



### 3

## DEFINITIONS

#### ***Accessory Building***

means a BUILDING on any SITE which is incidental to an activity which is allowed on the SITE.

An accessory building may include (but is not limited to) a garage or carport, a workshop, a shed, a studio, a reception room, a study, a glasshouse, or a SLEEPOUT; but does not include buildings with a kitchen sink or dishwashing facility and does not include a HOUSEHOLD UNIT or a MINOR HOUSEHOLD UNIT.

#### ***Accommodation Unit***

applies only within the Special 16 (Omaha South Development) Zone means a BUILDING or part of a BUILDING providing travellers accommodation for up to six persons in a maximum of three BEDROOMS.

#### ***The Act***

means the Resource Management Act 1991 or any Act passed in substitution therefore.

#### ***Adequate Sanitary Drainage***

means in relation to a SITE either:

- (a) That it is possible to connect the SITE to an APPROVED sewage disposal system; or
- (b) That the ground porosity of the SITE is such that, if the BUILDING on the SITE were permanently and continually occupied at the normal occupancy rate, sewage effluent could be treated and disposed of on the SITE in such a manner as not to cause a public health or environmental risk on the SITE or to adjoining properties.

#### ***Adequate Stormwater Drainage***

means in relation to a SITE either:

- (a) That it is possible to connect the SITE to an APPROVED STORMWATER disposal system; or
- (b) The SITE is such that the STORMWATER could be disposed of on the SITE in such a manner as not to cause a nuisance on the SITE or to adjoining properties and not to cause pollution, contamination or siltation of nearby WATER bodies.

#### ***Aerials***

means the part of a radiocommunication facility or TELECOMMUNICATION facility used for transmission or reception including the aerial mounting but not any supporting MAST or similar structure. This definition excludes any ANTENNA.

#### ***Agriculture***

means the raising of crops and livestock, including FARMING, pastoral FARMING, arable FARMING, HORTICULTURE, FORESTRY.

#### ***Agricultural Contractor Depot***

means an area of land and BUILDINGS for the administration, and the storage, maintenance and refuelling of vehicles and machinery used on a contract basis on FARMS.

#### ***Aircraft***

means all fixed wing and rotary winged aircraft as well as hot air balloons.

#### ***Air-Noise Contour***

means NOISE contours based on likely NOISE generated by an airfield, taking into account likely future AIRCRAFT types and numbers. Activities



are restricted within certain air-noise contours, in accordance with the controls within the NZ Standard 6805:1992 "Airport Noise Management and Landuse Planning", and as shown in Appendix 2 to the Planning Maps.

***Aircraft Facility***

means all runways, airstrips, heliports and associated structures such as, but not limited to, workshops, hangars, clubrooms and navigational aid BUILDINGS.

***Alter***

means in relation to a BUILDING, rebuild, re-erect, repair, enlarge and extend, and alteration has a corresponding meaning.

***Antenna***

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

***Approved***

means approved by the COUNCIL and includes consented to by the COUNCIL.

***Aquatic Plant Pest***

includes but is not limited to any of the following:

African feather grass (*Pennisetum macrourum*); Alligator WEED (*Alternanthera philoxeroides*); Arrowhead (*Sagittaria montevidensis*); Bladderwort (*Utricularia gibba*); Bogbean (*Menyanthes trifoliata*); Clasp pondweed (*Potamogeton perfoliatus*); Eel grass (*Vallisneria gigantea* - Lake Pupuke variety); eel grass (*Vallisneria spiralis* - Meola Creek variety); Egeria (*Egeria densa*); Fringed WATER lily (*Nymphoides peltata*); Hornwort (*Ceratophyllum demersum*); Houttuynia (*Houttuynia cordatum*); Hydrilla (*Hydrilla verticillata*); Lagarosiphon (*Lagarosiphon major*); Mauchurain wild rice (*Zizania latifolia*); Marshwort (*Nymphoides geminata*); Nardoo (*Marsilea mutica*); Pampas grass (*Cortaderia selloana*, *cortadeti* jubata); Parrot's feather (*Myriophyllum aquaticum*); Phragmites (*Phragmites australis*); Sagittaria (*Sagittaria graminea* ssp. *platyphylla*); Senegal tea (*Gymnocoronis spilanthoides*); Spartina (*Spartina* spp); WATER poppy (*Hydrocleys nymphoides*); WATER primrose (*Ludwigia pepioides* ssp. *montevidensis*); Yellow flag (*Iris pseudacorus*); Yellow watch lily (*Nuphar lutea*).

***Aquifer***

A permeable WATER-retaining rock formation.

***Archaeological SITE***

means any place (including a place under WATER) that is, or may be, through investigation by archaeological methods, able to provide evidence of historic heritage or where archaeological methods are the primary or a significant means of obtaining such information and shall include any place that was:

- (i) Associated with human activity that occurred before 1900.
- (ii) Is the SITE of the wreck of any vessel that occurred before 1900.

***Arterial Road***

means a ROAD listed in Appendix 21C in *Chapter 21 - Transportation and Access*.



<b>Base Building</b>	means the portion of a BUILDING below the maximum 10.5 metre HEIGHT limit within the Orewa Town Centre Policy Area.
<b>Beach Amenity Protection Line</b>	applies only within the Special 16 (Omaha South Development) Zone.  means a line established to ensure that the HEIGHT of BUILDINGs does not detract from the level of natural character and privacy existing within the beach of Little Omaha Bay. (See Rule 12.8.16.4.10.)
<b>Bedroom</b>	means a room primarily used for sleeping and includes studies, OFFICES and sunrooms.
<b>Biodiversity</b>	means the variability among living organisms. This includes diversity within SPECIES (genetic diversity), between SPECIES and of ECOSYSTEMS.
<b>Biota</b>	means all the living organisms at a particular locality.
<b>Boat</b>	includes all forms of WATER craft and rafts, but does not include a HOUSEBOAT or permanently moored pontoon.
<b>Boarding Houses</b>	means a residential BUILDING in which lodging and/or boarding is provided or intended to be provided (with or without reward) for 5 or more lodgers, (other than members of the family of the occupier or person in charge or control of the BUILDING), and includes a halfway house, and excludes visitor accommodation units and premises licensed under the Sale of Liquor Act 1989, or any Act in substitution thereof.
<b>Boundary Relocation</b>	means a SUBDIVISION of existing titles which maintains the same number of titles. (A boundary relocation may involve either a change in the position of existing boundaries, or the enlargement or diminution of the size of existing SITES, or the relocation of an existing SITE or SITES or any one or more of those circumstances).
<b>Building</b>	means any structure, whether temporary or permanent, movable or immovable, and includes any fence or wall and any stack or heap of materials, but excludes any such structure which is less than 1.8 metres in HEIGHT and any earth bund.
<b>Bulk In Relation To Boundary</b>	means: the length of allowable continuous BUILDING in relation to its SITE boundary, as included in Rule 8.10.3, and as shown in figure 1 in <i>Chapter 8 - Residential</i> .
<b>Business Zone</b>	includes Retail Services Zone, Mixed BUSINESS ZONE and Industrial Zone. It also includes the Knowledge Economy Business Park Policy Area, Knowledge Economy Mixed Use Centre Policy Area, Local Shops Policy Area, Neighbourhood Shops Policy Area, and the Silverdale North Commercial Policy Area within the Special 19 Zone, the Special 25 Zone, the Special 26 Zone, the Gateway Business Policy Area, the Mixed Use Policy Area within the Special 31 (Kensington Park) Zone, the Local Shops Policy Area within the Special 33 Zone, and the Gateway Business Policy Area. [Amendment 137] [Amendment 123] [Amendment 158]
<b>Cafes</b>	Means any premise in the KEBP Policy Area of Silverdale North where non-



**Camping Ground**

alcoholic drinks and/or meals are supplied for consumption on or off the premises, and which is not open for trading between 6pm and 6am.

means any area of land used, or designed or intended to be used for the accommodation of tents, caravans and mobile camping vehicles. Tents, caravans and mobile camping vehicles may only be inhabited for periods not exceeding 50 days in any continuous term of occupancy.

**Catchment**

The area draining to a particular location.

**Child Care Facility**

means land and BUILDINGS for the care, education and welfare of pre-school age children, and includes a child care centre, creche, day nursery, playcentre and kindergarten and includes after school care and school holiday care for school aged children.

**Clean Fill**

*(See also Urban Clean Fill)*

means materials of natural content, such as soil, clay, concrete, brick or DEMOLITION materials, which are free of combustible materials and are not subject to biological or chemical breakdown, but does not include domestic, commercial and industrial wastes, hazardous wastes, or timber, or TREES and garden trimmings; provided that in the case of DEMOLITION materials, minimal quantities not exceeding 5% of any one truck load of untreated timber still firmly embedded or attached to concrete or brickwork are acceptable.

Organic material comprising humic material and vegetation that cannot be separated from topsoil and wood shall not be present in more than 5% of the loads sent to any cleanfill SITE.

**Clean Fill Site**

means a SITE for the deposition of the materials defined as CLEAN FILL, or URBAN CLEAN FILL.

**Cluster Housing**

means a type of low density housing where HOUSEHOLD UNITS or groups of HOUSEHOLD UNITS are grouped in close proximity to each other, but overall low density is maintained with respect to the overall SITE.

**Coastal Marine Area**

means the FORESHORE, seabed, and COASTAL WATER and the air space above the WATER -

- (a) of which the seaward boundary is the outer limits of the territorial sea:
- (b) of which the landward boundary is the line of mean high WATER springs, except that where that line crosses a RIVER, the landward boundary of that point shall be whichever is the lesser of-
  - (i) one kilometre upstream from the mouth of the RIVER
  - (ii) the point upstream that is calculated by multiplying the width of the RIVER mouth by 5.

**Collector Road**

means a ROAD listed in Appendix 21C in *Chapter 21 - Transportation and Access*.

**Commercial Recreation**

(a) Characteristics – Commercial Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They may take place indoors or outdoors or in a number of structures which are arranged together in an outdoor setting.

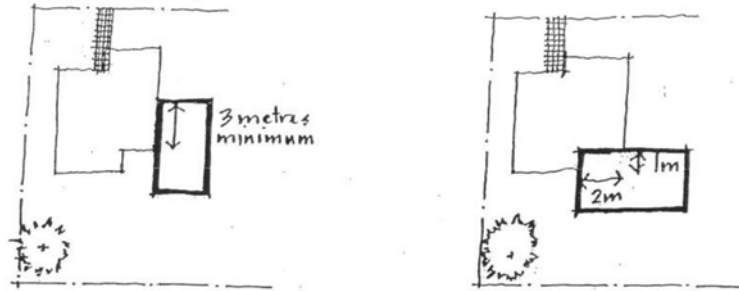


Entertainment.	<p>(b) Accessory Uses - Accessory uses may include concessions, restaurants, bars, parking, caretaker's quarters, and maintenance facilities.</p> <p>(c) Examples - Examples include amusement parks, theme parks, water parks, mountain biking, paintball, golf driving ranges, miniature golf facilities, and zoos.</p> <p>(d) Exclusions</p> <p>(i) Golf courses are classified as Outdoor Recreation.</p> <p>(ii) Uses which draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event</p> <p>(iii) Cinemas</p> <p>(iv) Taverns and bars not accessory.</p> <p>[Amendment 123]</p>
<b>Commercial Services</b>	means services such as data processing, photocopying and duplicating, typing, jobbing printing, research and diagnostic laboratories, and jewellery, instrument and light mechanical and electrical repairs, but excludes motor vehicle servicing and repairs.
<b>Common Lot</b>	applies only within the Special 11 (Hall Farm Development) Zone
	means a SITE owned in common by at least fifteen private lots which are located within the Hall Farm Development Area, but does not include an access lot.
<b>Common Wall</b>	means in relation to any MINOR HOUSEHOLD UNIT and HOUSEHOLD UNIT, a wall shared in common between a room or rooms of each of the units of at least 3m shared length (Diagram One — Common Wall), and includes a floor/ceiling where the MINOR HOUSEHOLD UNIT is above or below the HOUSEHOLD UNIT and includes the situation where a MINOR HOUSEHOLD UNIT shares a wall with a GARAGE.

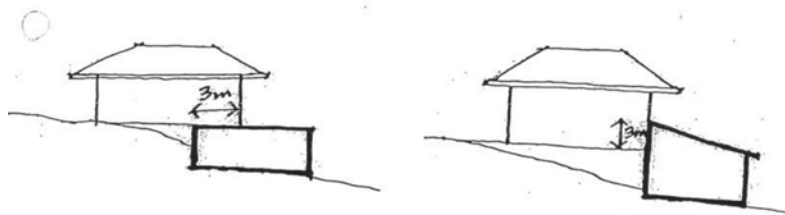


Common Wall – Minor Household Units

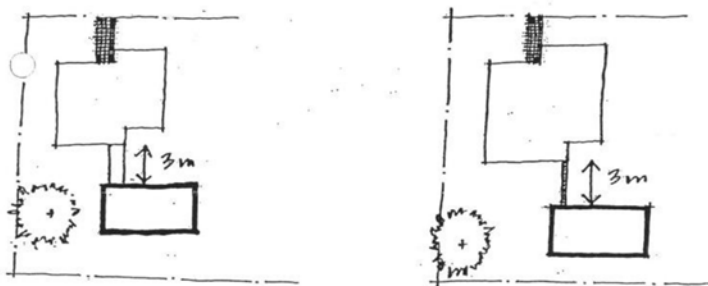
Complying Examples: (Plan View)



Complying Examples: (Elevation)



Non-Complying Examples: (Plan View)



Note: Drawings are not to scale

**Comprehensive Development Plan**

means, in relation to the Special 18 (Gulf Harbour) Zone, a plan of a precinct or precincts identified at Appendix 5A to the Planning Maps showing the broad spatial development pattern of land use, intensity, scale and form of development, open space, infrastructure (including roading) and natural features that provides the framework for development integrated with adjacent land and within the precinct itself.

**Comprehensively Designed Multiple Household Units**

means a HOUSEHOLD UNIT development in which the design of BUILDINGS, their layout, access and relationship to one another has been planned as a whole to achieve compatibility between all BUILDINGS on a SITE.

**Consent Status Index**

means a numerical value that is used to determine the consent status of a HAZARDOUS FACILITY.

**Conservation Values**

means the values associated with an area which contribute to its level of natural character, and includes, but is not limited to:

- (a) WATER quality;
- (b) amenity values (such as visual and recreational);



	<p>(c) degree of natural character (ie. absence of man-made structures or other influences);</p> <p>(d) level of BIODIVERSITY.</p>	
<b>Corridors</b>	means the Region's strategic and arterial road, bus, rail alignments, and adjoining land located adjacent to these corridors, which generally link the Region's centres, and includes but is not limited to INTENSIVE CORRIDORS. Such corridors may have a range of functions, for example Public Transport and Freight	
<b>Council</b>	means the Rodney District COUNCIL or any Committee, Sub-Committee, or person to whom the COUNCIL's powers, duties and discretions under THE ACT have lawfully been delegated pursuant to the provisions of THE ACT, the Local Government Act 1974 or the former Rodney County Council or Helensville Borough Council.	
<b>Cross Lease</b>	means a lease of any BUILDING or part of any BUILDING on, or to be created on , any land:	<p>(a) That is granted by any owner of the land; and</p> <p>(b) That is held by a person who has an estate or interest in an undivided share in the land.</p>
<b>Cross Lease Site</b>	means a SITE subject to a CROSS LEASE.	
<b>Cultural Heritage Resource</b>	means historic SITES, structures, places, and areas, ARCHAEOLOGICAL SITES, SITES of significance to MAORI, including WAAHI TAPU and surroundings associated with NATURAL AND PHYSICAL RESOURCES that have archaeological, architectural, cultural, historic, scientific or technological value.	
<b>Dairy</b>	means a SHOP deriving a substantial part of its trade from the retail sale of milk, bread and other day-to-day requirements and does not exceed 150m <sup>2</sup> in GROSS FLOOR AREA except for a dairy provided for in Rule 8.9.4 which shall not exceed 250m <sup>2</sup> in gross floor area.	
<b>Dam</b>	means any structure which temporarily or permanently impounds surface WATER, and includes weirs and ponds.	
<b>Day-care Facilities for the Elderly and Disabled</b>	means premises, which provide day-time supervised care for the elderly, or those who have an intellectual or physical disability.	
<b>Defined Road Boundary</b>	see Appendix 21A <i>Chapter 21 - Transportation and Access</i> .	
<b>Demolition</b>	demolition — includes the removal of BUILDINGS that are intact.	
<b>Depot</b>	means a SITE or BUILDING used for storage and maintenance of machinery, plant and equipment, and the storage of materials either inside or outside, and includes depots used for transport, trucking, contracting, courier or agricultural contracting services, but excludes the use of outdoor areas for the storage of recycled or second hand	





***Development***

BUILDINGS and goods.

applies only within the Special 16 (Omaha South Development) Zone.

means any activity undertaken to change the scale, character or intensity of any use of land, and includes any BUILDING activity or SUBDIVISION.

***Development Site***

in relation to an INTEGRATED RESIDENTIAL DEVELOPMENT (see definition) means the parent or original SITE or combination of contiguous SITES on which the INTEGRATED RESIDENTIAL DEVELOPMENT takes place or is proposed to take place.

***Development Site Boundary***

means the exterior boundary of a DEVELOPMENT SITE.

***Drive-through Activity***

means any activity which is designed to service customers in their vehicles and includes SERVICE STATIONS, drive-through banks and drive-through food outlets.

***Dumping***

means the disposal of waste or other matter into the sea or onto tidal lands, other than as part of an authorised reclamation.

***Dune Stabilisation***

means soft engineering works used to stabilise dunes, including revegetation and wire net fences, but does not include hard structures included in the definition of FORESHORE PROTECTION WORKS.

***Earthworks***

means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil, spoil\* or earth, or by excavation, or by cutting or filling operations, including the importation of fill (see definition of CLEAN FILL), provided that within the Special 16 (Omaha South Development) Zone, earthworks exclude the cultivation of land and the digging of holes for the ERECTION of posts or the planting of TREES, landscaped area and gardens.

\*Spoil is a term which means excavated material. For the purposes of this definition spoil is limited to the materials of natural content described in the definition of cleanfill.

***Ecosystem***

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

***Educational Facilities***

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

***Effects Ratio***

means a dimensionless number representing the proposed quantity of a substance or group of substances to be used or stored, divided by the adjusted threshold.

***Elderly Or Retired People***

means in relation to rest homes, homes for the aged and retirement villages, people who have attained the age of 55 including those who may





**Entertainment Facilities**

require medical support, or assistance in day to day living, and who reside in a comprehensive development designed to provide suitable accommodation and services for such people.

means BUILDINGS in which facilities are provided (at a charge to the public, or by private reservation) for:

- indoor recreation and entertainment
- the promotion of physical health

and includes TAVERNS and bars, theatres, cinemas, casinos cabarets, clubs, amusement galleries, gymnasia, sauna or figure control clinics and massage parlours.

**Entrance Strip**

means, in relation to a rear SITE, all that part of the SITE extending from the street FRONTAGE having a width of less than 7.5 metres.

**Environment**

This includes:

- (a) ECOSYSTEMS and their constituent parts, including people and communities; and
- (b) All NATURAL AND PHYSICAL RESOURCES; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraph (a) to (c) of this definition or which are affected by those matters.

**Erection**

in relation to any BUILDING includes the erection, re-erection or structural alteration or the making of any addition to the BUILDING or replacing of the BUILDING on a SITE, or the removal of the BUILDING from one position to another position on the same SITE; and "erected" and "erect" have corresponding meanings.

**Exclusive Use Areas**

means the area of land set aside for exclusive use of each unit as shown in any resource consent , BUILDING permit, or SUBDIVISION plan, including the area required for private Open Space.

**Exotic Species**

means a plant or animal SPECIES which has been brought to New Zealand by humans, either by accident or by design.

**Farm**

means a SITE on which FARMING takes place but excludes a SITE suitable only for residential or conservation purposes.

**Farming**

means forms of PRIMARY PRODUCTION which rely on the productive capacity of the soil of the SITE (such as dairying, sheep farming, beef farming, and deer farming) and includes HORTICULTURE, horse breeding, PIG KEEPING, POULTRY KEEPING, beekeeping and the feeding of young stock as a part of normal pastoral farming activities for a limited season only but excludes INTENSIVE FARMING. (See "INTENSIVE FARMING".)



<b>Farmstay</b>	means the accommodation of visitors (paying guests) within an existing HOUSEHOLD UNIT.
<b>Film Making</b>	means the use of land and BUILDINGS for the purposes of commercial video and film production and includes the setting up and dismantling of temporary and permanent FILM SETS and associated facilities for staff.
<b>Film Sets</b>	means any temporary or permanent BUILDING or structure used for the purpose of FILM MAKING.
<b>Film Workshop</b>	Means the buildings associated with commercial video and film production and includes but is not limited to, buildings used for set design, set construction props, carpentry, photography, lighting, hair and makeup, sound equipment, stunts, wardrobe and costume design, equipment supply, kitchens and used by associated trades people.
<b>Film Accommodation</b>	Applies only within the Special 28 (Kelly Park Film Village) Zone and means the use of a building or part of a building providing temporary accommodation for film students and staff for up to 200 persons in total.
<b>Film Education Facilities</b>	Means the use of land and/or buildings used to provide regular instruction or training for filming purposes.
<b>Fire Service Emergency Services</b>	means the provision of the operational and training requirements of the New Zealand Fire Service Commission as required by Section 14 and Section 14A of the Fire Services Act 1975, which includes the ERECTION, addition to, or external alteration and/or relocation of emergency service facilities and community support and training activities.
<b>Fitting Out</b>	means any of the BOAT BUILDING operations that occur between completing the hull and decks and completing the finished BOAT.
<b>Flood Plain</b>	means an area of low-lying ground adjacent to a RIVER that is subject to flooding.
<b>Floor Area Ratio</b>	means the ratio between the GROSS FLOOR AREA of all BUILDINGS on a SITE and the NET SITE AREA.
NET SITE AREA	$\text{FAR} = \frac{\text{GROSS FLOOR AREA}}{\text{NET SITE AREA}}$ <p>(for example a 2,000m<sup>2</sup> BUILDING on a 1,000m<sup>2</sup> SITE would have a FLOOR AREA RATIO of 2:1).</p>
<b>Foreshore</b>	means such parts of the bed, shore or banks of a tidal WATER as are covered by the flow and ebb of the tide at ordinary spring tides.
<b>Foreshore Protection Works</b>	means hard or soft engineering structures used to stabilise or prevent erosion or flooding beyond the FORESHORE of the coast and the edges of LAKES, or the banks of RIVERS.
<b>Forestry</b>	means the use of land for the planting, tending and harvesting of TREES for commercial gain, including the location and operation of mobile sawmill facilities on a SITE for no longer than three months in any 12



	<p>month period, but excludes any other sawmilling or timber processing. Refer also to 'PLANTATION FOREST'.</p>
<b>Formed Road</b>	<p>means a ROAD which has been formed and is maintained as a ROAD by the COUNCIL or the New Zealand Transport Agency (NZTA).</p>
<b>Freshwater</b>	<p>All WATER except COASTAL WATER and GEOTHERMAL WATER.</p>
<b>Frontage</b>	<p>In relation to a SITE means the boundary line on which the SITE abuts an existing FORMED ROAD maintained by the COUNCIL, and any STATE HIGHWAY excluding motorways, except that in relation to rear SITES frontage includes the frontage which may be gained over a jointly owned access lot, right of way for the benefit of the SITES, or combination of both.</p>
<b>Funeral Parlour</b>	<p>means premises used for the purpose of directing or conducting funerals and may include mortuary facilities, BUILDINGS or parts thereof set aside as a funeral chapel and facilities for the cremation of persons whose funeral has been conducted on the premises.</p>
<b>Future Urban Zone</b>	<p>means land suitable for urban development, including residential and some business activity, but which cannot have these zonings until better servicing can be provided.</p>
<b>Garage</b>	<p>means a domestic BUILDING used for the housing of vehicles and includes a carport.</p>
<b>Garden Centre</b>	<p>means any land and/or BUILDINGS used for the purposes of retailing or wholesaling garden supplies to the general public including plants, large garden items such as fence and paving materials, garden furniture, gardening tools and domestic garden fertilisers.</p>
<b>Geothermal Water</b>	<p>means the WATER heated within the earth by natural phenomena to a temperature of 30 degrees Celsius or more: and includes all steam, WATER and WATER vapour, and every mixture of all or any of them that has been heated by natural phenomena.</p>
<b>Greenhouse</b>	<p>includes glasshouse, shadehouse and BUILDINGS covered in translucent plastic designed to protect crops from the environment.</p>
<b>Gross Floor Area</b>	<p>means the sum of gross area of all floors of a BUILDING measured either from the exterior faces of the exterior walls, or from the centre line of walls separating two tenancies, as the circumstances may require.</p> <p>When being used to calculate parking requirements under Rule 21.10.2.2, Chapter 21 - Transportation and Access; or Rule 9.10.7.3, Chapter 9 - Business, Gross Floor Area shall not include:</p> <ul style="list-style-type: none"><li>(a) any floor area of the buildings(s) used entirely for LOADING, car parking, electrical/mechanical rooms; or</li><li>(b) uncovered steps, balconies, terraces, or porches where not more than 50% of the perimeter is enclosed.</li></ul>



**Gross Leasable Area (GLA)**

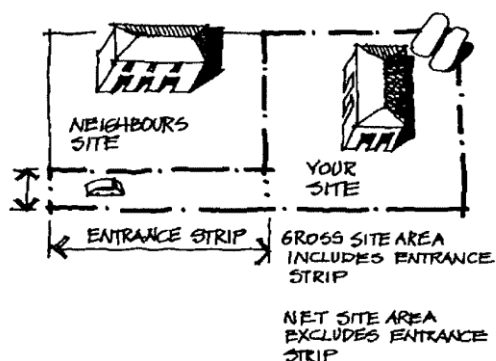
means the total sum of any floor areas (within the external walls for BUILDINGS or boundary for outdoor areas) designed for tenant occupancy and exclusive use including both freehold and leased areas. GLA includes any stock storage and preparation areas whether exclusive or not but excludes the following areas where common and not designed for rental:

- (a) common lift wells and stairwells, including landing areas;
- (b) common corridors and malls;
- (c) common toilets and bathrooms;
- (d) any parking or LOADING areas;
- (e) electrical/mechanical rooms.

**Gross Site Area**

means the total area of a SITE including any ENTRANCE STRIP (See Diagram One.)

**Diagram One - GROSS SITE AREA (Nett SITE area also)**



**Groundwater**

means WATER contained within the rock formations below the ground surface.

**Habitable Room**

means any room in a HOUSEHOLD UNIT other than:

- (a) a laundry, bathroom or toilet;
- (b) any room designed to be used solely as an entrance hall, passage way, storeroom or private GARAGE;
- (c) any room which does not comply with the minimum areas and HEIGHTs specified in the BUILDING bylaws.

**Habitat**

The living and non-living components essential to life and reproduction.

**Hapu**

means a sub-tribe of MAORI people with close family ties.

**Hard Engineering**

means works such as, but not limited to, concrete retaining walls, rip rap/gabion baskets, groynes, and stop banks.



**Hardware and Building Supplies Retailing**

Means retail units engaged in retailing hardware or buildings supplies.

**Hazardous Facility**

means any activity involving HAZARDOUS SUBSTANCES and the SITES where HAZARDOUS SUBSTANCES are used, stored or handled, and any installations, or vehicles parked on SITE, that contain HAZARDOUS SUBSTANCES.

**Hazardous Sub-Facility**

means any HAZARDOUS FACILITY separated by more than 30 metres from any other HAZARDOUS FACILITY on the same SITE.

**Hazardous Substance**

means

- (a) substances with one or more of the following intrinsic properties:
  - (i) an explosive nature;
  - (ii) an oxidising nature;
  - (iii) a corrosive nature;
  - (iv) flammability;
  - (v) acute or chronic toxicity;
  - (vi) ecotoxicity, with or without bio-accumulation.
- (b) substances which in contact with air or WATER (other than air or WATER where the temperature or pressure has been artificially increased or decreased) generates a substances with any or more of the properties described at paragraph (s) of this definition;
- (c) substances which when discharged to surface or ground WATERS have the potential to deplete oxygen as a reusit of microbial decomposition of organic materials;
- (d) radio-active substances.

**Health and Welfare Services**

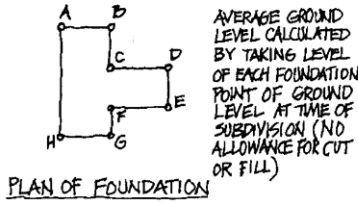
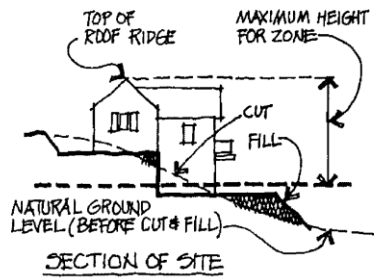
means services relating to the health and welfare of people and animals ding dentistry, medicine, homoeopathy and veterinary services.

**Height**

means:

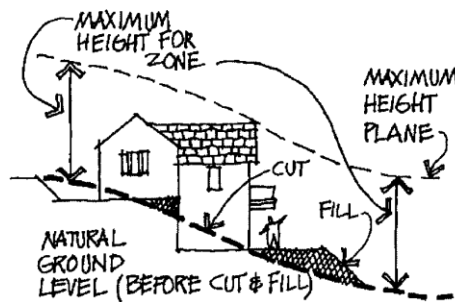
- (a) in relation to any BUILDING, the vertical distance between the highest part of the BUILDING and average ground level (Diagram Two); or:

**Diagram Two** - Average HEIGHT



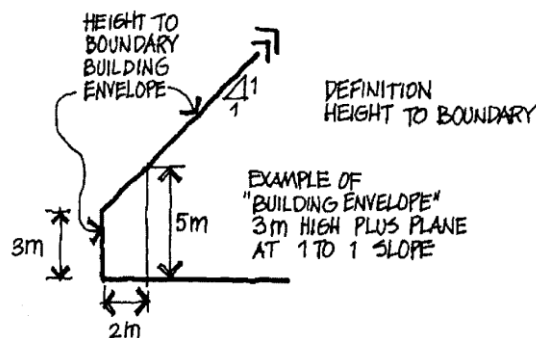
- (b) the vertical distance between ground level at any point and the highest part of that structure immediately above that point (Rolling HEIGHT) (Diagram Three).

**Diagram Three - Rolling HEIGHT**



- (c) where the District Plan requires HEIGHT to be measured in respect of a distance from a SITE boundary, the HEIGHT measurement shall be made at the NATURAL GROUND LEVEL at the SITE boundary, and be equal to 3 metres plus the shortest horizontal distance between that part of the BUILDING and any SITE boundary (see Diagram Four).

**Diagram Four - HEIGHT to Boundary**



- (d) for a fence, boundary or retaining wall, or any combination thereof, means the vertical distance between ground level at any point and the



highest part of the structure immediately above that point.

For the purposes of this definition:

- (i) Ground level means the finished level of a APPROVED SUBDIVISION.
- (ii) Average ground level means the average ground level at the external foundations of a BUILDING, provided that where a BUILDING does not have a continuous foundation line then the ground level direction beneath the downward projection of the exterior faces of the exterior walls shall be used.
- (iii) The highest part of the BUILDING means the highest part of the BUILDING and parapets, but excludes AERIALS and their supporting structures not exceeding 100mm maximum diameter, chimneys, spouting external to a fascia board, turrets, lift or WATER TOWERS (not exceeding 2.5 metres above the maximum HEIGHT permitted), or other such projection, and excludes free standing broadcasting radio and television receiving AERIALS up to 12 metres in HEIGHT and church steeples or spires (not exceeding 2.5 metres above the maximum HEIGHT permitted and the cumulative total area of projections not exceeding a floor area of 10m<sup>2</sup>).

The following shall be excluded from any HEIGHT determination in any BUSINESS ZONE:

- (iv) Chimneys, exhaust vents, mechanical equipment, free standing (including guyed) broadcasting radio and television receiving AERIALS up to 10 metres in HEIGHT.
- (v) Rooftop parapet walls and sloping roofs where the maximum HEIGHT is exceeded by nor more than 1.5 metres.
- (vi) Lift and WATER TOWERS, equipment rooms, non habitable and non-leasable floor space or other roof top architectural features with a total GROSS FLOOR AREA of less than 20m<sup>2</sup> and where the maximum HEIGHT is exceeded by not more than 2.5 metres.
- (vii) Hose drying and training TOWERS associated with FIRE SERVICE EMERGENCY SERVICES' facilities that do not exceed a maximum BUILDING HEIGHT of 15 metres and where any SITE does not adjoin Residential or OPEN SPACE ZONES.

***Helicopter Landing Areas***

means areas for the landing of helicopters, including commercial landing areas (heliports), and private landing areas (helipads).

***Heritage Item***

has the same meaning as CULTURAL HERITAGE RESOURCE but excludes moveable heritage.

***High Density Centres***

means specific centres, as identified in Schedule 1A of the Regional Policy Statement, or in Appendix 13C, Schedule 1A (*Chapter 13 — Future Development*) of the district plan, selected for urban intensification due to physical or locational characteristics that include the intensity of existing development, the locality's generation of, or association with, significant





transport movements, and/or passenger transport nodes, and the locality's capacity for further growth. These localities are identified as sub regional centres, and town centres, which are earmarked for higher density development. High Density Centres are higher density mixed use communities focused on: a strong and diverse core of commercial activities which supports a wide range and high intensity of activities; and associated and supporting areas of higher density housing. Such centres have strong links with the public transport network and provide a wide range of community, recreational, social and other activities.

***Hire Premises***

means land and/or BUILDINGS where the primary business is the hiring of machinery and equipment, including the storing, servicing and maintenance of such machinery and equipment, excluding video hire premises.

***Historic Precinct***

means a group of associated HERITAGE ITEMS within a defined context.

***Home Occupation***

means an occupation, business, trade, craft or profession which is carried out in association with a HOUSEHOLD UNIT and meets all of the rules for home occupations in Rule 16.8. (See *Chapter 16 - General Rules.*)

***Home For The Aged***

means premises licensed as a home under the Old Peoples' Homes Regulations 1987 or any Regulation in substitution therefore.

***Homestay***

means the accommodation of visitors (paying guests) within an existing HOUSEHOLD UNIT.

***Horse Riding Facilities***

means a facility where horses are made available for the purposes of riding and trekking, rather than the teaching of riding skills.

***Horse Riding School***

means a school for the teaching and learning of horse riding and associated facilities.

***Horse Training***

means the training of horses in preparation for racing or other forms of equestrian competition.

***Horticulture***

means intensive growing of plants, flowers, fruit or vegetables (as in commercial vegetable growing) and includes orcharding and vinegrowing (but excludes the erection, relocation, demolition, addition to or alteration of a GREENHOUSE).

***Hospital***

means any public or private hospital within the meaning of the Hospitals Act 1957 or any Act in substitution therefore.

***Houseboat***

means a floating structure primarily designed to provide overnight accommodation as opposed to transport or recreation.

***Household Unit***

means a room or rooms used or intended for habitation by one independent HOUSEHOLD, and which in each one contains one set of dishwashing facilities (including a combination of a kitchen sink [including double sinks] and dishwasher including pairs of dish drawer type dishwashers) in the same kitchen, and includes any dwelling house, flat, home unit or townhouse. (See also SINGLE HOUSEHOLD UNIT and Multiple HOUSEHOLD UNIT.) Further definitions of PRINCIPAL



***Impervious Surface***

HOUSEHOLD UNIT and MINOR HOUSHOLD UNIT are provided.

In relation to any SITE means any part of that SITE which is impermeable or any area which will not allow natural percolation of surface WATER into the ground and includes:

- (a) Roofs
- (b) Non-slotted, or solid decks less than 1 metre in HEIGHT above the ground immediately below
- (c) Any area used for parking, manoeuvring, access or LOADING of motor vehicles which is paved, either with a continuous surface or with open jointed slabs and bricks.

The following shall not be included in the definition of an IMPERVIOUS SURFACE:

- (a) Paths of less than 1 metre in width.

***Indicator***

means a measure against which some aspects of performance can be assessed. The use of a reference point enables the significance of a statistic to be determined, for example, the extent to which an objective is met.

***Industry***

means the production, processing, assembly, servicing, testing, repair and/or storage of any materials goods or products, vehicles, BOATS or equipment and also includes transport DEPOTS.

***Integrated Residential Development***

means a development consisting of two or more HOUSEHOLD UNITS where aspects of development such as BUILDING design, open space, landscaping, vehicle access and roading and SUBDIVISION are designed to form an integrated whole. An INTEGRATED RESIDENTIAL DEVELOPMENT may include the integration of one or more existing HOUSEHOLD UNITS into a development. The density of an INTEGRATED RESIDENTIAL DEVELOPMENT is calculated net of the access and visitor parking proposed within the development SITE.

***Intensive Corridors***

means specific Corridors, as identified in Schedule 1A of the Regional Policy Statement, or in Appendix 13C, (*Chapter 13 — Future Development*) of the district plan, selected for urban intensification due to physical or locational characteristics that include the intensity of existing development, the locality's association with significant transport movements, and/or passenger transport nodes, and/or the locality's capacity for further growth. These localities are earmarked for higher density compact mixed use environments where these are compatible with the principal focus of the movement function of the corridor.

***Intensive Farming***

means a PRIMARY PRODUCTION activity which does not rely upon the productive capacity of the soil. INTENSIVE FARMING includes but is not limited to PIG FARMING, POULTRY FARMING for eggs or meat, fitch FARMING, RABBIT FARMING, mushroom growing and aquaculture. INTENSIVE FARMING does not include GREENHOUSE production of plants either in the soil or in soilless media.



<b>Iwi</b>	means a tribal group of MAORI people.
<b>Kiosk</b>	means a permanent or temporary structure located within an OPEN SPACE ZONE of less than 25m <sup>2</sup> from which items directly related to the activities occurring on the public open space are sold or hired. These items may include food and drink, sports equipment and souvenirs. A kiosk may be located within an existing BUILDING primarily serving another purpose or be an independent structure.
<b>Kokiri Centre</b>	means a skills training centre usually associated with a MARAE.
<b>Lake</b>	means a body of FRESHWATER which is entirely or nearly surrounded by land.
<b>Limited Access Road</b>	means any ROAD declared to be a Limited Access ROAD under Section 346A of the Local Government Act 1974 or Section 88 of the Government Roading Powers Act 1989. Crossing places and types of traffic movement onto the ROAD are controlled by the authority declaring the ROAD to be a Limited Access ROAD.
<b>Live/work unit</b>	means premises containing both a HOUSEHOLD UNIT and an area of not less than 25% of the GROSS FLOOR AREA of the premises set aside for carrying out any other activity listed as a permitted activity in the zone, or within the Special 19 Zone, in the policy area in which the unit is located.
<b>LPG Installation</b>	means land and/or BUILDINGS or part thereof used for the storage and/or sale of LPG.
<b>Loading</b>	in relation to a vehicle means the loading and 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; and "unload" in relation to a vehicle has a corresponding meaning.
<b>Local Road</b>	means a ROAD listed in Appendix 21C in <i>Chapter 21 - Transportation and Access</i> .
<b>Maimai</b>	means a structure erected as a hide for game-bird hunting.
<b>Maintenance Dredging</b>	means the removal of material and plants by dredging to maintain navigation channels and to maintain (but not deepen) depths alongside FORESHORE structures.
<b>Major Event Entertainment</b>	<p>(a) Characteristics. Major Event Entertainment uses are characterised by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.</p> <p>(b) Accessory Uses. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.</p> <p>(c) Examples. Examples include sports stadiums, velodromes, event centres, and showgrounds.</p> <p>(d) Exclusions.</p> <p>(i) Exhibition areas are classified as Conference Centre.</p>



(ii) Banquet halls that are part of hotels or restaurants are accessory to those uses.

**Maori**

means a person of the Maori race of New Zealand including a descendant of any such person.

**Maori Land**

means land owned by MAORI people and under the jurisdiction of the MAORI LAND Court under the Te Ture Whenua MAORI Act 1993, or any Act in substitution therefore.

**Marae**

means an area of land set apart for the common use of a hapu or MAORI groups for community and family gatherings including any associated BUILDINGS such as a meeting house, dining hall and kitchen facilities.

**Marina**

means a comprehensively designed facility primarily for the accommodation of pleasure BOATS, comprising marina berths and any associated reclamations, car parks and ancillary commercial facilities and services, including yacht broking.

**Marina Berth**

means a berth for the long-term accommodation of BOATS.

**Marine Equipment retailing**

Means retail units engaged in retailing new or used boats or boat accessories but excludes boat repair services.

**Mast**

means any mast, pole, TOWER or similar structure designed to carry AERIALS or ANTENNAS and includes any supporting guy wire and associated attachments.

**Mauri**

means life force, life essence of land and WATER.

**Meteorological Facilities**

means facilities and installations or equipment to measure, collect and distribute meteorological information. This includes TELECOMMUNICATION, radiocommunication and satellite links associated with such activities.

**Mineral Extraction and Processing Activities**

means the excavation of overburden rock, sand, and clay; blasting; processing (crushing, screening, washing, and blending); the storage, distribution, and sale of minerals, including aggregate; ancillary EARTHWORKS; deposition of overburden; treatment of waste WATER; landscaping and rehabilitation works including clean filling; ancillary BUILDINGS and structures; and residential accommodation necessary for security purposes.

**Minor Household Unit**

means a HOUSEHOLD UNIT with a maximum GROSS FLOOR AREA of 65m<sup>2</sup> that is secondary to a PRINCIPAL HOUSEHOLD UNIT already established on the same certificate of title:

The MINOR HOUSEHOLD UNIT shall be subject to the same rules as a HOUSEHOLD UNIT unless otherwise specified.

**Minor Upgrading**

means an increase in the carrying capacity, efficiency or security and associated TELECOMMUNICATION lines, utilising the existing support structures or structures of a similar character, and includes:



- i) the addition of circuits and conductors
- ii) the reconductoring of the line with higher capacity conductors
- iii) the resaging of conductors
- iv) the addition of longer or more efficient insulators
- v) the addition of earthwires which may contain TELECOMMUNICATION lines, earthpeaks and lightning rods
- vi) TOWER replacement in the same location or within the existing alignment of the TRANSMISSION LINE corridor
- vii) the replacement existing cross arms with cross arms of an alternative design.

Minor upgrading does not include

- i) an increase in the voltage of the line unless the line was originally constructed to operate at a higher voltage but has been operating at a reduced voltage.

**Motor Sports**

means a sports event involving motorised vehicles and includes motorcar, motorcycle, go-cart, truck and 4 wheel drive racing and rallying, model AIRCRAFT flying and motorised rides.

**Multiple Household Units**

Means where more than one HOUSEHOLD UNIT is erected on a fee simple SITE.

**Native Bush (In Rural Zones)**

means, for the purposes of the RURAL ZONES, areas of vegetation where the canopy is substantially intact and is composed of a mixture of native SPECIES and regenerating understorey. Stands of predominantly kanuka and manuka which have reached a maturity where they contain an obvious mixture of regenerating native tree SPECIES are considered to be native bush. Stands which are dominated entirely by manuka and kanuka lacking understorey development are not native bush for the purposes of the RURAL ZONES, unless they can be assessed as bush meeting the Acceptance Criteria for Native Bush in the Guidelines for the Field Assessment of Native Bush in Appendix 7B, *Chapter 7 - Rural*. Native TREES planted as forest crop in RURAL ZONES are not considered to be native bush in terms of this definition.

**Native Trees, Bush (In Zones Other Than Rural) and Vegetation**

means all SPECIES of indigenous flora regardless of size, but does not include indigenous flora planted as a crop or as pasture in RURAL ZONES.

**Natural Ground Level**

means the natural surface of the ground undisturbed by any SITE works, or excavations for any new structure, except that for EARTHWORKS associated with any SUBDIVISION, the natural ground level shall be the resulting ground level.

**Natural Hazard**

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 affect human life, property, or other aspects of the environment.

**Natural and Physical Resources**

Land, WATER, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.



<b>Neighbourhood Unit</b>	<p>applies only within the Special 16 (Omaha South Development) Zone.</p> <p>means a discrete residential area, the geographical boundaries of which are defined upon the Structure Plan that is attached As Appendix 3 to the Planning Maps.</p>
<b>Net Site Area</b>	<p>means the total SITE area less the area of any ENTRANCE STRIP. (See GROSS SITE AREA Diagram One.)</p>
<b>Noise</b>	<p>means a sound that is unwanted by, or distracting to, the receiver. Note: For other definitions relating to noise, see the Glossary of Terms at the end of <i>Chapter 16 — General Rules</i>.</p>
<b>Notional Boundary</b>	<p>means the line 20 metres from any side of a dwelling, a childcare facility, educational facilities, or homes for the aged and daycare facilities for the elderly and disabled, or the legal boundary where this is closer to the dwelling, childcare facility, educational facilities, or homes for the aged and daycare facilities for the elderly and disabled.</p>
<b>Office</b>	<p>means administrative, professional and commercial offices.</p>
<b>On Site Soakage Area</b>	<p>applies only within the Special 16 (Omaha South Development) Zone.</p> <p>means the surface area of soakage facility, such as a soakage pit, used for collecting and draining STORMWATER into the Omaha AQUIFER.</p>
<b>Open Space Zone</b>	<p>means any land which has been identified for recreational, educational or other physical, spiritual or social benefits and includes:</p> <ul style="list-style-type: none"><li>(a) Open Space 1 (Conservation) Zone</li><li>(b) Open Space 2 (Passive and Informal) Zone</li><li>(c) Open Space 3 (Water Access) Zone</li><li>(d) Open Space 4 (Multi Use and Community) Zone</li><li>(e) Open Space 5 (Private) Zone</li></ul>
<b>Outdoor Display Areas</b>	<p>means any land used for the display of goods such as BUILDING materials and outdoor equipment.</p>
<b>Outdoor Entertainment Events</b>	<p>means TEMPORARY ACTIVITIES identified in Rule 16.12.1 in <i>Chapter 16 - General Rules</i>, PLACES OF ASSEMBLY located outdoors, horse and dog racing, motorsports and events on showgrounds, and 'other activities' as referred to in <i>Chapter 8 — Residential</i> which occur outdoors, and which use sound amplification systems.</p>
<b>Outdoor Recreation</b>	<p>means any use of land for public and/or private leisure, sporting and recreational activities and excludes motorsports.</p>



<b><i>Outstanding Natural Landscape</i></b>	Means an area of land identified as an OUTSTANDING NATURAL LANDSCAPE in the Auckland Regional Policy Statement and related plan changes.
<b><i>Owner Maintenance</i></b>	means maintenance work carried out on a BOAT by its owner, and includes work carried out on a BOAT at its mooring on the owner's behalf.
<b><i>Partition</i></b>	means a SUBDIVISION as it applies to MAORI LAND. It requires the consent of the MAORI LAND Court and the COUNCIL. The partitioned land remains under the jurisdiction of the MAORI LAND Court.
<b><i>Permanent Crops</i></b>	means a horticultural crop with an inground life of at least five years.
<b><i>Pig Farming</i></b>	means the FARMING of pigs for any purpose in numbers exceeding those defined as "PIG KEEPING".
<b><i>Pig Keeping</i></b>	means the keeping of not more than two adult pigs and their progeny up to weaner stage with two progeny kept up to baconer stage.
<b><i>Places Of Assembly</i></b>	means any BUILDING or land used for public and/or private assembly or meeting of people and includes MARAE, libraries, churches, halls, clubrooms, community centres, conference centres, chartered clubs and premises with a club licence and other similar establishments, including OUTDOOR RECREATION facilities, but excludes motor sports. Places of assembly shall also include recreation facilities such as badminton and squash courts but not amusement centres.
<b><i>Plantation Forest</i></b>	means any forest planted for harvesting whether indigenous or introduced SPECIES but not within existing indigenous forest or within a Significant Natural Area identified in the Planning Maps.
<b><i>Poultry Farming</i></b>	means the commercial FARMING of poultry for egg or meat production and means the keeping of poultry in numbers exceeding those defined as "POULTRY KEEPING".
<b><i>Poultry Keeping</i></b>	means the keeping of fowls, ducks, geese and turkeys, and means the keeping of up to 100 such animals in RURAL ZONES, and up to 12 of such animals in URBAN ZONES. Roosters and cockerels are excluded in URBAN ZONES.
<b><i>Primary Production</i></b>	means the growing of vegetative matter or raising of animals for commercial gain.
<b><i>Principal Household Unit</i></b>	where establishment of a MINOR HOUSEHOLD UNIT is proposed means the existing HOUSEHOLD UNIT on the SITE to which the MINOR HOUSEHOLD UNIT is secondary.
<b><i>Private Lot</i></b>	applies only to Special 11 (Hall Farm Development) Zone.
<b><i>Prospecting For Minerals</i></b>	means the disturbing of rock, soil, clay or any other substrata for the purpose of discovering minerals.
<b><i>Quantity Ratio</i></b>	means the ratio of the proposed quantity of a HAZARDOUS SUBSTANCE divided by the applicable adjusted quantity.





<b><i>Rabbit Farming</i></b>	means the FARMING of rabbits in excess of the numbers for rabbit keeping.
<b><i>Rabbit Keeping</i></b>	means the keeping of up to 25 adult rabbits (past weaning).
<b><i>Rare Species</i></b>	means animals and plants with small (worldwide) populations that are at risk of extinction.
<b><i>Recycling Station</i></b>	means land or BUILDINGS used for the collection and recycling of materials, and includes the sale of those materials from the SITE.
<b><i>Refuse Transfer Station</i></b>	means land or BUILDINGS for the collection, storage, consolidation and compaction of RUBBISH and waste materials, but does not include storage of RUBBISH and waste materials at the SITE for periods greater than 24 hours.
<b><i>Remote Camp Site</i></b>	means a remote camp site in a national park, state forest, state forest park, public RESERVE, or on Crown land.
<b><i>Relocatable Home Park</i></b>	means a relocatable home park within the meaning of the CAMPING GROUND Regulations 1985 or any Regulation in substitution therefore.
<b><i>Research Institute</i></b>	means land and/or buildings used for the primary function of research and development and any activity ancillary to a research and development activity, and includes biotechnology laboratories, software development centres and similar research based activity.
<b><i>Reserve</i></b>	means a reserve in terms of the Reserves Act 1977 or any Act in substitution therefore.
<b><i>Residential Building</i></b>	means any BUILDING or part of a BUILDING intended to be used for human habitation.
<b><i>Residential Zone</i></b>	means an area of land identified in the Plan which is primarily for residential use, and includes:  (a) Low Intensity Residential (Res L) Zone  (b) Landscape Protection Residential (Res LP) Zone  (c) Medium Intensity Residential (Res M) Zone  (d) Eastern Peninsula Residential (Res EP) Zone  (e) Physical Limitations (Res PL) Zone  (f) High Intensity (Res H) Zone  (g) Garden Residential Policy Area within the Special 19 Zone  (h) Orewa Beachfront Residential Zone <a href="#">[Amendment 101]</a>  (i) Huapai Low and Medium Residential Policy Areas and the Huapai Park



Residential Policy Area within the Special 29 (Huapai North) Zone  
[\[Amendment 127\]](#)

(j) Residential Policy Area within the Special 31 (Kensington Park) Zone  
[\[Amendment 158\]](#)

(k) Garden Residential Policy Area within the Special 33 zone [\[Amendment 137\]](#)

***Residual Lot***

applies only to Special 11 (Hall Farm Development) Zone.

means a SITE which is available for future SUBDIVISION, that may be disposed of to one or more persons but which may not be developed for RESIDENTIAL ZONE purposes.

***Resilience***

means the ability of a SPECIES, or variety or breed of SPECIES, to respond and adapt to external environmental stresses.

***Restaurant***

means any premises on or in which meals are primarily and regularly supplied for consumption on the premises with or without liquor and includes a tea room, coffee bar and fast food restaurant but excludes Drive- through Activities.

***Restoration***

For the purposes of Chapter 6 Highly Valued Natural Resources and Chapter 7 Rural, restoration means the active intervention and management of degraded biotic communities, landforms and landscapes in order to restore biological character, ecological and physical processes and their cultural and visual qualities.

***Riparian Margin***

means the transitional area between land and WATER being the strip of land bordering a stream, LAKE or estuarine/coastal zone, that significantly interacts with the WATER BODY through a variety of processes that affect WATER quantity and quality and determine key ecological relationships of both the aquatic and terrestrial systems.

***River***

A continually or intermittently flowing body of FRESHWATER; and includes a stream and modified WATERCOURSE; but does not include any artificial WATERCOURSE (including an irrigation canal, WATER supply race, canal for the supply of WATER for electricity power generation, and FARM drainage canal.

***Road***

means any motorway, STATE HIGHWAY, FORMED or unfomed ROAD, proposed road, road reserve, limited access road or street or any jointly owned access lot greater than 10m in width located within the Special 31 Zone. [\[Amendment 162\]](#)

***Roof Catchment***

applies only within the Special 16 (Omaha South Development) Zone.

means the area of a roof measured in square metres (or m<sup>2</sup>).

***Rubbish***

means waste material not intended to be re-used.

***Rural Services***

means activities which provide services of a rural nature to the rural community, and which have some form of DEPOT, base or storage area from which the activity is normally commenced or performed. They



	include agricultural, FORESTRY and fencing contractors, freight or transportation services and trucking DEPOTS, but excludes an activity which qualifies as a HOME OCCUPATION.
<b>Rural Zone</b>	means a zone in the Rural Chapters of the Plan and includes the General Rural, Landscape Protection Rural, East Coast Rural, Dune Lakes, Countryside Living Rural, Countryside Living Town, Kawau Island and Islands General Zone.
<b>Sales Area</b>	means any BUILDING, place, or part thereof, where goods are kept, exposed, or offered for sale by retail.
<b>Separate Certificate Of Title</b>	means a single title and includes a certificate of title that comprises multiple titles that are held together by a compulsory amalgamation condition or a covenant.
<b>Service Area</b>	means any BUILDING, place, or part thereof, where goods are kept, exposed, or offered for sale by retail.  means any area used to accommodate (on a temporary or permanent basis) RUBBISH/refuse, or to store goods outside a commercial activity.
<b>Service Station</b>	means any land or BUILDING or part of a BUILDING used for the retail sale of motor spirits and lubricating oils and the sale of kerosene, diesel fuel, CNG, tyres, batteries, accessories and goods normally associated with motor vehicles and motorists and includes trailer hire, the repair and servicing of motor vehicles but excludes: panel-beating, spray painting, auto electrical work, upholstery, undersealing, engine reboring, crankshaft grinding and metalling of engine parts.
<b>Shop</b>	means any land, BUILDING or part of a BUILDING from or in which goods or services are sold, disposed of or offered for sale by retail and includes banks, drycleaners' premises, post shops, hairdressers' premises, laundromats, lending libraries, real estate premises, TAB premises, travel agents, video HIRE PREMISES and wholesale liquor outlets but does not include SERVICE STATIONS, drive-through activities, HIRE PREMISES, GARDEN CENTRES, RESTAURANTS, vehicle fuel retailing facilities, VEHICLE SALES AND HIRE PREMISES.
<b>Shops for the sale of specialist sporting goods</b>	means SHOPS engaged in retailing the following: (a) Bicycle equipment (b) Camping equipment (c) Canoe equipment (d) Equestrian equipment (e) Fishing tackle equipment (f) Golfing equipment (g) Gun or rifle equipment (h) Sail and surf board equipment (i) Snow ski equipment (j) Wetsuit equipment.  For the avoidance of doubt this may include the sale of clothing and footwear ancillary to sporting goods sold in the shop.



<b>Showhome Site</b>	means a SITE on which one or more houses are temporarily erected for the purpose of indicating designs available, and includes the use of space within a house as an ancillary sales OFFICE.
<b>Showroom</b>	means any land or BUILDING in which goods are displayed but not sold.
<b>Sign</b>	means any display of posters, placards, hoardings, handbills, writings, pictures, images, murals and logos or devices (including but not limited to blimps, balloons, flags, sandwich boards, and banners) for advertising or other purposes, together with any frame or support thereof. In relation to vehicles, a vehicle may be regarded as a sign where the vehicle is reasonably assumed to be used solely for the purpose of carrying or supporting any advertising or election sign, notice or placard. A sign shall not mean any public sign required by law or provided by any statutory body in accordance with its powers under any law.
<b>Sign Area — Freestanding Signs</b>	<p>In respect of any free standing SIGNS the term 'area' refers to the surface of one face of a double faced SIGN, or the aggregate of those parts of one side of a composite SIGN which display information, but does not include that part of the structure used solely for support purposes.</p> <p>For any other SIGN the term 'area' refers to an imaginary best-fit box enclosing the lettering, logos or other graphic symbols.</p>
<b>Significant Natural Areas (SNA)</b>	means an area of significant indigenous vegetation or an area of significant habitat of indigenous fauna, (see <i>Chapter 6 — Highly Valued Natural Resources</i> ) as identified on the Planning Maps.
<b>Single Household Unit</b>	means a HOUSEHOLD UNIT which is the only HOUSEHOLD UNIT on a SITE.
<b>Site</b>	means: <ul style="list-style-type: none"><li>(a) an area of land which is:<ul style="list-style-type: none"><li>(i) comprised in a single certificate of title, or</li><li>(ii) contained in a single allotment on an APPROVED survey plan of SUBDIVISION for which a SEPARATE CERTIFICATE OF TITLE could be issued without further consent of the COUNCIL, being in any case the smaller land area of (i) or (ii); or</li></ul></li><li>(b) an area of land which is composed of two or more allotments held together in one certificate of title in such a way that the allotments cannot be dealt with separately without the prior consent of the COUNCIL; or</li><li>(c) an area of land which is composed of two or more allotments held in two or more certificates of title where such titles are:<ul style="list-style-type: none"><li>(i) subject to a condition imposed under Section 643 of the Local Government Act 1974, Section 75 of the Building Act 2004 or the relevant Act in substitution of; or</li><li>(ii) held together in such a way that one cannot be sold without the other or others without the prior consent of the COUNCIL:</li></ul></li></ul>



except that where an area of land is contained or described in a title issued under the Unit Titles Act 1972 or is a cross-lease form of title, the site is the underlying land out of which the unit title or cross-lease title has been, or is proposed to be issued.

**Front Site:**

means a site that has more than 7.5 metres FRONTAGE to an existing ROAD. (Refer also to the definition of “Front YARD” under “YARD” and Diagram Five - Sites and Boundaries, except that where activities are being undertaken within the Special 16 (Omaha South Development) Zone, refer to the definition of “Front Yard” under “Yard” and the diagram in Chapter 12 — Special Zones , Appendix 12M)

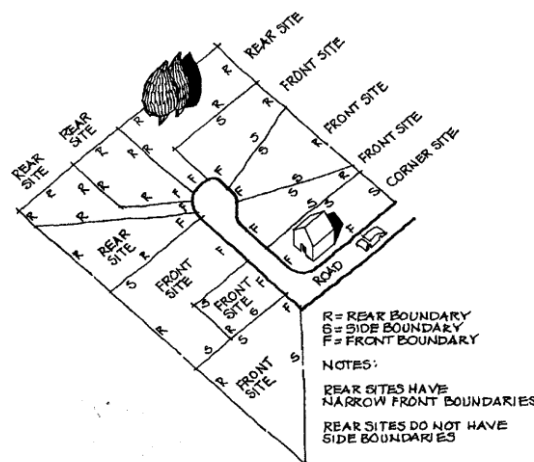
**Corner Site:**

means a site with two or more adjoining ROAD FRONTAGES (See Diagram Five - Sites and Boundaries, except that where activities are being undertaken within the Special 16 Omaha South Development) zone, refer to the diagram in Chapter 12 — Special Zones , Appendix 12M).

**Rear Site:**

means a site that has less than 7.5 metres FRONTAGE to an existing ROAD. (Refer also to definition of “Rear YARD” under “YARD” and Diagram Five - Sites and Boundaries except that where activities are being undertaken within the Special 16 (Omaha South Development) Zone, refer to the definition of “Rear Yard” under “Yard” and the diagram in Chapter 12 — Special Zones, Appendix 12M).

**Diagram Five — Sites and Boundaries**



(For sites and boundaries in the Special 16 (Omaha Development Zone) see Appendix 12M in Chapter 12, Special Zones)

**Through Site:**

means a site not being a corner site which has access to two ROADS.

**Non-Standard Site:**

means a site which:

- (a) was a site before the coming into operation of the District Plan, and



(b) does not comply with the subdivisional standard specified in this Plan in respect of a front, corner, or rear site.

For the purpose of this definition, "ROAD" has the same meaning as the definition of "ROAD" in this Plan.

**Site Coverage**

means that proportion of the NET SITE AREA which may be covered by BUILDINGS. For this purpose "BUILDING" includes ACCESSORY BUILDINGS, overhangs and those parts of eaves that are more than 1 metre from an outside wall; and excludes eaves less than 1 metre wide, pergolas or similar structures of a substantially open nature, and uncovered decks, uncovered terraces, uncovered steps and swimming pools.

**Sleepout**

means an outbuilding that provides sleeping accommodation but no kitchen sink, laundry or dishwashing facilities and with no more than 2 internal dividing walls and a gross floor area less than 20m<sup>2</sup>. The SLEEPOUT shall be subject to the same rules as a HOUSEHOLD UNIT unless otherwise specified.

**Specialised Food Retailing**

Means retail units engaged in retailing either fresh bread, meat, fish, poultry, or fruit and vegetables but excluding supermarkets and grocery stores.

**Species**

means a group of organisms capable of interbreeding freely with each other but not with members of other species.

**State Highway**

means any ROAD so declared and administered by the New Zealand Transport Agency (NZTA) and includes those listed as Strategic routes in Appendix 21C.

**Stormwater**

means WATER run-off, being WATER accumulated on the property, including the collection of WATER from the roof of any BUILDING.

**Strategic Route**

means a route listed in Appendix 21C in *Chapter 21 - Transportation and Access*.

**Subdivision**

means a SUBDIVISION of land, as defined by Section 218 of THE ACT or any Act in substitution therefore, and also includes a OPEN SPACE ZONEing of MAORI LAND pursuant to Section 289 of the Te Ture Whenua Maori Act 1989, or any Act in substitution therefore.

**Substation**

means a SUBSTATION as defined in the Electricity Regulations 1997.

**Supermarket**

means, in the Special 20 (Mahurangi East Seaside Village Centre) Zone, a retail shop where a comprehensive range of predominantly domestic supplies are sold for personal consumption or use off-premise, and where non-domestic supplies comprise less than 20% of all products offered for sale as measured by retail floor space. For the purposes of this definition domestic supplies include a range of products from the following key product groups — fresh fruit and vegetables, meats, fresh fish and seafood, frozen food, bakery goods, delicatessen products, dairy products, grocery and pre-packaged goods, confectionary, wine, beer and non-alcoholic drinks, pet food and grooming products, personal care and



	<p>sanitary goods, baby care products, household cleaners. For the purposes of this definition, non-domestic supplies include products from the following key product groups — clothing, footwear, toys, jewellery, sporting goods, software, DVDs, videos, CDs, household hardware and electrical goods, china and glassware, furniture, photographic equipment and materials, manchester and fabrics, garden tools, plants and supplies, and books.</p>
<b>Takeaway Food Bar</b>	<p>means a SHOP where food is prepared and sold generally for consumption off the premises.</p>
<b>Taonga</b>	<p>means highly prized or treasured, intangible or tangible items (living and non-living) that contribute to the MAORI physical, mental and spiritual wellbeing.</p>
<b>Tavern</b>	<p>means premises primarily used for the sale and consumption of liquor on the premises, whether or not liquor is also sold for consumption off the premises.</p>
<b>Telecommunication</b>	<p>means the conveyance from one device to another of any SIGN, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not.</p>
<b>Temporary Activities</b>	<p>means activities which occur for a limited period such as, but not limited to, OFFICES and storage sheds incidental to a BUILDING project, scaffolding, carnivals, fairs, concerts, Auckland Regional HazMobile collections, sporting events and military training activities. (See <i>Chapter 16.12 - TEMPORARY ACTIVITIES</i> in the <i>General Rules</i>).</p>
<b>Temporary Military Training Activity</b>	<p>means a temporary activity undertaken for Defence Purposes. Defence Purposes are those in accordance with the Defence Act 1990.</p>
<b>Temporary Sign</b>	<p>Means any sign placed for no more than a total of 6 months in any consecutive 12 month period and not permanently fixed to the ground, any building or other structure.</p>
<b>Threatened Species</b>	<p>means a SPECIES or community that is vulnerable, endangered or presumed extinct. The Department of Conservation has assessed THREATENED SPECIES in New Zealand (using criteria relating to taxonomic distinctiveness, status of the SPECIES, threats facing the SPECIES, vulnerability of the SPECIES and human values), and ranked them into three categories (A, B and C) of priority for conservation action.</p>
<b>Tower</b>	<p>means the portion of a BUILDING exceeding the maximum 10.5 metre HEIGHT limit within the Orewa Town Centre Policy Area.</p>
<b>Tower Diagonal</b>	<p>means the maximum diagonal distance between opposing corners of a TOWER.</p>
<b>Tower Set Back</b>	<p>means a minimum distance which must be maintained between a TOWER and the outside face of the BASE BUILDING.</p>
<b>Town Centres</b>	<p>means those areas zoned</p>





- (a) Retail Service Zone, and
- (b) Mixed Business Zone and subject to the Small Business Centres Policy Area

[Amendment 140]

***Transmission Line***

means a wire or wires or a conductor of any other kind used or intended to be used to carry a high voltage transmission circuit or circuits at a voltage equal to or exceeding 50kv between two transmission SUBSTATIONS, and includes any pole, TOWER, pylon, insulator, casting, fixture, tunnel or other equipment used or intended to be used for supporting, enclosing, surrounding, maintaining the security of, or protecting such wire or conductor and any other part of the line.

***Transport Centre***

means a facility for passengers to board, alight from, or transfer between passenger transport services, and includes park and ride facilities, transit centres and transit interchanges. It would usually be located at a passenger transport focal point and may include passenger and vehicle parking and waiting areas, shelters, ticketing and other passenger facilities. A TRANSPORT CENTRE does not include the servicing and repair of buses.

***Travellers' Accommodation***

See the definition of Visitors Accommodation.

***Trees***

means all native and exotic trees.

***Type A (Large Lot) Residential Development/Subdivision***

applies only to the Special 16 (Omaha South Development) Zone.

means a type of Residential Development/SUBDIVISION in the Special 16 Zone which is characterised by large fee simple lots (of at least 1,100m<sup>2</sup> in area) that may accommodate two storey RESIDENTIAL BUILDINGS.

***Type B (Medium Lot) Residential Development/Subdivision***

applies only to the Special 16 (Omaha South Development) Zone.

means a type of Residential Development/SUBDIVISION in the Special 16 Zone which is characterised by 600-1,100m<sup>2</sup> fee simple lots that may accommodate two storey RESIDENTIAL BUILDINGS.

***Type C (Small Lot) Residential Development/Subdivision***

applies only to the Special 16 (Omaha South Development) Zone.

means a type of Residential Development/SUBDIVISION in the Special 16 Zone which is characterised by smaller fee simple lots (of at least 450m<sup>2</sup> in area) that may accommodate two storey RESIDENTIAL BUILDINGS.



**Type D (Cluster Housing)  
Residential  
Development/Subdivision**

applies only to the Special 16 (Omaha South Development) Zone.

means a type of Residential Development/SUBDIVISION in Omaha South which is characterised by intensive unit titles occurring within fee simple parent titles no smaller than 1,800m<sup>2</sup> in area. The area and facilities falling outside of the unit titles area, but within the parent title are to be "common area" owned and administered by a body corporate. Two storey BUILDINGS are envisaged within the majority of Omaha South, with provision for BUILDINGS up to three storeys in HEIGHT only anticipated in NEIGHBOURHOOD UNIT 5. BUILDINGS may accommodate up to six HOUSEHOLD UNITS. One HOUSEHOLD UNIT per 300m<sup>2</sup> of the parent title is allowed.

**Urban Clean Fill**

means as for CLEAN FILL except concrete, brick or DEMOLITION materials.

**Urban Zone**

includes the following zones:

- (a) High Intensity RESIDENTIAL ZONE;
- (b) Medium Intensity RESIDENTIAL ZONE;
- (c) Eastern Peninsula RESIDENTIAL ZONE;
- (d) Physical Limitations RESIDENTIAL ZONE;
- (e) Low Intensity RESIDENTIAL ZONE;
- (f) Landscape Protection RESIDENTIAL ZONE;
- (g) Retail Service Zone;
- (h) Mixed BUSINESS ZONE;
- (i) Industrial Zone;
- (j) Special 19 (Silverdale North) Zone;
- (k) Special 22 Zone - Point Wells Garden Seaside Settlement Policy Area.
- (l) Orewa Beachfront RESIDENTIAL ZONE [\[Amendment 101\]](#)
- (m) Special 25 Zone [\[Amendment 123\]](#)
- (n) Special 26 Zone [\[Amendment 123\]](#)
- (o) Special 29 (Huapai North) Zone [\[Amendment 127\]](#)
- (p) Special 31 (Kensington Park) Zone [\[Amendment 158\]](#)
- (q) Special 33 zone [\[Amendment 137\]](#)
- (r) Special 35 Zone [\[Amendment 123\]](#)

[\[Amendment 63\]](#)

**Urupa**

means burial place of MAORI people.



### **Utilities**

means activities undertaken by a network utility operator for the activities listed in *Chapter 19 - Utilities*, Section 19.1, being:

- (a) Distribution or transmission by pipeline of gas, petroleum or geothermal energy;
- (b) SUBDIVISION and radio communications as defined in section 2(1) of the Telecommunications Act 1987;
- (c) Transformation, transmission or distribution of electricity;
- (d) Distribution of WATER for supply including irrigation;
- (e) STORMWATER drainage or sewerage reticulation;
- (f) Construction and operation of lighthouses, navigation aids, and beacons, METEOROLOGICAL FACILITIES and ancillary structures;
- (g) Stopbanks and erosion protection works.

### **Valuable Ecological Benefits**

For the purposes of Rule 7.14.4 valuable ecological benefits means one or more of either:

- (i) a high value ecological connection, being a connection that has a width of at least 40m (and preferably more than 100m) and joins, with no gaps, areas of indigenous vegetation that are each 10 ha or more in the case of terrestrial vegetation, or each 0.5 ha or more in the case of wetlands with the areas of vegetation to be joined being either:
  - areas of similar mature indigenous vegetation; or
  - one area of mature indigenous vegetation and one area of regenerating vegetation that is developing into vegetation similar to that in the existing mature area; or
  - two areas of different types of mature vegetation along an environmental gradient (for example, a topographical gradient or a salinity gradient).

For the purpose of this definition, “regenerating vegetation” has a minimum height of 1.5 metres, contains emerging canopy species and has minimum long term weed management requirements.

Or

- (ii) a high value ecological buffer, being a buffer that extends at least 50 m from existing indigenous vegetation edges and surrounds (to the extent practicable) either:
  - mature terrestrial indigenous vegetation totalling at least 4 ha in area; or
  - regenerating indigenous vegetation totalling at least 10 ha in area; or
  - an indigenous wetland at least 0.5 ha in area.



	Or
	(iii) a high value riparian planting, being riparian planting along at least 200m of a perennial natural watercourse, providing uninterrupted indigenous vegetation. It is at least 20m wide on each side of the watercourse and otherwise complies with Rule 7.14.2.5.
<b>Vegetation Removal</b>	means the removal from the SITE of all forms of exotic and native plants by mechanisms such as blading, burning, root raking and tree harvesting excluding plants planted for FARMING and FORESTRY.
<b>Vehicle Sales and Hire Premises</b>	means any land and/or BUILDING on or in which motor vehicles, caravans, BOATS or trailers are offered for sale, lease or hire, or on or in which motor vehicles are stored awaiting sale.
<b>Visitor Accommodation</b>	means any premises used for transient accommodation for not more than 50 days in any twelve month period by any given individual, and which is offered at a daily tariff or a pricing structure commensurate with short stay accommodation. Included in this definition are motels, hostels, timeshare accommodation, holiday flats, hotels, backpackers and any associated facilities including RESTAURANTS, bar facilities, conference facilities, swimming pools, car parks and tennis courts. CAMPING GROUNDS and boarding houses are excluded from this definition, as are any premises or developments used for permanent or long stay accommodation (i.e. stays exceeding 50 days in any twelve month period).
<b>Visual Catchment</b>	means, in relation to a body of WATER, that part of the landscape surrounding a body of WATER that is visible from that body of WATER.
<b>Vulnerable Species</b>	means SPECIES which will become endangered if factors threatening the SPECIES continue to do so.
<b>Waahi Tapu</b>	means sacred place of MAORI people.
<b>Water</b>	means fresh WATER or GEOTHERMAL WATER in a RIVER, LAKE, stream, pond, WETLAND, or AQUIFER, or any part thereof, that is not located within the COASTAL MARINE AREA.
<b>Water Body</b>	means the fresh WATER or GEOTHERMAL WATER in a RIVER, LAKE, stream, pond, WETLAND, or AQUIFER, or any part thereof, that is not located within the COASTAL MARINE AREA.
<b>Watercourse</b>	means a natural or artificial channel through which WATER flows.
<b>Watercourse / Stream (Okura Policy Area)</b>	means a continually or intermittently flowing body of FRESHWATER; and includes a stream and modified WATER course; but does not include any artificial WATER course (including an irrigation canal, WATER supply race, canal for the supply of WATER for electricity power generation, and FARM drainage canal.
<b>Water Dependent</b>	means any use or activity for which a WATER or WATER-front location is essential in order that the use or activity can be undertaken.



<b>Water Related</b>	means any use or activity the carrying out of which is enhanced or made more efficient by WATER or water-front location but for which such a location is not essential.
<b>Waterside Area or Lots</b>	means any area that adjoins the COASTAL MARINE AREA or the bed of a LAKE or bank of a RIVER with an average width greater than 3m. Coastal and waterside lots correspondingly refer to land in a waterside area.
<b>Weed</b>	Weed for the purposes of Rule 7.14 SUBDIVISION (Rural) means non-native plants that invade native vegetation and are harmful to native BIODIVERSITY and/or ECOSYSTEM functions. The plants considered to be weeds consist of those listed in the Auckland Regional Pest Management Strategy and other non-native plants in an area of NATIVE BUSH (in RURAL ZONES).
<b>Wetland</b>	means permanently or intermittently wet areas, shallow WATER, and land margins that support a natural ECOSYSTEM of plants and animals that are adapted to wet conditions but does not include areas of pasture or areas located in the COASTAL MARINE AREA.
<b>Wetland Modification</b>	means EARTHWORKS which occur in any WETLAND area, and any activity which modifies the course of any stream or RIVER, and habitat or ECOSYSTEM of the WETLAND area.
<b>Winery</b>	means an undertaking in which any fruit or vegetable juice is converted to a beverage with an alcoholic content.
<b>Work</b>	<p>in relation to WATER areas any modification of a WATER space or its bed other than by means of a structure; or</p> <p>for the purposes of Rule 12.8.16 of <i>Chapter 12 — Special Zones</i>, and in relation to STORMWATER, includes but is not limited to, STORMWATER works comprising land, detention areas, ponds, STORMWATER treatment facilities, open and piped WATERCOURSES, pipes, tunnels, pumps, swales and any other equipment whatsoever which will form a part of the facilities required to collect, reticulate, treat and discharge STORMWATER within Omaha South.</p>
<b>Workroom</b>	means part of a SHOP in which articles, goods or produce are prepared and/or repaired for sale or rent (eg. kitchens, lawnmower and cycle repairs) and which is incidental to the SHOP of which it is part and serves only that SHOP.
<b>Yard</b>	<p>means that part of the SITE which is required by this District Plan to be unoccupied and unobstructed by BUILDINGS from the ground upwards, except as otherwise provided by the District Plan.</p> <p><b>Shoreline Yard:</b> means land lying between mean high WATER springs and a line parallel thereto along the full width of the SITE at a specified distance for the zone inland from the mean high WATER springs.</p> <p>For the margin of a LAKE, or non-tidal RIVER with an average width greater than 3m, means land lying between the margin of a LAKE,</p>

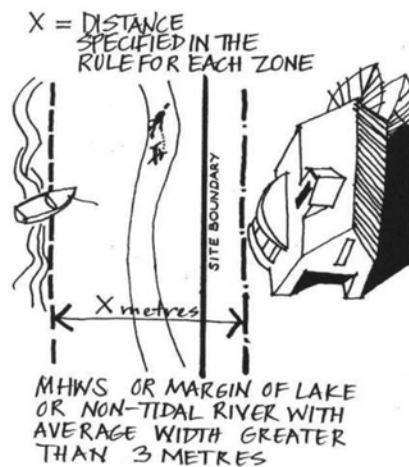
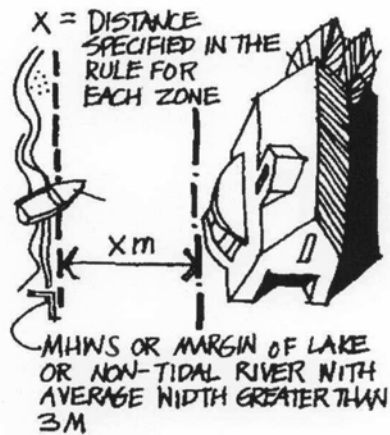


riverside or FORESHORE boundary, and a line parallel thereto along the full width of the SITE at a specified distance for the zone inland from that boundary. (See Diagram Six below.)

Note: The distances specified in each zone are of such a width that they incorporate the width of any esplanade RESERVE.



**Diagram Six - Shoreline Yard**



**Front Yard:**

means a yard between the SITE boundary where it abuts a ROAD and a line parallel thereto and extending across the full width of the SITE, provided that where part of the SITE is shown on the planning maps as proposed ROAD, the proposed ROAD line shall for the purpose of all front yard requirements be substituted for the existing ROAD line. (Refer also to definition of "Front SITE".)

**Rear Yard:**

applies to front and rear SITES and means a yard being bounded by the rear boundary of the SITE and a line parallel thereto extending across the full width of the SITE, provided that:

- (a) In the event of there being no rear boundary as in a triangular section, the boundaries of the rear yards shall be the converging side boundaries of a SITE in the arc of a circle with the apex as centre, and a radius of 3m.
- (b) A rear yard in respect of any rear SITE means a continuous yard bounded by the front yard and all the other boundaries of a SITE, except that where activities are being undertaken within the Special





(Omaha South Development) Zone, all rear sites shall have a front yard, two side yards and a rear yard.

(Refer also to definition of "Rear SITE".)

**Side Yard:**

means a yard which, except for any portion of a SITE comprised in a front or rear yard, lies between the full length of the side boundary and a line parallel thereto; provided that in respect of a corner SITE every boundary not being a ROAD FRONTAGE shall be deemed to be a side boundary, except that where activities are being undertaken within the Special 16 (Omaha South Development) Zone, all corner sites shall have a side yard, a rear yard and two front yards.

For the purposes of this definition, "ROAD" includes any motorway, FORMED or unformed ROAD, proposed ROAD, ROAD reserve, LIMITED ACCESS ROAD or street.

**(Note: Refer to Diagram Five for assistance in determining whether front, rear or side yards apply, except for activities being undertaken within the Special 16 (Omaha South Development) Zone where reference should be made to the diagram in Chapter 12 — Special Zones, Appendix 12M).**