

33 DEFINITIONS

Access: means that portion of a [site](#) which legal vehicular and/or pedestrian access is obtained to a legal [road](#). This [land](#) includes an access leg, private way, common [land](#) as defined on a cross lease or company lease, or common property as defined in Section 2 of the Unit Titles Act 1972.

Accessory Building: in relation to any [site](#) means any separate [building](#) the use of which is incidental to that of any other principal [building](#), or use on that [site](#), and for [residential activities](#) includes a sleepout, [garage](#) or carport, garden shed, glasshouse, swimming pool, mast, shed used solely as a storage area, or other similar structure, provided that any [garage](#) or carport which is attached to or a part of any other [building](#) shall be deemed to be an accessory building.

Accessway: means accessway as defined in Section 315 of the Local Government Act 1974.

Act: means the Resource Management Act 1991.

Adjoining: [land](#) shall be deemed to be adjoining other [land](#), notwithstanding that it is separated from the other [land](#) only by a [road](#), railway, drain, water race, river or stream.

Allotment: has the same meaning as Section 218 of the [Act](#).

Archaeological Site: has the same meaning as defined in the Historic Places Act as follows:

Any place in New Zealand that:

- a) Either
 - i) was associated with human activity that occurred before 1900; or
 - ii) is the site of the wreck of any vessel where that wreck occurred before 1900; and
- b) it may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Bank: means the outer edge of the bed (as defined by Section 2 of the [Act](#))

Boundary: means any boundary of a [site](#) and includes any road boundary, side or internal boundary. [Site boundary](#) shall have the same meaning as boundary.

Internal Boundary: means any boundary of a [site](#) other than a road boundary, and includes a side boundary.

Road Boundary: means any boundary of a [site](#) abutting a legal [road](#) (other than an [accessway](#) or service lane) or contiguous to a boundary of a [road](#) designation. [Frontage](#) or [road frontage](#) shall have the same meaning as road boundary.

Side Boundary: means any boundary of a [site](#) generally at right angles to a [road](#) boundary.

Building: means any structure or part of a structure whether temporary or permanent, movable or immovable, but does not include:

- a) Any scaffolding or falsework erected temporarily for maintenance or construction purposes.
- b) Fences, walls of 2m or retaining walls of 1.5m in [height](#) or less not used for advertising or for any purpose other than as a fence, retaining wall or wall.
- c) Structures less than 5 m² in area and in addition less than 1.2m in [height](#).
- d) Masts, poles, radio and television aerials excluding dish antennae for receiving satellite television, less than 6.3m above mean [ground level](#).

- e) Any vehicle, trailer, tent, caravan or boat whether fixed or movable unless such vehicle, trailer, tent, caravan or boat shall be used as a place of accommodation, business or storage.

Building Coverage: means that portion of a [site](#) which is covered by [buildings](#) or parts of [buildings](#), including overhanging or cantilevered parts of [buildings](#), expressed as a percentage.

The following shall not be included in Building Coverage:

- a) Pergolas.
- b) That part of eaves and/or spouting or bay windows projecting 1m or less horizontally from any exterior wall.
- c) Satellite dishes.

Camping Ground: means camping ground as defined in the Camping Ground Regulations 1985.

Carriageway: means that portion of a [road](#) devoted particularly to the use of motor vehicles, inclusive of shoulders.

Commercial Activity: means the use of [land](#) and [buildings](#) for the display, offering, provisions, sale or hire of goods, equipment, or services, and includes shops, markets, showrooms, [restaurants](#), takeaway food bars, professional, commercial and administrative [offices](#), [service stations](#), motor vehicle sales, the sale of liquor and associated parking areas; but excludes recreational and service activities and [visitor accommodation](#).

Council: means the Grey District Council or any Committee, Subcommittee, Community Board, Commissioner or person to whom the Council's powers, duties or discretions under this Plan have been lawfully delegated pursuant to the provisions of the [Act](#). District Council shall have the same meaning.

Earthworks: means the disturbance of [land](#) surfaces by the removal or depositing of material, excavation, filling or the formation of [roads](#), banks or tracks, but excludes the cultivation of [land](#).

Elderly Persons Housing: means one of a group of [residential units](#) developed solely for the accommodation of elderly persons (male or female greater than sixty years in age) and which, where not owned by the Crown or Local Authority, is encumbered by a bond or other appropriate instrument which ensures that the use of the unit is limited to elderly persons.

Factory Farming: means the production of plant, animal and aquatic creatures, where the predominant productive processes are not dependent on the soil characteristics of the [site](#) on which it is situated.

Family Flat: is included within the meaning of [Residential Unit](#) and means a self contained residential [building](#) not exceeding 65m² located on the same [site](#) as a [residential unit](#), and occupied by dependent relatives of the household living in the [residential unit](#).

Forestry Activity: means the use of [land](#) primarily for the purpose of planting, tending, managing and harvesting of trees for timber production in excess of [onsite](#) domestic or farm wood supply.

Formed Road: means a [road](#) with a [carriageway](#) constructed to an all-weather standard with a minimum [carriageway](#) width of 3m.

Frontage: means the [road boundary](#) of any [site](#).

Garage: is included within the meaning of [Residential Unit](#), and means a [building](#) or part of a [building](#) used for housing motor vehicles and other miscellaneous items owned by persons living on the [site](#).

Gross Floor Area: means the sum of the gross area of the several floors of all **buildings** on a **site**, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two **buildings**.

Ground Level: means the finished ground level when all works associated with any prior subdivision of the **land** were completed.

Hardsurfacing: in relation to any **site** means any part of that **site** which is impermeable and includes:

- a) Any area used for parking, manoeuvring, **access** or loading of motor vehicles.
- b) Any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks.

The following shall not be included in Hardsurfacing:

- a) paths of less than 1m in width.

Hazardous Substance: includes, but is not limited to, any substance defined in Section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

Section 2 of the Hazardous Substances and New Organisms Act 1996 defines a hazardous substance as:

“unless expressly provided otherwise by regulations, any substance-

I. With one or more of the following intrinsic properties:

- A. Explosiveness:
- B. Flammability:
- C. A capacity to oxidise:
- D. Corrosiveness:
- E. Toxicity (including chronic toxicity):
- F. Ecotoxicity, with or without bioaccumulation; or

Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with one or more of the properties specified in paragraph (a) of this definition.

Heavy Vehicle: means a motor vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward) the gross laden weight of which exceeds 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires. (The Heavy Motor Vehicle Regulations 1974).

Height: in relation to a **building** means the vertical distance between the **ground level** at any point and the highest part of the **building** immediately above point.

For the purpose of calculating height, account shall be taken of parapets but not of poles, towers, turrets, chimneys, ventilation shafts, radio or television aerials and other telecommunication antennas that are no more than 1 square metre in area or 1200mm in diameter, lift towers, machinery rooms, stair wells, water towers, cooling towers or finials, provided that such features:

1. Do not exceed the maximum height normally permitted in the zone by more than 3.0m.

2. Do not exceed an aggregate floor area of 20 sq. m or 10% of the area of the roof to the storey immediately below such structures, whichever is the lesser.
3. Do not exceed a dimension of 6m, measured in any direction.

Industrial Activity: means the use of **land** and **buildings** for the primary purpose of manufacturing, fabricating, processing, packing, or associated servicing, maintenance, repair, distribution and storage of goods.

Internal Boundary: of a **site** means any boundary of a **site** other than a **road boundary**.

Kaiata Park and Kaiata Park Development Area: is the area between Kaiata and Dobson, bounded on the North and West by State Highway 7 and Fairhall Road respectively. It is bounded on the South by Lot 1 DP 3813, and on the east by Lot 1 DP 2772 and RSs 5704 & 5049. The eastern **boundary** primarily follows Kaiata Creek. Kaiata Park is limited to the Industrial, Commercial, Rural Residential and Residential Environment Areas as shown in Appendix 12.

Land has the same meaning as in Section 2 of the Resource Management Act 1991.

Livestock: means animals, birds or aquatic creatures kept for the purpose of providing food for humans or animals.

Commercial Livestock: means livestock bred, reared and/or kept on a property either primarily or partly for the purpose of commercial gain, but excludes domestic livestock.

Domestic Livestock: means

- a) Not more than 2 sows and their progeny up to weaner stage or not more than 5 weaned pigs, and not more than 12 adult poultry in a Township or Residential Zone or not more than 50 adult poultry in a Rural or Rural-Residential Zone; bred, reared and/or kept on a property; and
- b) Any number of livestock bred, reared and/or kept on a property for family consumption, or as pets, or for hobby purposes and from which little or no financial gain is derived.

Living Area: means any room in a **residential unit** other than a room used principally as a bedroom, laundry or bathroom.

Loading Space: means a portion of a **site**, whether covered or not, clear of any **road** or service lane upon which a vehicle can stand while being loaded or unloaded. Such loading space shall have vehicular **access** to a **road** or service lane.

Manufacturing of Hazardous Substances: means any industrial process that produces a substance that is hazardous under the United Nations Transportation of Dangerous Goods Code; and includes any process that includes the mixing of material or making a compound product that is hazardous under the United Nations Transportation of Dangerous Goods Code.

Meteorological Activity: means any facilities, **buildings**, and installations or equipment to measure, collect and distribute meteorological information, and includes any radio communication, telecommunication and satellite links associated with a meteorological activity.

MHWS: means Mean High Water Springs.

Net Site Area: means the total area of the **site**; less any area subject to proposed **road** widening or designated for a public work; or any area used as an **access** strip, **access** lot, right-of-way, common **land** or common property; or any area with a width less than 6m.

Office: means any of the following:

- a) Administrative offices where the administration of an organisation, whether trading or non-trading is conducted;
- b) Commercial offices such as banks, insurance agents, typing services, duplicating services and real estate agents, being places where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted;
- c) Professional office such as the offices of accountants, solicitors, architects, surveyors and engineers, where a professional service is available and carried out.

Outdoor Storage: means **land** used for the purpose of storing vehicles, equipment, machinery, natural and processed products, outside a fully enclosed **building** for periods in excess of 4 weeks in any one year.

Oxidation Pond: means a pond used for the primary treatment of sewage.

Parking Space: means a space on a **site** available at any time for accommodating one stationary motor vehicle. Such parking space shall not be located on any **access** or outdoor living space and shall have vehicular access to a **road** or service lane.

Paroa Developments: is located west of Coulson Road, east of Keith Road,, north of Gadd Road and south of Ashley Drive. It is limited to the re-zoned Residential Environmental Area as shown in planning map 37.

Physically contiguous parcel of land: means a singular piece of land.

Radiocommunication facility: means any transmitting/ receiving devices such as aerials, dishes, antenna, cables, lines, wires, and associated equipment/ apparatus, as well as support structures such as towers, masts and poles, and ancillary **buildings**.

Relocation of a Building: means the removal and resiting of any **building** from any **site** to a new **site**.

Reserve: means a reserve in terms of the Reserves Act 1977.

Residential Activity: means the use of **land** and **buildings** by people for the purpose of permanent living accommodation, including all associated **accessory buildings**, leisure activities and the keeping of domestic **livestock**. For the purposes of this definition, residential activity shall include emergency and refuge accommodation, the use of holiday homes which is not commercial and provision of accommodation to a maximum of four travellers at a tariff where the registered proprietors reside on **site**.

Residential Unit: means a **residential activity** which consists of a single self contained housekeeping unit, whether of one or more persons, and includes **accessory buildings** and a **family flat**. Where more than one kitchen facility is provided on the **site**, other than a kitchen facility in a **family flat**, there shall be deemed to be more than one residential unit.

Restaurant: means a **commercial activity** which consists of the regular sale of meals to the general public for consumption on the premises, including the sale of liquor associated with the meals.

Retail Sales: means the direct sale or hire to the public from any **site** and/or the display or offering for sale or hire to the public on any **site** of goods, merchandise or equipment, but excludes recreational activities.

Road: means road as defined in Section 315 of the Local Government Act 1974.

Road Boundary: of a **site** means a boundary of a **site** contiguous to a boundary or proposed final boundary of any legal road (other than an **accessway** or service lane).

Rural Activity: means the use of [land](#) or [buildings](#) for the purposes of agricultural, horticultural or pastoral farming, [factory farming](#), boarding or training of animals, outdoor recreation activity, or forestry and shall include [residential units](#), and per residential unit, the provision of accommodation to a maximum of four travellers at a tariff where the registered proprietors reside on [site](#).

Service Station: means any [site](#) where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG, and diesel), and may also include any one or more of the following:

- the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers);
- warrant of fitness testing;
- carwashes;
- the sale or rental of other goods where this is an ancillary activity to the main use of the [site](#);
- truckstops.

Setback: means the distance between a [building](#) and the [boundary](#) of its [site](#). Where any [building](#) is required to be setback from any [site boundary](#), no part of that [building](#), unless specifically permitted by the Rules in the Plan, shall be closer to the [site boundary](#) than the minimum distance specified. Where any [road](#) widening is required by this Plan, the setback shall be calculated from the proposed final [site boundary](#).

Sign: means any sign or device of whatever nature for the purpose of specific identification of any [site](#) or [building](#), for providing directions or information, or for promoting any goods, services or forthcoming events, and which is visible from any public place or thoroughfare. Such sign may consist of a specially constructed device, structure, erection or apparatus, or may be painted, written, printed, carved, embossed, inscribed, projected onto, placed or otherwise fixed to or upon any [site](#), wall, hoarding, pole, fence, rock, stone, tree, stationary vehicle or structure or erection of any kind whatsoever.

Site: means an area of [land](#)

- comprised in a single certificate of title, or;

- contained in a single [allotment](#) as an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the [Council](#); or

- an area of [land](#) which is composed of two or more certificates of title where such titles are :

- i) subject to a condition imposed under Section 37 of the Building Act or Section 653 of the Local Government Act 1974; or
- ii) held together in such a way that they cannot be dealt with separately without prior consent of the [Council](#).

Except in the case of [land](#) subdivided under the Unit Titles Act 1972 or the cross lease system, "site" shall be deemed to be the whole of the [land](#) subject to unit development or cross lease. In determining the area of rear sites any [access](#) strip shall not be included in the calculation for that site. Provided that in determining "minimum [net site area](#)" in terms of

Rules 16.7.2, 17.8.2, 18.7.2, 19.7.2 and 20.7.2, the site area is not required to be contained in the above types of tenure.

Site Boundary: means any boundary of a [site](#) and includes any rear boundary, [road boundary](#), side boundary, [internal boundary](#) or zone boundary which crosses within the [site](#).

SMF: means Sustainable Management Fund.

Subdivision of Land: The definition of Subdivision of [Land](#) shall be as set out in Section 218, Resource Management Act, 1991. Changes to, or adjustments of any [boundary](#) of a fee simple title, or on a cross lease or unit title, the alteration to the outline of a [building](#) or unit, or the erection of new units or [garages](#), or reallocation of [garages](#), or car spaces, or the alteration of any restricted user [land](#), or common [land](#), or common property, are deemed to be a subdivision requiring subdivision consent, and the relevant rules shall apply.

Telecommunication Facility: means any [telecommunication line](#), telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus such as aerials, dishes, antennae and associate equipment and support structures and equipment shelters, such as towers, masts and poles, and equipment [buildings](#) intended for the purpose of effecting telecommunication.

Telecommunication Line: means a wire or 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, intended to be used for supporting, enclosing, surrounding or protecting any such wire or conductor; and also includes any part of a line.

Temporary Activity: means Any land use or structure of a short-term duration relating to sporting events, exhibitions, shows, galas, public meetings and uses of similar character provided that such activities are only for a period not exceeding three days at any one time and for no more than 3 times in any one year at any one [site](#) provided that any activity shall comply with the noise rules of the Environmental Management Area the activity is located in and;

Ancillary activities to a [building](#) construction project, provided that any such [building](#) does not exceed 50m² in area, or remain on the [site](#) for longer than the duration of the project or twelve months, whichever is the lesser.

Utility: means facilities, structures and works necessary for and associated with providing the following:

- the generation and transmission of energy;
- transportation networks and navigational aids;
- the storage, treatment and conveyance of water and sewage;
- the disposal of waste;
- radiocommunications and telecommunications;
- the protection of the community from natural hazards;
- meteorological activities;
- undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991.

Vegetation Removal: means the felling, clearing or modification of trees, or any vegetation by mechanical, chemical, burning or other means. Clearance of vegetation shall have the same meaning, provided the above does not apply to [Forestry Activity](#).

Vehicle Trip: means a single journey to or from a particular [site](#) by a person or persons in a motor vehicle.

Visitor Accommodation: means the use of [land](#) and [buildings](#) for short-term living accommodation and which may include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference and recreation facilities, for the use of those living on the [site](#).

Wetlands: means a collective term for permanently or intermittently wet areas, shallow water and land-water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Wetlands may be fresh, brackish or saline.

For the purposes of the District Plan, “wetlands” include

- a) wetlands which are part of a river, stream or lake margins;
- b) natural ponds, swamps, marshes, fens, bogs, seeps, brackish areas, mountain wetlands, and other naturally wet areas that support vegetation adapted to living in wet conditions, and provide a habitat for wildlife;
- c) coastal wetlands above mean high water springs;

For the purposes of the District Plan “wetlands” do not include:

- a) wet pasture or area where water temporarily ponds after rain, or pasture containing patches of rushes;
- b) [oxidation ponds](#);
- c) artificial wetlands used for wastewater or stormwater treatment;
- d) artificial farm dams and detention dams;
- e) [land](#) drainage ditches and farm drains;
- f) reservoirs for fire fighting or community water supply.

The edge of a wetland (i.e. where the wetland becomes [land](#)) is where the terrestrial plant species becomes dominant and where the substrate changes from being permanent or intermittently wet to “dry [land](#)”. Where plants can be used as an indicator, a wetland becomes dry [land](#) where terrestrial plant species characterise the area.