

INTERPRETATION

Part 6

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6.1 Definitions

Unless otherwise defined in this Plan, the following definitions shall apply for the purposes of administering the District Plan:

Act means the Resource Management Act 1991.

Accessory building means any building or part of a building, or activity, which is ancillary and secondary to any lawful existing activity on a site.

Accessway means land which provides physical and legal access for one or more properties and which is held by an individual owner or in-common, and it includes entities such as a driveway, right-of-way, private way and common access lot.

Allotment means an allotment as defined in Section 218 (2) of the Resource Management Act 1991.

Amenity forestry - refer to definition of "Protection and amenity forestry"

Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Bulk retail means the use of land or premises for retail or wholesale sales of bulky goods or other goods where a large amount of space is required, including hardware and D.I.Y centres, garden centres, vehicle showrooms and yards and other low-density retail and wholesale activities.

Car equivalent movement is defined as follows:

- 1 car movement to and from the site = 2 car equivalent movements
- 1 truck to and from the site = 6 car equivalent movements
- 1 truck and trailer to and from the site = 10 car equivalent movements

provided that a single residential dwelling is deemed to generate 8 car equivalent movements per day (24 hour period).

Commercial forestry means forestry principally for commercial gain. It does not include protection and amenity forestry (refer also to definitions of "forestry" and "protection and amenity forestry").

Community business means an activity serving the needs of the local area or neighbourhood as its *primary* function, from premises having a gross floor area of less than 150m², including dairies and other small shops/businesses.

Community facility means the use of land or buildings for the provision of a community service to the general public and includes educational facilities (including kohanga reo and child care centres), hospitals, medical facilities and clinics, places of worship, community halls, libraries, police and fire stations.

Controlled activity means an activity which the Plan specifies as a controlled activity and which is allowed only if a resource consent is obtained from the Council in respect of that activity. The Council shall assess the activity only in respect of those matters specified in the Plan over which it has retained control and it shall grant consent subject to conditions relating only to the specified matters.

Council means the Tararua District Council or any committee, sub-committee or person to whom the Council's powers, duties and discretion under the provisions of the Act or this Plan has been delegated pursuant to the provisions of the Act or the Local Government Act 1974.

Crossing place means the point on the property boundary where there is authorised access to a legal road.

Designation means a provision made in a district plan to give effect to a requirement made by a requiring authority under Section 168 or Section 168A of the Resource Management Act 1991, or clause 4 of the First Schedule to the Act.

Development means any subdivision or any proposed activity to be undertaken on land, whether or not a resource consent is required.

Discretionary activity means an activity which the Plan specifies as being allowed only if a resource consent in respect of the activity is obtained from the Council, which must exercise its discretion whether or not to grant consent in accordance with the criteria specified in the Plan and the Act.

Dwellinghouse means a self-contained detached residence designed for, or occupied exclusively by, one household.

Entertainment and sports premises means any land or buildings used by the public, or members of a club, for indoor recreation, entertainment or sports, and includes premises licensed under the Sale of Liquor Act 1978, theatres, cinemas, amusement galleries, gymnasiums, sports clubs, saunas and premises controlled by the Massage Parlour Act 1978.

Factory farming means the production of plant or animal produce, or the keeping of plants or animals, where the process is carried out largely indoors or in a restricted space and which is not dependant on the soil characteristics of the site on which it is situated and includes for example, poultry farms, pig farms where groundcover is not maintained, apiaries, rabbit farms, fitch farms, opossum farms, mushroom farms, feedlots for commercial livestock such as cattle, and animal boarding establishments such as kennels and catteries. It does not include glasshouse production and nurseries for pot grown plants where production is dependant on the soils of the site.

Factory shop means a retail shop on the same site and secondary and ancillary to a permitted industrial use selling only items manufactured, processed, repaired or serviced on the site, or items reasonably associated with the principal use such as parts and accessories.

Farming means the use of land and accessory buildings for the purposes of growing vegetative matter or raising and/or breeding animals, and includes pastoral farming, dairy farming, horticulture, glasshouse production, tree or plant nurseries, seed orchards, vineyards, cropping and horse breeding and training where production primarily depends upon the soil characteristics of the site. Farming does not include factory farming (refer separate definition).

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Forestry means the planting, replanting, management and harvesting of forests or tree plantations for soil conservation, catchment management, production of timber, or other forest produce, recreational, aesthetic or scientific purposes.

Forestry Development Notice means a notice submitted to Council within one year of the completion of planting of a commercial forest in a continuous block of 10 hectares or more, and which contains the following information:

- the legal description and the area of the land planted in forestry;
- a site plan showing the area planted, any significant stands of indigenous trees/bush (and protective buffer areas as appropriate) and any known or potential archaeological remains;
- the species of trees planted;
- general details of forestry management which includes site preparation, stocking, timing of tending (pruning and thinning), weed control, fire control and protection, and measures to protect riparian margins adjacent to waterbodies;
- approximate timetable (years) for future harvesting of trees;
- date (generally when trees are about 15 years old) when the forest owner (or nominee) will advise the Council of the anticipated transportation routes that will be used for transporting timber, logs and machinery during harvesting.

General business means any business activity, including retail, wholesale, food service (eat in or takeaway), office and service activities, but excluding entertainment and sports premises and industrial (manufacturing and processing) activities.

Goat farming means the keeping of more than 10 goats.

Hazardous facilities means activities involving hazardous substances, sites where hazardous substances are stored or handled or which might be contaminated by hazardous substances, and installations containing hazardous substances, including vehicles for their transport. A hazardous facility does not include:

- the incidental use and storage of hazardous substances in minimal domestic scale quantities (i.e. household cleaners, swimming pool chemicals, lawn mower fuel and garden sprays);
- fuel in motor vehicles, boats, farm machinery and other small engines;
- retail outlets for hazardous substances used on a domestic scale (i.e. dairies, supermarkets, hardware shops, pharmacies, home garden centres);
- gas and oil pipelines;
- trade waste sewers and sewerage waste treatment and disposal facilities.

Hazardous substances are any of the following:

- (a) Any substance with one or more of the following intrinsic properties:
- an explosive nature;
 - flammability;
 - an oxidising nature;
 - acute or immediate toxicity (including ecotoxicity);
 - delayed or chronic toxicity (including carcinogenicity, mutagenicity, teratogenicity, or ecotoxic effects);
 - radioactivity;
 - corrosivity;
 - environmental persistence; or
- (b) Any substance emitting or breaking down to a substance with any of the above properties upon entering the environment; or
- (c) Any substance or group of substances prescribed as hazardous by regulation.

except that "hazardous substances" shall exclude any substance or group of substances prescribed by regulation as not hazardous.

Healthcare facilities means facilities used by one or more health professionals (including dentists) for the purpose of providing a health care service to the public, and includes medical laboratories but does not include a healthcare institution, such as a hospital, in which there is overnight accommodation of patients.

Height, in relation to a building means the vertical distance between the actual ground level and the highest part of the building (excluding aerials, lightning rods, flagpoles, chimneys and other attachments to the building not exceeding 0.2 metres in diameter or width) immediately above that point.

Heritage Protection Authority has the same meaning as defined in Section 187 of the Resource Management Act, 1991.

Heritage Resource means any place, site, structure, monument or area that the Council, in consultation with the community, has identified in the District Plan as significantly contributing to the amenity of the District.

Household means the person(s) inhabiting a dwellinghouse or household unit on a permanent basis including:

- Family occupancy (including extended families)
- A group of people in a domestic situation (e.g. flats)

Home occupation means any business, profession, craft or hobby which is undertaken from a site or premises used primarily for residential use and which does not give rise to significant adverse environmental effects.

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Industry (and industrial activity) means premises used for the manufacturing, processing, packing, storage, distribution or servicing of goods, materials, equipment or other products.

Loading space means a space on a site suitable and available for fuelling, or loading and unloading of commercial vehicles.

Lot means "allotment" (refer above)

Marae means a defined area of land set apart for the common use of a Maori community and may include a complex of buildings such as a meeting house, dining hall, accommodation, ablution block, urupa and other community, recreational and educational facilities associated with the marae.

Minor repairs, in relation to any heritage item (such as an historic building), means the repair of materials by patching, piecing in, splicing and consolidating existing materials and including replacement of minor components such as individual bricks, cut-stone, timber sections, tiles and slates where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces and the number of components replaced should be substantially less than existing.

Network utility means an activity or operation of a network utility operator (see below) and generally includes those facilities which provide an essential service to the public in terms of telecommunications, radiocommunications, electricity and gas reticulation, water supply (including irrigation), sewerage reticulation, sewage treatment and disposal, drainage and stormwater systems, roads, railway and airports. Network utilities also include navigational aids and meteorological facilities.

Network utility operator has the same meaning as defined in Section 166 of the Resource Management Act 1991.

Non-complying activity is an activity which contravenes a rule in the District Plan and is allowed only if a resource consent is obtained from the Council in respect of that activity.

Notice of Requirement means a notice lodged with a territorial authority by a Requiring Authority, which has financial responsibility for a public work or project, for a designation:

- (a) for a public work
- (b) in respect of any land, water, subsoil, or airspace where a restriction is necessary for the safe and efficient functioning or operation of a public work.

A Notice of Requirement should be made in the prescribed form (i.e. Form 12 in the Schedule to the Resource Management (Forms) Regulations 1991), or to like effect.

Plan means the Tararua District Plan, unless otherwise stated.

Prospecting means the use of standard geological survey techniques (including geophysical surveys, seismic surveys, geochemicals surveys, grid and line surveying) to assess the mineral potential of an area, in accordance with a Prospecting or Exploration Permit under the Crown Minerals Act 1991. It does not include detailed exploration (i.e. bulk sampling, drilling, trenching or tunnelling) or mining activities.

Protection and amenity forestry means forestry principally for river protection, erosion control, soil stabilisation, visual and recreational use, and the provision of shelter and general amenity, and includes the sale of timber from thinning or replacement operations.

Public work means every work which the Crown or any local authority is authorised to construct, undertake, establish, operate, or maintain, and every use of land which the Crown or any local authority is authorised to establish and continue, by or under this or any Act (including any existing or proposed public reserve within the meaning of the Reserves Act 1977 and any National Park purposes under the National Parks Act 1980) ; and includes anything required directly or indirectly for any such work or use.

Requiring Authority has the meaning set out in Section 166 of the Resource Management Act 1991.

Residential unit means a self-contained dwelling house, flat, or unit which is used primarily for permanent or long-stay residential activity and may be either attached to, or detached from, other activities or residential units on the site.

Residential accommodation means the use of any land or premises primarily for permanent or long-stay residential activity and, in addition to dwellinghouses and other residential units, it includes retirement and convalescent homes. It does not include those activities included under the definition of "visitor accommodation".

Riparian margin means a strip of land of varying width adjacent to a water body which contributes to the natural functioning, quality and character of the water body, the land margin, and their ecosystems. Riparian planting or vegetation is vegetation in a riparian margin that help to mitigate adverse effects from the use or development of adjacent land, such as contaminated stormwater (run-off) discharges.

RMA means the Resource Management Act 1991, including all subsequent amendments to that Act.

Road reserve means the area of land situated between the edge of the formed section of a legal road and its boundary with adjoining land.

Rural industry means industry which serves or supports the rural area or has some specific feature which justifies a rural location, and includes operations for the processing or packing of agricultural or horticultural produce or by-products, stock and saleyards, and rural transporting and agricultural contractors yards.

Rural selling place means any land, building or part of a building that is used for the sale of fruit, vegetables, or other natural products produced or grown on the site, or the products of home occupations produced or created on the site. Where the purchaser harvests the produce (i.e. "pick your own" activities) the rural selling place means any land, building or part of a building in which such produce is weighed, packaged or sold.

Sign means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance, or any other thing of a similar nature, which is designed to attract attention for the purpose of directing, identifying, informing or advertising. A sign includes any frame, background, structure or support and shall also include any of the foregoing things when displayed on a vehicle.

Interpretation

Site refers, as appropriate in the circumstances, to:

- (a) An area of land, comprising one or more lots, which is contained in a single Certificate of Title; or
- (b) An area of land, comprising one or more lots, which contain a proposed or existing development or land use.

Soil conservation and river control works means works undertaken for the mitigation of soil erosion or flood hazards, including any associated structures and construction and maintenance activities.

Special purpose lot means an allotment created for any of the following purposes:

- (a) to be owned in common for access or similar other special purposes as part of a subdivision or as a separate application under Section 348 of the Local Government Act 1974;
- (b) network utility purposes;
- (c) a public work;
- (d) an esplanade reserve or strip;
- (e) an access denial or segregation strip;
- (f) an access strip from one public place to another public place;
- (g) the protection of significant heritage and environmental features from development and the adverse effects of land use activities as specified below:
 - a heritage protection site
 - waahi tapu land gazetted under the Maori Affairs Act 1953
 - any feature listed and described in Section 5.5
- (h) Reserves under the Reserves Act 1977 and Conservation Act 1987.

Temporary activities means any use of land, building or other structures for the purposes of:

- (a) a building, construction or demolition project (excluding any feature protected in the Schedule of Heritage Resources or Schedule of Natural Features in this Plan), for a duration of not more than 6 months;
- (b) a sporting or recreational event, public meeting, gala and market days, or other public event, for a duration of not more than 7 days;
- (c) temporary storage of goods or materials (excluding hazardous substances) for a duration of not more than 6 months;

Temporary military training means temporary training undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990. The Defence Act also enables access to Defence Areas, which includes areas utilised for temporary military training activities to be restricted.

Timber includes trees when they have fallen, or have been felled, and whether sawn, hewn, split, or otherwise fashioned; and includes tree ferns, woodchips, timber products, and the roots and stumps of trees.

Urban buffer area means the land around Dannevirke, Woodville, Pahiatua and Eketahuna which is shown as being in the “urban buffer area” on the planning maps.

Vehicle crossing means the formed area of accessway which is located on legal road and which is used to gain physical access from the formed part of the legal road to the property boundary.

Visitor Accommodation means the use of any land or premises for the provision of temporary accommodation and includes private hotels, motels, hostels and boarding houses, holiday or tourist flats, camping grounds, bed-and-breakfast facilities and other short-stay rented residential accommodation. (Note that bed-and-breakfast activities may also be home occupations)

6.2 Explanation of Maori Terms used in the Plan

Note: This section does not form part of the District Plan rules.

This section of the Plan provides a guide to the meaning of various Maori terms used in this Plan, particularly in Section 2.10 which sets out the Council's policies in relation to the Treaty of Waitangi and Maori resource management values. This section of the Plan has been adapted in part from the "Proposed Regional Policy Statement for Manawatu-Wanganui". It is intended only as a **guide** for readers unfamiliar with the Maori language and, as such, it gives rather simplified explanations for sometimes complex Maori concepts. It is not the purpose of this section to provide a comprehensive definition of all Maori terms used.

Hapu means a social, economic and political unit comprised of **whanau** (extended families) each recognising descent from a common ancestor(s). Whanau belonging to a hapu combine in socio-political and economic activities and live, or own land, in a localised area. A hapu boundary will exist within which are situated marae, kainga and pa - hapu gathering places or villages).

Iwi means a political grouping comprised of several hapu, each recognising descent from a common ancestor(s). The hapu within an iwi recognise not only genealogical ties but geographical, political, and social ties. Today, iwi are represented by many organisations, including trust boards, runanga, iwi authorities etc., but only in specific areas where the mandate to do so has been given by their constituent hapu.

Kaitiakitanga means the exercise of guardianship (spiritual or physical) which, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

Mana means legitimacy to act in an authoritative and responsible capacity.

Marae means spiritual, social, political and economic gathering places of iwi, hapu, whanau, and all manner of Maori groups and organisations. Marae may be whanau, hapu or iwi based. Strict observance of tikanga Maori ensures the retention of Maori language, lore, customs, values, and beliefs. Many whanau, hapu and iwi initiatives are run from this marae base (e.g. kohanga reo, kokiri administration centres, health clinics)

Rahui refers to a social system of prohibition which recognises the **tapu** state of a resource or used as a regulatory device to ensure wise management of a resource.

Tangata whenua refers to the iwi, hapu or whanau holding mana in a particular locality.

Taonga means all things prized or treasured, both tangible and intangible.

Tapu (or taapu) means a religious or superstitious restriction or condition affecting, or protecting, persons, places, and things.

Tikanga Maori refers to the social norms, practices and lore adhered to by Maori.

Te Tiriti O Waitangi is Maori for "the Treaty of Waitangi", and it refers to the Maori text which most iwi and hapu signed and which contains for Maori the fullest expression of the spirit (principles) of the Treaty.

Urupa is a graveyard or burial site. These can include registered and unregistered graveyards or places where skeletal remains are kept (caves, hollow trees etc). They are tapu because they are associated with death.

Waahi tapu are sites, areas, or localities associated with tapu (sacred places). These may include urupa, places where baptismal rites are performed, historic battlegrounds etc. Only tangata whenua may identify their waahi tapu.

Whanau is the basic unit of Maori social structure and is an extended family comprising children, parents, grandparents and cousins, uncles, aunties and so on. Today, whanau members may live separately yet share a mutual existence.

Whenua means the land.