

3. DEFINITIONS

Terms used in *the Plan* and otherwise defined in the *Resource Management Act 1991* or other legislation are included in this section for information purposes only. They do not form part of *the Plan*, and are identified as shaded paragraphs. Where reference is made to a term being defined in legislation other than the *RMA*, that other legislation should be checked to ensure the intended meaning of a particular term.

able to be relocated

The activity, *building* or *structure* is able to be "*practicably moved*" as follows:-

- a) For *subdivision* –
 - i) To an *alternative building site*; or
- b) For land use:-
 - i) Where the *site* does not contain an *alternative building site* of 325m² the activity, *building* or *structure* shall be able to be *practicably moved* as far landward as possible within the *site*, while complying with the bulk and location rules of *the Plan*; or off-site clear of the *CHEPA*. Such land as is available for relocation shall remain vacant for the purposes of relocation as and when required.
 - ii) Where the *site* does contain an *alternative building site* the activity, *building* or *structure* shall be able to be *practicably moved* and located on that *alternative building site*.

Note: For the purposes of this definition the phrase 'shall remain vacant' means the area shall not be developed, planted in trees, landscaped or otherwise contoured, or in such a way that would prevent the relocation of the subject building. The provision of setbacks, carparking, access and manoeuvring areas in accordance with rules for the Suburban Residential zone are allowed. Construction of buildings or structures that require building consent prior to the relocation will not be allowed. For guidance the erection and placement of fences, gardens, garden structures, landscaping, clotheslines, letterboxes and paved areas, as well as buildings designed and constructed to be able to be removed so that relocation can be physically undertaken within 10 working days, may be appropriate on the alternative building site.

accessory building, structure or activity

- a) A *building, structure* or activity which is detached from, and the use/operation of which is incidental to, that of the *principal building* or activity on the same *site*, and in relation to a *site* on which no *principal building* has been erected, is incidental to the activities which may be permitted on the *site*.
- b) A fence or free-standing wall of a *height* greater than 2 metres.
- c) Does not include a *secondary independent dwelling unit* or *ancillary retail* and *offices*.

accommodation unit

A *building*, or part of a *building* designed or used for habitation. For the purposes of *the Plan*, units that are self-contained through the provision of *habitable rooms*, kitchen and ablution facilities will be counted as one accommodation unit. Where accommodation is not self-contained, each area of 65m² of *gross floor area (GFA)* of all *habitable rooms* shall be counted as one accommodation unit.

active frontage

The frontage of a *building* to the road, typically of a commercial nature, that is designed to provide for access, interaction between the activities within the *building* and the public space in the road, or for the display of the actual goods and *services* for sale within the *building*.

adjoining (in relation to Special Ecological Areas)

The identification of a buffer area within 5 metres of a Category 1 Special Ecological Area or Category 2 Special Ecological Area (as measured from the *boundary* of the Special Ecological Areas as shown on the Plan Maps (Part B)).

aerial

The yagi or whip type device that receives or transmits radio communication or telecommunication signals and includes the aerial mountings to any *building* or *structure*, but not any supporting *mast*. This definition excludes any *antenna*.

agricultural

Means any substance, whether organic or inorganic, manufactured or naturally occurring, modified or in its natural state, that is used for any agricultural, horticultural or related activity, to eradicate, modify or control flora or fauna.

aircraft operations

Includes aircraft taking off, landing and taxiing, but does not include ground-based activities at an airport.

alternative building site

means either:-

- a) Where the whole of the *building* to be relocated lies within the *CHEPA* - vacant land comprising a minimum area of 325m² which is located contiguous with, but clear of the *CHEPA* and the *site* of the consented activity, *building* or *structures*, shall be provided so that the *building* and *structures* to be relocated to the alternative building site can comply with the bulk and location Rules of *the Plan*; or
- b) where the *building* to be relocated lies partly within the *CHEPA* and partly outside of the *CHEPA* - an area of land comprising a minimum area of 325m² which is located contiguous with, but clear of, the *CHEPA* and the *site* of the consented activity, *building* or *structures* shall be provided so that the *building* and *structures* to be relocated to the alternative building site can comply with the bulk and location Rules of *the Plan*.

ancillary retail and offices

Any *retail* or *office* premises on the same *site* as another principal *building* or activity, and whose use is incidental to that principal *building* or principal activity (eg, a *retail* showroom attached to a manufacturing premises) occupying not more than 25% of the *gross leaseable floor area* of that *building* or activity. This definition excludes *service stations*.

annual exceedence probability (AEP)

The probability that a given rainfall total, accumulated over a given duration, will be exceeded in one year.

annual recurrence interval (ARI)

The average, or expected, value of the periods between a given rainfall total accumulated over a given duration being exceeded.

antenna

Any device including any dish or panel but excluding *aerials*, that receives or transmits radio communication or telecommunication signals. This includes the antenna's mountings (including any support *structure* or head arrangement) and radio frequency unit or similar device, but excludes any *mast*. The diameter or area of an antenna means:

- a) In relation to any panel antenna or any other type of antenna that has a length and a width, the area measured by calculating the largest surface area;
- b) In relation to any other antenna, the diameter measured by taking the cross-section of the widest part of the antenna;

The mountings of any antenna and any radio frequency equipment or similar device shall not be included in the measurement of area or diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself.

Note: any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna, and the measurement is of each individual antenna is not a cumulative measurement.

approved earthworks

Earthworks that are a permitted activity under a Bay of Plenty Regional Council Regional Plan or accord with the conditions of any resource consent imposed by the Bay of Plenty Regional Council; and:

- a) *Earthworks* in accordance with the conditions of any *subdivision* consent granted by the Council;
- b) Granted in accordance with the conditions of any land-use consent imposed by the Council;
- c) *Earthworks* having a permitted activity status under *the Plan*.

archaeological site

Has the same meaning as contained within Section 2 of the Historic Places Act 1993 which means a site that:

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

arterial road network

That part of the *transport network* comprising secondary arterial roads, primary arterial roads and strategic roads.

bar

That part of licensed premises which is used principally or exclusively for the sale, supply or consumption of liquor.

beach replenishment, nourishment and restoration activities

- a) Activities that involve beach replenishment, nourishment, restoration, sand movement and includes:
- b) Approved Regional Coastcare and beach nourishment programmes;
- c) Maintenance and replacement of dunal vegetation,
- d) Erection, *construction* or extension of:
 - i) Monitoring equipment such as sea level datum posts;
 - ii) Sand ladders and exclusion fences, and associated *signs*;
- e) Activities associated with the re-spreading of sand within the *CHEPA* in accordance with the provision of Chapter 8 – Natural Hazards.

biodiversity

Has the same meaning as biological diversity contained in the Resource Management Act 1991 which means the variability among living organisms, including diversity within species, between species, and of ecosystems.

boundary

Means:

- a) In relation to fee simple *subdivision* or Maori land partitions, the lot, section or Maori block or partition boundary;
- b) In relation to cross-lease *subdivision*, the line as drawn on a survey plan which is used to indicate legally the extent of the area that is mutually exclusive for the use of each flat/unit in addition to the boundary of the parent *site*;
- c) In relation to unit title *subdivision*, the boundary of the accessory unit associated with a principal unit, in addition to the boundary of the parent *site*;
- d) In relation to a zone boundary, the limit of a zone as shown on the Plan Maps (Part B).

building

Has the same meaning as defined in Section 7 of the *Building Act 2004*, and includes those exemptions provided at Schedule 1 of that Act. For the purpose of *the Plan* a building shall exclude any *structure* less than 10m² in area on the horizontal plane and less than 2 metres in *height* with the exception in the *Residential Zones* of swimming pools and/or uncovered decks which shall be excluded if less than 1 metre in *height* regardless of their dimensions on the horizontal plane.

building component

A component of a *building* that is integral to and compliments its function including, but not limited to eaves, chimneys, balustrades and solar panels.

building platform

That portion of a new allotment or a *site* that are identified on a survey plan, approved *building* consent or resource consent upon which a *building* or parts of a *building* is to be constructed.

business activity

Retail, professional, social, administrative, educational, technological, storage, distribution or manufacturing, services (including tourist services) or related activities, carried out on a *site* principally for commercial gain. For the purpose of this definition, *business activity* does not include *visitor accommodation* or *homestays*.

business activity

For the purpose of Chapter 11 – Financial Contributions means the use of land and *buildings* for business purposes in accordance with the provisions of *the Plan* or resource consent. It also includes the use of land and *buildings* for *visitor accommodation* purposes, or for purposes that are not principally for commercial gain but provide employment (this includes, but is not limited to, *schools* and other educational facilities, public hospitals, police and fire stations and not-for-profit or voluntary organisations).

cabinet

A box-shaped *structure* which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of *network utilities* and includes single transformers and associated switching gear distributing electricity at a voltage up to, and including 110kV.

camping grounds

Any area of land used for the purposes of placing or erecting temporary living-places for occupation by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water-supplies, cookhouses, sanitary fixtures, or other premises and equipment, and includes the following:

the erection or *construction*, operation, maintenance and enhancement of the following activities:

- a) Tent and powered *sites* for campers and caravans;
- b) Kitset awnings and mobile annexes;
- c) Kitchen, Lounge and Dining *buildings*;
- d) Laundry *buildings*,
- e) Ablution blocks and changing rooms;
- f) Managers accommodation;
- g) Holiday units;
- h) Carparking and internal vehicle and accessways;
- i) Associated campground and holiday park furniture including playground and play equipment, seating, picnic tables, barbeques and shade-sails; and
- j) Administration *buildings*.

chartered professional engineer

A person who meets the requirements listed in the Chartered Professional Engineers of New Zealand Act 2002 or any superseding legislation. The Chartered Professional Engineer (CPE) shall be experienced in the analysis and design of *structures* and shall have experience in designing modular-type *structures*.

childcare

The supervision of children for financial gain, not meeting the definition of *daycare*.

the City

For the purposes of *the Plan*, the area within the jurisdiction of the *Council* under the provisions of the *Local Government Act (2002)*.

city-wide infrastructure

The bulk *services (network infrastructure)*, *reserve land or community infrastructure* provided for the development of *the City* as a whole, either as additional assets or by increasing the capacity of existing assets required as a result of demand from growth-related development, and which are not specifically provided by a development as part of *local infrastructure*. *City-wide infrastructure* may include projects that individually do not provide for growth across the whole *City*, but as a network do provide for growth across the whole city in circumstances where *Council* has adopted this approach.

city-wide infrastructure contribution

A *financial contribution* for city-wide infrastructure paid as a condition of a resource consent or Permitted Activity in accordance with Chapter 11 - Financial Contributions.

coastal beach environment

The sand dunes, coastal vegetation and beaches along the Mount Maunganui and Papamoa Open Coast and includes properties:

- a) Adjoining the Mall;
- b) Adjoining Marine Parade; or
- c) Seaward of Oceanbeach Road, Sunbrae Grove, Maranui Street (east of Sunbrae Grove) and Papamoa Beach Road.

coastal environment

Includes the *coastal marine area* (harbour and open coast), the land margins of the *coastal marine area*, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore whether above or below *mean high water springs*, dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal *wetlands*, including estuaries.

coastal hazard erosion plan area (CHEPA)

The land that comprises the Current Erosion Risk Zone (CERZ), the 50 year Erosion Risk Zone (50 year ERZ) and the 100 year Erosion Risk Zone (100 year ERZ), being that area located between *mean high water springs* (MWHS) and the landward extent of the 100-year ERZ *boundary* between Mauao and the western *boundary* of Te Tumu 14 Block identified on Plan Maps (Part B).

coastal marine area

Has the same meaning as contained in the Resource Management Act 1991 which means the foreshore, seabed, and coastal water, and the air space above the water –

- a) Of which the seaward boundary is the outer limits of the territorial sea;
- b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:
 - i) One kilometre upstream from the mouth of the river; or
 - ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.

Note: The boundary of the coastal marine area (CMA) in relation to rivers is defined in relation to river mouths. In the Bay of Plenty Region, the river mouths have been defined by agreement between the Minister of Conservation, Bay of Plenty Regional Council, and the appropriate City and District Councils, in accordance with section 2(1) of the RMA.

coastal processes engineer

A person who is a *Chartered Professional Engineer* who possesses expertise and qualifications in coastal geomorphology processes or coastal science. The Coastal Processes Engineer is required to be knowledgeable of the relevant coastal processes and hazards affecting the coastline to evaluate the impact of the coastal processes on any proposed development, including potential climate change effects.

coastal protection plan area

The area that encompasses the undeveloped open coastline of Papamoa East (the western *boundary* of Te Tumu 14 Block to the Kaituna River mouth) that is likely to be at risk from coastal erosion or inundation within 100 years. The hazard line adopted for this area is 74 metres from the toe of the foredune.

commercial centres

The consolidation of *retail* and other business development within a network of these business areas that includes the following components:

- a) City Centre – the area of *the City* forming the principal business, civic, cultural and entertainment centre of both *the City* and Western Bay of Plenty sub-region;
- b) Sub-Regional Centres – consolidation of comparatively large total floorspace servicing a sub-regional population and providing multi-purpose, mixed *retail*, business, employment and entertainment opportunities;
- c) Town Centres – consolidated areas providing a wide range of business opportunities including convenience *retail*, comparison shopping, entertainment, civic and cultural uses, and located to service a significant local population and generally provide pedestrian orientated main street development;
- d) Neighbourhood Centres – areas providing opportunities for business, civic, cultural and entertainment uses to service a local neighbourhood;
- e) Local Centres – areas providing a comparatively small cluster of convenience *retail* and other business opportunities to service a local community.

commercial zones

The Commercial Zone, Tauriko Commercial Zone, and City Centre Zone.

community facilities

Land, *buildings* and *structures* operated (including ancillary fund-raising activities provided that they are temporary) by an organisation for purposes other than financial reward or profit. *Community facilities* includes:

- a) Citizens advice bureaus;
- b) Libraries;
- c) Legal aid *offices*;
- d) Public toilets;
- e) Plunket rooms and rooms where information, counselling advice or similar assistance conducive to welfare is provided;
- f) Cultural activities;
- g) Public recreation (including sportsfields);
- h) Clubrooms;
- i) Community halls; and
- j) Community and community support centres.

community garden

An area of land cultivated collectively by a group of people for *primary production*, and not for commercial gain.

community infrastructure

Has the same meaning as defined in section 197 of the Local Government Act 2002.

community organisations

Is for the purpose of Chapter 11 – Financial Contributions and means the use of land or *buildings* for activities where people congregate on an organised basis for community activities such as recreation, worship or culture. This is limited to religious facilities, not-for-profit sports and social clubs, marae, museums, art galleries, libraries, community centres and community halls.

comprehensively designed development

Comprehensively planned and designed land use development of a *site* where the land use consent and *subdivision* consent are either submitted concurrently or the *subdivision* consent follows and implements the land use consent, and where all the design elements required to be considered in *subdivision* and land use rules of *the Plan* are considered in a comprehensive manner.

consent notice

Means a notice issued under section 221 of the Resource Management Act 1991.

construction

Any work in connection with the *construction*, installation, carrying out, repair, cleaning, painting, renewal, alteration, dismantling or demolition of:

- a) Any *building, structure*, wall, fence or chimney, whether constructed wholly or partly above or below ground;
- b) Any road, motorway, harbour or foreshore works, railway, cableway, tramway, canal, or aerodrome;
- c) Any drainage, irrigation, or river control work;
- d) Any bridge, viaduct, dam, reservoir, *earthworks*, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;
- e) Any scaffolding or falsework.

Council

The Tauranga City Council.

daycare

The supervision within an *independent dwelling unit* of not more than three children additional to the children under the primary care of the occupant of that dwelling, for the purpose of financial gain.

daytime

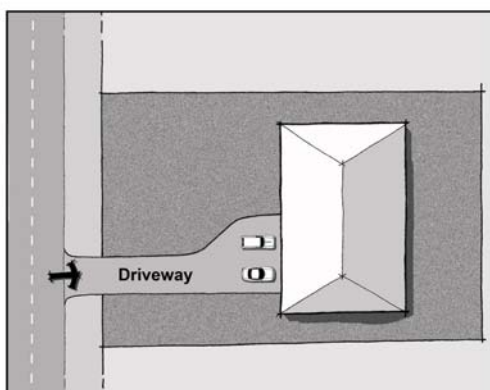
That period between 0700 hours (7am) and 2200 hours (10pm).

design feature

A distinctive part of a *building* designed for visual effect that is not integral to the day to day functioning of that *building*.

direct vehicle access

The position of a carport, garage, or vehicle parking space so entry and exit is situated more or less perpendicular to the road from which it is served.

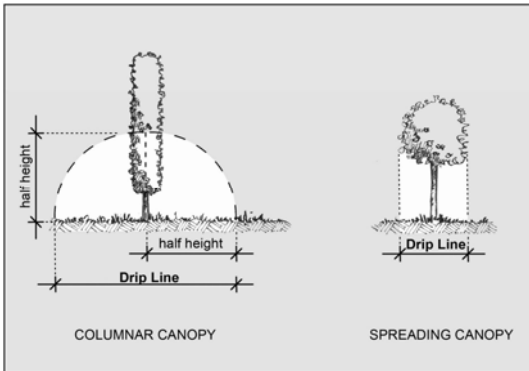


distribution electric line

A power line that delivers electricity directly to customers.

drip-line

Where the vertical line formed when a vertical line from the outermost extent of a tree's spreading canopy branches meets the ground, or for a tree with a columnar canopy, a distance outward from the trunk of half the *height* of the tree.



dwelling unit

Is for the purpose of Chapter 11 – Financial Contributions and means a *building* or part of a *building* intended to be used as an independent residence, including, but not limited to, apartments, semi-detached or detached houses, units, town houses and caravans (where used as a place of residence or occupied for a period of time exceeding 6 months in a calendar year). To avoid doubt, *visitor accommodation units* that are separate unit titles will be considered as dwelling units. For the purposes of this definition the following activities will not be assessed as a dwelling unit:

- a) Caravans and other mobile forms of accommodation located and serviced within an approved *camping ground* (i.e., one that has received a resource consent or has existing use rights under section 10 of the *RMA*);
- b) Premises or parts thereof complying with the *visitor accommodation* provisions of the *Plan*, up to and including 30 September 2000, or with resource consent to operate as *visitor accommodation* in which each unit is not separately unit titled.

dwelling unit equivalent

The number of occupants the *building* is designed or licensed to accommodate divided by 2.5 persons

earthworks

The modification or disturbance of land through moving, removing, excavating, depositing or replacing of any material.

ecosystem

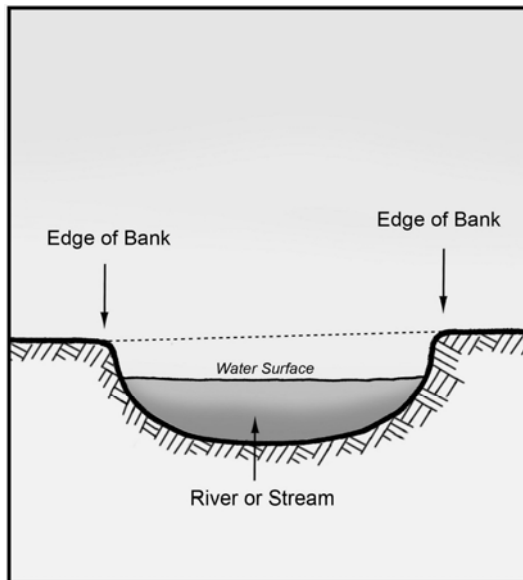
Shall have the same meaning as contained within the Environment Act 1986 which means any system of interacting terrestrial or aquatic organisms within their natural and physical environment.

ecological restoration

Returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or removal of extraneous additions, and includes ground reinstatement.

edge of a bank

The topographical feature defined in the diagram below:



electric line

All conductors, support *structures* and associated electrical fittings (including fittings supporting, or connected to, those conductors), whether above or below ground, that are used, or intended to be used, in, or in connection with, the supply of electricity from the outgoing terminals of a generating station, a *building*, enclosure, or other *structure* to:

- a) Incoming terminals of any other *building*, enclosure, or other *structure*;
- b) An electrical appliance, in any case where the electrical appliance is supplied with electricity other than from a terminal in a *building*, enclosure, or other *structure*.

emergency event

An unexpected natural or man-made catastrophe causing significant physical damage or destruction, or imminent threat of physical damage or destruction.

emergency removal

The removal of a *notable tree* or *heritage tree* where that tree:

- a) Poses an existing or imminent threat to life or property;
- b) Poses an existing or imminent threat to an existing *network utility*,
- c) Carries a fatal disease.

emergency services

Land and *buildings* on a *site* owned or leased by agencies assisting the public in times of emergency, including the New Zealand Fire Service or an equivalent emergency fire service, the New Zealand Police Service and Saint Johns Ambulance Service, and is principally for the purposes of administration, vehicle and equipment storage and maintenance, and training related to the services provided.

environment

Has the same meaning as contained within the Resource Management Act 1991, which means:

Ecosystems and their constituent parts, including people and communities; and

- a) All natural and physical resources; and
- b) Amenity values; and
- c) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs a) to c) of this definition or which are affected by those matters.

Esplanade Reserve

Has the same meaning as contained in the Resource Management Act 1991 which means a reserve within the meaning of the Reserves Act 1977

- a) which is either:
 - i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239 of the RMA; or
 - ii) a reserve vested in the Crown or a regional council under section 237D of the RMA; and
- b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229 of the RMA (conservation values, public access or recreational use).

Esplanade Strip

Has the same meaning as contained in the Resource Management Act 1991 which means a strip of land created by the registration of an instrument in accordance with section 232 of the RMA for a purpose or purposes set out in section 229 of the RMA (conservation values, public access or recreational use).

exempted party

Persons or organisations either exempt from the provisions of the Local Government Act 2002 under section 8 of that Act, or which hold a valid resource consent issued before 1 July 2004 and which is subject to a requirement for a *financial contribution*.

factory farming

A farm or unit of *primary production* in which the process is carried out largely indoors or in a restricted outdoor space and which is not dependent on the soil characteristics of the *site*. It includes (but is not limited to) poultry farms, rabbit farms, fitch farms, mushroom farms, and intensive feedlots for free-range commercial livestock such as deer or cattle, but excluding pigs.

financial contribution

Has the same meaning as in Section 108(9) of the Resource Management Act 1991 which 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 Te Ture Whenua Maori Act 1993 unless that Act provides otherwise; or
- c) a combination of money and land.

flood hazard plan area

The area of land that is both identified as within the Flood Hazard Area and is less than 2.5-2.9 metres above *Moturiki Datum*. For clarity, this area excludes any *building platform*, greater than 2.5 - 2.9 metres above *Moturiki Datum* in the relevant area identified in the Plan Maps (Part B).

forestry

The commercial production of trees for wood products, including farm and wood lots, but not the harvesting of forestry.

freestanding sign

A *sign* fixed permanently to a *site*, independent of any other *building* or *structure* on the *site*. To avoid doubt, freestanding signs do not include sandwich *signs* or other *signs* not fixed permanently to the *site*.

garden centre

Premises used for the sale of plants and associated merchandise or advisory services, including premises for the propagation, display or storage of plants for sale to the public.

general retail

Means any activity where 26% or more of the activity floorspace is devoted to retailing, storage and display for trading direct to the public.

greenfield subdivision/development

New *subdivision* or development for residential or other urban land uses, from areas that were formerly undeveloped rural or open land.

gross floor area (GFA)

Means the sum of the floor area or area of floors of a *building* or *buildings* measured from the exterior walls, or from the centreline of walls separating two *buildings* including mezzanine floors and internal balconies, but excluding space occupied by internal walls, stairwells, external balconies and terraces, rooftop parking areas, machinery rooms, and lift shafts. For the purposes of assessment specified by Table 4B: On-site Parking and Loading Requirements it shall also exclude other internal car parking, and vehicle manoeuvring, loading and unloading spaces.

gross floor area

For the purpose of Chapter 11 – Financial Contributions means the sum of the floor area or floors of a *building* or *buildings* measured from the external walls, or from the centreline of walls separating two *buildings*, including mezzanine floors and internal balconies.

gross leaseable floor area

The sum of any floor area designed for tenant occupancy and exclusive use including both freehold and leased areas. It includes any stock storage, display and preparation areas whether exclusive or not, but excludes:

- a) Lift shafts and stairwells, including landing areas;
- b) Corridors and malls where not for the exclusive use of a single tenancy;
- c) Any parking area required by the *Plan*;
- d) Machinery rooms for lift machinery, generators or air-conditioning equipment;
- e) Vehicular loading and unloading areas.

ground level

The level of ground existing when *approved earthworks* associated with the most recent *subdivision* of the land have been completed (as at the issue of the section 224 Certificate or the previous legislative equivalent).

Areas of cut or fill which have resulted or will result from work undertaken as part of the *construction* of a *building* or an activity shall not be used in calculation of *ground level*.

When the *ground level* as defined, is not able to be identified, *ground level* shall mean the existing *ground level* but excluding any areas of cut or fill which have resulted or will result from work undertaken as part of the *construction* of a *building* or an activity which did/does not include *subdivision*.

habitable room

Any room or rooms in any *residential building(s)*, *visitor accommodation* or *homestay* but excludes any kitchen, laundry, bathroom, water closet, any rooms used solely as an entrance hall, passageway, stairway or garage, or room of a specialised nature occupied neither frequently nor for extended periods.

hard protection works

Any manmade *building* or *structure* that has the function of protecting a *building*, *structure* or land from inundation or erosion by the sea.

hapu

For the purposes of *the Plan* a Maori sub-tribe or clan usually comprising a number of *whanau* (families) linked through a common ancestor.

hazardous substance

Any substance which may impair human, plant, or animal health or may adversely affect the health or safety of any person or the *environment*, and whether or not contained in or forming part of any other substance or thing and:

- a) Includes substances prescribed by regulations of relevant legislation;
- b) Does not include substances prescribed by regulations associated with relevant legislation as not being *hazardous substances*.

hazardous substance facility

Activities involving *hazardous substances*, including vehicles for their transport, and *sites* at which these substances are stored, used, handled and disposed of. *Hazardous substance facility* does not include the incidental use and storage of *hazardous substances* in minimal quantities for domestic use or *retail* sale.

health centre

Land and *buildings* used for the purposes of human or animal health care (including treatment) diagnosis, consultation and laboratories to assist in this process.

heavy machinery

A fixed or portable mechanical device with a tare weight of more than 3.5 tonnes, and includes a truck or other vehicle having a tare weight of 3.5 tonnes or more.

height

In relation to any *buildings* and unless provided for in any other part of *the Plan*, means the vertical distance between the *ground level* at any point and the highest part of the *building* immediately above that point, measured at the external envelope of the *building*.

Note: The height of a building or structure excludes the permitted intrusions outlined at Rule 4.8 of the Plan. Where a building is within 0.2 metres of the maximum permitted building height certification from a licensed surveyor may be required to establish compliance with the maximum permitted building height.

heritage tree

Means a tree listed in Appendix: 7A Register of Heritage Trees which forms part of the *historic heritage* of the *City*.

historic heritage

Has the same meaning as in the Resource Management Act 1991 which:

- a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - i) archaeological:
 - ii) architectural:
 - iii) cultural:
 - iv) historic:
 - v) scientific:
 - vi) technological; and
- b) includes—
 - i) historic sites, structures, places, and areas; and
 - ii) archaeological sites; and
 - iii) sites of significance to Maori, including wahi tapu; and
 - iv) surroundings associated with the natural and physical resources.

high density

For the purpose of *residential density* means residential areas characterised by predominantly multi-unit residential developments including attached units, town houses and apartment *buildings* with a density of dwellings greater than 1 *independent dwelling unit* per 129m² of gross *site* area.

high-voltage transmission network

The network of *transmission electric lines* and associated support *structures* owned and operated by Transpower New Zealand Limited operating at or above 66kV.

home-based business

An occupation, craft, business or activity that is clearly incidental to the permitted residential use of a *site* and is conducted on a continuous or repetitive basis for commercial gain, and includes premises used for the purpose of daycare.

homestay

A portion of an *independent dwelling unit* (excluding a *secondary independent dwelling unit*) occupied on a temporary (periods of up to 3 months continuous occupation during any 12 month period) basis and includes bed and breakfast establishments.

hotspot

Areas of high concentrations of contaminants such as sheep and cattle dips, spray pads or sheds, spray equipment wash down areas, bulk fuel storage, uncontrolled dumping of chemical containers, glasshouses, bio-solid *sites*, farm dumps, sumps, implement and fertiliser sheds and offal pits.

hui

A meeting or gathering for any number of purposes, e.g. weddings, fundraising, galas, anniversaries, group discussion.

important amenity landscapes

Landscapes listed in Appendix 6.B which are significant to the local community but which do not meet the criteria for *Outstanding Natural Features and Landscapes*, although they retain high amenity and *landscape character* values.

independent dwelling unit

A *building* or part of a *building* intended to be used as an independent residence, including apartments, semi-detached or detached houses, residential units and town houses for a family or up to 6 unrelated persons. For the purposes of this definition the following activities shall not be assessed as a dwelling unit:

- a) Caravans and other mobile forms of accommodation located and serviced within a *camping ground*;
- b) Caravans and other forms of accommodation used for habitable purposes for longer than six months in a calendar year except where an *accessory building* to an established *independent dwelling unit*;

indigenous

Flora or fauna occurring in New Zealand as a consequence of natural processes and does not include any species introduced by human intervention.

industrial activities

Buildings or land used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance, storage or repairing of goods, products, articles, materials or substances and includes premises on the same land used for:

- a) The selling of goods by wholesale;
- b) The provision of amenities for employees;

incidental to any of those industrial operations.

industrial zones

The Tauriko Industry Zone, the Industry Zone and the Port Industry Zone.

infill subdivision/development

The further residential *subdivision/development* of land within the existing developed areas of *the City*.

infrastructure

The provision of, and resources associated with the delivery or reticulation of, water, roads, electricity, gas, *wastewater* disposal, stormwater disposal, *reserves*, streetlighting, *community infrastructure*, *community facilities* and telecommunications and includes activities which can be undertaken by a *network utility* operator defined under Section 166 of the *Resource Management Act 1991*.

infrastructure performance standards

The performance standards for delivery of *infrastructure* set out in Chapter 12 - Subdivision, Services and Infrastructure of the Plan.

integrated transport assessment

Means an assessment in accordance with the requirements of Appendix 4A: Integrated Transportation Assessment Requirements necessary to demonstrate the effects of, and methods to address the movement of people resulting from a particular *subdivision*, land use or development.

intensification

An increase in the density (of dwellings, population or employment) over the current density of a given area.

iwi

A Maori tribe, grouping of *hapu* or people associated with a certain geographical area and/or linked through a common ancestor.

iwi authority

The authority which represents an *iwi* and which is recognised by that *iwi* as having authority to do so.

kaitiakitanga

Has the same meaning as contained in the Resource Management Act 1991 which means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

landscape character

The combination of characteristics and elements that distinguish any particular area of land from another area. It is determined by the inter-relationship of:

- a) Landform - which reflects the topography, geology, hydrology and associated natural processes such as erosion, and weathering;
- b) Land cover - which includes drainage patterns, vegetation (including exotic and *indigenous*), natural waterways, *wetlands*, rivers and streams, and reflects the biological processes such as plant succession and soil formation;
- c) Human elements - which reflects the existing land use pattern and the cultural, social and heritage values that give added meaning to an area.

Note: The characteristics and elements of Tauranga's Suburban, Urban, Rural Residential and Rural areas have been described in the Boffa Miskell (2009) Tauranga City Landscape Study prepared for the Tauranga City Council.

L10

Means the noise level that may be exceeded for 10% of the measurement period. L_{10} is an indicator of the mean maximum noise level and is the descriptor for intrusive noise.

Ldn

Means the A-frequency-weighted day-night average sound level in decibels.

Leq

Means the average continuous noise level measured as the time averaged sound level (on a log/energy basis) over the measurement period.

Lmax

Means the maximum sound level recorded during the measurement period.

landscape strip

The planting of trees, shrubs, and ground cover along a property or *site boundary* for visual amenity and may also include the alteration of landform (such as bunding) or the erection of solid fencing for the purposes of screening.

local infrastructure

Those bulk *services (network infrastructure)*, *reserve land* or *community infrastructure* provided for *the City's urban growth areas*, either as additional assets or by increasing the capacity of existing assets required as a result of demand from growth-related development. A local infrastructure project may provide for the development of multiple *urban growth areas*, although not for development across the whole city.

local infrastructure contribution

A *financial contribution* for *local infrastructure* paid as a condition of a resource consent or Permitted Activity in accordance with Chapter 11 Financial Contributions.

legal width

The width of a vehicle access as defined by legal survey plan, memorandum or easement.

light spill

Light from both direct and indirect sources, which falls outside the area that is required to be artificially lit. Light spill is measured in lux (lumens per square metre), while light intensity is energy transferred by light measured in candelas per square metre. Measurement of both the horizontal and vertical components is required.

low demand business activity

Means the use of land and *buildings* for the purposes of storage, warehousing, distribution or the operation of utility networks in circumstances where *Council* is satisfied that the proposed activity will have a relatively minor impact on its water and *wastewater* network on a per m^2 *gross floor area* basis relative to the impact of an average *business activity* as measured on the same basis.

low density

For the purpose of *residential density* means areas characterised by predominantly detached homes at a maximum density of 1 *independent dwelling unit* per $325m^2$ of *nett site area*.

main living area

A lounge, kitchen, dining room or family room identified by the applicant as the main living area of an *independent dwelling unit*.

mast

Any pole, tower or similar *structure* designed to carry *aerials* or *antenna* to facilitate telecommunications, radio communications and broadcasting and which is fixed to the ground (and not on a *building* or *structure*).

mean high water springs (MHWS)

The average line of spring high tide. MHWS is indicatively shown as the seaward *boundary* of the Plan Maps (Part B) and established generally as 0.87 metres above *Moturiki Datum*, augmented for practical purposes by natural and man made indicators such as the toe of cliffs, dunes and seawalls.

medium density

For the purpose of *residential density* means areas characterised by a mix of housing types including attached units, town houses and apartment *buildings* with a maximum density of 1 *independent dwelling unit* per 130m² of gross *site* area.

mineral exploration

Has the same meaning as 'exploration' within the Crown Minerals Act 1991, which means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.

mineral prospecting

Has the same meaning as 'prospecting' within the Crown Minerals Act 1991, which means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes:

- a) Geological, geochemical, and geophysical surveys; and
- b) The taking of samples by hand or hand held methods; and
- c) Aerial surveys.

mining

Has the same meaning as contained in the Crown Minerals Act 1991 which means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and to mine has a corresponding meaning.

minor pruning

Relates to any tree listed as a *notable tree* or landscape tree in *the Plan* and shall be deemed to be:

- a) The removal of broken branches, deadwood or diseased vegetation;
- b) The trimming and pruning of vegetation necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2003.;
- c) Removal of branches physically interfering with existing *buildings*, where such work is carried out in accordance with advice from a qualified arborist;
- d) Any pruning able to be carried out through the use of hand held secateurs only.

minor public recreational facilities and activities

Means:

- a) Tree husbandry including replacement, removal/control of *indigenous*, exotic, noxious or nuisance plant species including weed control;
- b) Pedestrian and cycle track *construction* including pathways, bridging, boardwalks and steps;
- c) Animal control operations;
- d) Interpretive and directional *signs*;
- e) Park furniture including bollards, playgrounds and play equipment, gates, stiles, seating, memorials, picnic tables, barbeques, sculptures, artworks and interpretative and directional *signs*, shade-sails and viewing platforms;
- f) Public toilets, changing rooms, shelters and free standing showers;
- g) Public carparks and access roads;
- h) Gardens, landscaped and grassed areas;
- i) Beach grooming and cleaning operations;
- j) Surf lifesaving activities and associated *structures* (excluding clubrooms and *buildings*)
- k) for the use and enjoyment of the public.

minor structures and activities

In relation to the *CHEPA*, Special Ecological Areas and the High Voltage Transmission Plan Area means:

- a) Gardens, trees, paving areas and landscaped areas;
- b) Garden *structures* (including but not limited to fences, steps, pergolas, shade sails, barbeque areas, clotheslines, letterboxes);
- c) Decks less than 30m² in area;
- d) *Structures* and *buildings* less than 10m² in *gross floor area (GFA)* and do not require a *building* consent.

minor structures and activities

In relation to the *Flood Hazard Plan Area* means:

- a) Paved and landscaped areas;
- b) Garden *structures* (including but not limited to fences, steps, pergolas, shade sails, barbeque areas, clotheslines, letterboxes);
- c) Decks less than 30m² in area;
- d) Unenclosed carports;
- e) *Structures* and *buildings* less than 10m² in *gross floor area (GFA)* and do not require a building consent;
- f) Support poles for decks and verandahs.

minor upgrading (in relation to transmission and distribution electric lines)

An increase in the carrying capacity, efficiency or security of *transmission* and *distribution electric lines* utilising the existing support *structures* or *structures* of a similar scale, intensity and character, and includes:

- a) The addition of circuits and conductors;
- b) The reconducting of the line with higher capacity conductors;
- c) The resagging of conductors;
- d) The bonding of conductors;
- e) The addition of longer or more efficient insulators;
- f) The addition of earthwires which may contain *telecommunication lines*, earthpeaks and lightning rods;
- g) The addition of electrical fittings;
- h) Support *structure* replacement within the same location as the support *structure* that is to be replaced
- i) The replacement of existing cross-arms with cross-arms of an alternative design;
- j) An increase in support *structure height* required to comply with the New Zealand Electrical Code of Practice 34:2001 by not more than 15% of the base *height* of the support *structure*, and where the base *height* is defined as the *height* of the *structure* at date of public notification of *the Plan*;

Minor upgrading shall not include an increase in the voltage of a high voltage transmission line unless the line was originally constructed at the high voltage but has been operating at a reduced voltage.

mixed use

A single comprehensive development incorporating both residential and business activities.

moturiki datum

The orthometric datum commonly used in this region. It is based upon mean sea level as established by the Lands and Survey department. All *Council* and Land Information New Zealand Benchmarks for *the City* are based on this datum. All *reduced level (RL)* and contour lines required under *the Plan* must be related to this datum.

multiple-owned Maori land

Land held in multiple ownership under the the Te Ture Whenua Maori Act 1993.

multi-unit residential development

Is for the purpose of Chapter 11 – Financial Contributions and means one or more dwelling units on a *site* over and above any existing dwelling unit, and includes two or more comprehensively planned and designed residential dwelling units, other *residential activities* or *visitor accommodation units*.

natural character

The qualities of the *environment* that give *the City* recognisable character. These qualities may be ecological, physical (including landscape), spiritual, cultural or aesthetic in nature. They include modified and managed *environments*.

neighbourhood reserve

Land that is primarily provided for use by local communities for casual recreation, play, relaxation, community activity, links to other areas or quiet open space. Neighbourhood reserves also provide visual contrast in the urban *environment*.

nett developable area

Means a given area of land for *greenfield subdivision/development* and includes land used for:

- a) Residential purposes, including all open space and on-site parking associated with dwellings;
- b) Local roads and roading corridors, including pedestrian and cycleways (and excluding strategic roads and arterial roads as defined in the *road hierarchy*);
- c) Collector roads and roading corridors (as defined in the *road hierarchy*) where direct access from allotments is obtained. Where only one side of the road has direct access only 50% of the corridor shall be used for the purpose of this definition;
- d) *Neighbourhood reserves*.
- e) But excludes land that is:
 - i) Stormwater ponds and detention areas;
 - ii) Geotechnically constrained (such as land subject to subsidence or inundation);
 - iii) Set aside to protect significant ecological, cultural, heritage or landscape values;
 - iv) Set aside for non-local recreation, *esplanade reserves* or access strips that form part of a larger regional, sub-regional, or district network;
 - v) Identified for business use, or for *schools*, *network utilities*, hospitals or other district, regional or sub-regional facilities.

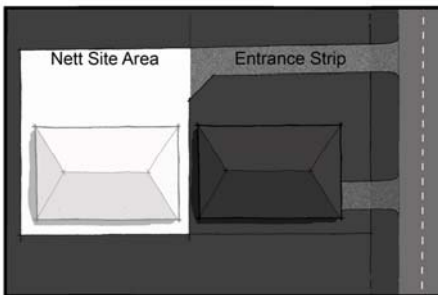
nett yield

The number of *independent dwelling units* established within a given *nett developable area*.

nett site area

The area of a *site* less any area of that *site* that is solely for the purpose of providing access and for clarity also excludes:

- a) An entrance strip owned in common with the owners of other *sites*;
- b) Any area in a cross-lease, company lease or unit title *subdivision* that is not covered by an *independent dwelling unit*, the *accessory buildings* of that *independent dwelling unit*, or other area set aside for the exclusive use of the occupants of that *independent dwelling unit*.



network infrastructure

Has the same meaning as defined in section 197 of the Local Government Act 2002 varied to the extent that it includes land required for the specified purposes.

network utility (network utilities)

Any activity relating to:

- a) Distribution or transmission by pipe line of natural or manufactured gas petroleum or geothermal energy;
 - b) Telecommunication or radiocommunication;
 - c) Transformation, transmission, or distribution of electricity;
 - d) The holding, transmission and distribution of water, (whether treated or untreated) for supply, including irrigation;
 - e) Stormwater treatment (including *stormwater reserve*) drainage or sewerage reticulation systems;
 - f) *Construction*, operation and maintenance of railway lines, tramways and roads;
 - g) *Construction*, operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990;
 - h) Lighthouse, navigation aids, beacons and natural hazard emergency warning devices;
 - i) Meteorological services;
 - j) A project or work described as a '*network utility operation*' by regulations made under the Resource Management Act 1991;
 - k) *Construction*, operation and maintenance of power generation schemes;
- and includes

- i) All *structures* necessary for the operation of the *network utility* services; and
- ii) The operation and maintenance of the *network utility* service.

Ngati Kahu Kaumatua dwelling unit

Ngati Kahu Kaumatua dwelling unit means a dwelling unit of not more than 50m² *gross floor area* erected within the Ngati Kahu Papakainga Zone. The dwelling unit must contain no more than 3 *habitable rooms*.

night-time

That period between 2200 hours (10pm) and 0700 hours (7am).

non-exempted party

A person or organisation not meeting the definition of an *exempted party*.

non-residential activity

Any activity not defined as a *residential activity* or a *temporary activity* and may include any *business activity*, *industrial activity*, *home-based business activity*, *visitor accommodation* or *homestay*.

notable tree

Means a tree listed in Appendix 6E: Notable Tree Register which forms part of the *landscape character* of an area, or *the City* and scores 150 points, or more, when assessed against the *Standard Tree Evaluation Method (STEM)* criteria.

notional boundary

A line 20 metres from any side of any dwelling, in a Rural, Greenbelt or Rural Marae Community Zone, or the legal *boundary*, and applies for the purposes of noise assessment.

offensive trade

Means the following activities or processes:

- a) Blood or offal treating;
- b) Bone boiling or crushing;
- c) Dag crushing;
- d) Fellmongering;
- e) Fish cleaning and curing;
- f) Flax pulping;
- g) Flock manufacturing, or teasing of textile materials for any purpose;
- h) Gut scraping and teasing;
- i) Refuse disposal;
- j) Storage, drying, or preserving of hides, bones, hoofs or skins;
- k) Tallow melting;
- l) Tanning;
- m) Wood pulping;
- n) Wool scouring.

office

The use of a *building* for the purposes of administration, consultation, or management of business transactions and shall include:

- a) Administrative *offices* for the purposes of managing the affairs of an organisation, whether or not trading is conducted;
- b) Commercial *offices* such as banks, insurance agents, or real estate agents where trade (other than for the immediate exchange of money for goods) is transacted;
- c) Professional *offices* such as the *offices* of accountants, solicitors, architects, engineers, surveyors, stockbrokers, and consultants where a professional service is available and carried out. This definition shall not include those activities defined as *health centres*.

In this context 'office' shall exclude such activities which fall within the class of activity known as *home-based businesses*.

one-bedroom dwelling

A dwelling unit that has not more than two rooms, excluding a kitchen, laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage. This includes studio apartments.

on-site services

Is for the purpose of Chapter 11 – Financial Contributions and means the *services* provided for a new *subdivision* or land use which are solely or principally for the benefit of land within the application *site*, and which will be vested as public assets in the territorial local authority.

open space zones

The Passive Open Space, Active Open Space, Active Open Space (major) and Conservation Zones.

outline development plan

A plan to guide the future development of land and may form either a component of *the Plan*, or be approved under the provisions of *the Plan*.

outstanding natural features and landscapes

A feature or landform listed in Appendix 6.A which has exceptional qualities for more than one of the following criteria:

- a) Natural science factors;
- b) Aesthetic values;
- c) Expressiveness (legibility);
- d) Transient values;
- e) Shared and recognised values;
- f) Maori values;
- g) Historical associations.

papakāinga

Development by tangata whenua of land held under the *Te Ture Whenua Maori Act (1993)*, in the traditional rohe of those tangata whenua and developed for residential, social, cultural, conservation and recreation activities.

parking impact fee

A *financial contribution* toward the *construction* of carparking facilities in lieu of the physical provision of on-site carparking.

pedestrian environment street

Means a road, specifically identified in the Plan Maps (Part B) where there is a focus on creating a pleasant pedestrian *environment* supported by rule of *the Plan*.

permanently flowing river or stream

Includes both modified and unmodified watercourses with a defined channel and banks which are subject to year-round flowing water, but excludes artificial watercourses.

pig farming

The keeping of pigs for commercial purposes and includes:

- a) Intensive *pig farming* - the keeping of pigs within *buildings*, or at a stocking density which precludes ground cover being maintained
- b) Extensive *pig farming* - the keeping of all stock in paddocks with ground cover maintained commensurate with surrounding properties, and only relocatable shelters used.

places of assembly

Land, *buildings*, *structures* or uses on the surface of water that involve the congregation of people for such purposes as deliberation, entertainment, private recreation, leisure or similar purposes and include churches, funeral chapels, taverns, societal lodges, restaurants, art galleries, theatres, and tourist facilities.

the Plan

This Tauranga City Plan, the Objectives, Policies and Rules (Part A), and the Plan Maps (Part B).

port activities

Activities necessary to the operation of the Port of Tauranga including:

- a) Handling, storage, processing, consignment and transportation of cargo;
- b) *Construction*, maintenance or repair of Port operational facilities;
- c) Port *offices* and personnel facilities;
- d) Navigational aids and equipment.

And also includes *Industrial activities* that for operational purposes require location near the Port, including:

- i) Commercial fishing facilities;
- ii) Marine storage, repair, servicing and maintenance facilities.

potentially contaminated land

Any location for which there are reasonable grounds to suspect that contamination of land may have occurred, based on information about past land uses at that location, or on evidence from or near the land itself. Past land uses that may lead to contamination are outlined in the Hazardous Activities and Industries List (HAIL) appended to Chapter 9 - Hazardous Substances and Contaminated Land.

practicably moved

The activity, *building* (including foundations) or *structure* is able to be physically moved clear of the *CHEPA* within a 10 working day period (as defined in the Resource Management Act), from the start of such relocation activity, by way of a removal truck, a roller or rail system or crane, and that access can be gained to the *site* to move the *building*, to the satisfaction of *Council*.

Note: The abandonment and/or total demolition and removal of debris of the activity, building or structure does not meet the definition of "practicably moved".

primary production

Any of the following activities, whether singularly or in combination, for commercial gain or exchange:

- a) The cultivation of land;
- b) The keeping, maintenance and farming of animals and birds (including poultry) for the production of meat, fibre, or other animal-derived produce (including offspring);
- c) Aquaculture (fish farming and hatcheries, shellfish farming, seaweed gathering and processing)
- d) Horticulture (including all forms of fruit, vegetable, flower, seed, or grain crop farming).

principal building

The predominant *building* on a *site* in terms of size, scale and/or the activity located within that *building* being a primary function on the *site*, as distinct to an ancillary *building*.

principal independent dwelling unit

In the context of the development of *secondary independent dwelling unit* is the *independent dwelling unit* on the *site* to which the secondary *accommodation unit* is ancillary.

produce stall

Any *building* or part of a *building* from which goods are sold or offered for sale, being produce grown on the *site* or goods manufactured on the *site* on which it is located.

public amenities

Is for the purpose of Chapter 11 – Financial Contributions and means facilities, open spaces, plazas, libraries, halls, community centres and the like provided for public use, recreation and enjoyment.

public recreational facilities and activities

Means:

- a) Skateboard bowls and outdoor skate parks;
- b) Boat ramps, jetties and boat-launching facilities;
- c) Playing fields, sports grounds, hard courts, greens and golf courses;
- d) *Structures* such as goal posts, cricket nets, fences and other similar *structures* which are ancillary to and used in conjunction with playing fields, sports grounds, hard courts, greens and golf courses;
- e) Lighting, including support *structures*;
- f) for the use and enjoyment of the public.

race

The time encompassed by the drop of the green flag to commence the race, to the display of the yellow lights after the last car in the race has received the chequered flag.

race season

The period from the 1 October in any calendar year to 31 May the following calendar year.

reduced level (RL)

The *height* above a specified datum, which is mean sea level (*moturiki datum*).

renewable energy generation

Generation of electricity from solar, wind, hydro, geothermal and biomass.

reserve

Has the same meaning as contained in the *Reserves Act 1977*, and also includes other public land not classified as a reserve but used or managed for the use and enjoyment of the public.

reserve

For the purpose of Chapter 11 – Financial Contributions and means the provision of land for recreation, conservation, amenity and utilities such as stormwater catchment areas. These areas contribute to the open space network which provides community focal points, pedestrian and open space connections, high levels of amenity and feelings of openness, and a range of recreational opportunities.

residential activity

Means:

- a) The use of land and *buildings* for domestic or related purposes by persons living alone or in family and/or non-family groups (whether any person is subject to care, supervision or not) and includes, retirement villages and residential health care facilities providing 24-hour on-site medical support to residents, *independent dwelling units*, housing for the elderly, *shared accommodation*, private functions and incidental private gatherings;

- b) *Residential activity* shall exclude *visitor accommodation* and *homestay* and shall exclude caravans or other mobile forms of accommodation, unless they are utilised as a *residential activity* for periods of more than 6 months in any one calendar year.

residential allotment

An allotment on which a *residential building* or relocated dwelling/*building* would normally be expected to be erected or positioned, including:

- a) Any lease area on a cross-lease plan;
- b) Any unit on a unit plan.

residential building

Any *building* or part of *building* used or intended to be used for human habitation.

residential density

The density of *independent dwelling units* on a *site* and includes *low density*, *medium density*, and *high density* residential development.

residential outlook

The field of view as seen from a *habitable room*.

residential zones

The Suburban Residential, Urban Marae Community, *High Density Residential*, Large Lot Residential and the City Living Zones.

retail

The sale of goods to the consumer of those goods.

RMA

Means the Resource Management Act 1991.

road hierarchy

The network of public and private roads that provide for the movement of vehicular traffic through *the City*, and is comprised of:

Type of Road	Primary Function/Generalised Description	Definition
Strategic Roads	To provide for the movement of regional or inter-regional traffic. Access limited to intersecting roads.	All roads declared to be motorways or expressways

Type of Road	Primary Function/Generalised Description	Definition
Primary Arterial	Main roads other than motorways and expressways joining significant centres of population and/or providing for regional and inter-regional traffic flow	Means those roads that form part of a network of nationally or regionally important arterial roads. Nationally important routes are managed as State Highways, whereas other primary arterial roads may be managed by territorial authorities. These routes predominantly carry through traffic, and carry the major traffic movements in and out of the City. The primary function of the road is traffic movement with access limited.
Secondary Arterial	Roads joining smaller centres of population and larger centres of population to nearby primary arterials or linking between primary arterials	Means those roads that cater for traffic movement between the major areas of the City. The primary function of the road is traffic movement. Access may be limited to ensure the safe and efficient operation of the roading network.
Collector	<p>Wider urban roads linking local roads to the arterial network. In rural areas, minor roads linking smaller rural communities to the arterial network.</p> <p>Collector Roads have both a traffic movement function as well as an access role.</p>	<p>Means those roads that are principally collecting and distributing traffic to and from the arterial road network, but may act as links between two arterial roads (being Primary Arterial Roads and/or Secondary Arterial Roads). These roads also act as local main roads supplementing Secondary Arterial Roads.</p> <p>Local through-traffic generally makes up a high proportion of traffic flow but these roads are not intended to cater for large numbers of national, regional or City through-traffic movements because of likely effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads relative to Primary Arterial Roads and Secondary Arterial Roads.</p> <p>Access may be controlled to ensure the safe and efficient function of the roading network.</p>
Local	<p>Roads providing direct access for residential and other areas of development in urban areas, with more than one intersection to other local or collector roads.</p> <p>Culs-de-sac are local roads with intersections to other local roads at one end only.</p>	Means those roads that are intended to principally provide direct access to adjoining properties. Many local roads, except cul-de-sacs, also collect and distribute traffic to and from other roads within the City. Traffic flows are usually low, and these roads are intended to cater for only minimal through or extraneous traffic because of effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads.
Service Lanes	Land vested as Road for the purpose of providing access, generally, but not limited to, to commercial and industrial activities. The service lane provides an access function only and does not provide for frontage in the case of subdivision.	Means any lane laid out or constructed for the purpose of providing the public with a side or rear access for vehicular traffic to any land. This can also apply to residential areas, for example with rear laneways

road zone (unless otherwise stated)

Covers any public road, regardless of the underlying zoning on the Plan Maps (Part B) including a State Highway and any service lane.

rural zones

Means the Rural, Rural Marae Community and Future Urban zones.

school

Land and/or *buildings* used to provide regular instruction or training of children including pre-schools, *childcare* facilities, primary, intermediate and secondary *schools*, and their ancillary administrative, cultural, recreational or communal facilities. This term excludes *tertiary education premises* and *daycare*.

secondary independent dwelling unit

An *independent dwelling unit* secondary to the principal *independent dwelling unit* on the same *site* and held under the same title.

sensitive area

Means an area identified between 0 metres and 10 metres above the permitted *height* of the Zone within an identified *viewshaft protection area* as identified on the Plan Maps (Part B).

sensitive zone

All Residential, *Open Space Zones*, Rural Marae Community, Urban Marae Community, Rural Residential, Education Centre or Ngati Kahu Papakainga Zones.

service area

Means an area set aside for the exclusive use of a dwelling unit for the purpose of providing domestic storage.

service connection

Has the same meaning as in section 197 of the Local Government Act 2002 which means: a physical connection to a service provided by, or on behalf of, a territorial authority.

services

The minimum level of on-site service required in a zone to meet the anticipated demand and capacity of *infrastructure*.

service station

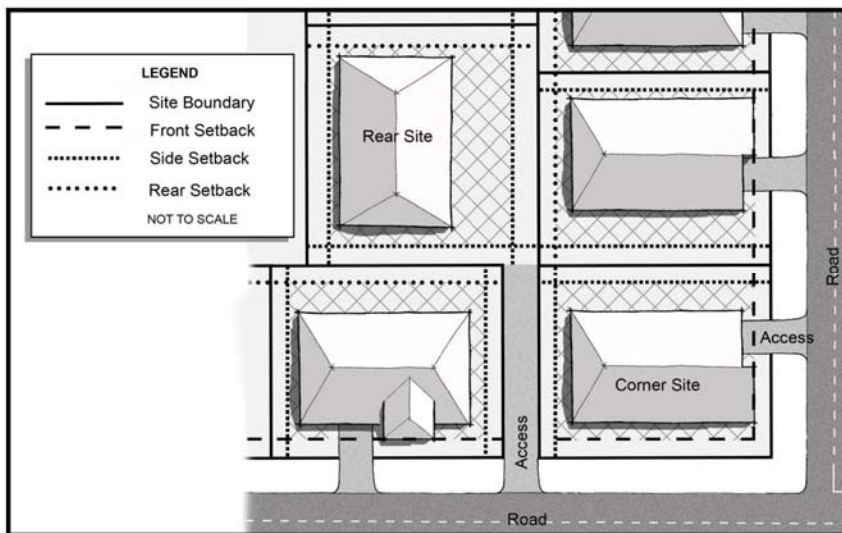
Any premises used for the sale of motor fuels and lubricants by *retail* and includes:

- a) Mechanical workshops and servicing;
- b) *Ancillary retail* sale of goods and food;
- c) Vehicle washes;
- d) The hire of vehicles and trailers;
- e) The storage and retailing of LPG and CNG.

setback

That distance from a *building, structure* or activity to the *boundary* of the *site* on which that *building, structure* or activity occurs. The distance of the setback is determined by rules in the relevant zone, and includes:

- a) Front setback - that part of a *site* on any lot that has direct frontage to a road, being a line extending across the full width of the *site* parallel to the *boundary* adjoining the road, notwithstanding the presence of any segregation strip;
- b) Rear setback - that part of a *site* on any lot other than a corner *site*, being a line extending across the full width of the *site* parallel to the legal *boundary* furthest from the road frontage of, or access to the *site*;
- c) Side setback - a line extending across the full width of the *site* parallel to the legal *boundary* not fronting a road or defined as a rear *boundary*;
- d) In respect of a corner *site* every setback not fronting on to a road frontage shall be deemed to be a side setback;
- e) In respect of rear *sites* all setbacks except that deemed to be the rear setback shall be side setbacks.



shall remain vacant

That the area shall not be developed, landscaped or otherwise contoured, or planted in trees in such a way that would prevent the relocation of the subject *building*. The provision of *setbacks*, carparking, access and manoeuvring areas in accordance with the rules for the Suburban Residential zone in *the Plan* are allowed. *Construction of buildings or structures* that require *building consent* prior to the relocation of the subject *buildings* will not be allowed. For guidance the *construction*, erection and placement of minor *structures* and works on private property, as well as *buildings* designed and constructed to be able to be removed so that relocation of the subject *building* can be physically undertaken within 10 working days, may be appropriate on the *alternative building site*.

shared accommodation

A *building* incorporating a number of bedrooms utilising a shared kitchen and intended to be used as a residence for a group of people unrelated to each other and acting independently of each other in their day-to-day activities. A kitchen shall, as a minimum, provide for the preparation, cooking and refrigerated storage of food. The definition of shared accommodation shall not apply to households of 6 or fewer inhabitants. Such households shall be deemed to occupy an *independent dwelling unit*.

sign

Any display or device whether or not placed on land or affixed to a *building*, stationary vehicle or *structure*, intended to attract attention for the purposes of directing, identifying, informing, or advertising, and which is visible from a public place.

For the purposes of *the Plan* the area of a sign shall be a measurement of that sign's face or total message visible from a public place.

site

An area of land which complies with the provisions of *the Plan* as regards the minimum frontage, area, and configuration and which (being all the land comprised in one Certificate of Title) may be disposed of separately, but excludes:

- a) A parcel of land which has been or may be disposed of separately for the purposes of a public *reserve* or public work or which may be disposed of to an adjoining owner subject to a condition imposed by section 220(2) of the *Resource Management Act 1991* (requiring the issue of one Certificate of Title for more than one allotment).
- b) An allotment comprising a *building* or part of a *building* shown or identified separately on a survey plan for the purposes of the issue of a cross-lease or company lease, or a principal unit or accessory unit on a unit plan.

site coverage

The area of a *site* occupied by the footprint of *buildings*, and excludes *structures* less than 1 metre in *height*, unroofed *structures* such as open decking, uncovered balconies and pergolas, and permitted *setback* intrusions specified at section 4.8 of *the Plan*.

site layout

Means the arrangement of *buildings*, *structures* and landscape elements on a *site* and includes patterns of vehicle and pedestrian access.

small and community-scale distributed renewable energy generation

Renewable electricity generation projects with an installed electricity generation capacity of less than four megawatts and excludes offshore wind, tidal and wave generation.

speedway activities and events

Spectator facilities and *services* and associated management and administration.

speedway racing

The racing of motor vehicles on an oval shaped dirt track, including pit activities and ancillary activities.

standard tree evaluation method (STEM)

The method used to evaluate *notable trees* or *heritage trees* using a set of descriptive feature headings set against a scale of merit points given for the quality of those features.

stormwater overland flowpath

The natural or artificially earthworked route taken by stormwater which becomes concentrated as it flows overland, making its way downhill following the path of least resistance towards the stormwater network, rivers, streams harbour or coast. Stormwater overland flowpaths include secondary flow paths which result when the piped stormwater system gets blocked or when the capacity is exceeded. For the purposes of this definition, a stormwater overland flowpath does not include an artificially designed route utilising formed or hard surfaces.

stormwater reserve

Land associated with or used for the purpose of the treatment, storage, conveyance, or discharge of stormwater. Stormwater reserves may contain detention or retention ponds, natural or manmade watercourses, *stormwater overland flowpaths*, culverts, pipelines and associated *structures*.

stormwater run-off

Means that portion of rainfall which flows directly from land or any impermeable surface into a natural waterbody or built disposal systems (eg, drains, channels or designated ponding areas).

streetscape

The visual appearance of a street and its surrounds, and includes geometry of street pattern and *subdivision*, width and length of streets, degree of enclosure, *building setbacks* from the street, fencing and street design, and the contribution that vegetation makes to the appearance of the street.

structure

Any *building*, equipment, device or other human-made facility facility which is fixed to the land.

subdivision

Has the same meaning as contained within Section 218 of the Resource Management Act 1991 which means:

- a) the division of an allotment:
 - i) by an application to a District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or
 - ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
 - iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or
 - v) by the deposit of a unit plan, or an application to a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- b) an application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226;

and the term subdivide land has a corresponding meaning.

sub-region

Means the area covered by the *Council* and the Western Bay of Plenty District Council.

substation

Has the same meaning as in the Electricity Regulations 1997 which means:

those parts of works or electrical installations, being a building, structure, or enclosure, incorporating fittings that are used principally for the purposes of the control of the distribution of electricity.

tangi

The funeral process and act of mourning by Maori.

tauranga ecological district

The area of land situated in the western Bay of Plenty, between the eastern foothills of the Kaimai-Mamuka range and the Pacific Ocean, encompassing the western half of the coast; dune systems that stretch between Waihi Beach and Opotiki.

Tauriko Business Estate

Means the commercial business and industrial area of Tauriko comprised of the Tauriko Commercial Business Zone and Tauriko Industry Zone.

telecommunication line

Means 'line' as defined in Section 2(1A) of the Telecommunications Act 1987 which 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 signs, signals, impulses, 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 includes any part of a line.

temporary activity

Means:

- a) A temporary *building* associated with an approved *building* or *construction* project.
- b) Use of a caravan or other mobile form of accommodation for the purpose of accommodation.
- c) Individual carnivals, fairs, galas, public meetings, filming, concerts, sporting and other special events and associated temporary *buildings*, *structures* and temporary cell *sites* for mobile phone usage that comply with the New Zealand Standards relevant to electromagnetic emissions.
- d) Temporary military training activities undertaken for defence purposes (as defined in the Defence Act 1990)
- e) Any *sign* not intended for permanent display, on a *site* or on a road, or which is erected and removed in relation to:
 - i) A community event;
 - ii) Electioneering;
 - iii) *Construction sites*;
 - iv) Hazard identification and warning;
 - v) Selling of land or *buildings*;
 - vi) A statutory process as required by legislation.

Note: See also the definition of sign.

temporary commercial use

An activity which requires a charge to participate or involves the sale of goods or hire of equipment, products or materials to persons using land or *buildings* in an Open Space or a Conservation Zone.

tertiary education premises

Land and/or *buildings* used to provide regular instruction or training not meeting the definition of *school* and includes tertiary education institutions, work skills training centres, outdoor education centres and sport training establishments and their ancillary administrative, cultural, recreational or communal facilities.

trade suppliers

Means a business engaging in sales whose products wholly consist of one or more of the following categories:

- a) Automotive or marine supplies;
- b) Building supplies;
- c) Catering equipment;
- d) Farming and agricultural supplies;
- e) Garden and outdoor equipment;
- f) Hire services;
- g) Industrial supplies.

traffic calming

The use of obstacles, differing surfaces, bends, humps and other such similar devices to moderate the speed of motor vehicles along a public or private road or vehicle/accessway.

transit storage

Any goods, merchandise or other property whether or not within a container in respect of which Port of Tauranga provides storage for a period of less than 7 days.

transmission electric line

An *electric line* that conveys electricity at voltages greater than 66kV between generating power stations and the point of supply, being either direct to end users or to the distribution system.

transport network

The combined network of roads, pedestrian routes and linkages, air and sea routes that provide for the movement of people and goods to, from and through *the City*.

two-bedroom dwelling

An *independent dwelling unit* that has not more than three rooms, excluding a kitchen, laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage. Two-bedroom dwelling also means a *dwelling unit* in a retirement village that is registered pursuant to section 10 of the Retirement Villages Act 2003 that does not meet the definition in the previous sentence or the definition of a *one-bedroom dwelling*.

unit of demand

Is for the purpose of Chapter 11 – Financial Contributions and means the number of *dwelling units*, or *dwelling unit equivalents*, or an additional allotment of *subdivision*, or the equivalent demand from non-residential development for *infrastructure* and *reserves* proposed in response to city growth.

urban growth area

An area of anticipated *subdivision* or development identified in the urban growth plans contained in section 6 of the Plan Maps (Part B), or for the purpose of *Financial Contributions*, a part of *the City* where residential and/or business growth is expected and in which growth-related *local infrastructure* projects have been identified. Urban growth areas are identified in the *Financial Contribution Urban Growth Areas Diagram 5, Section 5, Plan Maps (Part B)*.

urupa

A traditional graveyard or burial *site* of tangata whenua. These can include both registered and unregistered burial *sites* or places where skeletal remains have been laid to rest (such as caves, hollow trees or sand dunes). Associated with death, they are tapu.

versatile soils

Soils found on flat to gently rolling terrain that possess the following general characteristics:

- a) Are free draining sandy loams;
- b) Have free-rooting depth greater than 90 centimetres;
- c) Have a macroporosity of more than 75% between 20-40 centimetres depth;
- d) Have a readily available water holding capacity of more than 75 millimetres;
- e) Have less than 5% gravel and 2% boulders in the topsoil;
- f) Are not flood prone.

Versatile soils include land under the New Zealand Land Use Classification System categorised as being in Class 2 or 3.

viewshaft protection area

A corridor through which an *Outstanding Natural Feature and Landscape* can be viewed, as identified on the Plan Maps (Part B).

visitor accommodation

Land or *buildings* occupied as a residence on a temporary (periods of up to three months occupation during any 12-month period) basis and includes backpackers' accommodation, motels, hotels, tourist lodges, holiday flats, tourist cabins, motor inns and ancillary workrooms, reception areas and accessory *buildings* or ancillary activities on the *site*. This definition includes property held in common ownership where ownership by each owner is limited in duration to less than 3 months during any 12-month period. This definition does not include activities defined in *the Plan* as an *independent dwelling unit, shared accommodation, residential activity or homestay*.

visitor accommodation

For the purpose of *Chapter 11 – Financial Contributions* means land or *buildings* which are offered for temporary accommodation of persons and includes bed and breakfast establishments, backpackers' accommodation, *homestay* facilities, motels, hotels, tourist lodges, holiday flats, tourist cabins, motor inns and ancillary workrooms, reception areas and accessory *buildings* or ancillary activities on the *site*. It does not include activities that constitute a *dwelling unit or residential activity* nor any developments in which each unit is separately unit titled. Each unit which is separately unit titled will be assessed as a *dwelling unit*.

visitor accommodation unit

An *accommodation unit* used for the purpose of *visitor accommodation*.

walkway

Any walkway, footpath, or pedestrian way along which pedestrians may traverse.

waste management facilities

Land and/or *buildings* associated with the transport, processing and disposal of solid and liquid waste including transfer stations and refuse recycling centres.

wastewater

Means all foul water emanating from a *site*, excluding stormwater run-off, but including effluent.

water supply reservoir

Means a reservoir for water storage intended for bulk community supply. For the purposes of this definition a Water Supply Reservoir does not include individual water tanks which store water for drinking and firefighting purposes.

wetland

Shall have the same meaning as contained in the Resource Management Act 1991 which means permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

whanau

The basic unit of Maori social structure. It typically comprises an extended family possibly including great-uncles and great-aunts, once or twice removed. Whanau may not necessarily live together, but nevertheless share mutual interests.

wind energy facility

The land, *buildings*, *substations*, turbines, *structures*, *earthworks*, access tracks and roads associated with the generation of electricity by wind force and the operation of the wind energy facility.

It does not include:

- a) *Small and community-scale distributed renewable electricity generation*;
- b) The transmission and *distribution electric lines* required to link the wind energy facility to the any electricity network.

yard based suppliers

Any *retail* activity selling or hiring products for *construction* or external use (including activities such as vehicle and garden supplies) where more than 50% of the display area is located in a covered or uncovered yard. External carparking and manoeuvring areas are excluded from the yard area for the purpose of this definition.