

25 GENERAL PROVISIONS: Definitions

The following definitions shall apply wherever the words and phrases are used in this Plan:

Access Strip means an area of land extending from the street frontage to a rear site.

Accessory Building means any building which is accessory to the principal activity on the site; and includes a garage housing vehicles used in association with a residential activity, a garden or implement shed, studio, or sleepout.

Act means the Resource Management Act 1991 and all subsequent amendments of that Act.

Advertising Signs and Devices means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, flag, advertising device or appliance, or any other thing of a similar nature to attract attention. They include all parts, portions, units and materials composing the same, together with the frame, background, structure and support of anchorage, and shall also include any of the foregoing when displayed on parked vehicles and/or trailers.

Afforestation means the planting, growing, maintenance, and harvest of trees.

Allotment has the meaning defined in the Act.

Antenna means any telecommunication apparatus used for transmission or reception including the antenna mounting but not any supporting mast or similar structure.

Biodiversity (Biological Diversity) is the variability among living organisms including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species and ecosystem diversity.

Biota is all the living organisms at a particular locality.

Boundary Adjustment means a subdivision intended to adjust the boundaries of certificates of title which does not create additional allotments and which does not create an allotment of land lesser than the minimum allotment size prescribed in each zone of this plan.

Building means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include:

- (a) Any fence or wall which has a height of 2 metres or less; or
- (b) Any structure which has a height of less than 1.2 metres above ground and a horizontal area of less than 5 square metres; or
- (c) Any vehicle, trailer, tent, caravan, or boat; or
- (d) Any swimming pool or tank which has a height of less than 1 metre above ground;
- (e) Any part of a deck, terrace, balcony, or patio which has a height less than 1 metre above ground.
- (f) Any electricity poles and pylons.

Bund means a liquid containment system designed to prevent the dispersal of hazardous substances from accidental on-site discharges.

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Commercial Activity means an activity or service offered or operated from any premises or land, which involves the collection, repair, cleaning, or servicing of any household or domestic goods, equipment, clothing, footwear, gardening implements or machinery, bicycles, television or audio or radio equipment, or furniture; and includes offices and premises providing administrative, stationery, secretarial, or telecommunications services.

Commercial Advertising Sign means any sign which advertises any goods or services or land or other property for sale or lease or hire or rent.

Commercial Garage means land or premises where motor vehicles are repaired, maintained, cleaned, re-fuelled, panelbeaten, overhauled, painted, or housed; and includes the retail sale of motor vehicle accessories ancillary to that activity; but excludes any garage or building used for the storage of any vehicles which is incidental to and secondary to the principal activity on the site and which is not operated for commercial reward.

Community Activity (also community facility) means the use and development of any land or premises for any activity or service including emergency services which provides for individual or community health, welfare, care, safety, educational, recreational, cultural, ceremonial, spiritual, art, or craft purpose; and includes buildings, structures and other development associated with the activity.

Community Sign means a sign not exceeding 9m² in areas which may be permitted by Council in consultation with Transit New Zealand, advertising the Towns of Levin, Foxton and Shannon.

Contaminated Site means a site at which hazardous substances occur at concentration above background levels, and where assessment indicates it poses, or is likely to pose, an immediate or long-term hazard to human health or the environment.

Background levels are the ambient levels of a contaminant in the local area under consideration.

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.

Coverage and Building Coverage means the proportion of a site, when viewed in plan, which is covered by buildings; except that the following features or structures shall not be included in the calculation of building coverage:

- (a) Roof overhangs or eaves having a width of 1 metre or less; and
- (b) Any uncovered deck, terrace, patio, steps, balcony, (excluding verandas); and
- (c) Any pergola or similar structure of a substantially open nature.

Daylight Setback Envelope means an envelope shape, measured at each site boundary, which is imposed to control the distance of buildings from boundaries so as to maximise daylight to adjoining properties; except that the following building structures or features shall be permitted to encroach beyond the standard Daylight Setback Envelope for the site:

- (a) Eaves and spouting which projects from the building at a horizontal distance no greater than 700 millimetres; and
- (b) Chimneys, ventilation shafts, water storage tanks, lift towers, machinery rooms; and

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- (c) Ornamental turrets, steeples, finials and other decorative features; and
- (d) Radio and television aerials; and
- (e) Masts, other support structures and antennas associated with network utilities.



Developer means the person responsible for undertaking any development of land, any activity on land or premises, or any subdivision of land.

Development means carrying out any work on any land including the construction, alteration, or demolition of any building or any excavation of land or any deposit of materials on land.

Discretionary Activity means any activity that is not listed as a permitted, controlled or limited discretionary activity. Such an activity requires a resource consent.

Dripline is the outermost periphery of a trees canopy spread where the longest side of the trees canopy shall be taken as the radius.

Earthworks means any re-shaping or re-contouring of the land and includes excavation and earth filling but excludes minor soil disturbance or filling of less than 1.0 metres depth or height.

Ecological Corridors are strips of vegetation or water which provide biodiversity maintenance and enhancement through the protection, creation, linkage and management of habitat.

Ecosystem is a biological system comprising of a community of living organisms and its associated non-living environment, interacting as an ecological unit.

Emergency Work is any work undertaken by Council on a Registered Tree in order to safeguard life and property or for containing the spread of disease.

Entertainment Activity means any land or buildings used for the purpose of entertainment, or social or cultural enjoyment; and includes any licensed hotel, cinema, theatre, electronic games facility, recreational activity; and includes buildings, structures and other development associated with the activity.

Estuary means the tidal and widening reaches or any river mouth.

Existing, in relation to subdivision, land use or activities, means those legally authorised and existing at 1 August 1966.

Face Area (of a sign) means the total visible area of the sign which is exposed or displayed for view.

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Family Flat shall have a maximum permitted floor area 50m² and shall be capable of relocation. No family flat shall be sold or otherwise disposed of except in conjunction with the dwelling. The flat may, however, be sold for relocation to another site.

Note: A family flat should only be occupied by a socially dependent relative or close family associate of the occupants of the dwelling.

Grazing means the grazing of open paddocks or open space by domesticated animals.

Gross Floor Area means the area of a site or the combined area of all floors of a building, measured from the exterior faces of exterior walls or the centre line of walls separating two connected buildings; and includes any basement, and mezzanine area; but excludes any area of a site or building that is dedicated to vehicle access or loading and unloading bays.

Ground Level means the natural level of the ground; or the finished level of the ground when all engineering and development works that are required by Council in the course of any subdivision or development have been completed.

Habitat is the place or type of area in which an organism naturally occurs.

Hapu means sub-tribal units which were comprised of several whanau or extended families.

Hazardous Substance has the meaning set out in the Act and includes:

- Any substance possessing one or more of the following intrinsic properties:
 - an explosive nature
 - flammability
 - an oxidising nature
 - corrosivity
 - acute or immediate toxicity (including eco-toxicity)
 - chronic or delayed toxicity
 - radioactivity
 - environmental persistence; and
- Any substance emitting or breaking down to a substance with any of the above properties upon entering the environment; and
- Any substance which has any of these hazardous properties at any stage in it's life cycle; and
- Any environmentally-damaging substance which, by effects other than toxicity, is able to damage an aquatic ecosystem (for example milk);

But, for the purposes of the rules in this Plan, does not include the incidental use and storage of hazardous substances and environmentally damaging substances in minimal domestic scale quantities; or any hazardous substances found in trade waste sewer reticulation systems or gas pipelines included in the definition of network utilities; or fuel in motor vehicles, aircraft, boats, and small engines or the incidental use and storage of hazardous substances in association with temporary military training activities.

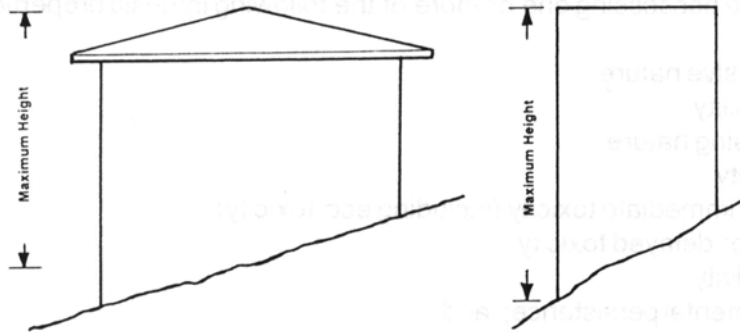
Hazardous Waste means hazardous substances which are unwanted and economically unusable.

Height means, in relation to a building, the vertical distance between the highest part of a building and the ground level immediately beneath that point of the building or structure;

except that the following features or structures shall not be included in the measurement of a building's height:

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- (a) chimneys, ventilation shafts, water storage tanks, lift towers, machinery rooms; and
 - (b) ornamental turrets, steeples, finials and other decorative features; and
 - (c) radio and television aerials, and telecommunication antennas;
- Provided that these projections do not measure more than 2 metres in a horizontal plane or project more than 1.5 metres above the maximum permitted height of the building.



Highly Versatile Soils being land of Class 1 or 2 as shown in Landcare Research NZ Ltd, Land Use Capability.

Home Occupation means an occupation, business, trade, craft, or profession; the primary purpose of which is to derive income and which:

- (a) is incidental and secondary to the residential use of the property; and
- (b) is undertaken or operated by a member of the household residing on the property on or in which the home occupation occurs; and
- (c) involves no more than 50 m² dedicated to the activity.
- (d) involves no exterior storage, display, or other indication of the home occupation (other than an advertising sign permitted by this Plan) which would have the effect of altering the predominant character of the site or neighbourhood; and
- (e) involves no delivery or collection of goods, materials, or wastes or visits by clients of the home occupation outside the hours of 8.00 am to 8.00 pm; and
- (f) gives rise to no significant effects including noise, smell, electrical interference, or traffic movements compared with the ambient conditions in the neighbourhood; and
- (g) includes administrative and professional offices, telephone sales, and franchise distribution.

The following activities are specifically excluded from this definition:

- (a) Vehicle panel beating, automotive wreckers' and scrap yards, motor vehicle repairs, vehicle spray painting, sheet metal work, and any other industrial process or trade which involves the continuous use of power tools or drilling or hammering machinery or activities.

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- (b) In Residential 1, 2, 3 and 4 Zones, the manufacture and/or preparation of food of any description, including pet food.

Indigenous Species means any plant or animal species that is native to New Zealand.

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

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

Industrial Activity means the use of land or premises for the purpose of manufacturing, fabricating, processing, repair, packaging, storage, collection, or distribution of goods; and includes the wholesale or retail sale of goods manufactured on the site.

Intensive Farming means any farming activity which predominantly involves the housing or raising of livestock or poultry within buildings and which depends on supplies of food rather than on the grazing or crop production of the land on which the operation is located; and includes intensive pig farming and poultry farming undertaken in sheds, and outdoor pig farming that does not maintain ground cover; but excludes shearing sheds and dairy milking sheds.

Iwi means a customary Maori tribal structure comprised of several kin-based units or hapu.

Kaitiaki means the spiritual or physical guardian, protector refer taniwha.

Kaitiakitanga 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.

Karakia means prayer.

L₁₀ refers to the measurement of a noise source where a specified noise level is reached or exceeded for 10% of the measurement period.

L_{max} refers to the maximum limit of a single event and is included to provide protection from short term high level noise events.

Note: Noise levels not to be exceeded as specified throughout this Plan are to be reduced by 5dBA where there is a special audible characteristic as defined in NZS6802:1991”.

Lake as defined in the Act.

Landscape is the outcome of the interaction of the three key components: Geomorphological processes, ecological processes and cultural/human change. Landscapes are dynamic entities that represent the diversity and changing values of the district.

Limited Discretionary Activity means any activity that is listed as a permitted activity but does not comply with any of the permitted activity conditions.

Limited Retail Activity means the use of land or premises for the following activities:

- restaurants and cafes;

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- prepared foods and beverages retailed from activity area not greater than 100 m²;
- Motor vehicle sales and repair with ancillary retailing of goods and services;
- Sale of real estate
- Sale of used goods
- Garden Centres
- Building Improvement Centres

Livestock means any animal or bird species, including ducks, geese, turkeys, poultry, dogs, pigs, cattle, sheep, horses and other farm animals.

Mahinga kai means areas from which food resources are gathered.

Mahinga taonga means areas from which taonga resources are gathered, i.e. pingas, kiekie.

Marae and Marae-Based Facilities and Activities include:

- Wharehui and halls, hui, meetings, and social gatherings;
- Accommodation, kitchen, dining, and ablution facilities associated with any marae;
- Churches and church activities;
- Kaumatua flats or elderly persons' housing or kainga housing for people associated with the marae;
- Education and training facilities and activities;
- Childcare and kohanga reo facilities and activities;
- Medical health services;
- Urupa and burial services and activities.

Mast means any mast, pole, tower or similar structure designed to carry antennas to facilitate telecommunications. This definition excludes any arm supports.

Natural Character is the qualities and attributes of an area that exhibit a largely unmodified environment.

Natural Feature is the result of the action or interaction of geomorphological processes: geological (land), aeolian (wind) and fluvial (water).

Natural Habitats are habitats (modified or unmodified) that support a dominant or significant indigenous species. Does not include exotic plantations.

Net Site Area means the area of the site excluding any part of an access strip less than six metres wide.

Network Utility includes any:

- Aerial or mast or antennae or dish antennae;
- Tower or pole;
- Pole-mounted street light;
- Line for telecommunication, cable television, transmission, sub-transmission, or any distribution line for conveying electricity - including associated pole- or ground-mounted switch gear;
- Transformer, substation, compressor station, or pumping station;
- Water supply or irrigation race, drain, or channel;

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- Pipeline for the distribution or transmission of natural or manufactured gas and any necessary incidental equipment, including compressors and gate stations;
- Pipe, including any pipe for conveyance or drainage of water or sewage and other wastes or natural gas;
- Navigational aid, lighthouse, or beacon;
- Survey peg or survey monument;
- Meteorological installation;
- Telephone booth; and
- Equipment incidental to the household or commercial or industrial connections to such utilities;
- Roading and railway lines;

Whether these are for private or public purposes; and includes routine maintenance of these network utilities.

Noa means free from restriction: common.

Office means any commercial, professional, or administrative office; and includes any bank and premises offering financial services.

Official Sign means all regulatory traffic and official signs approved by a road controlling authority or provided for under any legislation and which are erected on a legal road or motorway.

Open Space means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities.

Outdoor (extensive) Pig Farming means where all stock are in paddocks with ground cover maintained commensurate with surrounding properties and only relocatable shelters used.

Papakainga housing means communal housing, often based around a marae and consisting of members of an extended family.

Patch (Natural Environment) is any natural habitat which contains or supports any indigenous species. Patches of habitat are connected by corridors to create a reserve network.

Primary Production Activity includes any agricultural, horticultural, floricultural, arboricultural, forestry or intensive farming activity but does not include mineral extraction or mineral processing or the harvesting clearance or modification of indigenous vegetation.

Protected Area is a geographically defined area that is protected primarily for nature conservation purposes or to maintain biodiversity values. Can be publicly or privately owned.

Protected Area Network is a system of protected areas which are connected to one another through corridors of water or vegetation.

Puna/Puna Wai refers to springs.

Recreation Facilities means any buildings or structures required to enable active recreation; and includes gymnasium, grandstands, stadia, clubrooms, viewing platforms, night lighting, sealed courts.

Rehabilitate means the active intervention and/or management of degraded biotic communities in order to restore natural character, biological character and ecological and physical processes.

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Re-Located Building means any second hand building which is transported in whole or in parts and re-located from its original site to a new site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.

Requiring Authority means any Minister of the Crown, Local Authority or Network Utility Operator approved under Section 167 of the Act.

Residential Activity means the use, occupation, or inhabitation of any land or buildings by people for the purpose of residential accommodation; and includes domestic occupations and pastimes and activities undertaken which are usually associated with residential accommodation; and includes any emergency housing facility, refuge or health care for up to 5 persons, plus support staff.

Residential Dwelling Unit means the building or complex of buildings which accommodates one household unit, and includes a dwelling house, a flat, a home unit, an apartment, and a town house.

Resilience is the ability of a species, or variety of a species to respond and adapt to external environmental resilience.

Restoration is the active intervention and/or management of degraded biotic communities, landforms and landscapes in order to restore biological character, ecological and physical processes and their cultural and visual qualities.

Retail Activity means the use of land or premises for the retail sale or hire of goods to the public; and includes any cafe, restaurant, take-away food outlet, or other eating establishment.

River has the same meaning as in the Act.

Road has the meaning defined in the Act.

Roading Hierarchy

- Arterial Routes - - Means roads of strategic district importance
- Collector Routes - - Means roads preferred between or within areas of population or activities
- Local Routes - - Means roads whose primary function is property access

Road-Side Sales Activity means the use of land or premises for the retail sale of goods or foods produced or grown on the property from which they are offered for sale.

Rohe means a territory or boundary which defines that area within which a tangata whenua group claims traditional association and mana whenua.

Runanga means Iwi representative and administrative body.

Scheduled Notable Tree is any tree listed on the Register of Notable Trees in Schedule Two: Heritage Features – Notable Trees, in the Horowhenua District Plan

Shelterbelt Planting means the planting and maintenance of trees for shelter.

Sign has the same meaning as "advertising sign".

Site means an area of land comprised wholly of one certificate of title; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one residential unit.

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Species is a group of organisms capable of interbreeding freely with each other, but not with members of other species.

Standard Tree Evaluation Methodology (STEM) is a nationally recognised method used to assess the significance of trees. A tree must score 150 points or more through the criteria which is available for perusal at the office of the Horowhenua District Council.

Stevensons activities means activities and buildings associated with steel fabrication including the cutting, drilling and welding of steel; industrial processes associated with manipulation and manufacture of steel products including sandblasting and the application of protective coatings; engineering and draftsman work associated with the design and manufacture of structural steel and all ancillary activities connected with primary activities specified above.

Stevensons site means all the land zoned Industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares.

Stream Order is based on Strahler's 1952 Classification System, and is applied using NZMS 260 Series Maps at a scale of 1:50,000. Finger tip tributaries at the head of streams are designated as "first order" streams. In [Strahler's] classification two first order streams join to form a second order stream segment; two second order streams join to form a third order stream segment and so on as shown on the map attached.

Subdivision has the meaning defined in the Act.

Tangata Whenua in relation to a particular area refers to the Iwi or hapu that hold mana whenua over that area.

Taniwha means a guardian.

Taonga means treasure, property. Taonga are prized and protected or sacred possessions of the tribe. The term carries deep spiritual meaning and taonga may be things that cannot be seen or touched.

Taonga raranga means plants which produce material highly prized for use in weaving such as pingao or flax.

Tapu means a state of protection from unnecessary contamination.

Temporary Activity means:

- (a) any activity, which may be undertaken, for a short term (not exceeding 3 days' duration), either as an isolated event, or as a series of events; where the cumulative period of operation is less than 30 days in a calendar year; and includes any gala, sports event, festival, or other community or cultural activity;
- (b) temporary military training activity;

Temporary Military Training Activity means a temporary military training activity which may include an activity on the surface of any waterbody, 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 include areas utilised for temporary military training activities, to be restricted.

Temporary sign means any sign advertising any forthcoming event which is continuously displayed for no longer than 1 calendar month in any 1 year and removed within 3 days after the event.

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Te Tiriti O Waitangi means the Treaty of Waitangi and refers to the maori text which most Iwi and hapu signed and which contains for maori, the fullest expression of the spirit of the Treaty.

Threshold Hazard Factor has the meaning as set and in Section 23 of this Plan.

Tino Rangatiratanga means chieftainship, chiefly authority, full authority.

Town House means one of a group of dwelling units which each has its own private "outdoor living court"; which has no side yards between adjacent units; which adjoins other town houses for a minimum distance of 5 metres; and which are each contained within their own site.

Urupa means cemetery or burial site.

Vehicle Service Station means any land or premises used principally for the retail sale of motor vehicle fuels and for the re-fuelling and servicing of vehicles; incorporating activities which are incidental to the principal re-fuelling activity including the retail sale of motor vehicle accessories, oils, spare parts, and the retail sale of convenience goods; and ancillary services including mechanical repairs, warrant of fitness testing, tyre servicing, the mechanical washing of vehicles, and the hire of vehicles.

Visitor Accommodation means the use of land or premises for short-term living accommodation; and which may include some ancillary services and facilities such as dining hall, restaurant, conference and meeting rooms, and recreational facilities for the use of guests and visitors.

Waahi Tapu means sites, areas or localities associated with tapu.

Wetland has the same meaning as in Section Two of the Resource Management Act 1991 but excluding wet pasture, artificially created water bodies and aquifers.

Whanau means a basic unit of maori social structure. An extended family comprising children, parents, grandparents and cousins, uncles, aunties, grand uncles once, twice or thrice removed. Today whanau members may live separately yet share a mutual existence. May be concerned with matters that impact on their whanau social, political, spiritual, economic, educational and cultural well being or customary land interests. Whanau spokespeople will speak on their behalf.

Wharehui means meeting house or hall associated with a Marae.

