Amendment 55 as modified by ENV-2006-AKL-000105]

DISTRICT RULES - DEFINITIONS

SITE:

means:

- (a) an area of land which is
 - (i) comprised in a single certificate of title, or
 - (ii) contained in a single allotment on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council, being in any case the smaller land area of (i) or (ii); or
- (b) an area of land which is composed of two or more contiguous allotments held together in one certificate of title in such a way that the allotments cannot be dealt with separately without the prior consent of the Council; or
- (c) an area of land which is composed of two or more contiguous allotments held in two or more certificates of title where such titles are
 - (i) subject to a condition imposed under Section 643 of the Local Government Act 1974; or
 - (ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council:

except that where an area of land is contained or described in a title issued under the Unit Titles Act 1972 or is a cross-lease form of title, the site is the underlying land out of which the unit title or cross-lease title has been, or is proposed to be issued.

Front Site:

means a site which complies with the subdivisional standards specified in the District Plan in respect of a front site and includes a through site.

Corner Site:

means a site with two or more adjoining road frontages which complies with the subdivisional standards specified in the District Plan in respect of a corner site.

Rear Site:

means a site which complies with the subdivisional standards specified in the District Plan in respect of a rear site.

DISTRICT RULES - DEFINITIONS

Through Site:

means a site not being a corner site which has access to two roads.

Non-Standard Site:

means a site which:

- (a) was a site before the coming into operation of the District Plan, and
- (b) does not comply with the subdivisional standard specified in this Code in respect of a front, corner, or rear site.

For the purpose of this definition, "road" includes any motorway, formed or unformed road, proposed road, road reserve, limited access road or street.

(Refer to Diagram 3 opposite for Classification of Sites and Boundaries.)

SITE COVERAGE:

means that proportion of the net site area which may be covered by buildings. For this purpose "building" includes accessory buildings, overhangs and those parts of eaves that are more than 1 m from an outside wall; and excludes eaves less than 1 m wide, pergolas or similar structures of a substantially open nature, and uncovered decks, uncovered terraces, uncovered steps and swimming pools.

SUBDIVISION:

means a subdivision of land, as defined by Section 271 of the Local Government Act 1974, or any Act in substitution therefore, and also includes a partitioning of Maori land pursuant to Section 432 of the Maori Affairs Act 1953, or any Act in substitution therefore.

TAKEAWAY FOOD BAR:

means a shop where food is prepared and sold generally for consumption off the premises.

TAKING OF MATERIALS:

means the taking of rock, stone, shingle, sand, boulders, silt, mud, shell or other materials from the foreshore or from the bed of the sea.

TAVERN:

means premises primarily used for the sale and consumption of liquor on the premises, whether or not liquor is also sold for consumption off the premises.

TEAROOMS:

means an establishment which:

- (i) Serves teas or light meals which are consumed on the premises.
- (ii) Accommodates no more than 25 people at any one time.
- (iii) Is situated within part of a dwelling and is subordinate to the use of the dwelling as a residence.
- (iv) Is operated by at least one person who lives in the dwelling.

DISTRICT RULES - DEFINITIONS

TRAVELLERS' ACCOMMODATION:

means any premises used for transient residential accommodation and includes motels, timeshare accommodation, holiday flats, travellers' accommodation which has restaurants, bar facilities and conference facilities, and all rented residential accommodation which is offered at a daily tariff but excludes hotels, camping grounds and boarding houses.

TREES:

means all native and exotic trees.

TYPE A (LARGE LOT) RESIDENTIAL DEVELOPMENT/SUBDIVISION:

means a type of Residential Development/Subdivision in the Special 16 Zone which is characterised by large fee simple lots (which cannot fall below 1,100m² in area) that may accommodate two storey residential buildings.

TYPE B (MEDIUM LOT) RESIDENTIAL DEVELOPMENT/SUBDIVISION:

means a type of Residential Development/Subdivision in the Special 16 Zone which is characterised by 600-1,100m² fee simple lots that may accommodate two storey residential buildings.

TYPE C (SMALL LOT) RESIDENTIAL DEVELOPMENT/SUBDIVISION:

means a type of Residential Development/Subdivision in the Special 16 Zone which is characterised by smaller fee simple lots (which cannot fall below 450m² in area) that may accommodate two storey residential buildings.

TYPE D (CLUSTER HOUSING) RESIDENTIAL DEVELOPMENT/SUBDIVISION:

means a type of Residential Development/Subdivision in Omaha South which is characterised by intensive unit titles occurring within fee simple parent titles no smaller than 1800m² in area. The area and facilities falling outside of the unit titles area, but within the parent title are to be "common area" owned and administered by a body corporate. Two storey buildings are envisaged within the majority of Omaha South, with provision for buildings up to three stories in height only anticipated in Neighbourhood Unit 5. Buildings may accommodate up to six household units. One household unit per 300m² of the parent title is allowed.

URGENT WORKS:

Urgent works for coastal protection or flood prevention and protection means works which are immediately necessary to prevent danger or damage to property.

URUPA:

means burial place of Maori people.

VEHICLE SALES AND HIRE PREMISES:

means any land and/or building on or in which motor vehicles, caravans, boats or trailers are offered for sale, lease or hire, or on or in which motor vehicles are stored awaiting sale.

DISTRICT RULES - DEFINITIONS

VEHICLE SERVICE PREMISES:

means premises used for the servicing and repair of vehicles and including spray painting, auto electrical work, vehicle upholstery, undersealing, engine reboring, crankshaft grinding and metalling of engine parts, but not panelbeating.

VISITOR ACCOMMODATION:

means any premises used for transient residential accommodation and includes motels, timeshare accommodation, holiday flats, visitor accommodation which has restaurants, bar facilities and conference facilities, and all rented residential accommodation which is offered at a daily tariff and includes associated swimming pools, car parks and tennis courts but excludes hotels, camping grounds and boarding houses.

VISUAL CATCHMENT:

means, in relation to a body of water, that part of the landscape surrounding a body of water that is visible from that body of water.

WAAHI TAPU:

means sacred place of Maori people.

DISTRICT RULES - DEFINITIONS

WATER DEPENDENT:

means any use or activity for which a water or water-front location is essential in order that the use or activity can be undertaken.

WATER RELATED:

means any use or activity the carrying out of which is enhanced or made more efficient by water or water-front location but for which such a location is not essential.

WAREHOUSING AND STORAGE:

means premises for the storage of materials, articles or goods owned or held on consignment by the occupier of the building and stored pending sale, but excludes a shop, a depot, a bulk fuel store, and the storage of LPG.

WETLAND:

means permanently or intermittently wet areas, shallow water and land margins that support a natural ecosystem of plants and animals that are adapted to wet conditions, but does not include areas of pasture.

WHOLESALE LIQUOR OUTLET:

means any land and buildings where liquor is sold to the general public and a minimum quantity purchase is set. Such premises shall not include facilities for the consumption of liquor on the site.

WINERY:

means an undertaking in which any fruit or vegetable juice is converted to a beverage with an alcoholic content.

WORK:

means (in all instances other than in relation to Sections 14A - Financial Contributions and 11.16 - Special 16 (Omaha South Development) Zone) in relation to water areas any modification of a water space or its bed other than by means of a structure.

For the purposes of Section 11.16, and in relation to stormwater, includes but is not limited to, stormwater works comprising land, detention areas, ponds, stormwater treatment facilities, open and piped watercourses, pipes, tunnels, pumps, swales, and any other equipment whatsoever which will form a part of the facilities required to collect, reticulate, treat and discharge stormwater within Omaha South.

YARD:

means that part of the site which is required by this District Plan to be unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by the District Plan.

Coastal Protection Yard:

applies to sites within a specified distance of a body of tidal water, the distance being specified in the Zone Rule. The yard applies whether or not there is other public or private land between mean high water mark and a site within the specified distance.

DISTRICT RULES - DEFINITIONS

means the area of land lying between mean high water mark and a line parallel thereto along the full width of the site at a specified distance inland from mean high water mark.

DISTRICT RULES - DEFINITIONS

Shoreline Yard:

applies to sites abutting the margin of a lake or a non-tidal river with an average width exceeding 3 m, and to sites abutting tidal water where no coastal protection yard is specified by the zone rules. The yard therefore does not apply where there is other public or private land between the site and mean high water mark.

means that part of the site lying between the lake, riverside or foreshore boundary, and a line parallel thereto along the full width of the site at a specified distance inland from that boundary.

Front Yard:

means a yard between the site boundary where it abuts a road and a line parallel thereto and extending across the full width of the site, provided that where part of the site is shown on the planning maps as proposed road, the proposed road line shall for the purpose of all front yard requirements be substituted for the existing road line.

Rear Yard:

applies to front and rear sites and to sites subject to section 3 of this District Plan and means a yard being bounded by the rear boundary of the site and a line parallel thereto extending across the full width of the site, provided that:

- (a) In the event of there being no rear boundary as in a triangular section, the boundaries of the rear yards shall be the converging side boundaries of a site in the arc of a circle with the apex as centre, and a radius of 3 m.
- (b) A rear yard in respect of any rear site means a continuous yard bounded by the front yard and all the other boundaries of a site.

Side Yard:

means a yard which, except for any portion of a site comprised in a front or rear yard, lies between the full length of the side boundary and a line parallel thereto; provided that in respect of a corner site every boundary not being a road frontage shall be deemed to be a side boundary.

For the purposes of this definition, "road" includes any motorway, formed or unformed road, proposed road, road reserve, limited access road or street.

(Refer to Diagram 3 on page 611 for assistance in determining whether front, rear or side yards apply except for activities being undertaken within the Special 16 (Omaha South Development) Zone where reference should be made to Diagram Four on page 612).