

Chapter 68**DEFINITIONS****INTRODUCTION**

This chapter defines the meaning of words, terms and phrases used in this Plan and in the Resource Management Act 1991, unless the context otherwise requires. In the case of any inconsistency with the meaning of words defined in the Act, the statutory definition shall prevail.

GENERAL RULES OF INTERPRETATION

- a) Any term which is not defined in this Chapter takes its common meaning as defined in the Concise Oxford Dictionary 10th Edition).
- b) Any word, term or phrase defined in a singular form includes plural and vice versa.
- c) All lists of items (for example: place names, conditions, standards and terms, etc), and subparagraphs within paragraphs are to be read conjunctively, unless expressed as alternatives.
- d) Headings do not affect the interpretation of this Plan.
- e) Cross references are for the assistance of the Plan user and are not necessarily exhaustive.
- f) All words, terms and phrases defined for the purposes of this Plan are shown in UPPERCASE throughout this Chapter.
- g) Any abbreviation has the same meaning as the word, term or phrase that it abbreviates.

DEFINITIONS

Above Ground	means above the existing GROUND LEVEL.
Access	means that area of LAND over which a SITE or allotment obtains legal vehicular access and/or pedestrian access to a public ROAD. This land includes an ENTRANCE STRIP, an access leg, a private way, common land as defined on a cross lease or company lease; or common property as defined in Section 2 of the Unit Titles Act 1972.
Access Lot	refer to ENTRANCE STRIP.
Accessory Building	means in relation to any SITE, a BUILDING, the USE of which in the opinion of the COUNCIL is incidental to that of any other BUILDING or buildings on the SITE but excludes any SUPPLEMENTARY UNIT. In relation to a SITE on which no BUILDING has been erected, is a BUILDING which in the opinion of the COUNCIL is incidental to any permitted activity.
Acoustic Certificate	means a certificate signed by a suitably qualified acoustic engineer certifying acoustic treatment of a residential property and specifying that the NOISE SENSITIVE ACTIVITY will achieve a spatial average indoor design sound level of 45 dBA L _{dn} in all habitable spaces.

Acoustic Treatment	means acoustical treatment of a NOISE SENSITIVE ACTIVITY that achieves a spatial average indoor design sound level of 45 dBA L_{dn} in all habitable spaces. The indoor design level must be achieved with windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order and shall include the cost of testing and obtaining an ACOUSTIC CERTIFICATE.
Act, the	means the Resource Management Act 1991 and its amendments.
Aerial	means the part of a RADIOCOMMUNICATION or TELECOMMUNICATION apparatus used for transmission or reception including the aerial mountings but not any support structure. This definition includes any DISH ANTENNA, PANEL ANTENNA, lightning rods or guy wires.
Agriculture	means the raising of crops and livestock. This includes a range of land uses for primary production, including pastoral farming, arable farming, horticulture and the application of fertiliser and other agrochemicals to land, crops and/or livestock.
Aircraft Engine Testing	means the testing of aircraft engines, whether in stationary aircraft or remotely mounted, for and related to the purposes of engine maintenance, and does not include normal aircraft operation engine run-ups such as aircraft warming up on the apron or the movement of aircraft to and from the engine testing location. This does not include ESSENTIAL UNSCHEDULED AIRCRAFT ENGINE TESTING.
Airport Noise Boundary	means a boundary defining the limits of the area within which the average night-weighted sound exposure over a 24 hour period, associated with the USE and operation of an airport, exceeds 10 pascal-squared seconds (pasques) or 55 L_{dn} , as measured in accordance with New Zealand Standard 6805:1992 "Airport Noise Management and Land Use Planning".
Allotment	has the same meaning as set out in Section 218 of the ACT.
Alteration	means any change to, addition to, or partial demolition of, any HERITAGE ITEM, BUILDING and/or STRUCTURE. In relation to a BUILDING or STRUCTURE, it does not include general MAINTENANCE where that MAINTENANCE involves replacement with materials that are the same as the original materials of the BUILDING. Alteration does not include SAFETY ALTERATION works which has a separate meaning in this Plan.
Amenity Values	has the same meaning as set out in Section 2 of the ACT, and for the purposes of this PLAN, includes a degree of privacy and adequate natural light for property owners.
Approved Building Platform	means an area approved as SITE COVERAGE as part of a resource consent or an area within which a BUILDING is permitted As of right and for which a building consent has been granted.
Archaeological Site	means any place in New Zealand that - <ul style="list-style-type: none"> (a) Either - <ul style="list-style-type: none"> (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 to through investigation by archaeological methods provide evidence relating to the history of New Zealand.

Arterial Road

refer to ROAD HIERARCHY.

Art Cabin

Means a standalone self-contained single unit accommodation BUILDING within the Landscape and Visitor Precinct of the Mission Special Character Zone, principally used for the day-to-day accommodation of travellers for not more than 50 days in any twelve month period by any given individual, and includes access to the licensed services which are provided on the SITE.

Audible Bird Scaring Device

means any device that generates audible sound waves used for the scaring of birds and other animals, and includes any firearm as defined in Section 2 of the Arms Act 1983, and any percussive, electronic or explosive device, airhorn, alarm, amplified signal, gas gun, screech, siren or warbler.

Awning

means a roof-like shelter of canvas or similar non-permeable material erected as protection against sun and/or rain and is less than 3.0 metres in height.

Banner

means a bunting or other flexible SIGN characteristically supported at two or more points and hung on a BUILDING or otherwise suspended down or along its face, or across any ROAD.

Beach Renourishment

means the act of depositing sediment on LAND for the purposes of replenishing sediment eroded by natural coastal processes or for the purposes of mitigating the effects of coastal erosion and/or inundation.

Building

means any temporary or permanent moveable or immovable STRUCTURE (including any STRUCTURE intended for occupation by people, animals, machinery or chattels); but does not include:

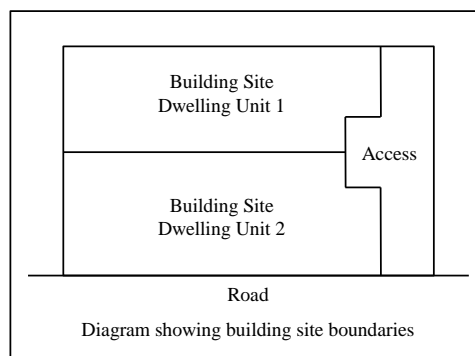
- (a) any AERIAL or SUPPORT STRUCTURE that does not exceed 7 metres in HEIGHT above the point of its attachment or base support.
- (b) any retaining wall that is of a HEIGHT not exceeding 1.5 metres from the lowest ground level adjoining and which does not support any STRUCTURE and provided that its HEIGHT does not exceed its horizontal distance from the boundary of any public place.
- (c) any wall (other than a retaining wall), STRUCTURE, FENCE or hoarding not exceeding 2 metres in height above the lowest GROUND LEVEL adjoining.
- (d) any tank or pool including any structural support thereof:
 - (i) not exceeding 25,000 litres capacity and supported directly by the ground; or
 - (ii) not exceeding 2,000 litres capacity and supported not more than 2 metres above the supporting ground; or
 - (iii) not exceeding 500 litres capacity and supported not more than 4 metres above the supporting ground.
- (e) any tent or marquee not exceeding 30 square metres in floor area

and remaining in use for not more than one month.

- (f) any platform, walk, paving, or driveway of a height not exceeding 1 metre above the lowest ground level adjoining.
- (g) any vehicles and motor vehicles (including vehicles and motor vehicles as defined in Section 2(1) of the Transport Act 1962 and Section 2(1) of the Transport [Vehicle and Driver Registration and Licensing] Act 1986), but not including vehicles and motor vehicles, whether moveable or immovable which are used exclusively for permanent or long-term residential purposes.
- (h) any chattel, whether fixed or moveable, not here-in-before described or referred to unless such chattel shall be used as a place or as part of a place of residence, business or for storage.
- (i) maintenance work including the alteration or replacement or anything contributing to the structural strength, fire resisting properties or other properties of the building that are controlled by these rules.
- (j) any scaffolding used in the course of the construction process.
- (k) any PERGOLA less than 3.0 metres in height.
- (l) any AERIAL, lightning rod, SUPPORT STRUCTURE, OFFICIAL SIGN or similar STRUCTURE owned or controlled by any NETWORK UTILITY OPERATOR.
- m) Any AWNING, canopy or similar structure less than 3.0 metres in height.

Building Line Restriction means a line shown on the planning maps or stated in the rules defining an area of LAND adjacent to a ROAD or proposed ROAD upon which no BUILDING shall be erected.

Building Site means the area surrounding a DWELLING UNIT or other land use which includes all of the PLAN requirements and GROSS BUILDING AREA, but does not include ACCESS.



Business of Prostitution means premises used or intended to be used primarily for exposing, selling, or hiring goods or services related to sexual behaviour; and to avoid any doubt includes brothels, strip clubs, strip bars, peep shows, lap dancing bars, massage parlours, escort agencies; but does not include adult bookshops, adult video shops, adult cinemas, sex shops, premises where therapeutic massage is offered, premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere or

premises complying with all of the relevant home occupation conditions of the respective zone.

Business Premises	means land and/or BUILDINGS where an INDUSTRIAL ACTIVITY, COMMERCIAL ACTIVITY, trade, professional, or voluntary activity is undertaken.
Camping Ground	means an area of LAND used, designed, or intended to be used for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation by two or more families or parties (whether consisting of one or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cook houses, sanitary fixtures, or other premises and equipment, and includes a caravan or camper-van park.
Canopy	refer to AWNING.
Character	means the combination of traits and qualities, including BUILDINGS, the spaces between BUILDINGS, STRUCTURES, trees, landforms and other elements of the natural topography, which makes one area distinct from another.
City	refer to DISTRICT.
Coastal Protection	means any works, STRUCTURE(S), BUILDING(S), or deposition of Works materials undertaken within the coastal environment used to reduce risks posed by coastal erosion and/or inundation to human life, property, infrastructure, development, or the ENVIRONMENT and may include, but is not limited to, wood, concrete, steel mesh, rock, sea walls, groynes, rip-rap, bunds, breakwaters, revetments, reinforced fences, and gabions, but does not include BEACH RENOURISHMENT.
Code	means Parts A, B and C of the Napier City Council Code of Practice for Subdivision and Land Development.
Collector Road	refer to ROAD HIERARCHY.
Commercial Activity	means the USE of LAND and BUILDINGS for the display, offering, provision, sale or hire of goods, equipment or service and includes retailing, TRAVELLERS' ACCOMMODATION, DAY CARE CENTRE and off-licence premises and wholesale liquor outlets, but does not include EDUCATION FACILITIES or any BUSINESS OF PROSTITUTION.
Commercial Environment	means any area of LAND identified in this PLAN as being included in the Inner City Commercial, Art Deco Quarter, Fringe Commercial, or Suburban Commercial zones.
Commercial Forestry	means the establishment and management of intensively planted forests for the purposes of commercial wood production, and includes planting and pruning, felling and removal of trees from the SITE, which shall constitute harvesting for the purposes of this PLAN.
Community Facility	means any LAND or BUILDING set aside for USE by the community for social, cultural, recreation, education, health, welfare, safety, CONSERVATION and/or spiritual activities, but does not include a

COMMERCIAL ACTIVITY.

Comprehensive Commercial Development	means a COMMERCIAL ACTIVITY over an area of LAND that previously comprised a number of SITES and may involve more than one tenancy.
Conservation	means the process of caring for a SITE, PLACE or BUILDING so as to safeguard its HERITAGE VALUE and any ecological value including significant flora and fauna and their habitats for future generations.
Construction Co-ordinator	refer to the definitions provided in Part A of the CODE.
Contaminant	has the same meaning as set out in Section 2 of the ACT.
Controlled Activity	has the same meaning as set out in Section 2 of the ACT.
Corner Site	means a SITE having two or more intersecting ROAD FRONTAGES.
Council	means the Napier City Council or any committee or elected member of Council or any officer authorised to exercise the functions, duties or powers of the Council.
Cross Lease	has the same meaning as set out in Section 2 of the ACT.
Cumulative Effects	<p>The term “effect” is defined in Section 3 of the ACT. Within that definition, “cumulative effects” include:</p> <ul style="list-style-type: none"> (a) effects on the environment which result from the incremental combination of activities, USES or development actions of the past, present and reasonably foreseeable future. (b) effects which arise through additive, compounding (e.g. bio-accumulation) or synergistic interactions. (c) effects which manifest after a delay in time or in a different area from the original activity and which, in their extreme form, may emerge as unpredictable or chaotic events. (d) effects which would arise over time as a result of implementing a particular policy, as well as the effects which may stem over a period of time from a particular decision.
Current Port Noise Contour Map	means a map showing the predicted 65 dBA L_{dn} contour and the 68 dBA L_{dn} contour (including 1 dBA intervals from 65 dBA) based on the permanent sound level monitoring undertaken by the Port Operator for the five consecutive busy day period in accordance with NZS 6809:1999 which is updated annually at the expense of the Port Operator and attached to the Port Noise Management Plan.
Cut/Fill Face:	means the sloping or vertical exposed face resulting from earthworks (filling and/or excavation)
Day Care Centre	means premises used for the care or education of children under 6 years old (not being the children of the persons providing the education or care), or welfare of people including the aged, disabled and the

	young by the day or part of a day, but not for any continuous period of more than 7 days. It includes, but is not limited to kindergartens, playcentres, KOHANGA REO, licensed childcare centres, day nurseries and creches.
Day Nursery	refer to DAY CARE CENTRE.
dBA	means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals.
dBC	means the peak C-frequency weighted sound level in decibels.
Density	means the number of units (including DWELLING UNITS and BUSINESS PREMISES) on a SITE.
Designation	has the same meaning as set out in Section 166 of the ACT.
Design Co-ordinator	refer to the definition provided in Part A of the CODE.
Developer, The	refer to the definition provided in Part A of the CODE. It includes the SUBDIVIDER.
Development	refer to LAND DEVELOPMENT.
Development Areas	refer to GREENFIELD DEVELOPMENT.
Discretionary Activity	has the same meaning as set out in Section 2 of the ACT.
Dish Antenna	means any flat, concave, circular, parabolic or similar-shaped RADIOCOMMUNICATION or TELECOMMUNICATION apparatus used for transmission or reception, including the antenna dish mounting, but not any SUPPORT STRUCTURE. It does include a satellite dish.
District	has the same meaning as set out in Section 2 of the ACT.
Dripline	means the line formed when a vertical line from the outermost extent of the spread of a tree's branches or canopy meets the ground.
Dwelling Unit	means a BUILDING or part of a BUILDING designed for residential purposes and occupied or intended to be occupied exclusively as the home or residence of not more than one HOUSEHOLD and includes an apartment, a flat including kaumatua flats and a RESIDENTIAL CARE FACILITY, but does not include a SUPPLEMENTARY UNIT. Second kitchen facilities in conjunction with service facilities constitutes a second dwelling unit.
Earthworks	means the disturbance of land by moving, placing or replacing earth, or by excavation or cutting; filling or backfilling and the removal of or importation of earth (including topsoil) to and from any site, but does not include tilling or cultivating of soil and harvesting and maintaining of crops for land based primary production. The volume of earthworks is the sum of both cut and fill operations.
Education Facility	means LAND and/or BUILDINGS used or intended to be used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors and includes schools, technical institutes, teachers' colleges and universities, kura kaupapa (primary school), and kura maori (high school), and their ancillary

	administrative, cultural and communal facilities.
Effect	has the same meaning as set out Section 3 of the ACT.
Emergency Service	means any BUILDING or STRUCTURE that is essential to the Facility community's response to hazard impact. It includes BUILDINGS used or intended to be used for ambulance centres, police stations, fire stations, and other emergency services, but shall not include a HEALTH CARE CENTRE or hospital.
Entrance Strip	means all that part of a SITE extending from the ROAD FRONTAGE to a point at which it becomes over 6 metres wide, measured at right angles to its course. (see figure under definition of NET SITE AREA).
Environment	has the same meaning as set out in Section 2 of the ACT.
Erosion	means the processes of the wearing away of the land surface by natural agents, including water and the transport of the material that results and includes deep seated subsidence and slippage of slopes.
Esplanade Reserve	has the same meaning as set out in Section 2 of the ACT.
Esplanade Strip	has the same meaning as set out in Section 2 of the ACT.
Essential Unscheduled Aircraft Engine Testing	means engine testing undertaken whilst maintaining or repairing aircraft other than as part of planned scheduled engine maintenance and where the postponement of the testing would delay any pre-arranged schedule, or emergency flight operations.
Existing	in relation to BUILDINGS and USES, means lawfully in existence at the time when the rule first became enforceable and lawfully continuing in existence. For the purposes of this PLAN, it means in existence as at 11 th November 2000, and 'in existence' has a corresponding meaning.
External Illumination	means the use of electronic devices where the light source is directed onto the sign.
External Sound Insulation Level (Dtr,2m,nTw + Ctr)	<p>means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external BUILDING envelope (including windows, walls, ceilings and floors where appropriate) described using Dtr,2m,nTw + Ctr as defined in the following standards:</p> <p>ISO 717-1:2013 Acoustics – Rating of Sound Insulation in Buildings & Building Elements – Part 1: Airborne sound insulation.</p> <p>ISO16283-1:2013 Acoustics – Field measurement of sound insulation in buildings and of building elements – Part 1: Airborne sound insulation.</p> <p>The term “external sound insulation level” is used in this Plan as a calculated value to demonstrate compliance with the stated minimum standard of acoustic isolation against sounds arising from outside the building. If field testing of built structures is employed to verify</p>

predictions, these tests shall be carried out using ISO 16283-1:2013 Acoustics – Measurement of Sound Insulation In Buildings And Of Building Elements - Part 1: Airborne sound insulation.

Facade	means that part of a BUILDING facing onto any ROAD or PUBLIC OPEN SPACE.
Factory Farming	means 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, pig farms and mushroom farms.
Fascia	means a board fixed horizontally to the outside edge of a VERANDA.
Feedlot	means an area of LAND on which animals are kept and fed for more than 15 days in any 30 day period, where the activity precludes the maintenance of pasture or ground cover.
Fence	means any wall (other than a retaining wall), STRUCTURE or hoarding not exceeding 2 metres in HEIGHT above the lowest GROUND LEVEL adjoining. Fencing shall have a corresponding meaning.
Fill	means EARTHWORKS.
Financial Contribution	means a contribution as set out in section 108(9) of the ACT.
Front Site	means a SITE having one or more ROAD FRONTAGES and includes a CORNER SITE.
Full Time Equivalent Job	means a position of employment, totalling 30 hours or more per week and may be occupied by an individual person or number of people. For the purposes of this PLAN, it includes all positions of employment, whether paid, compensated or voluntary.
Fully Serviced Site	means a site connected to water supply, reticulated wastewater and stormwater systems that are provided by one or more network utility operators where those systems comply fully with the requirements of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development).
Garage	means a building or a part of a building, which is covered, clear of any ROAD or service lane for the purpose of storing one or more vehicles and other miscellaneous items and includes any carport.
Granny Flat	refer to SUPPLEMENTARY UNIT.
Greenfield Development	<p>means an area zoned for the purpose of allowing intensive 'Land Development'.</p> <p>Existing Greenfield sites are identified in Appendix 31 of this Plan as 'Development Areas'.</p> <p>For all new Greenfield areas, Council will consider:</p> <ol style="list-style-type: none"> i) the need for a Structure Plan that indicates the services to be provided by the developer, and ii) the financial contributions that will be required to avoid, remedy or mitigate any environmental effects associated with land

development.

New Greenfield areas will be introduced to the Plan by way of a variation or Plan Change or at the time of a Plan review.

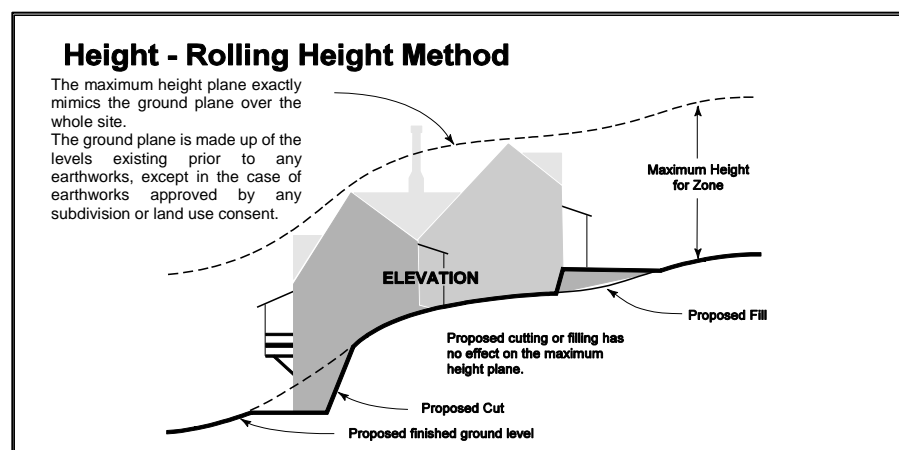
Gross Building Area	means the sum of the area of all BUILDINGS on a SITE as viewed vertically from above and includes all eaves and overhangs.
Gross Floor Area	means the sum of the area of all floors of all BUILDINGS on a SITE measured from the outside walls on every floor and includes enclosed conservatories and enclosed decks but does not include open and covered decks.
Ground Level	means the original ground level prior to any EARTHWORKS, except that in the case of EARTHWORKS approved by any subdivision or land use consent.
Guest House	refer to TRAVELLERS' ACCOMMODATION.
Habitable Space	means any room in a BUILDING used for a NOISE SENSITIVE ACTIVITY, excluding those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.
Hapu	means the clan or section of members of the iwi who have exercised customary authority over an identified area.
Hazardous Activity	means any USE of LAND and/or BUILDINGS which does not USE, store, transport, or dispose of HAZARDOUS SUBSTANCES but which poses a risk to the ENVIRONMENT or the community.
Hazardous Facility	means any LAND and/or BUILDINGS involving HAZARDOUS SUBSTANCES and SITES, including vehicles for their transport, at which these substances are used, stored, handled and disposed of. It does not include the incidental USE and storage of HAZARDOUS SUBSTANCES in minimal domestic scale quantities; or HAZARDOUS ACTIVITIES.
Hazardous Substance	means any substance: (a) with one or more of the following intrinsic properties (i) Explosiveness; (ii) Flammability; (iii) A capacity to oxidise; (iv) Corrosiveness; (v) Toxicity (both acute and chronic) (vi) Ecotoxicity, with or without bioaccumulation; or (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.
Health Care Centre	means LAND and/or BUILDINGS used as a health/medical clinic or as a veterinary clinic.

Height

means the vertical distance between GROUND LEVEL at any point and the highest part of the BUILDING or STRUCTURE immediately above that point (see figure below).

For the purposes of measuring height, no account shall be taken of the following:

- (a) Solar heating devices, air conditioning units and similar structures housing mechanical and/or electronic equipment where the device, unit or other STRUCTURE does not exceed the maximum height for the zone by more than 2.5 metres vertically and one metre in any horizontal direction.
- (b) One chimney per BUILDING, where the chimney does not exceed the maximum height for the zone by more than 2.5 metres vertically and 1 metre in any horizontal direction.

**Heritage Item**

means any type of historic heritage place or area. It may include a historic BUILDING, historic site (including archaeological site), a place/area of significance to Maori, or heritage landscape. The term may be used to refer to both HERITAGE ITEMS listed in the District Plan and to those items registered by the Heritage New Zealand.

Heritage Values

means those aspects of the natural and cultural environment that are inherited from the past and include cultural, architectural, archaeological, historical, scientific, aesthetic, spiritual and ecological features.

High Volume Water User

means a water user within the City of Napier that creates a discharge to a reticulated WASTEWATER system (sewerage system) in excess of 0.65 litres per second per hectare.

Historic Area

means an area of land containing an inter-related group of historic places, BUILDINGS, STRUCTURES and/or sites that contribute towards an understanding and appreciation of New Zealand's history and cultures. The term may include any registered HISTORIC AREA under the Heritage New Zealand Pouhere Taonga Act 2014, or any heritage conservation area or precinct.

Historic Heritage

has the same meaning as historic heritage defined in section 2 of the Resource Management Act 1991.

Home Occupation	means an occupation, craft or profession which is carried on or within a DWELLING UNIT or within an ACCESSORY BUILDING, by a person residing in that DWELLING UNIT, provided that the principal use of BUILDINGS on the SITE remains a RESIDENTIAL ACTIVITY.
Homestay	refer to TRAVELLERS' ACCOMMODATION.
Horticulture	means primary production dependent on highly fertile soils in an appropriate location, and includes market gardening, nurseries, berry fruit farming and orcharding, and includes glasshouses and any ACCESSORY BUILDINGS to any of the foregoing USES. Cash cropping and grazing may form part of the management programme. It does not include garden centres, VITICULTURE or on-site processing.
Hospitality Activity	means the USE associated with the service of food and/or drink and includes but is not limited to, cafes, bars, LICENSED PREMISES and RESTAURANTS.
Household	means a person or groups of persons related or unrelated who reside together and interact on a daily basis to maintain a self contained housekeeping unit.
Illuminated Sign	means the use of internal and external devices which include spotlights, floodlights, neon, LED, LCD, plasma, coloured and non-coloured light bulbs for advertising or display purposes.
Industrial Activity	means the USE of LAND and/or BUILDINGS for the primary purpose of manufacturing, assembling, testing, fabricating, processing, packing or associated storage of goods and the servicing and repair of goods and vehicles and includes SERVICE STATIONS and TRANSPORT DEPOTS, and STORAGE OF TYRES.
Industrial Environment	means an area of LAND identified in this PLAN as being included in the Main Industrial, Suburban Industrial, Port Industrial, Deferred Industrial or Wastewater Treatment zones.
Industrial Noise Boundary	in relation to the Suburban Industrial Zone, means a boundary defining the limits of the area within which the predicted sound exposure, associated with the USE and DEVELOPMENT of LAND within the nearby Suburban Industrial Zone, exceeds 55 dBA L ₁₀ , as measured using New Zealand Standard 6801:1991 "Measurement of Sound".
Inert	<p>In chemical terms, INERT is used to describe something that is not chemically reactive.</p> <p>Note: In terms of applying the roof surfaces rule it means any new roof surface that has been painted/coated with non-metal based paint.</p>
Infill Development	means the further subdivision and/or development of an existing site, but excluding the development areas identified in Appendix 31. (For the purposes of this Plan all sites are deemed to be existing, except those specifically identified as Greenfield or development areas).

Infrastructure	means those built STRUCTURES necessary for operating and supplying NETWORK UTILITY OPERATIONS and services to the community including, but not limited to, RADIOCOMMUNICATIONS, TELECOMMUNICATIONS, natural or manufactured fuel, electricity, water, drainage, sewerage, ROADS, railway lines and airports.
Intensive Farming Activities	means <ul style="list-style-type: none"> (a) the production of commercial livestock in buildings or in outdoor enclosures where for the majority of the lifecycle of the animal on a particular site, the stocking density precludes the maintenance of pasture or ground cover; or (b) land and buildings used for the commercial boarding and/or breeding of cats, dogs and other domestic pets; or (c) mushroom farming; or (d) growing crops indoors in pots and/or on a permanent floor and/or on benches, in bags and in continuous gutters.
Internal illumination	means the use of electronic devices where the light source is directed from the interior of the sign.
Inundation	The rising of a body of water, including sea water, and its overflowing or flooding of normally dry land.
Kaumatua Flat	refer to DWELLING UNIT.
Kindergarten	refer to DAY CARE CENTRE.
Kohanga Reo	means LAND and/or BUILDINGS where pre-school children are taught and cared for in accordance with tikanga Maori (Maori customs); such facilities shall not provide for overnight stays. Refer to DAY CARE CENTRE.
L_{dn}	means the day-night average sound level over a 24 hour period (0000 hours to 2400 hours) obtained after an addition of 10 decibels to sound levels on the night, where night is 2200 hours to 0700 hours the following day.
L_{Aeq}	means the time-average A-frequency weighted sound pressure level (dBA L _{Aeq}) of a continuous steady sound that within a sample period has the same mean square sound pressure level as a sound under investigation whose level varies with time.
L_{Amax}	means the maximum A-frequency-weighted sound level (dBA L _{Amax}) during a stated period of time.
Land	has the same meaning as set out in Section 2 of the ACT and for the purposes of this PLAN includes the surface of any WATER BODY.
Land Development and Development	means any land use: <ul style="list-style-type: none"> • Involving SUBDIVISION; (including all associated network utility operations required to service the subdivision); or • Involving MULTI-UNIT DEVELOPMENT; (including all associated network utility operations required to service the multi unit development); or

- Requiring EARTHWORKS design pursuant to Chapter 52A; or
- Requiring an extension to one or more of the COUNCIL'S existing NETWORK UTILITY OPERATIONS.

Landfill	means a waste disposal site for the controlled deposit of predominantly solid wastes onto or into LAND.
Landscaped Area	means the part of the SITE provided for the planting of trees, shrubs, plants and grassed areas and may include earth mounding, rock and pebble gardens, ornamental pools and the establishment of elements such as walls, FENCES, and screens. It does not include GROSS BUILDING AREA and SEALED AREA.
Level Datum	means Local Authority Datum 1972 (MSL = 10.000 metres).
Licensed Premises	means any BUSINESS PREMISES for which a licence has been issued or has been authorised in terms of the Sale and Supply of Alcohol Act 2012 and its amendments, but does not include off-licence premises and wholesale liquor outlets. It shall not include sporting/recreation events or promotions, sale of food, provision of entertainment and the like, ancillary to the main and principal USE of the SITE.
LIM	means a Land Information Memorandum issued in accordance with Section 44A of the Local Government Official Information and Meetings Act 1987.
Line	means a wire or wires or a conductor of any kind (including a fibre optic cable) used or intended to be used for the transmission or reception of electricity, signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system, and includes any SUPPORT STRUCTURE, insulator, casing, fixture, tunnel, or other equipment or material used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of the line.
Loading	in relation to a vehicle, includes the unloading of it and the adjustment or covering or tying of its load and the loading, unloading or adjustment of any part of its load.
Loading Space	means a part of a SITE, whether covered or not, clear of any ROAD or service lane upon which a vehicle can stand while being loaded or unloaded. Such loading space shall have vehicular ACCESS to a ROAD or service lane and must be provided separately from any other designated car park onsite and not be part of internal traffic movements.
Local Road	refer to ROAD HIERARCHY.
Lot	refer to ALLOTMENT.
Lux	means a measure of light falling onto a surface or area, expressed as 1 lumen per square metre.
Maintenance	refer to REPAIR AND MAINTENANCE
Major Hazardous Facility	means any facility which involves one or more following activities:

- Manufacturing of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints)
- Oil and gas exploration and extraction facilities
- The storage/use of more than 100,000l of petrol
- The storage/use of more than 50,000l of diesel
- The storage/use of more than 6 tonnes of lpg
- Galvanising plants
- Electroplating and metal treatment facilities
- Tanneries
- Timber treatment
- Freezing works and rendering plants
- Wastewater treatment plants
- Metal smelting and refining (including battery refining or re-cycling)
- Milk treatment plants
- Fibreglass manufacturing
- Polymer foam manufacturing
- Asphalt/bitumen manufacture or storage
- Landfills

The following are examples of activities which are not considered to be major hazardous facilities:

- The incidental use and storage of hazardous substances in minimal domestic scale quantities
- Retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies)
- Retail service stations and truck stops
- Pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage
- Fuel in motor vehicles, boats, airplanes and small engines
- Military training activities
- The transport of hazardous substances (e.g. in trucks or trains)

Mana Whenua	means customary authority exercised by an iwi or hapu in an identified area.
Manoeuvring Area	means a part of a SITE used by vehicles to move from the vehicle crossing to any parking or LOADING SPACE and includes all driveways, aisles and all areas required for turning.
Marine Industrial Activities	means the USE of LAND and BUILDINGS for activities that by their nature are dependent upon a location adjacent to the coast and includes boat building, boat maintenance, boat repairs and slipways.
Mast	refer to SUPPORT STRUCTURE.
Meteorological Activities	means the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. It includes satellite links, RADIOCOMMUNICATION and TELECOMMUNICATION.
M.H.W.S.	is an abbreviation for Mean High Water Springs, and means the highest level that spring tides reach on average over a measured period of time. MHWS can be calculated as the average levels of each pair of successive high tides during a period of about 24 hours in each semi-lunation (approximately every 14 days), when the range of the tide is greatest (generally during spring) (NZ Nautical Almanac).

Mining	means any activity which involves the identification, evaluation, taking, winning or extraction of a mineral existing in its natural state in LAND, or a chemical substance and includes prospecting and exploration activities but does not include the winning of materials using hand tools such as a shovel.
Multi-Unit Development	<p>in respect of INDUSTRIAL ACTIVITIES or COMMERCIAL ACTIVITIES, means any BUILDING or group or groups of BUILDINGS on the same SITE which is intended for, or capable of separate tenancies or units for which separate unit titles could be issued, but does not include:</p> <p>(a) TRAVELLERS' ACCOMMODATION. (b) staff accommodation at HEALTH CARE CENTRES or EDUCATION FACILITIES.</p> <p>and in respect of RESIDENTIAL ACTIVITIES, means any BUILDING or group or groups of BUILDINGS on the same SITE which contains, whether attached or detached, two or more HOUSEHOLDS and subject to the exceptions hereinafter listed includes all apartment buildings and flats (including flats in a multi-unit residential development which have subsequently been subdivided into separate Certificates of Title), but shall not include any of the following:</p> <p>(a) RETIREMENT COMPLEXES. (b) RESIDENTIAL CARE FACILITIES. (c) TRAVELLERS' ACCOMMODATION. (d) staff accommodation at HEALTH CARE CENTRES or EDUCATION FACILITIES. (e) SUPPLEMENTARY UNITS.</p>
Napier City Council Liaison Officer	refer to the definitions provided in Part A of the CODE.
Napier City System	means any NETWORK UTILITY OPERATION provided by the COUNCIL.
<u>National Grid Conductor Clearance Distance (for measuring conductor clearance)</u>	means the distance under the worst case combination of maximum sag, load current, solar radiation, climatic conditions and in which the conductor creep process is complete (in the case of a line crossing another line, the worst case is that which results in the minimum spacing between the two lines).
<u>National Grid Corridor</u>	<p>Means the area measured 20m either side of the centreline of above ground electricity National Grid line.</p> <p>Note: The National Grid Corridor and National Grid Yard do not apply to underground cables or any transmission lines (or sections of line) that are designated. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the National Grid line and the visible outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</p>

National Grid Lines

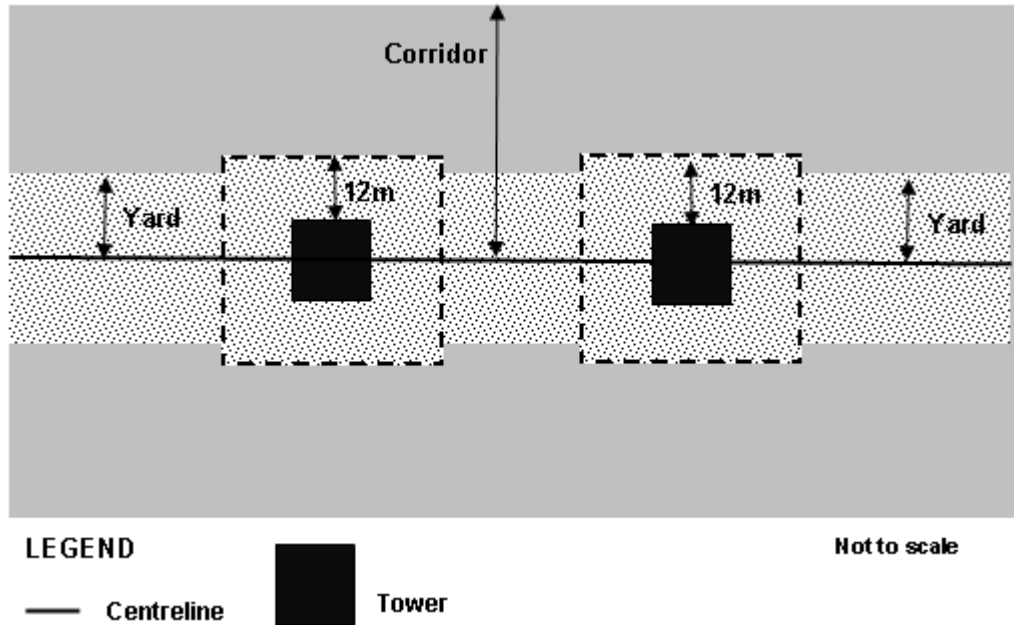
means lines for conveying electricity at a voltage equal to or exceeding 110 kV owned or operated by Transpower NZ Ltd.

National Grid Yard

means

- the area located 12m in any direction from the visible outer edge of an electricity transmission support structure foundation or;
- the area located 12m either side of the centreline of an overhead electricity transmission line on towers.

Note: The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.



Natural and Physical Resources

has the same meaning as set out in Section 2 of the ACT.

Natural Hazard

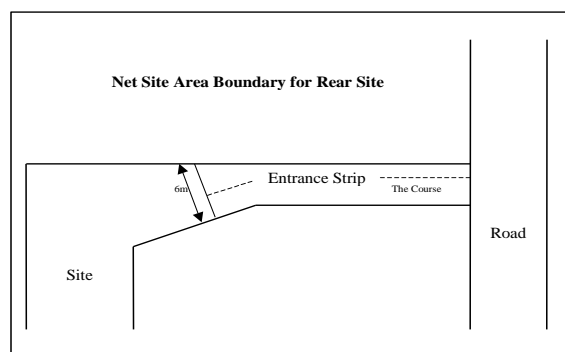
as defined by Section 2 of the ACT means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion,

volcanic and geothermal activity, landslip, subsidence, sedimentation, wind drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

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

Natural Hazard Mitigation Activities Natural Hazard Mitigation Activities means activities that are carried out by a Network Utility Operator to reduce the risks posed by natural hazards to human life, property or the environment (includes stop banks, seawalls and vegetation plantings).

Net Site Area in relation to a rear SITE means the difference in area between the total area of the SITE (gross area) and the area of its ENTRANCE STRIP. (see figure below).



Network Utility Operation means a service, operation or activity undertaken by a NETWORK UTILITY OPERATOR and includes AERIALS, LINES, water, sewage and stormwater reticulation, road lighting, facilities used or intended to be used for TELECOMMUNICATION and/or RADIOCOMMUNICATION, gas, petroleum or geothermal lines, ROADS, railway lines, airports, PUBLIC CONVENIENCES, lighthouses, navigation and survey aids and beacons, METEOROLOGICAL ACTIVITIES and associated SUPPORT STRUCTURES.

Network Utility Operator has the same meaning as set out in Section 166 of the Resource Management Act 1991.

New in relation to BUILDINGS and/or USES, means not in existence at the time when the rule first became enforceable. For the purposes of this PLAN, it means not in existence as at 11th November 2000.

New Zealand Standard means a New Zealand Standard and any subsequent amendments in existence as at 11th November 2000 approved by the Standards Council pursuant to the Standards Act 1988.

Ngati Kahungunu Whanui means the tribe of persons descendent from the ancestor Kahungunu wherever they may live.

Noise Control Boundary means a boundary shown on the planning maps defining the limits of an area beyond which NOISE LIMITS are not to be exceeded and within which acoustic insulation measures are required. It includes the

EXPRESSWAY NOISE BOUNDARY, the INDUSTRIAL NOISE BOUNDARY, the AIRPORT NOISE BOUNDARY, the PORT NOISE BOUNDARY and the PORT INNER NOISE BOUNDARY.

Noise Limit	in relation to dBA means a L_{dn} , L_{Aeq} or L_{Amax} sound level in A-frequency-weighted decibels that is not to be exceeded and in relation to dBC means a “peak sound pressure level” or the peak C-frequency weighted sound level that is not to be exceeded.
Noise Sensitive Activity	means any USE of LAND and/or BUILDINGS which is likely to be susceptible to the effects of noise emitted from nearby land uses in the course of their legitimate operation and functioning; and for the purposes of this PLAN, includes DAY CARE CENTRES, EDUCATION FACILITIES (but not any trade training or other industry-related educational facility), HEALTH CARE CENTRES, HOSPITALITY ACTIVITIES, OFFICE ACCOMMODATION, PLACES OF ASSEMBLY, RESIDENTIAL ACTIVITIES, RETIREMENT COMPLEXES, TRAVELLERS’ ACCOMMODATION, and CAMPING GROUNDS.
Notional Boundary	means a line 20 metres from and parallel to any wall of a BUILDING or any wall of a BUILDING used by a NOISE SENSITIVE ACTIVITY.
Notional Garage	means an area of LAND measuring 18.5 square metres when a garage, carport, or other VEHICLE PARKING SPACE is not provided on the SITE or has become unavailable due to its occupation by a HOME OCCUPATION, and shall be required to meet all bulk and location requirements for the relevant zone. NOTE: 5.5 metres multiplied by 3.3 metres garage size plus eaves equals 18.5 square metres.
Notable Tree	means a tree that is identified as significant for its historical, cultural, scientific, amenity, ecological and/or other value. Refer to Appendix 14.
Office Accommodation	means LAND and/or BUILDINGS where the administration of an organisation or professional services are undertaken and includes photocopying, draughting, financial services and other similar services, but does not include banks, HEALTH CARE CENTRES or retail activities.
Official Sign	means all regulatory traffic SIGNS and signals approved by a road controlling authority or provided for under any legislation and which are erected on a ROAD.
Off Site Services	means local services serving a particular locality provided at the time of LAND DEVELOPMENT (including SUBDIVISION) eg: extended reticulation and sewer trunk mains and/or non local services provided at district level in response to demand from new DEVELOPMENT eg: increased sewage treatment capacity. Costs for off site services may be shared between various DEVELOPERS, and the COUNCIL on behalf of existing SITES.
On Site Services	means services within a LAND DEVELOPMENT (including a SUBDIVISION) paid for wholly by the DEVELOPER and vested in the COUNCIL, for example, on site sewer reticulation.
Open Space	means an area of a SITE clear of all BUILDINGS, VEHICLE PARKING

SPACES, LOADING SPACES, ACCESS, ENTRANCE STRIPS and MANOEUVRING AREAS.

- Open Space Environment** means any area of land identified in this PLAN as being included in the Foreshore Reserve, Marine Parade Recreation, Reserve, River Conservation or Sports Park zones.
- Outdoor Storage Area** means an area of land used for the storage of materials or equipment associated with commercial or industrial activities but does not include bulk gas or petroleum storage tanks.
- Panel Antenna** means any flat, rectangular or similar-shaped RADIOCOMMUNICATION or TELECOMMUNICATION apparatus used for transmission or reception, including the panel antenna mounting, but not any SUPPORT STRUCTURE.
- Papakainga** means housing established on Maori land for Maori people, as defined by the Te Ture Whenua Maori Land Act 1993
- Parapet** means a low wall used to protect the edge of a roof from view, also called a parapet wall.
- Pergola** means a framework which can support netting, wire or similar material and must not be covered by non-permeable material and of a HEIGHT not exceeding 3 metres from GROUND LEVEL.
- Permitted Activity** has the same meaning as set out in Section 2 of the ACT.
- PIM** Project Information Memorandum issued in accordance with Section 31 of the Building Act 1991.
- Place** means any LAND, including LAND covered by WATER, and the airspace forming the spatial context to such LAND, including any landscape, traditional site or sacred place, and anything fixed to the LAND including any ARCHAEOLOGICAL SITE, garden, BUILDING or STRUCTURE, and any body of WATER, whether fresh or seawater, that forms part of the historical and cultural heritage of New Zealand.
- Place of Assembly** means LAND and/or BUILDINGS which are used in whole or in part for the assembly of persons for such purposes as deliberation, public and private worship, religious ceremonies, services, instruction, entertainment, education, recreation or similar purposes and includes any church, hall, public library, amusement arcade, clubroom, funeral directors chapel, any gymnasium, pavilion, indoor sports facility, community centre and marae buildings.
- Plan** means this District Plan and includes Volumes I, II and III of the City of Napier District Plan.
- Playcentre** refer to DAY CARE CENTRE.
- Pole** refer to SUPPORT STRUCTURE.
- Port** means the Port of Napier and any land, buildings or structures under the ownership Port of Napier within the Port Industrial Zone.
- Port Inner Noise Boundary** means a boundary defining the limits of the area within which the predicted five day average day-night sound exposure over a 24 hour period, associated with the USE and operation of a PORT (including

activities on wharves and ships at berth within the coastal marine area), exceeds 65 dBA L_{dn}, as measured using New Zealand Standard 6809:1999 “Acoustics: Port Noise Management and Land Use Planning”.

Port noise

means:

- (a) Noise generated within the Port Industrial Zone; and
- (b) Noise emanating from ships at berth in the coastal marine area; and
- (c) Noise associated with the handling of cargo whether in the Port Industrial Zone or the coastal marine area,

and includes:

- (d) Noise from trains, trucks, machinery whether in the Port Industrial Zone or coastal marine area
- (e) Noise from administrative and storage activities;
- (f) Noise associated with the testing of the refrigerated unit of containers (pre-trip);

but excludes:

- (g) Noise associated with container: repair and maintenance activities;
- (h) Noise from ships not at berth;
- (i) Noise associated with construction of permanent port facilities;
- (j) Noise from an emergency situation.

Port Noise Boundary

means a boundary defining the limits of the area within which the predicted five day average day-night sound exposure over a 24 hour period, associated with the USE and operation of a PORT (including activities on wharves and ships at berth within the coastal marine area), exceeds 55 dBA L_{dn}, as measured using New Zealand Standard 6809:1999 “Acoustics: Port Noise Management and Land Use Planning”.

Port Operator

means Port of Napier Limited or its successor.

Principal Road

refer to ROAD HIERARCHY.

Prohibited Activity

has the same meaning as set out in Section 2 of the ACT.

Public Convenience

means LAND and/or BUILDINGS which are used for such purposes as changing rooms, ablution facilities and toilets, mothers rooms, baby changing facilities and other similar USES.

Public Open Space

means any LAND set aside for public enjoyment, recreation or education and also includes ROADS, accessways, walkways, service lanes and drainage reserves.\

Quarrying

means any activity involved in winning bulk materials such as lime, road metal, sand etc, occurring naturally in the area and includes the extraction of material which requires little processing and produces small volumes of waste material in proportion to the volume of useable material produced, and includes the winning of materials such as stone, sand, gravel, road metal and construction materials for direct application or use in their natural state.

Radiocommunication

means any transmission, emission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.

Rear Site	Refer to NET SITE AREA definition.
Reclamation	means the permanent infilling of a WATERBODY or part of a WATERBODY with sand, soil, rock, quarry material, beach gravel, concrete or similar material, for any purpose, and includes any embankment or causeway.
Recreational Activity	means any LAND and/or BUILDINGS whose primary USE is for passive or active leisure, whether competitive or non-competitive, casual or organised, including shelter, PUBLIC CONVENIENCES, the use of outdoor school grounds between the hours of sunrise and sunset, and other ACCESSORY BUILDINGS.
Refuse Storage	means an area used for the purposes of storing or stockpiling solid waste from BUSINESS PREMISES.
Renewable Electricity Generation Activity:	means the construction, operation, maintenance and upgrading of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.
Renewable Electricity Generation - <u>Operation</u>:	means the working of a renewable electricity generation activity on a day-to-day basis to generate and transmit electricity.
Renewable Electricity Generation - <u>Maintenance</u>:	means the undertaking of work necessary to keep a Renewable Electricity Generation Activity operating at an efficient and safe level (for example activities include erosion, sediment and flood control, weed control, access requirement, maintenance of plan, machinery or structures and monitoring of operations).
Renewable Electricity Generation - <u>Upgrading</u>:	means the upgrade, replacement or renewal of existing plant, machinery or structures to gain efficiencies in generating and transmitting electricity provided this does not increase the consented or authorised footprint of the activity. This includes work involving all structures, infrastructure and buildings, access roads and tracks, earthworks and the deposit of materials. A gain in efficiency of generation under this definition includes increases in installed generation capacity of the consented or authorised footprint by replacement of turbines that have higher energy generation capacity.
Renewable Electricity Generation - <u>Consented or Authorised Footprint</u>:	means the area that has been consented or otherwise authorised for the activity; the maximum consented/authorised height of any structure associated with the activity; the consented/authorised maximum operating water level of any water body used in the generation of electricity; and transmission lines to the national or local grid and electricity substations and associated infrastructure.
Renewable Energy	has the same meaning as the Resource Management Act 1991 and any subsequent amendments.
Repair and Maintenance (General)	means making good decayed or damaged material. Repair of material or of a SITE should generally be with original or similar materials. Repair of technically higher standard than the original

workmanship or materials may be justified where the life expectancy of the SITE or material is increased, and the new material is compatible with the old.

And in relation to a STRUCTURE, means carrying out any work which:

- (a) Is for the purpose of keeping the STRUCTURE in good condition;
- (b) Does not result in any increase in the area of land occupied by the STRUCTURE;
- (c) Does not change the CHARACTER, scale and intensity of any effects of the STRUCTURE on the environment (except to reduce any adverse effects or increase any positive effects) but does not include UPGRADING.

Repair and Maintenance In relation to a place or item identified in Appendix 13 and **(Heritage) 13A**, means making good any decayed or damaged fabric to a documented earlier form, where:

- The work involves stabilisation, preservation and conservation as defined in the ICOMOS NZ Charter for the Conservation of Places of Cultural Heritage Value 1993 (the ICOMOS Charter);
- The work does not involve alterations, additions (including reconstruction as defined by the ICOMOS Charter), relocation, partial demolition and demolition (otherwise other rules apply);
- The work involves the restoration to good or sound condition of any existing BUILDING or any part of an existing BUILDING;
- The work involves the patching, restoration or minor replacement of materials, elements, components, equipment and fixtures for the purposes of maintaining such materials, elements, components, equipment and fixtures in good or sound conditions;
- Any redecoration work involves the renewal, restoration or new application of surface finishes (except new signage), decorative elements, minor fittings and fixtures and floor coverings which does not destroy, compromise, damage or impair the appreciation of the heritage values of the elements being redecorated;
- The work carried out on the building will generally match the original in terms of quality, materials and detailing;
- The work does not result in any increase in the area of land occupied by the BUILDING; and
- The work does not change the character, scale and intensity of any effects of the BUILDING on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.

Requiring Authority has the same meaning as set out in Section 166 of the ACT.

Residential Activity	means the USE of LAND and BUILDINGS (including ACCESSORY BUILDINGS such as garages, carports and storage sheds) by a HOUSEHOLD (whether any person is subject to care, supervision or not), and includes RESIDENTIAL CARE FACILITIES but does not include HOME OCCUPATIONS, or TRAVELLERS' ACCOMMODATION.
Residential Care Facility	means the USE of LAND and/or BUILDINGS such as an old persons home, convalescent home, nursing home, rest home, women's or men's refuge, hospital, hostel, or charitable institution in which board and lodging or lodging alone is provided or intended to be provided. This does not include a DAY CARE CENTRE, TRAVELLERS' ACCOMMODATION or a RETIREMENT COMPLEX.
Residential Character	means the features present in residential neighbourhoods which create a pleasant and harmonious residential atmosphere, including RESIDENTIAL ACTIVITIES, BUILDINGS, people, domestic animals, landscaping and ROADS.
Residential Consolidation Development	means a comprehensively designed and integrated RESIDENTIAL ACTIVITY within a RURAL ENVIRONMENT comprising five or more DWELLING UNITS, where the LAND USE and subdivision consents are processed concurrently.
Residential Environment	means an area of LAND identified in this PLAN as being within the Main Residential, Napier Hill Character, Te Awa Bungalow Character, Marewa Art Deco Character, Marewa State Housing Character, Marine Parade Character and Western Hills Residential zones.
Resource Consent	has the same meaning as set out in Section 2 of the ACT.
Restaurant	means LAND and/or BUILDINGS where food and drink is prepared and sold for consumption on the premises and includes cafes, tearooms, coffee bars, takeaway bars where dining seating is provided, and licensed restaurants.
Rest Home	refer to RESIDENTIAL CARE FACILITY.
Restricted Discretionary Activity	means a discretionary activity in respect of which the COUNCIL has restricted the exercise of its discretion to those matters specified in the PLAN.
Retailing	means land and/or buildings from which goods, merchandise, equipment or services are sold, exposed, displayed or offered for sale or direct hire to the public and includes: Markets, Showrooms and Liquor outlets not part of a hospitality activity.
Retirement Complex	means LAND and/or BUILDINGS used or intended to be used for the purposes of providing services and facilities including accommodation, recreation, welfare and/or health care for elderly and retired persons. It may include RESIDENTIAL ACTIVITIES, whether subject to care, supervision or not, but does not include a RESIDENTIAL CARE FACILITY, DAY CARE CENTRE, HEALTH CARE CENTRE, or TRAVELLERS' ACCOMMODATION.
River	has the same meaning as set out in Section 2 of the ACT.

River Control Works	means activities carried out for river management or flood control purposes by persons exercising functions, duties and powers under river management or flood control legislation.
RL (Reduced Level)	Is a technique used in Napier to measure elevations. Reduced Level relates to Mean Sea Level which in Napier City Council terms is 10.00 metres. The Reduced Level figure for sea level is expressed as RL 10.00. It is expressed as 'Level Datum' and means Local Authority Datum 1972 (MSL=10.000 metres).
RNZAF	means Royal New Zealand Air Force.
Road	has the same meaning as set out in Section 2 of the ACT and includes an EXPRESSWAY, MOTORWAY, and STATE HIGHWAY.
Road Boundary	refer to ROAD FRONTAGE.
Road Frontage	means any boundary of a SITE that directly adjoins a ROAD.
Road Hierarchy	means the classification of ROADS as follows and as shown in Appendix 22 of the PLAN: <p style="margin-left: 40px;">Arterial Road means a ROAD providing interconnections between major sectors of a large area and a link with external areas and which distributes traffic from the motorway and major City links. Traffic volumes are typically greater than 7,000 vehicles per day on urban roads with a significant number of heavy vehicles.</p> <p style="margin-left: 40px;">Principal Road means a ROAD providing access to ARTERIAL ROADS and motorways and having a dominant through vehicular movement. Traffic volumes are typically 3,000 to 7,000 per day on urban roads.</p> <p style="margin-left: 40px;">Collector Road means a ROAD providing circulation between and within local areas and links to primary roads. Traffic volumes are typically less than 3,000 vehicles per day on urban roads.</p> <p style="margin-left: 40px;">Local Road means a ROAD providing access to adjacent residential, industrial, or commercial areas and typical traffic volumes are less than 1,000 vehicles per day on urban roads.</p>
Roadside Stall	means any LAND and/or part of a BUILDING, but excluding any ROAD, from which farm or garden produce is sold or is displayed for sale, and includes a table trailer platform or any other STRUCTURE, vehicle or part of a SITE used for the purpose. This does not include a HOME OCCUPATION.
Rolling Height Method	refer to HEIGHT.
Rural Activity	means any land or use of building for primary production, and includes any the use of accessory buildings, equipment and processes.
Rural Environment	means any area of LAND identified in this PLAN as being included in the Main Rural, Rural Residential, Rural Commercial, Rural Conservation, Rural Settlement Jervoistown or Lifestyle Character zones.
Rural Processing	means an INDUSTRIAL ACTIVITY that processes AGRICULTURAL,

Industries	HORTICULTURAL or VITICULTURAL produce grown in the district.
Safety Alteration	<p>means works undertaken on a heritage item necessary for the primary purpose of improving structural performance, fire safety or physical access. Improving structural performance involves earthquake strengthening work. This work shall be identified by a chartered professional engineer who has knowledge of the structural characteristics and earthquake performance of the type of building being assessed. To avoid doubt, earthquake strengthening means improving the structural performance of a heritage building by modifying, or adding to, the structure of a building. This work may be required to enhance the structural capacity of the building and may include but is not limited to:</p> <ul style="list-style-type: none"> • Safely carry self and imposed gravity loads • Withstand probable wind loads without unacceptable damage • Withstand probable earthquake loads without unacceptable damage • Withstand other damaging effects that have been identified for a particular building.
Scheduled Site	means an area of LAND and/or a BUILDING or BUILDINGS identified in this PLAN as being specifically used for an activity which provides for the social wellbeing of the community, and which may not otherwise qualify as a PERMITTED ACTIVITY in the rules of the PLAN.
Scheme Plan	means a plan lodged to support an application for SUBDIVISION in accordance with section 88 of the ACT.
Screened	means a FENCE or landscaping capable of visually blocking from view the whole of a particular activity, or specified part of an activity, or impermeable to headlight glare.
Sealed Area	means a part of a SITE surfaced with tarseal, concrete or similar, paving, goby blocks and areas especially used for VEHICLE PARKING SPACES or footpaths and hardstand areas but excludes stepping stones, gravel footpaths not exceeding 1 metre in width and does not include areas already covered by GROSS BUILDING AREA.
Seasonal Workers Accommodation	means any premises used for accommodation purposes directly associated with the seasonal labour requirements of the CITY'S HORTICULTURE, VITICULTURE, and cropping industries and includes permanent BUILDINGS and relocatable STRUCTURES, but does not include ablution or kitchen/common room facilities associated with this activity when those facilities are located in a separate BUILDING from the BUILDING providing the accommodation.
Sensitive Activities	means the following activities where they occur within the NATIONAL GRID YARD; DWELLING UNIT, DAY CARE CENTRE, PAPA KAINGA, RETIREMENT COMPLEX, SEASONAL WORKERS ACCOMMODATION, TRAVELLERS ACCOMMODATION, EDUCATION FACILITIES and HEALTH CARE CENTRES.
Service Court	means a contiguous area of LAND and/or BUILDINGS for the purposes

of accommodating the land uses service functions including washing lines, rubbish bins etc.

Service Station

means any LAND and/or BUILDINGS where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel), and may also include any one or more of the following provided the gross floor area for retailing of any such goods or services, excluding the forecourt does not exceed 150m²:

- a) the sale of kerosene, alcohol based fuels, lubrication oils, tyres, batteries and other motor vehicle accessories.
- b) mechanical repair and servicing of motor vehicles (including light vans, motorcycles, boat motors, trailers and domestic gardening equipment).
- c) warrant of fitness testing.
- d) the sale of other merchandise where this is an ancillary activity to the main use of the land or building.

But does not include body repairs, spray painting, panel beating, upholstering, under-sealing, steam cleaning, engine reboring, crankshaft regrinding, metalling of engine parts and the sale of motor vehicles. For the purposes of this Plan, a service station is an INDUSTRIAL ACTIVITY.

Shelter Belt

means a planting of trees with the main purpose of providing shelter from climatic conditions including wind or sun and/or can be used as a buffer between adjacent land uses.

Side Wall

means any wall that does not have a ROAD FRONTAGE, but faces in towards another BUILDING, adjoining site, an accessway, service lane, or similar.

Sign

means all forms of advertising devices including a signboard, poster, mural, BANNER, flag, billboard, sandwich board, wind sock, blimp, carving, inscription, or projection light to create an image, message or notice, placed on land, rock, stone, electronic devices, or affixed to any BUILDING or STRUCTURE, or incorporated within the design of any BUILDING or STRUCTURE (whether by painting or otherwise).

A sign includes all parts, portions, units and materials used in constructing and/or erecting the sign, including illumination, frame, background and SUPPORT STRUCTURES.

Site

means:

- (a) an area of LAND which is comprised in a single Certificate of Title; or
- (b) an area of LAND which is comprised of two or more adjoining legally defined ALLOTMENTS in such a way that the ALLOTMENTS cannot be administered separately without the prior consent of the COUNCIL; or
- (c) in the case of LAND subdivided under the Unit Title Act 1972 or the cross lease system, site shall be deemed to be the whole of

the LAND subject to the unit development or CROSS LEASE.

Site Coverage	which is expressed as a percentage, means those parts of a SITE which are covered by BUILDINGS, parts covered by overhanging or cantilevered STRUCTURES, but does not include FENCES, retaining walls, PERGOLAS, or uncovered swimming pools.
Slope	means the natural slope of the LAND at the point where the EARTHWORKS or vegetation removal is to take place.
Slow Trade Retailer:	means a single commercial category retailer, which tend to stock bulkier items and includes furniture and appliance retailers.
Specialty Retailing	means retail premises less than 500m ² in gross floor area which offer high levels of personal service, and a wide range of products such as clothing, personal items, and household accessories.
State Highway	has the same meaning as set out in Section 2(1) of the Transit New Zealand Act 1989.
State Highway Noise Boundary	means a boundary shown on the Planning Maps where the predicted average daily sound exposure from traffic noise may exceed the desirable limit for a noise sensitive activity if not adequately insulated from noise arising from use of the State Highway network including the Expressway
Storage of Tyres	means the storage of new, used, or end-of-life tyres on LAND or within BUILDINGS that covers an area exceeding 10m ² , and serves no purpose for retaining a slope or covering stock feed.
Structure	is defined in Section 2 of the ACT and means any BUILDING, equipment, device or other facility made by people and which is fixed to LAND, and includes any raft.
Subdivider, The	refer to the definition in Part A of the CODE.
Subdivision	has the same meaning as set out in Section 218 of the ACT, and 'subdivide land' and 'subdivision of land' have corresponding meanings.
Supplementary Unit	means a single bedroomed BUILDING located on the same SITE as a DWELLING UNIT, used or intended to be used solely for residential purposes and occupied or intended to be occupied as a home or residence.
Support Structure	means any mast, tower, pole or similar STRUCTURE used or intended to be used for the support of lighting devices, lightning rods, SIGNS, AERIALS, and/or LINES.
Surcharge Load	means any (additional) loading above normal ground conditions that could impact on the integrity of the excavation (examples being buildings, structures or stored materials etc).
Tangata Whenua	has the same meaning as set out in Section 2 of the ACT and in relation to a particular area, means the iwi, or HAPU, that holds MANA WHENUA over that area.

Telecommunication	means the conveyance from one device to another of sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not.
Temporary Military Training	means a temporary military activity undertaken for defence purposes. The term, 'defence purposes' is as defined in the Defence Act 1990.
Tower	refer to SUPPORT STRUCTURE.
Trade Waste	means any liquid, with or without matter in suspension, or solution therein, which is or may be discharged from BUSINESS PREMISES in the course of any trade, industry or commercial process or operation or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater or domestic sewage.
Travellers' Accommodation	means LAND and/or one or more BUILDINGS principally used for the day-to-day accommodation of travellers and their vehicles for not more than than 50 days in any twelve month period by any given individual, and includes the unlicensed services which are provided on the SITE ancillary to the principal activity. This includes motels, hotels, bed and breakfast, boarding houses and homestays, but does not include CAMPING GROUNDS, LICENSED PREMISES or SEASONAL WORKERS/ACCOMMODATION.
Transport Depot	means any LAND and/or BUILDINGS which is primarily used for the receipt, despatch or consolidation of goods in transit being transported by road, where the goods are not owned or processed by the owner or occupier of that LAND or BUILDING, and includes a carrier's depot and truckstop. For the purposes of this PLAN, it does not include facilities catering for overnight parking or accommodation of people, goods, or livestock.
Underground	means below the existing GROUND LEVEL.
Unserviced Site	means a site where water supply, reticulated wastewater and/or stormwater systems provided by one or more network utility operators and connections thereto are unavailable or do not comply fully with the requirements of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development).
Upgrading	means changing or altering a STRUCTURE so that the EFFECTS resulting from the STRUCTURE are of a different scale or nature from those existing before the changes or alterations were made, but does not include MAINTENANCE.
Use	in relation to LAND has the same meaning as set out in Section 9(4) of the ACT.
Utility Services	refer to NETWORK UTILITY OPERATIONS.
Utility Site	is an area of LAND required to accommodate a NETWORK UTILITY OPERATION, but does not include a ROAD or road reserve.
Vehicle Movement	means the arrival and departure of the vehicle from the site.
Vehicle Parking Space	means an area of LAND formed and set aside exclusively for the

parking of a vehicle, but does not include a LOADING SPACE. Such vehicle parking spaces shall have vehicular ACCESS to a ROAD or service lane.

Veranda	means a permanent STRUCTURE, constructed of weather proof material, which is either cantilevered, or supported on posts, pillars, which extends from the FACADE, usually on the ROAD FRONTAGE and at first floor level, and overhangs a footpath or other similar PUBLIC OPEN SPACE.
Veterinary Clinic	refer to HEALTH CARE CENTRE.
Viticulture	means the establishment, management and harvesting of grape vines, excluding RURAL PROCESSING ACTIVITIES and COMMERCIAL ACTIVITIES.
Waahi Tapu	a place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense.
Warehouse	means a building used for the storage of materials, goods or articles prior to sale or disposal but does not include a shop.
Wastewater	means all water or other liquid including waste matter in solution or suspension from any source which is to be discharged into a wastewater system. Wastewater includes TRADE WASTE and domestic sewage as defined in the Napier City Council Trade Wastes Bylaw 2003.
Wastewater System (Non-Reticulated)	means a system for the collection, treatment and disposal of WASTEWATER within the site boundaries of the wastewaters' origin. It includes holding tanks; soakage trenches and beds; modified trench and bed systems relying in full or in part on evapo-transpiration; sub-surface and surface irrigation systems; absorption wells/ infiltration pits; and above ground treatment/disposal (fill and mound) systems, but does not include a RETICULATED WASTEWATER SYSTEM.
Wastewater System (Reticulated)	means a NETWORK UTILITY OPERATION for the purposes of collecting, conveying, treating and disposing of WASTEWATER. It includes sewers; trunk mains; pumping stations; millscreening facilities; and other facilities for the collection, treatment and disposal of wastewater, but does not include an on-site wastewater disposal system or a NON-RETICULATED WASTEWATER SYSTEM.
Water	has the same meaning as set out in Section 2 of the ACT.
Water Body	has the same meaning as set out in Section 2 of the ACT.
Watercourse	means a continually or intermittently flowing body of freshwater and includes a stream and modified watercourse but does not include any artificial watercourse (such as an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).
Yard	means a part of a SITE which is required by this PLAN to be unobstructed from GROUND LEVEL upwards by BUILDINGS, STRUCTURES where specified, and decks more than 300mm above GROUND LEVEL.
	Front yard: means a yard between the ROAD FRONTAGE and a

line parallel thereto and extending across the full width of the SITE provided that the boundary of a proposed ROAD, if any, shall be substituted for the ROAD FRONTAGE for the purpose of determining the front yard of a SITE. Where a BUILDING LINE RESTRICTION is in place, then no BUILDING or permanent STRUCTURE shall be sited between the BUILDING LINE RESTRICTION and the ROAD FRONTAGE.

Internal yard: means a yard between all boundaries of the SITE other than a ROAD FRONTAGE and a line parallel thereto.

Zero Lot Line

means the location of a BUILDING on a SITE in such a manner that the BUILDING'S FACADE abuts a SITE boundary.

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