

SECTION 18.0 DEFINITIONS

18.1 INTRODUCTION

18.1.1 Unless specifically altered in this Plan, all words and phrases defined in the Resource Management Act 1991 shall have the same meanings in the Plan.

18.2 DEFINITIONS

Access Strip: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Accessory Building: means a building, the use of which is incidental and secondary to the principal activity carried out on the site.

Accident: means a sudden event causing harm to people, property or the natural environment.

Acute toxicity: means adverse effects caused by a toxic agent occurring within a short time following exposure to that agent.

Adjusted threshold: means the amount (mass in tonnes or m³, at 101.3 kPA and 20°C, for compressed gases) of a substance that has been assessed as generating no significant off-site effects in a heavy industrial area before site and substance specific considerations have been taken into account.

Adjustment Factor: means the product of the individual factors for each *Effects Group* (i.e. Fire/Explosion, Human Health and Environment) that increase or decrease the likelihood and consequences of the release of a hazardous or environmentally damaging substance.

Advertising Device: includes every sign or advertising matter of whatever kind whether consisting of a specially constructed device, structure, or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected on to, placed or otherwise fixed or upon any premises, wall, fence, rock, stone, structure, stationary vehicle of any kind whatsoever if such advertising device or matter is visible from any public place and shall include any window signs, balloon or blimp, board, hoarding or similar structure which supports the device but excludes signs relating to road names, traffic control and route direction (located within the road reserve).

Aerial: means the part of a radio communication facility or telecommunication facility used for transmission or reception including the aerial mountings but not any supporting mast or similar structure. This definition excludes any antenna dish.

Agrichemical: means any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna, excluding fertiliser and pheromones.

Allotment: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Alteration: means any change to, addition to, or partial demolition of, any heritage feature, building, structure, memorial or precinct; and any maintenance involving new finishes or materials. For the purposes of the rules identified in Section 12.5 Heritage Items and Trees - alteration to heritage buildings, structures, features, memorial or precinct shall be deemed to exclude general maintenance, where that maintenance involves replacement with materials that are the same as the original materials, and general cleaning.

(Note: in relation to this definition new finishes and materials do not include new paint finishes).

Amenity: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Amusement Gallery: means premises in which indoor games of skill, recreation or entertainment (including mechanical and/or electronic games or devices, pool, miniature billiards, miniature golf, gallery shooting and other similar games) are carried out.

Ancillary Activity: means an activity located on the same site as the primary activity, which is small in scale, is incidental to the primary activity, and serves a supportive function to the primary activity.

Antenna dish: means any flat, concave, circular, parabolic or similar-shaped radio communication or telecommunication apparatus used for transmission or reception including the antenna dish mounting but not any supporting mast or similar structure. This definition includes any satellite dish.

Asset Management Plan: means an inventory of the service networks provided and maintained by the Council. This Plan is updated annually and is used for part of the calculation for determining Development Levies. This also identifies Hastings District Council works that are planned for the District's service network, including the costs of the works over the next 20 years.

Bank: means in the context of a flood channel, the top of the bank which is the highest part of a slope, forming the side of a flood channel.

Base Threshold: means the amount (mass in tonnes or m³, at 101.3 kPa and 20°C, for compressed gases) of a substance that has been assessed as generating no significant off-site effects in a heavy industrial area before site and substance specific considerations have been taken into account.

Best Practicable Option: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Bioaccumulation: means accumulation of a substance within the tissues of living organisms.

BOD⁵: means the biochemical oxygen demand (measured over a five day period) which is the amount of dissolved oxygen in a body of water required for the breakdown of organic material in the water.

Boundary: means the legal boundary of any site, or in the case of more than one dwelling on a site it is defined by the notional boundary of a complying net site area.

Boundary Adjustment: A subdivision involving 2 or more contiguous sites (notwithstanding any separation by any road, rail, river, stream, or water course) where no new site is created, no site area is changed by more than 10% of its original area, no existing complying lot is rendered non-complying, and no dwelling is severed from its existing site.

Building: means any temporary or permanent, moveable or immovable structure, including any structure intended for occupation by people, animals, machinery or chattels, but for the purpose of this District Plan excludes:

- (a) Any structure that does not exceed 1 storey and does not exceed 10m² in floor area
- (b) Any retaining wall that retains not more than 1.5 metres depth of ground
- (c) Any wall (other than a retaining wall) or fence of a height not exceeding 2 metres above the supporting ground
- (d) Swimming Pools

Building Coverage: means that portion of a site which is covered by buildings, including overhanging or cantilevered parts of buildings (including any part of the eaves and/or spouting projecting more than 0.6 metres measured horizontally from the exterior wall). The following shall not be included in building coverage:

- (a) Pergolas;
- (b) Underground carparking with landscaping above;
- (c) That part of eaves and/or spouting or bay windows projecting 0.6 metres or less horizontally from any exterior wall;
- (d) Earthen terracing 1 metre or less in height with landscaping above of sufficient depth to allow drainage;
- (e) Satellite dishes;
- (f) Any swimming pool or tank which is not defined as a building.

Building Envelope: means, in relation to the shading and outlook effect of structures, and as specified in this District Plan, the area above a site which may contain buildings.

Building Footprint: The gross floor area of buildings(s) at ground floor level. Building gross floor area above ground floor level is not included in the calculation of Building Footprint, unless such a building area is not above any other building gross floor area, for example buildings above ground level on pole supports or cantilevered. The area of a Buildings Footprint therefore includes the gross floor area of all buildings in two dimensional form as viewed from above or as they would appear in site plan form.

Camping Ground: means an area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living-places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cook houses, sanitary fixtures, or other premises and equipment; and includes a motor camp.

Carcinogen: a substance that causes a statistically significant increase in the incidence of tumours.

Central Character Precinct: describes an area within the Central Character Zone, generally bounded by Eastbourne Street, Nelson Street, Queen Street and Hastings Street (as identified in Appendix 9.0-5), which is identified as having particular historical and streetscape values worthy of protection.

Central Retail Core: the area bounded by Hastings, Eastbourne, Nelson and Queen Streets. This area is occupied predominantly by comparative shopping and pedestrian oriented retail activities and financial services.

Chronic Toxicity: Adverse effects caused by a toxic agent which occur either after prolonged exposure or an extended period after initial exposure.

Cleaner Production: the use of techniques to reduce the need for raw materials and energy and the amount of wastes generated. These techniques may include the use of recyclable materials, the use of less hazardous substances, and the use of renewable resources.

Coastal Environment: means the area from MHWS to the Coastal Environment Inland Boundary as identified in the Hastings District Planning Maps.

Coastal Protection Works: means any works, structures, buildings, restrictions of access, or deposition of materials undertaken in the Coastal Hazard RMU (including but not limited to wood, concrete, steel mesh, rock, tyres, or car bodies) to protect land, property, infrastructure, development and any other assets from coastal erosion or inundation from the sea.

COD: Chemical Oxygen Demand is a measure of the oxygen equivalent of the organic matter content of a water sample that is able to be oxidised by a strong chemical oxidant.

Commercial Activity: means the use of land or buildings for the display, offering, provision, sale, repair or hire of goods, equipment or services and includes education facilities, health care centres, home occupations, printing and publishing but excludes helicopter depots and where Commercial Activity occurs in the Large Format Retail Zone the term excludes supermarkets.

Commercial Motorised Water Recreation Activities: means the use of any small craft on the surface of water by a person, either as a passenger or driver, that is propelled or driven otherwise than solely by oars, paddles or the wind in which the use of that craft is operated for profit.

Commercial Recreation Activities: means any activity that supports and is directly associated with a sports or recreation activity located within the Special Purpose Zone: Regional Sports Park. For the purposes of the rules identified in Section 11.3 Special Purpose Zone: Regional Sports Park – this definition may include a fitness centre, the hireage of space for recreational related activities, sports medicine, physiotherapy, high performance training, a crèche, a retail shop, a café which involves the preparation and sale of food and non-alcoholic beverages, a clubroom area which involves the preparation and sale of food, the sale of non-alcoholic and alcoholic beverages and a miniature golf course.

Commercial Service Activity: means all commercial activities including the sale or hire of food and beverages (except supermarkets); motor vehicle and bicycles, including vehicle parts and accessories; agricultural, building and garden supplies; agricultural, construction and commercial machinery and equipment; and video hire, but excludes all other retail shops except where accessory to a permitted activity.

Commercial Zones: includes the Central Commercial Zone, Central Residential-Commercial Zone, Commercial Service Zone, Suburban Commercial Zone, Large Format Retail Zone, Flaxmere Village Centre Zone – Commercial Precinct and Commercial Service Precinct, and the Havelock North village Centre Zone which includes the Retail Precinct, Mixed Use Precinct and Employment Precinct (but excludes the Industrial Precinct).

Communal open space: means in relation to developments of three or more residential units or Papakainga developments, a specified quantity of landscaped land freely available to all residents on the site, exclusive of driveways, buildings and the private outdoor living space requirements of individual household units.

Comprehensive Development: means a development that incorporates buildings, infrastructure and landscaping together with any subdivision plan that is designed with an integrated approach. It shall comprise a minimum of three residential units and a minimum residential density of 20 residential units per hectare and may or may not have a commercial component.

Conservation Management Activity: means the planting and management of trees for water and soil conservation, shelter belts, and for recreational, aesthetic or scientific purposes, but excludes production forestry.

Construction Work: (as defined in Section 2 of the Construction Act 1959) means any work in connection with the construction, erection, installation, carrying out repair, maintenance, cleaning, painting, renewal, alteration, dismantling or demolition of:

- (a) Any building, erection, edifice, structure, wall, fence, or chimney, whether constructed wholly or partly above or below ground;
- (b) Any road, motorway, harbour works, railway, cableway, tramway, canal or aerodrome;
- (c) Any drainage, irrigation or river control work;
- (d) Any electricity, water, gas, telephone or telegraph reticulation;
- (e) Any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;
- (f) Any scaffolding; and includes any work in connection with any excavation, site preparation or preparatory work carried out for the purpose of any construction work; and also includes use of any plant, tools, gear, or material for the purpose of any construction work.

Contaminant: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Contaminated Site: means a site is contaminated in a manner, at which hazardous substances or organic waste is present at concentrations above background levels and where assessment indicates it poses, or is likely to pose an immediate or long term hazard to human health or the environment.

Controlled Activity: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Council: means the Hastings District Council or any Committee, Sub-Committee, Commissioner or person to whom the Council's powers, duties and discretions under this District Plan have lawfully been delegated pursuant to the provisions of the Resource Management Act.

Coverage: has the same meaning as Building Coverage.

Crop Protection Devices: means any permanently fixed or portable device designed for the purpose of preventing damage to crops from frost, hail, birds or other natural events.

Daycare Centres: means any land or buildings where:

- (a) three or more children (in addition to the children of the centre manager) aged younger than 6 years are educated and cared for, and may be licensed as such by regulation; and/or
- (b) three or more children aged 6 years or older (in addition to the children of the centre manager) are cared for out of school hours; and/or
- (c) elderly persons are cared for during the day; and/or
- (d) persons with disabilities are educated and cared for during the day;

dBA: means A-frequency-weighted sound pressure level in decibels relative to a sound pressure of 20 micropascals. That is, a weighted measure of sound pressure expressed in decibels which aims to stimulate a response typical of the human ear.

Demolition: means the complete destruction of a heritage building, feature, memorial, structure or precinct.

Designation: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Development: means, for the purposes of this District Plan, development in relation to land meaning the carrying out of any activity, building, engineering, mining or other Commercial or Industrial operations, in, on, over, or under the land, and includes redevelopment and the result of such work (*v. 1*).

Discretionary Activity: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

District: means the area administered by the Hastings District Council.

District Plan: means the Hastings District Plan.

District Roding Strategy: identifies existing roads within the Hastings District Roding Network, and any intended changes to their status under the District Roding Hierarchy over the next twenty years. The Roding Strategy also identifies any new roads that are planned for construction over the next twenty years and their intended status under the Roding Hierarchy.

District Wide Activity: means a specific activity that can occur across the District irrespective of zones or areas. The activity has its own objectives, policies and methods to address the issues identified in the District Plan. Where an activity in a zone or a district wide activity is located in a Resource Management Unit, it is required to comply first with the objectives, policies and methods of the Resource Management Unit and then apply the rules of the underlying zoning or district wide activity.

Domestic Sewage: means effluent derived from a dwelling and includes both black water (water from toilet systems) and grey water (water from washing and food preparation processes - bathrooms, kitchen and laundry).

Domestic Sewage Treatment System: means any approved system (including associated drainage fields) which provides suitable treatment for domestic sewage generated and disposed of on the property. It may also mean a packaged treatment system.

Dwelling house: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Earthworks: means the alteration of land contours of any site including the disturbance of land by moving, placing or replacing earth, or by excavation or cutting; filling or backfilling, but does not include the removal of less than 25m³ of earth (including topsoil) from any site in any 12 month period.

EC₅₀: the effective toxicant concentration resulting in a 50% response of a given parameter (for example, reproduction rate, mobility) in a given period.

Ecotoxic: means capable of causing ill health, injury, or death to any living organism.

Educational Facility: means land and/or buildings used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes schools, technical institutes, teachers colleges and universities, kura kaupapa (primary school), and kura maori (secondary school) and their ancillary administrative, cultural, health, retail and communal facilities.

Effect: includes -

- (a) Any positive or adverse effect
- (b) Any temporary or permanent effect
- (c) Any past, present or future effect
- (d) Any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration, or frequency of the effect, and also includes -
- (e) Any potential effect of high probability
- (f) Any potential effect of low probability which has a high potential impact

Effects Groups: The effects generated when a hazardous or environmentally damaging substance is released:

Fire/Explosion Effects Group - concerned with damage to property, the built environment and people.

Human Health Effects Group - concerned with the well being, health and safety of people.

Environmental Effects Group - concerned with damage to ecosystems and natural resources.

Effects Ratio: A dimensionless number representing the proposed quantity of a substance or group of substances to be used or stored, divided by the *Adjusted Threshold*.

Effects Ratio Trigger Level: The value of the *Effects Ratio* which is used in the Consents Status Matrix to define whether a proposed development requires a land use resource consent. The *Effects Ratio Trigger Level* differs for different land uses to account for the difference in acceptable levels of risk.

Electoral Devices: means signs erected for the purpose of gaining support for a political party or individual candidate in a public election including Local Body Elections and Parliamentary Elections.

Elderly Housing: (as referenced in Rules 9B.8.2 and 9B.8.3) Means a comprehensively designed development comprising a minimum of five residential units and a minimum site area (prior to any development commencing) of 2,000m² in size. Density shall not exceed 30 dwellings per hectare (average site size of 333m²). All the housing on site shall be provided to persons aged 60 or over, except one unit may be provided to staff regardless of their age that provide services and care to the elderly residents.

Employment Activity: includes industrial activity and commercial service activity, but excludes retail shops and sale of food.

Energy Production: means the production of useable heat and/or electrical energy by the use and/or processing of water, air, gas, solid fuels or chemicals.

Environment: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Environmentally Damaging Substance: Any substance which, by effects other than toxicity, is able to damage an aquatic ecosystem (for example milk or oil).

Environmentally Persistent Substance: A substance resistant to natural breakdown in the environment.

Environmentally Sensitive Areas: means areas that, in the judgement of the local community and/or regulatory authority, should not be subject to more than a specified low risk, or where additional safeguards are required when undertaking activities exceeding the specified low risk. Environmentally sensitive areas may include aquifers, waterways, wetlands, coastal environments, special ecosystems or species habitats.

Emergency Plans: means a regularly updated document serving as an emergency response guide by identifying and cataloguing the elements required to respond to an emergency, and defining responsibilities and specific tasks in an emergency.

Emergency Service: means an organisation that is essential to the community's initial response to an emergency incident or hazard event.

Emergency Service Facility: means any building or structure used to house an emergency service. This may include ambulance centres, police stations, fire stations, and civil defence facilities.

Erection: means in relation to any building, includes the re-erection or structural alteration of or the making of any addition to the building or the placing of the building on a site or the place of the building from one position on a site to another position on the same site and 'erect' and 'erected' have corresponding meanings

Esplanade Area: means any land vested as an Esplanade Reserve pursuant to the Resource Management Act 1991, or any land alongside any river, waterbody and/or coastline, voluntarily set aside for reserve purposes.

Esplanade Reserve: has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Established activity: means an activity that has been operating for more than two years as the result of a legal consent.

Existing Dwelling: in regard to Rule 15.1.7.1 (a), means a building in existence on the site at the date the subdivision application is received, and is legally established to be used as a residential building.

Exploration: has the same meaning as in the Crown Minerals Act 1991 and any subsequent amendments.

Extraction: means the removal of any soil, earth or rock from any point of any site.

Farming: means any type of farming defined in this District Plan being a land based activity having as its primary purpose the commercial production of any livestock or vegetative matter other than forestry products.

Fast Trade Retailer: means a commercial cross category retailer, which offer a wide range of goods to the public and includes department and general merchandise stores.

Feedlot: means an activity which receives stock and holds that stock in a pen or in pens (as an alternative to that stock being sold directly to a meat works) for the predominant purpose of preparing that stock for live transportation to market. The activity is characterised by:

- Stock being transported to the feedlot site in large numbers; and
- Stock being held on the feedlot site for a short period of time; and
- Stock being held in such high density that the feedlot typically maintains no pasture or ground cover; and
- Stock are reliant for feed on processed inputs brought to the feedlot site.

Financial Contribution: means a contribution of -

- (a) Money; or
- (b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise and excluding land registered in the name of Pootatau Te Wherowhero under Section 19 of the Waikato Raupatu Claims Settlement Act 1995; or
- (c) Works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource; or
- (d) Services -

or any combination thereof, made for purposes specified in the District Plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and which does not exceed in value the maximum amount specified in, or determined in accordance with, the District Plan.

Flaxmere Community Facilities: Includes Waterworld, the Flaxmere Library, the Flaxrock centre, Community Hall and Gym. Also includes any new public Community Facilities developed within the Community/Residential Precinct.

Floor Level: means the minimum floor level in a building.

Food related industrial activity: Industrial activities and warehousing associated with the processing, manufacturing, storage, packaging, distribution or transportation of produce, food or beverage products or goods used in the processing, manufacturing or packaging of food or beverage products, including food or beverage industry research facilities but excluding freezing works, abattoirs and livestock transportation depots.

Forestry: the establishment, management and harvesting of forestry plantations of more than 2 hectares in area, principally for commercial wood production but includes protection and conservation forestry.

Fringe Commercial Service Activity: includes commercial activities, but excludes retail shops and sale of food.

Greenfield Subdivision: means the subdivision of land within newly rezoned urban expansion areas.

Gross Floor Area: means the sum of the gross area of all floors of a building measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings but excludes any area used for basement or rooftop parking areas, stairwells, lift-wells and life towers, machinery rooms, boiler, heating and air-conditioning plant rooms. For development governed by Section 6.0 of the Plan it also includes all roofed structures without external walls, but excludes verandahs attached to both secondary residential buildings and commercial activities. To avoid any doubt "roofed structures" do not include pervious crop protection materials and/or structures).

Ground Level: means the average ground level in the vicinity i.e. not in a local hollow or depression.

Habitable Room: for the purposes of this rule, means in any dwelling a living room, dining room, bedroom and kitchen.

Harbour: means any navigable inlet, lake or river at which ships do or can obtain shelter, or ship or unship goods or passengers.

Hardstand Area: any area of hard material such as lime, gravel, concrete, tarmac, etc used for driveways and access, manoeuvring areas and storage areas for vehicles to stand on while not in use but excluding materials used for vehicle access up to a maximum width of 3 metres within a site.

Hazard: any intrinsic property of a substance which makes it capable of causing adverse effects to people, the environment or property.

Hazardous Activity: Activities which do not use, store, transport or dispose of hazardous substances but which pose a risk to the environment or the community (for example earthworks).

Hazardous Facility: Activities involving hazardous substances and sites, including vehicles for their transport, at which these substances are used, stored handled and disposed of. Hazardous facility does not include the incidental use and storage of hazardous substances in minimal domestic scale quantities; or hazardous activities (defined above) or:

- Trade waste sewer and waste treatment or disposal facilities;
- Storage or use of hazardous consumer products for private domestic purposes;
- Retail outlets for the domestic usage sale of hazardous substances (eg: supermarkets, hardware shops, pharmacies);
- Facilities using genetically modified or new organisms;
- Developments that are or may be hazardous but do not involve hazardous substances (eg: mineral extraction, high voltage transmission lines, radio masts, electrical substations);
- Dust explosions;
- Gas and oil pipelines;
- Fuel in motor vehicles, boats and small engines such as weed eaters, lawnmowers, chainsaws etc.

Hazardous Substance: means any substance

- (a) with one or more of the following intrinsic properties
 - (i) Explosiveness;
 - (ii) Flammability;
 - (iii) A capacity to oxidise;
 - (iv) Corrosiveness;
 - (v) Toxicity (both acute and chronic)
 - (vi) Ecotoxicity, with or without bioaccumulation; or
- (b) 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 any one or more of the properties specified in paragraph (a) of this definition.

Health Care Services: means land and buildings used in whole or in part by one or more public or private providers of health care, including surgeries, clinics (medical or veterinary) and hospitals, but excludes medical insurance brokers.

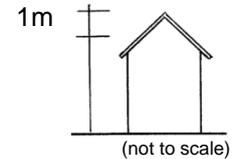
Heavy Commercial Vehicle Type I (HCVI): means a motor vehicle (other than a motorcar that is not used, kept or available for the carriage of passengers for hire or reward) that, with the load it is for the time being carrying, weighs more than 2000kg; but does not include a traction engine or a vehicle designed solely or principally for the use of fire brigades in attendance at fires.

Heavy Commercial Vehicle Type II (HCVII): means diesel powered rigid trucks and trailers and articulated vehicles with or without trailers with five or more axles in total.

Height of a building: shall be the vertical difference between the average level at the ground and the highest or relevant part of a building except that no account shall be taken of that part of a building comprising of:

- (a) Lift wells, elevator and stair bulkheads, roof water tanks and cooling towers (together with their enclosures)

- (b) Chimneys, flues, spires, flagpoles, aerials, and wire, chain, link or other open or transparent fences and such finials and similar parts as constitute only minor decorative features.
- (c) Dormer windows.
- (d) In the Retail Precinct (Havelock North Village Centre) the highest part of the building shall be measured to the intersection of the walls and roof of the building, provided that the roof area, within a slope of 45° (but allowing gable ends) may exceed the maximum by up to 1 metre (see diagram).



Helicopter Depot: means a site regularly used as a base for the operation, servicing, refuelling and storage of helicopters.

Heritage Building: means any building of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua, for spiritual, cultural or historic reasons.

High Voltage Transmission Line: Means lines for conveying electricity at a voltage equal to or exceeding 110 kV.

Historic persistent chemical residues means: Soil residues of copper, lead, arsenic, DDT and its derivatives. In the case of lead, arsenic and DDT, residues remain in the soil from persistent compounds that were used in agriculture and horticulture prior to 1975. In the case of copper, it is still used with the potential for residues to build up in the soil from long term use.

Home for the Aged: means a building or part of a building used as a home under the Old People's Homes Regulations 1987 or any regulation in substitution thereof. (Resident means a resident as defined in the regulations).

Home Occupation: means an occupation, craft, profession or service which is carried out by a member or members of the household for direct or indirect monetary gain on the site on which their household is located.

Hospital: means; (a) any hospital or other institution for the reception and treatment of persons requiring medical treatment or suffering from any disease; or (b) any maternity hospital; or (c) any convalescent home; and includes all clinics, dispensaries, rehabilitation services, out-patient departments, services, offices and undertakings maintained in connection with, or incidental to, the primary healthcare activity. Such undertakings may include the following ancillary activities associated with a hospital: cafeterias and coffee shops, retail premises, residential accommodation, helicopter pad and hangar, educational facilities, buildings used for recreation, laboratories and research facilities.

Indigenous Vegetation: means flora occurring naturally in New Zealand; or belonging naturally to New Zealand. Indigenous vegetation does not include flora that has been introduced by people, and only exists in New Zealand because it was introduced by people, and does not include trees specifically planted by people for the purpose of timber production, or domestic amenity.

Indigenous Vegetation Modification: means the disturbance, removal, damage or destruction of indigenous vegetation. Indigenous Vegetation Modification does not include modification where it is:

- The destruction of vegetation that has grown up under the canopy of a plantation forest; or
- The modification of scattered trees or shrubs amongst pasture/horticultural crops, or
- Actions necessary for the avoidance of imminent danger to human life; or
- Actions necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, drains, stream or river access, fire water points, network utilities, structures and fencelines; or
- The disturbance or damage (but not destruction) of indigenous vegetation as a consequence of the harvesting of plantation forest; including where the harvesting involves:
 - The lifting and/or dragging of logs, and/or

- The construction and maintenance of forestry roads and stream crossings, and the modification is temporary and minor and does not compromise the ecological functioning of the area; or
- The modification of existing plantation forest provided the area shall be allowed to stabilise and if necessary be replanted with indigenous vegetation as soon as reasonably possible; or
- The modification of shelterbelts, or
- A plant pest identified by the Hawke's Bay Regional Plant Pest Management Strategy prepared under the Biosecurity Act 1993; or
- Modification of an agricultural or horticultural crop (including grazing pasture); or
- Diseased vegetation and creates an environmental or ecological risk
- Actions for the purpose of flood control activities undertaken by the Hawke's Bay Regional Council; or
- Incidental modification arising from normal agricultural/horticultural or forestry activities outside a wetland

Indigenous Tree Species: means any naturally occurring indigenous species which may attain a diameter at breast height of 30cm or greater.

Industrial Activity: means the use of land or buildings for the manufacturing, fabricating, processing, packing or storage of substances, into new products and the servicing and repair of goods and vehicles, whether by machinery or hand and includes transport depots and the production of energy but excludes helicopter depots.

Infill Subdivision: means the subdivision of land within existing urban area boundaries (i.e. not within a new urban expansion area).

Infill Development: means the further development of existing allotments, within existing urban area boundaries, to include two or more household units.

Intensive Rural Production: means:

- (a) the production of commercial livestock in buildings or in outdoor enclosures where for the majority of the lifecycle of the animal on a particular site, the stocking density precludes the maintenance of pasture or ground cover (but excludes feedlots and the farming of mustelids); or
- (b) land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets; or
- (c) mushroom farming; or
- (d) growing crops indoors in pots and/or on a permanent floor.

Kaitiakitanga: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Land Based Primary Production: means:

- (a) livestock rearing which is primarily reliant on the underlying land; and
- (b) horticulture (including, viticulture, orcharding, cropping, market gardening, berry fruit growing, nurseries and glasshouses accessory to any of the foregoing activities, but not garden centres); and
- (c) trees, plants and crops grown in the ground but under cover;
- (d) forestry; and
- (e) associated accessory buildings

Land Information Memoranda (LIM): Information about land that can be requested by anyone (in writing and upon payment of a fee) from a territorial authority, under Section 44(4) of the Local Government Official Information and Meetings Act 1987.

Landscaped: means plantings provided and maintained to satisfy the requirements of this District Plan and shall consist of areas planted in trees, shrubs, or living ground cover to the extent that the full area stipulated is, or potentially will be covered or shaded with living foliage, and shall include other specific requirements as may be specified within the District Plan. While earthworks, ground formation and related drainage may be included, areas of paving shall not generally be counted in the landscaped area.

Large Format Retailing Activity: stores with a minimum Gross Floor Area of 1000m², merchandising comparison goods, being household furnishings, fittings and appliances and apparel to both trade and retail customers.

L10: means the L10 exceedence level, expressed in dBA, which is that level of sound equalled or exceeded 10 percent of the total measurement time.

L_{Aeq 24 hours}: means the time averaged sound level (on a logarithmic/energy basis) over the measurement period (normally A-weighted). This is commonly known as the average sound level.

LC₅₀: A measure of acute toxicity. It stands for the lethal concentration of a substance at which 50% of the test organisms die in a given period.

LD₅₀: A measure of acute toxicity. It stands for the lethal dose of a substance at which 50% of the test organisms die in a given period.

L_{max}: means the maximum sound level expressed in dBA during a stated time period.

Lifestyle Lot: means a parcel of land that complies with the size requirements defined in the Subdivision and Development Section of The District Plan generally used for low density residential development.

Line: means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of electricity, signs, signals, impulse, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also include any part of the line.

Loading Bay: means a space on a site available for a vehicle while being loaded or unloaded including also the adjustment or covering of any load and the fuelling of the vehicle.

Low Impact Design: Is both a design approach and a range of structural techniques that can be applied to land development and stormwater management that recognise the value of natural systems in order to mitigate environmental impacts and enhance local amenity and ecological values.

Maintenance: When used in conjunction with Rule 12.4.7.1, means keeping the site in good condition including light grazing or spraying for weed control.

Maori Land: Means land which is recognised as Maori Land for the purpose of the Te Ture Whenua Maori Land Act 1993. That is:

- (a) Land held by Maori in accordance with Tikanga Maori having the status of Maori Customary land.
- (b) Land, the beneficial ownership of which has been determined by Maori Land Court by freehold order, having the status of Maori Freehold land.

Marae: means a site reserved under the Maori Affairs Act 1953 which is owned or administered by legally appointed trustees or a trust body for the common benefit of a defined group of Maori people.

Mast: means any mast, pole, or similar structure designed to carry aerials or antenna dishes or otherwise to operate as an aerial or to facilitate radio communication or telecommunication.

Megacentre: a collection of five or more large format retailing, commercial or commercial service activities on a large site, positioned around or in association with a large central common carparking area.

Metallic Minerals: includes compounds of aluminium, chromium, copper, gold, iron, iron sand, lead, manganese, mercury, molybdenum, nickel, platinum, silver, tin, titanium, tungsten, uranium, vanadium, and zinc.

Mineral: Has the same meaning as in the Crown Minerals Act 1991 and any subsequent amendments.

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; or the removal of more than 25m³ of earth (including topsoil) from any site in any 12 month period; and includes gravel extraction, quarrying and the processing of minerals, but does not include prospecting or exploration, or any of the foregoing where the material is for use on the same site (for example for the establishment or maintenance of tracks on a farm); and to 'mine' has a corresponding meaning.

Mining Operations: means operations in connection with mining, exploring, or prospecting for any mineral including: -

- (a) the extraction, transport, treatment, processing, and separation of any mineral; and
- (b) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any machinery, and equipment, connected with such operations; and
- (c) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and
- (d) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on, any such operations; and
- (e) the doing of all lawful acts incidental or conducive to any such operation - when carried out at or near the site where the mining, exploration or prospecting is carried out.

Motel: means land or buildings used for transient residential accommodation and includes holiday flats and all rented accommodation which is offered at a daily tariff but does not include boarding houses, hotels or tourist houses, motor camps or camping grounds.

Motorised Water Recreation Activity: means any activity involving a motor driven vessel and includes jetboats, water skiing, hovercraft, jet skis and outboard motor boats and the like.

Mustelid farming: means the keeping, breeding or running of members of the family Mustelidae, including stoats, weasels and ferrets.

Natural Hazard: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Natural Hazard Mitigation Activities: means activities that are carried out by a Network Utility Operator to reduce the risks posed by natural hazards to human life, property or the environment (includes stopbanks, sea walls, vegetation planting).

Net Site Area: means a single contiguous site area set aside for the exclusive use of its owners, leasees or tenants and shall exclude all common use areas, access lots or access strips and entrance strips but in the rural zone shall also include the total of two or more such areas separated by any common use areas, access lots or access strips.

Network Service: means a reticulated water supply system, reticulated sewer system and reticulated stormwater system provided and maintained by the Hastings District Council.

Network Utilities: means network utility operations and includes electrical lines, water, sewage and stormwater reticulation, streetlighting, telecommunications facilities, radiocommunications facilities, gas, petroleum or geothermal lines, roads, railway lines, airports, lighthouses, navigation aids and beacons, meteorological services and associated support structures.

Network Utility Operator: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Network Utility Site: means an area of land required to accommodate a network utility operation, as defined by Section 166 of the Resource Management Act 1991, but shall not include a road or road reserve.

Noise Limit: means a L10 or LMax sound level expressed in dBA that is not to be exceeded.

Non-Complying Activity: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Non-Metallic Minerals: includes asbestos, barite, bentonite, calcite, clays, dolomite, feldspar, fluorite, magnesite, mica, phosphate, potash, quartz, salt, silica lump, silica sand, sulphur, talc and wax.

Non Motorised Recreation Activity: means any activity that does not require motor propulsion and includes swimming, duck shooting, sailing, canoe/kayaking, rafting, rowing, whitebaiting and fishing.

Notional Boundary: means a line 20 metres from the façade of any dwellinghouse, or any building being part of a residential activity, visitor accommodation, hospital, education facility, marae or church or the legal boundary whichever is closer to the dwellinghouse or building.

Objective: sets out the direction the Council intends to take in relation to any issue, and what environmental outcomes it seeks to achieve.

Off-Site Effects: Effects on people, property and the natural environment outside the boundary of the site of a hazardous facility.

Organic Matter: means all dead and decomposing matter that is derived from plants and animals.

Outdoor living space: means an area of outdoor space required by this District Plan to be provided for the exclusive use of each household unit to which the space is allocated. No outdoor living space shall be occupied by any driveway or parking space or be comprised completely of sealed impervious ground surface or be occupied by any building (other than an outdoor swimming pool or open unroofed decking).

Outdoor Service Space: means an area of outdoor space required to be provided for the exclusive use of each household unit to which the space is allocated for such service facilities as clotheslines, storage of rubbish tins and related uses. No outdoor service space shall be occupied by any building, driveway or parking space and shall be exclusive of outdoor living space.

Outline Plan: means a Plan that shows what works are proposed to be undertaken on a designated parcel of land by a Requiring Authority.

Outstanding Tree: Describes a tree that has one or more factors which gives it an urban or wider significance and which makes it outstanding or unique.

Papakāinga: means housing provided generally for Maori people on Maori Land.

Papakāinga Accessory Building: means a detached building which is accessory to existing or approved papakāinga residential buildings.

Parking Space: means a space of usable shape and condition and having an area of not less than 15m² plus access and manoeuvring area. A garage or carport may count as one parking space for a household unit.

Permitted Activity: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Places of Assembly: means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character. May include a church, church hall, church yard, and

marae. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit making basis.

Plains Lifestyle Site: means a site used for rural residential living in the Plains Zone that complies with the provisions of Section 15.1 of the District Plan on Subdivision and Land Development.

Plantation: means an area of planted trees over an area greater than one hectare and a density of greater than 100 trees per hectare, or a row of trees planted 10 metres or less apart that is longer than 100 metres.

Professional Office: means an administrative, professional or commercial office of a person following a calling or a vocation, the rules, ethics, or customs of which do not permit unrestricted advertising of their occupation or place of business.

Principal Living Area: means any room in any residential building other than a room used principally as a laundry or bathroom.

Premises used for the sale of liquor: means any premises used for the sale of liquor for consumption on site.

Prohibited Activity: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Project Information Memoranda (PIM): Information about special features and characteristics of land, issued to a landowner upon request by the territorial authority, normally when the owner is contemplating building work.

Proposed New Urban Development Area: means an area identified in the Hastings District Council's Urban Development Strategy and Section 2.4 of the District Plan for new residential development.

Prospecting: means those activities undertaken at an early stage of mineral resource identification and definition, with the objective of appraising the mineral potential of a large area using standard geological surveying techniques, and ranking any mineralisation identified as being worthy of more detailed exploration. Prospecting activities include geological mapping, geological surveys, geochemical surveys, gridding and line surveying, and the use of hand held equipment and where practicable, existing access roads or tracks.

Public Reserves: means all reserves held under the Reserves Act 1977, wildlife refuges, sanctuaries under the Wildlife Act 1953 and marginal strips, steward strip areas, conservation parks, ecological areas, sanctuary areas under the Conservation Act 1981 and National Parks under the National Parks Act 1980.

Radiocommunication: means any transmission, emission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 3,000 gigahertz, propagated in space without artificial guide;

NOTE: The definitions of Line, radiocommunication and telecommunication above are taken from Section 2(1) of the Telecommunications Act 1987 and are to be read subject to, and including, any future amendments to those definitions in that Act.

Radio communication facility: means any mast, aerial, antenna dish or other structure, facility or apparatus used or intended for the purpose of facilitating radio communication.

Rain garden: In relation to Section 9B Flaxmere Village Centre Zone, means a planted depression designed to accommodate rainwater runoff from impervious areas like car parks, roofs, driveways, and walkways, and provides the opportunity for natural soakage. An additional function is for the rain garden to contribute to landscaping and to enhance amenity. A rain garden reduces rain runoff by allowing stormwater to soak into the ground (as opposed to flowing into storm drains and surface water which can cause erosion, water pollution, flooding and diminished groundwater levels). They can be designed for the specific soils and climate of Flaxmere. The purpose of a rain garden is to improve water quality in nearby bodies of water. Rain gardens can cut down on the amount of pollution reaching receiving streams and watercourses. Selected native plants are recommended for rain gardens because they generally do not require fertilizer and are

more tolerant of the local climate, and free draining soil. The continued maintenance of Rain gardens is key for their continued success.

Recession Plane: means in relation to the height of buildings a plane inclined at an angle from a site boundary towards the interior of a site through which no part of a building, unless otherwise specified, may protrude.

Recreation Activity: means any activity whose primary aim is the passive or active enjoyment of leisure, whether competitive or non-competitive, casual or organised, including changing rooms, shelters, public toilets and other buildings accessory to recreation activities.

Recreation Clubroom and Ancillary Building: means a building, a room or a group of rooms located within the Recreation Club Area that is used or intended to be used exclusively for the operation of recreation activities and the storage of equipment used for recreation activities.

Recreation Club Area: means an area of land identified through a Council approved Structure Plan for the purpose of locating recreation clubrooms and ancillary buildings.

Relocation: means the removal of a building, heritage building, feature, memorial or structure to a new site.

Repairs and General Maintenance:

When used in conjunction with **Rule 9.7.1**, means building repairs that include the replacement of decayed or damaged material, with like or similar building products which does not affect the bulk and scale of the building and includes repainting where the refurbishment is limited to the recoating or painting of the building surface.

When used in conjunction with **Section 9B Flaxmere Village Centre Zone** means general maintenance to the exterior of an existing building, where that maintenance involves replacement with materials that are the same as the original materials, new paint finishes and general cleaning.

Reserve Area: means land which is publicly owned and has reserve status under the Reserves Act 1977.

Residential Activity: means the use of land and buildings by people for the purpose of permanent living accommodation, and includes, residential buildings, residential units buildings, secondary residential buildings and associated accessory buildings.

Residential Units Building: means a building or part of a building used or intended to be used for human habitation combining two or more residential buildings.

Residential Building: means a building, a room, or a group of rooms, used or intended to be used exclusively by one or more persons as a single, independent and separate household unit.

Residential Zones: means the General Residential, Plains Residential, Coastal Residential and Deferred Residential Zones.

Resource Management Unit: provides objectives, policies, and rules to address resource management issues which relate to specific sites or localities in the District. These units may occur across the District, irrespective of zones or areas.

Restricted Discretionary Activity: means a Discretionary Activity in respect of which the consent authority has restricted the exercise of its discretion to those matters specified by a District Plan or proposed District Plan for that activity.

Retail Shops: means the use of land or premises for the retail sale or hire of goods to the public.

Retirement Village: means buildings comprising a comprehensive integrated residential development that provide, or are intended to provide, residential accommodation together with services or facilities (i.e. Hairdresser, Café, DR etc), or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and may include a combination of: home for the

aged/hospital beds, serviced apartments/units and residential units, and including any common areas and facilities to which residents of the retirement village have access under their occupation right agreements.

For the clarification this definition shall be read in conjunction with the meaning of Retirement Villages pursuant to Section 6 of the Retirement Villages Act 2003.

Riparian Margin: means an area of land alongside a waterbody, whether reserved, or in private ownership.

Riparian Vegetation Modification: means the disturbance, removal, damage or destruction of vegetation within the areas identified within 13.9.8.1. Riparian Vegetation Modification does not include:

- The destruction of vegetation that has grown up under the canopy of a plantation forest; or
- The modification of scattered trees or shrubs amongst pasture/horticultural crops; or
- Actions necessary for the avoidance of imminent danger to human life; or
- Actions necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, stream or river access, fire water points, network utilities, structures and fencelines; or
- The disturbance or damage (but not destruction) of indigenous vegetation as a consequence of the harvesting of plantation forest; including where the harvesting involves:
 - The lifting and/or dragging of logs, and/or
 - The construction and maintenance of forestry roads and stream crossings; and the modification is temporary and minor and does not compromise the ecological functioning of the riparian area; or
- The modification of existing plantation forest provided the area shall be allowed to stabilise and if necessary be replanted with indigenous vegetation as soon as reasonably possible; or
- The modification of shelterbelts; or
- A plant pest identified by the Hawke's Bay Regional Plant Pest Management Strategy prepared under the Biosecurity Act 1993; or
- Modification of an agricultural or horticultural crop (including grazing pasture); or
- Diseased, dead or dying vegetation; or
- Actions undertaken or authorised by the Hawke's Bay Regional Council for the purpose of flood control activities or for the purpose of protecting and enhancing riparian margins and wetlands.
- Modification if it is within a Council reserve (Appendix 13.5-1) and modification is consistent with a management plan and does not compromise the ecological functioning of the riparian area

Risk: The likelihood of occurrence of an adverse effect from a substance combined with the magnitude of the consequences of that adverse effect.

RL: means reduced level, that is 10 metres below mean sea level.

Road: Includes any street or highway.

Roading Works Programme: this identifies Hastings District Council works that are planned for the next five years, including the costs of the works. This programme is updated by the Council annually through the Annual Planning Process.

Rural Area: means land covered by the Rural, Plains, Rural Residential, Te Mata and Tuki Tuki Special Character Area Zones, Regional Sports Park, Industrial 4 and 6, Deferred Residential, Deferred Industrial.

Rural Lifestyle Lot: means sites used for rural residential living in the Rural Zone that comply with the provisions in Section 15.1 of the District Plan on Subdivision and Land Development.

Safe Sightline Distance: means the distance from an intersection or accessway that will achieve and maintain safe lines of sight for road users.

Sale of Liquor (Premises used for): see definition for Premises used for the sale of liquor.

Sale Yards: means land and/or buildings used principally for the sale at auction of livestock and farm produce or products.

Secondary Residential Building: means a residential building provided for after the establishment of a principal residential building and which is used to complement the principal residential building on site.

Separation Distance when referred to in Section 14.4 of the District Plan: means the distance from the edge of the area where hazardous substances are used, stored or otherwise handled to the edge of the area exposed to adverse effects.

Service Lane: means land dedicated as service lane which is used from time to time for the vehicular servicing of adjacent properties.

Service Station: means any site used for the retail sale of accessories and goods associated with motor vehicles and/or the sale of food and beverages, and may include premises for the mechanical repair, valet and servicing of motor vehicles provided that the repairs undertaken on the premises shall be confined to the mechanical repair of motor vehicles (other than heavy diesel fuel vehicles) and domestic garden equipment, and shall exclude panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding.

Shelter Belt: means a planting of trees with the main purpose of providing shelter or any strip of trees spaced less than 10 metres apart whether they form part of a plantation or not.

Ship: In terms of the Harbours Act 1952, includes every description of vessel, whether used in navigation, or in any way kept or used as a hulk or storeship, or for any other purpose, and not propelled exclusively by oars.

Sign: means any device intended to attract attention for the purpose of directing, identifying, informing or advertising, placed upon a site and visible from off the site, and includes those affixed to or incorporated within the design of a building, whether by painting or otherwise, and any board, boarding or other structure which supports the sign, but excludes any advertising matter placed on or within a shop display window.

Significant Tree: Describes a tree that is identified as important in the landscape of a neighbourhood, and while it may be a fairly common species, is large, old, has a high visual profile, historical value or other significant character, which individually or in combination make it worthy of listing.

Site: means either:

- (a) an area of land permitted by the District Plan to be used as a separate unit for one or more specified or ascertainable uses, and held in one single Certificate of Title, and includes all related buildings and curtilages.
- (b) an area of land which is held in two or more Certificates of Title where such titles are subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974, are held together in a such a way that they cannot be dealt with separately without the prior approval of Council, or the title(s) consist of more than one allotment and such allotments are held together in such a way that they cannot be dealt with separately without the prior approval of the Council.
- (c) In the case of a cross-lease – each area shown on the certificate of title as an exclusive use area.

Site Management System: The means of ensuring the ongoing safety of a hazardous facility through sound management. A site management system should include safety policy, provide a description of organisational structure and responsibilities, include operating, emergency and monitoring procedures, and carry out regular performance auditing.

Slow Trade Retailer: means a single commercial category retailer, which tend to stock bulkier items and includes furniture and appliance retailers.

Storage area: means an area above ground used to store materials (including refuse) associated with a commercial or industrial activity.

Storage: The containment of a substance or mixture of substances, either above ground or underground, which is not being used for manufacturing or altered to another substance, but does not include substances used as a cooling or heating medium. Storage does include the filling and emptying of the container.

Strategic Transportation Plan: a plan prepared by the Hastings District Council to provide a long term planning tool for the development and maintenance of the District transportation network.

Structure: Has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Structure Plan: means a plan that has been approved by Council showing generally, the layout and configuration of Structure Roads and Structure Utilities that are required to serve a Proposed New Urban Development Area. These will not necessarily be limited to the zoning boundary of the Proposed New Urban Development Area because the Hastings District Roding or Reticulation Network may need to be upgraded to accommodate the development. Any approved Structure Plans will be added as Appendices to Section 15.1.

Structure Road: means a proposed road shown on a Structure Plan that is required to be built or upgraded to accommodate development in a Proposed New Urban Development Area.

Structure Utilities: means a proposed reticulated water supply system, reticulated sewer system and reticulated stormwater system shown on a Structure Plan that is required to be built or upgraded to accommodate development in a Proposed New Urban Development Area.

Subdivision: has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Supermarket: means a retail shop primarily selling a wide range of fresh produce, meat, packaged food and other foodstuffs and a wide range of packaged food and non-food grocery items and household consumables.

Surface Water Activity: means an activity which occurs on the surface of any river, lake or wetland.

Tangata Whenua: has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Taonga: means a treasure, prized and protected as a sacred possession of the relevant hapu which exercised kaitiaki over it.

Tavern: means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments; and which is licensed as such under the Sale of Liquor Act.

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

Telecommunications facility: means facilities and equipment associated with the operation of telecommunications networks and includes microwave stations, radio stations, cell sites, telephone exchanges, towers, masts, aerials, antennas, cables, lines, radio links, satellite dishes and ancillary equipment shelter or other structure or medium used or intended for the purpose of facilitating telecommunications.

Temporary Devices: means all signs established for the purpose of advertising a single forthcoming temporary event including garage sales; jubilees; the sale or auction of real estate; advertising of cultural,

religious, educational, community and sporting events; and does not include advertising business activities. Such devices shall be erected for a period not exceeding three months.

Temporary Event Day: means the short term of intermittent use of any land or building for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan standards. It includes temporary military training, but does not include short term social or cultural gatherings where these are ancillary to a permitted activity or in compliance with the standards and terms for permitted activities. Any event for which a Special Licence under the Sale of Liquor Act is required shall be deemed to be a temporary event day.

The Act: means the Resource Management Act 1991 and its amendments.

Title: means an area of land comprised wholly of one Certificate of Title and may contain one or more multiple allotments.

Total Area of Advertising Devices: means

- (a) the sum of the area of the panel or panels on which the lettering or other design appears;
- (b) when the lettering or design is on a one colour wall the area of the device shall be deemed to be the area enclosed by a line drawn around the perimeter of the lettering design;
- (c) when the device is a three dimensional form, the area of the device shall be deemed to be the area enclosed by a line drawn around the perimeter of the largest elevation of the device.

Transport Hierarchy: Classifies roads within the Hastings District Transport Network depending on their function, location and traffic carrying capacity. The hierarchy adopts a four level classification:

Regional Arterials	Routes which are of strategic regional importance, and a significant element in the regional economy.
District Arterials	Routes which are of strategic importance and a significant element in the local economy.
Collector Routes	Routes which are locally preferred between or within areas of population or activities and complimentary arterials
Local Streets	Routes whose primary function is property access

Tsunami: means a large often destructive sea wave produced by an earthquake, subsidence or volcanic eruption.

Unconfined Aquifer: is an aquifer in which the water table forms the upper boundary. Unconfined aquifers are near the ground surface.

Unintentional Release: means unplanned or unwanted releases of hazardous substances that may or may not be detected immediately.

Urban Area: means land covered by the General Residential Zone, Central Commercial Zone, Central Residential-Commercial Zone, Commercial Service Zone, Suburban Commercial, Industrial 1, 2, 3, and 5 Zones, and Large Format Retail Zone, Coastal Residential Zone and Plains Residential Zone.

Urban Zones: means General Residential, Plains Residential, Coastal Residential Zones, Central Commercial Zone, Central Residential-Commercial Zone, Commercial Service Zone, Suburban Commercial, Industrial 1, 2, 3, 4, 5, Deferred Industrial 2 Zone, Large Format Retail Zone, Flaxmere Village Centre Zone which includes the Commercial Precinct, Commercial Service Precinct, and Community/ Residential Precinct and the Havelock North Village Centre Zone which includes the Retail Precinct, Mixed Use Precinct, Employment Precinct and Industrial Precinct.

Use: when referred to in Section 13.8 of the District Plan shall mean the manufacturing, processing or handling of a substance or mixture of substances for a particular activity without necessarily changing the

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

Vehicle: means a vehicle as defined in the Transport Act 1962, and includes any contrivance that is equipped with wheels or revolving runners upon which it moves or is moved.

Vehicle Access: means the area of land within the site which provides safe vehicle access to and from the road to any parking area within the site including the necessary manoeuvring area.

Verandah Fascia: means the flat projecting surface on the front and sides of a verandah.

Vessel: means any craft or boat which is motor driven.

Visitor Accommodation: means non-permanent accommodation including motels, holiday or tourist flats, hostels, boarding houses, private hotels, motor and tourist lodges, but does not include camping grounds or any premises, where liquor is sold.

Viticulture: means the establishment, management and harvesting of a minimum area of 0.4 hectares in grape vines.

Waahi Tapu: means sacred site, as defined locally by nga hapu which exercise kaitiakitanga over it.

Warehousing and Storage Facilities: means land or buildings used for the receipt, storage and disposal of materials, articles or goods destined for a retail outlet, trader or manufacturer and includes stock and station firm operations.

Wastewater: Means effluent derived from black water (water from toilet systems) or grey water (water from washing and food preparation processes – bathrooms, kitchen or laundry) and liquid effluent (trade waste) generated by commercial and industrial processes.

Waterbody: has the same meaning as defined in the Resource Management Act 1991 and any subsequent amendments.

Watercourse: means any stream, river, public drain, irrigation canal or channel.

Wetland: has the same meaning as in the Resource Management Act 1991 and any subsequent amendments but for the purposes of section 13.9 and 13.10 excludes wet pasture and artificially created waterbodies.

Wholesale Shops: means the use of land or premises for the sale of goods and articles, in large quantities, to retailers for sale to the general public.

Window Sign: meaning any sign displayed in or painted, printed, written, carved, inscribed, endorsed, or otherwise fixed to or upon any window.

Winery: where used in Sections 5.0 (Rural Zone) and 6.0 (Plains Zone), means an activity carried out on the same site as a vineyard involving wine making and cellar door sales (the retail sale of the wine produced on the site), and any related entertainment facilities including the serving of food and beverages.

Working Day: has the same meaning as in the Resource Management Act 1991 and any subsequent amendments.

Yard: means the distance from a boundary or building line in respect of road widening which is required to be free, unoccupied or unobstructed by buildings from the ground upwards, except as otherwise provided in this District Plan, provided that eaves may overhang a yard by not more than 0.6 metres, and includes the following yards:

- (a) **Front Yard:** means a yard between a boundary fronting a road or a building line in respect of road widening and a line parallel to a boundary at a depth specified in the zone.
- (b) **Rear Yard:** means a yard between the rear boundary of the site and a line parallel there to extending across the full width of the site; providing that in the event of there being no rear boundary as in a triangular section, the boundaries of the rear yard shall be the converging side boundaries of the site and the arc of a circle drawn with the apex as centre and a radius of 9 metres.
- (c) **Side Yard:** means a yard between a side boundary of the site and a line parallel there to extending from the front yard (or the front boundary of the site if there be no front yard) to the rear yard (or, if there be no rear yard, the rear boundary of the site); or if there be two or more front yards, extending from yard to yard.