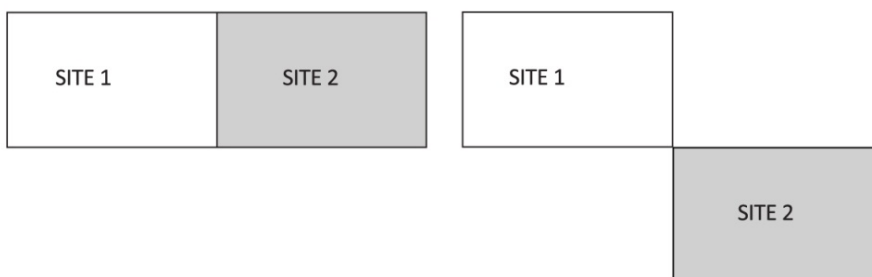


## Definitions

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Where a word or phrase is defined in this section, its definition includes any variations of the word or phrase that are plural or vice versa. In most instances, words used in the Plan are best defined using their ordinary dictionary meaning. The words listed below are given an extended meaning. Where a building or activity is more specifically defined then the specific definition overrides the more general. All words or phrases that are defined for the purpose of the Plan are shown in UPPERCASE.

- ‘Access strip’** has the same meaning as in the ACT.
- ‘Accessory building’** means a BUILDING, the use of which is clearly incidental to the use of the principal LAND USE or BUILDING on that SITE, or to any permitted use of the land if not built upon and includes, but is not limited to; a carport, garage (excluding a garage which is integrated into and forms part of a DWELLING), workshop, and shed.  
For the avoidance of doubt, an ACCESSORY BUILDING shall not include BUILDINGS which are capable of being lived in independently.
- ‘Accessory use’** means any use of land which is clearly incidental to the use of the PRINCIPAL BUILDING or ACTIVITY on the same SITE.
- ‘Activity’** means the undertaking of an action for a specified purpose, and includes the establishment of BUILDINGS and/or other DEVELOPMENT associated with that ACTIVITY.
- ‘Activity days’** means days associated with MYSTERY CREEK EVENT DAYS and KART ACTIVITY DAYS which are subject to specific rules, and are scheduled in advance of the activities occurring.
- ‘Adjacent’** means an ALLOTMENT or SITE that is ADJOINING another ALLOTMENT or SITE, except that it is separated only by the width of a ROAD, railway, drain or watercourse.
- ‘Adjoining’** means an ALLOTMENT or SITE that is directly ADJOINING and contiguous to another ALLOTMENT or SITE, as demonstrated in the diagrams below:



- ‘Agrichemical’** means any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related ACTIVITY, to eradicate, modify or control flora and fauna, but excludes fertilisers, vertebrate pest control products and oral nutrition products. *(Based on NZS 8409:2004)*

<b>‘Agritourism’</b>	means visiting or staying at a working farm or any agricultural or horticultural ACTIVITY for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. AGRITOURISM also includes wineries, CAFÉS and accommodation where these are ANCILLARY to the farming operation.
<b>‘All weather vehicle access’</b>	means a CARRIAGEWAY surfaced with thoroughly compacted, crushed metal, gravel or sand and adequately drained; it may also include a paved or sealed access that does not create a dust nuisance.
<b>‘Allotment’</b>	has the same meaning as in the ACT.
<b>‘Amateur radio configuration’</b>	means the ANTENNAS, aerials (including rods, wires and tubes) and associated supporting structures which are owned and operated by licenced AMATEUR RADIO operators for personal use, and without pecuniary gain.
<b>‘Ancillary activity’</b>	means a supporting ACTIVITY that is subordinate and incidental to a PRINCIPAL ACTIVITY undertaken on the same SITE.
<b>‘Ancillary office’</b>	means an OFFICE ACTIVITY on the same SITE as a PRINCIPAL BUILDING or ACTIVITY, and whose use is subordinate and incidental to that PRINCIPAL BUILDING or ACTIVITY (e.g. an OFFICE attached and subordinate to a manufacturing premise).
<b>‘Ancillary retail’</b>	means a RETAIL ACTIVITY that is subordinate and incidental to the PRINCIPAL BUILDING or ACTIVITY conducted on a SITE, where the items being sold have been manufactured, repaired, produced, processed or grown on the same SITE.
<b>‘Annual Exceedance Probability (AEP)’</b>	means the probability, expressed as a percentage, that a flood of a given magnitude will be equalled or exceeded in any one year. 1% AEP corresponds to a 1 in 100 year return period storm. 2% AEP corresponds to a 1 in 50 year return period storm.
<b>‘Antenna’</b>	means any device including any dish or panel that receives or transmits radio communication or telecommunication signals, but does not include any aerial. This includes the ANTENNA’S mountings (including any support structure or head arrangement such as shrouds or ANTENNA covers) and radio frequency unit or similar device.
<b>‘Approved structure plan’</b>	means a STRUCTURE PLAN that has been approved and made operative by COUNCIL.
<b>‘Archaeological site’</b>	means any place that was associated with human ACTIVITY which occurred before 1900 and is, or may be able through investigation by ARCHAEOLOGICAL methods, to provide evidence relating to the history of New Zealand.
<b>‘Attached dwelling’</b>	means two SELF CONTAINED DWELLINGS that share a common wall.
<b>‘Artificial Screen’</b>	means a man-made structure for the purpose of providing wind shelter that is greater than 2m high.

<b>‘Authorised officer’</b>	means a person to whom COUNCIL’S powers, duties and functions under the ACT have lawfully been delegated.
<b>‘Aviation activities’</b>	means any ACTIVITY or BUILDING associated with or designed to be used in conjunction with the landing, departure, movement or storage of aircraft.
<b>‘Aviation education training’</b>	means land and/or BUILDINGS used to provide regular AVIATION instruction or training including for pilots as well as technical and operational staff and their ANCILLARY administrative, cultural and commercial facilities.
<b>‘Bee keeping’</b>	means the keeping of bees in one or more hives.
<b>‘Benefit lots’</b>	means an additional SUBDIVISION right achieved as a result of the long term protection, through a SUBDIVISION consent process, of a specified feature in this Plan.
<b>‘Boarding and/or Breeding Kennels and Catteries’</b>	means an ACTIVITY carried out under cover within one or more permanent structures or BUILDINGS for the purpose of accommodating overnight dogs and cats on the SITE for BOARDING, or the breeding of three or more litters on any SITE, but does not include the keeping of dogs as an ANCILLARY ACTIVITY to assist in the management of a farm or other RURAL ACTIVITY, or for domestic purposes.
<b>‘Boundary adjustment’</b>	<p>means an alteration of boundaries between two or more ALLOTMENTS or certificates of title, that will result in each of the ALLOTMENTS or certificates of title having substantially the same area, shape and access as before, but does not include an alteration of boundaries which:</p> <ul style="list-style-type: none"> <li>▪ Results in a DWELLING becoming part of a different ALLOTMENT; or</li> <li>▪ Results in a non compliance with this Plan; or</li> <li>▪ Results in an increase of an existing non compliance with a rule or rules of this Plan.</li> </ul>
<b>‘Boundary relocation’</b>	means an alteration to the boundaries between two or more ALLOTMENTS or certificates of title, that will result in the location of the boundaries, area, shape, or access of the ALLOTMENTS or certificates of title being significantly changed, and does not result in, or increase the degree of any non compliance with a rule or rules of this Plan.
<b>‘Building’</b>	<p>means any BUILDING or structure, or part of a BUILDING or structure, whether temporary or permanent, moveable or immovable, but does not include:</p> <ul style="list-style-type: none"> <li>▪ Any BUILDING or structure less than 5m<sup>2</sup> in area, and less than 1m in HEIGHT; or</li> <li>▪ Any retaining wall less than 1.5m in HEIGHT, provided that any retaining wall (regardless of HEIGHT) which supports any LOAD or surcharge additional to the LOAD of the ground is considered to be a BUILDING; or</li> <li>▪ Any fence or wall less than 1.8m in HEIGHT; or</li> </ul>

- Any retaining wall or fence on top of a retaining wall that does not jointly exceed 1.8m in HEIGHT; or
- Any swimming pool or spa pool less than 1m in HEIGHT above GROUND LEVEL; or
- Any vehicle or caravan whether movable or immovable which is not used as a place of permanent residence or business, or for assembly or storage purposes; or
- Any mast, pole or radio or television aerial which is less than 2m in HEIGHT above the point of attachment or its base support; or
- Any uncovered part of a deck (excluding balustrades and hand rails) or terrace, platform or bridge which is less than 1m above GROUND LEVEL; or
- Any ELECTRIC LINES or TELECOMMUNICATION LINES; or
- Any SUBSTATION fence not exceeding 2.5m in HEIGHT.

**‘Building improvement centre’**

means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of BUILDINGS and includes retail – nurseries and garden centres.

**‘Building platform’**

means an area of land identified on a plan for the purposes of identifying the future location of a BUILDING that is geotechnically sound, unaffected by any known hazards such as flooding, uncontrolled fill, PEAT SOILS, unconsolidated material, past quarrying ACTIVITY, visible natural springs, ponding areas, natural ground subsidence, sinkholes, land slip escarpments, or WETLAND areas, and is able to accommodate DEVELOPMENT anticipated by the permitted ACTIVITY lists of the zone.

**‘Building setback’**

means the distance from a BUILDING or structure to the BOUNDARY of the SITE on which that BUILDING or structure occurs. Subject to the rules of the zone, the distance of the setback is measured from the outer edge of the eaves of a BUILDING or structure to the ROAD BOUNDARY or INTERNAL SITE BOUNDARY, and includes:

**BUILDING SETBACK from the ROAD BOUNDARY**, which means that part of a SITE that has direct FRONTAGE to a ROAD, being a line extending across the full width of the SITE parallel to the BOUNDARY ADJOINING the ROAD, notwithstanding the presence of any segregation strip; and

**BUILDING SETBACK from an INTERNAL SITE BOUNDARY**, which means a line extending across the full width of the SITE parallel to the legal boundaries not fronting a ROAD.

Refer to SITE for a diagram of ROAD BOUNDARY and INTERNAL SITE BOUNDARY.

**‘By-product’**

means any animal or vegetable matter whether a solid or liquid, or a combination of both which is, or which includes:

- Material produced as a result of the processing or manufacture of animal or vegetable material (including milk); or
- Cowshed or pig effluent, poultry manure or other animal or bird effluent or manure.

Notwithstanding that such matter may have capacity to fertilise or irrigate the soil.

**‘Café’**

means premises which principally involve the preparation, serving and selling of:

- Coffee, tea and other non-alcoholic beverages; and
- Pastries, snacks and small meals for consumption on the premises.

**‘Carriageway’**

means the formed section of pavement between the kerb and channel on kerbed ROADS, or between the outer edge-line of unsealed shoulders on unkerbed ROADS, constructed for the carriage of vehicles.

**‘Character Cluster’**

means a group of BUILDINGS of a similar character, aspect or style that are situated on ADJOINING or ADJACENT SITES.

**‘Childcare and pre-school facility’**

means any place or premises used for the care, education and welfare of five or more children under the age of seven years, by the day or for part of the day and includes any crèche, childcare centre, kindergarten, kohanga reo, play centre, and any plunket rooms, but excludes any school.

**‘Cleanfill’**

means material that when buried will have no adverse effect on people or the ENVIRONMENT. CLEANFILL material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- Combustible, decaying, degradable or leachable components; and/or
- HAZARDOUS SUBSTANCES; and/or
- Products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practice; and/or
- Materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances; and/or
- LIQUID WASTE.

**‘Co-disposal of hazardous substances’**

means the conscious, controlled disposal of hazardous waste with domestic and other similar waste within a municipal landfill.

**‘Collector road’**

means a ROAD that distributes traffic from LOCAL ROADS to arterial ROADS.

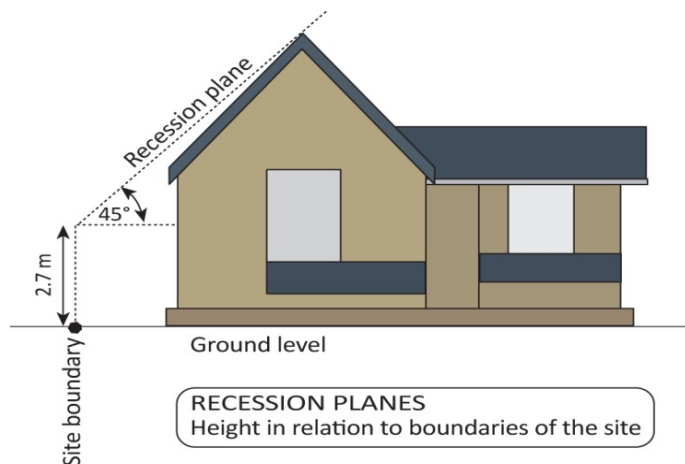
**‘Commercial activity’**

means the use of land and BUILDINGS for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, markets, showrooms, RESTAURANTS, CAFÉS, take-away food bars, professional, commercial and administration OFFICES, SERVICE STATIONS, motor vehicle sales, VISITOR ACCOMMODATION, the sale of liquor, and PARKING AREAS associated with any of the above.

<b>‘Commercial forestry’</b>	means the use of land, equipment and BUILDINGS for the purpose of growing INDIGENOUS and/or exotic trees for wood and timber production including the preparation of land, planting trees, and the tending and harvesting of those trees; but excludes WOODLOT FORESTRY. COMMERCIAL FORESTRY can include SUSTAINABLE FOREST MANAGEMENT, CONTINUOUS COVER FORESTRY or PLANTED INDIGENOUS FORESTRY.
<b>‘Commercial garage’</b>	means land or a BUILDING on or in which: <ul style="list-style-type: none"> <li>▪ Vehicles not belonging to the occupier of that land or BUILDING or the occupiers family are serviced, overhauled or repaired; or</li> <li>▪ Three or more vehicles used for any commercial or business purpose are housed or cared for.</li> </ul>
<b>‘Commercial service’</b>	means the provision of services principally for commercial gain including: MEDICAL CENTRES, OFFICES, depots, servicing or hire of goods, light manufacturing, repair or servicing and includes repair and servicing of household appliances, electronic equipment, vehicles, and craft and clothes manufacture; but excludes RETAIL ACTIVITIES and INDUSTRIAL ACTIVITIES; and for the avoidance of doubt, also excludes panel beating, spray painting, jet boating and cruise boats.
<b>‘Community centre’</b>	means a BUILDING where people can meet for a range of activities including social events, education classes, or RECREATIONAL ACTIVITIES.
<b>‘Compact housing’</b>	means a housing DEVELOPMENT in which the design of BUILDINGS, their layout, access and relationship to one another has been planned in a comprehensive manner to achieve compatibility between all BUILDINGS on a SITE or SITES. This can include Papakāinga housing, terraces, duplexes, apartments and town houses, but excludes RETIREMENT VILLAGE ACCOMMODATION AND ASSOCIATED CARE FACILITIES.
<b>‘Comprehensive development plan’</b>	means a plan that applies to the Hamilton Airport Strategic Node and the Agri-Activities Overlay in the Mystery Creek Zone that identifies LAND USES and INFRASTRUCTURE to meet the needs of proposed LAND USES to manage effects on the ENVIRONMENT. A COMPREHENSIVE DEVELOPMENT PLAN requires approval as a resource consent subject to the requirements of the relevant zone(s) and DISTRICT wide sections of the Plan.
<b>‘Computer register’</b>	means a certificate of title in terms of the Land Transfer Act 1952, including: <ul style="list-style-type: none"> <li>▪ A composite certificate of title for tenancy-in-common and leasehold estate; or</li> <li>▪ A certificate of title for tenancy-in-common interest which is less than the whole of the estate in the land described in the certificate of title; or</li> <li>▪ A certificate of title for a stratum estate in terms of the Unit Titles Act 2010.</li> </ul>

<b>‘Conservation activities’</b>	<p>means activities associated with INDIGENOUS habitat, WETLANDS and wildlife management that fundamentally benefit INDIGENOUS biodiversity or raise public awareness of INDIGENOUS biodiversity values.</p> <p>This excludes the Te Awa Cycleway but may include:</p> <ul style="list-style-type: none"> <li>▪ CONSERVATION PLANTING, stock exclusion, research and monitoring; and/or</li> <li>▪ The establishment, maintenance or upgrading of public walking or cycle tracks; and/or</li> <li>▪ Interpretive and directional signs; and/or</li> <li>▪ ANCILLARY BUILDINGS (less than 10m<sup>2</sup> GFA) including those for tourism, interpretation or education purposes; and/or</li> <li>▪ The provision of access for plant or animal pest management.</li> </ul>
<b>‘Conservation blocks’</b>	<p>means land containing significant INDIGENOUS vegetation or significant habitats of INDIGENOUS fauna that is legally and/or physically protected for the purpose of preserving the natural resource.</p>
<b>‘Conservation planting’</b>	<p>means planting and restoration activities associated with INDIGENOUS habitats and WETLANDS including any directly associated walkways.</p>
<b>‘Contaminant’</b>	<p>has the same meaning as in the ACT.</p>
<b>‘Contaminated land’</b>	<p>has the same meaning as that in the ACT.</p>
<b>‘Continuous cover forestry’</b>	<p>means use of silvicultural systems that maintain the forest canopy at one or more levels, without clearfelling.</p>
<b>‘Corner site’</b>	<p>refer to definition of SITE.</p>
<b>‘Council/Council’s’</b>	<p>means the Waipa DISTRICT COUNCIL or any committee, subcommittee or person to whom COUNCIL’S powers, duties and discretions under the ACT have lawfully been delegated.</p>
<b>‘Coverage’</b>	<p>means that portion of a SITE which is covered by BUILDINGS, and includes parts covered by overhangs or cantilevered structures including covered decks but excluding the eaves of a BUILDING. Fences, terraces, retaining walls or uncovered decks less than 1m above GROUND LEVEL, and swimming pools are not included in the definition of COVERAGE, however may be included within impervious surfaces, see IMPERMEABLE SURFACES.</p>
<b>‘CPTED’ or ‘Crime Prevention through Environmental Design’</b>	<p>means a crime prevention philosophy based on proper design and effective use of the built ENVIRONMENT.</p> <p>Note: the use of CPTED is intended to reduce crime and fear of crime by reducing criminal opportunity and fostering positive social interaction among legitimate users of space.</p>
<b>‘Cul-de-sac’</b>	<p>means a street that is closed at one end.</p>

- ‘Cultural impact assessment’** means an assessment of the effects of a proposed DEVELOPMENT or ACTIVITY on the beliefs, values or physical well-being of the TĀNGATA WHENUA within whose rohe the DEVELOPMENT or ACTIVITY is proposed. This assessment includes cultural, social, environmental and economic effects.
- ‘Cultural landscape’** means areas identified on the Planning Maps of significance to Māori, including iwi, hapū and whānau and which may contain an inter-related group of HERITAGE features or ARCHAEOLOGICAL SITES of significance to Māori and European and includes any CULTURAL SITE identified in Appendix N9.
- ‘Cultural site’** means any wāhi tapu or wāhi taonga or any place that contains koiwi TĀNGATA. CULTURAL SITES may also be ARCHAEOLOGICAL SITES as defined in this Plan and MARAE or other specific SITES of significance to TĀNGATA WHENUA.
- ‘Customary activities’** means traditional Māori activities, and includes customary food, textile, art, or medicinal gathering; waka ama; Kīngitanga events (Poukai); and activities that recognise and provide for the special relationship between TĀNGATA WHENUA and places of customary importance.
- ‘Dairy’** refer to definition of GENERAL STORE OR DAIRY.
- ‘Daylight control’** means a BUILDING envelope created from a line which forms a theoretical surface through which no part of a BUILDING other than chimneys, flues and similar projections not exceeding 1m<sup>2</sup> in area may protrude. It is defined by drawing HEIGHT control lines from all points on the boundaries of an ALLOTMENT. Such lines commence at a specified vertical distance above the GROUND LEVEL at the boundary point into the SITE at right angles to the boundary and rise at an angle toward the centre of the PROPERTY, i.e. 45 degrees.



For the purpose of DAYLIGHT CONTROL the HOLDING, SITE BOUNDARY, or zone boundary shall be the LOT boundary. Spouting and guttering is not considered part of the BUILDING, unless it incorporates the barge board.

- ‘Decibels (dB)’** means a logarithmic measurement of the sound pressure level.



<b>‘dBA’</b>	means DECIBELS subject to an ‘A-weighting’ to better represent the pitch of human hearing when measured on a sound level meter.
<b>‘Deferred Zone’</b>	means an area identified on the Planning Maps as a DEFERRED ZONE.
<b>‘Demolition’</b>	in relation to heritage and ARCHAEOLOGICAL items (listed in Appendix N1 and N3), means the destruction in part or whole of a structure or the façade of the BUILDING including walls, windows, doors, ceilings, roofs and finials. DEMOLITION also includes partial DEMOLITION which may have the effect of altering the HERITAGE FABRIC of that protected BUILDING, (both internally or externally) place or object.
<b>‘Department store’</b>	means a very large retail establishment which is divided into autonomous sales areas, each with its own specialty and sales counter, which sell a combination of clothing, personal accessories, beauty products, household goods, and even such wares as toys, books, specialty foods, and technological products.
<b>‘Development’</b>	means the ERECTION of a BUILDING, the carrying out of BUILDING, engineering, EXCAVATION or other work, and any other use of land or part of a BUILDING which is different in character, intensity, and scale from the purpose for which the land, BUILDING or part of a BUILDING was last being used, and includes any alteration to a BUILDING.
<b>‘Development agreement’</b>	means any private agreement signed between a developer and COUNCIL.
<b>‘Development contribution’</b>	means a contribution calculated in accordance with COUNCIL’S Development Contribution Policy.
<b>‘District’</b>	means the DISTRICT of Waipa DISTRICT COUNCIL.
<b>‘Domestic poultry’</b>	means chickens, turkeys, ducks or geese raised for meat or eggs.
<b>‘Driveway’</b>	means a permanently formed access for the use of vehicles and pedestrians between a ROAD and a PARKING SPACE or LOADING SPACE on a SITE.
<b>‘Dust explosion’</b>	means the fast combustion of dust particles suspended in the air in an enclosed location. DUST EXPLOSIONS can occur where any powdered combustible material is present in an enclosed atmosphere.
<b>‘Dwelling’</b>	means any SELF CONTAINED BUILDING, whether permanent or temporary, that is occupied or designed to be occupied, in whole or in part, by a single household for the purposes of a RESIDENTIAL ACTIVITY and in each case contains one KITCHEN, and may include a KITCHENETTE. DWELLING includes any PRINCIPAL DWELLING, SECONDARY DWELLING and FARM WORKER DWELLING.
<b>‘Earthworks’</b>	means the disturbance of the land surface by moving, removing, placing or replacing soil, spoil or earth, by EXCAVATION, cutting or filling operations (but does not include MINERAL EXTRACTION ACTIVITIES or tillage of land associated with the growing of crops where there is no significant change to landform).

<b>‘Ecological corridor/ enhancement areas’</b>	means the following areas as shown on the Planning Maps: <ul style="list-style-type: none"> <li>▪ Forest corridor; or</li> <li>▪ RIVER and stream corridor; or</li> <li>▪ Peat lake catchment area.</li> </ul>
<b>‘Education Activities within the Narrows Concept Plan Area’</b>	means land and BUILDINGS used to provide instruction or training (including their ANCILLARY administrative facilities) in connection with VISITOR ACCOMMODATION, AVIATION ACTIVITIES, OUTDOOR EDUCATION, OUTDOOR PURSUITS or NATURE TOURISM activities being undertaken within the Concept Plan Area.
<b>‘Education facilities’</b>	means land and/or BUILDINGS used to provide regular instruction or training and their ANCILLARY administrative, cultural and commercial facilities. Such facilities include schools, tertiary education institutions, work skills training centres, and OUTDOOR EDUCATION centres and may also include CHILDCARE AND PRE-SCHOOL FACILITIES.
<b>‘Electric line’</b>	means all conductors, support structures and associated electrical fittings (including fittings supporting, or connected to, those conductors), whether above or below ground, that are used, or intended to be used, in, or in connection with, the supply of electricity from the outgoing terminals of a generating station, a BUILDING, enclosure, or other structure to: <ul style="list-style-type: none"> <li>▪ Incoming terminals of any other BUILDING, enclosure, or other structure; and</li> <li>▪ An electrical appliance, in any case where the electrical appliance is supplied with electricity other than from a terminal in a BUILDING, enclosure, or other structure.</li> </ul>
<b>‘Emergency service facilities’</b>	means those facilities operated by authorities responsible for the safety and physical welfare of people or PROPERTY in the community and includes fire stations, ambulance stations, police stations, and ANCILLARY accommodation and storage on the same SITE.
<b>‘Environment’</b>	has the same meaning as in the ACT.
<b>‘Equestrian facility’</b>	means within the St Peters School Zone a facility for the purpose of accommodating and training horses, including an enclosed arena, stabling and tack rooms, classrooms and PARKING AREA.
<b>‘Erection’</b>	means the construction of a BUILDING including any alterations or additions to a BUILDING, and also includes the placing and/or relocation of a BUILDING on a SITE.
<b>‘Esplanade reserve’</b>	has the same meaning as in the ACT.
<b>‘Esplanade strip’</b>	has the same meaning as in the ACT.
<b>‘Excavation’</b>	means to dig into the soil, or the removal of soil or other material from the ground onto the SITE or off the SITE, but excludes normal gardening activities, digging of post holes and tillage of land associated with the

growing of crops where there is no significant change to landform (but does not include MINERAL EXTRACTION ACTIVITIES).

**‘External alterations heritage item’**

in relation to a protected BUILDING, place or object (listed in Appendix N1 of this Plan), means any work by way of construction or modification which may have the effect of altering the exterior fabric of the BUILDING and includes the removal and replacement of external walls, windows, ceilings, roofs, veranda, parapets, balustrades, abutments and supports and MAINTENANCE using materials or techniques that are detrimental to the materials or finish of the HERITAGE ITEM.

**‘Farming activities’**

means an agricultural and/or horticultural ACTIVITY having as its primary purpose, the production of goods for human or animal consumption and includes any livestock or crop, using the in-situ soil, vegetation, water and air as the medium for production, and must include maintaining the ground cover.

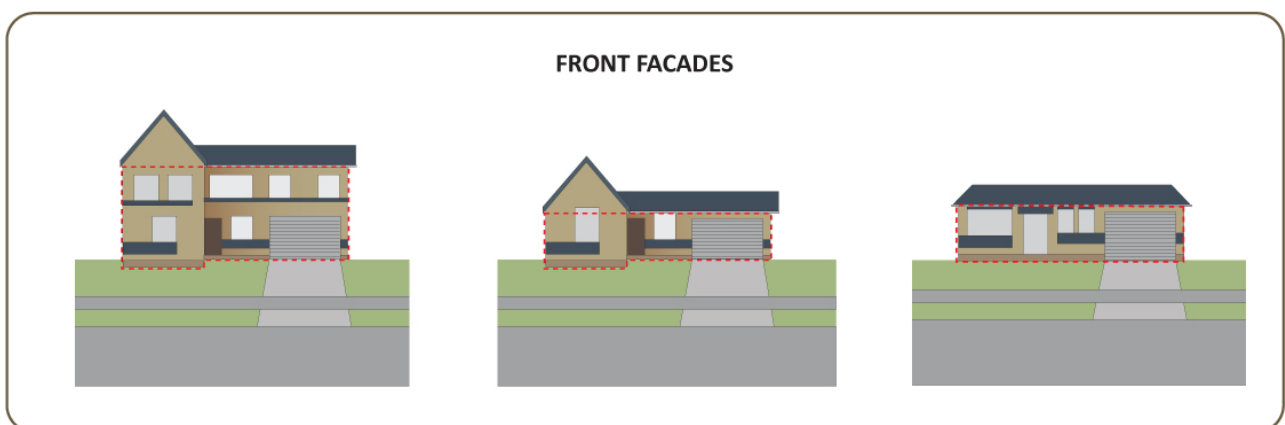
For the avoidance of doubt, FARMING ACTIVITIES includes:

- ANCILLARY ACTIVITIES including the storage and initial processing of horticultural and agricultural products produced on SITE; and
- The storage and spreading of any solid or liquid animal waste generated on SITE by FARMING ACTIVITIES; and
- Farm implement sheds, stables, hay barns and BUILDINGS for the storage of feed which is to be used on the HOLDING; and
- BEE KEEPING (and associated activities including extraction processing, production of honey and bee products, packaging, storage and distribution); and
- PACKING SHEDS; and
- Stud farming, and horse training; and
- The feeding of young stock in a BUILDING or similar enclosure or wintering of stock on a feed pad as part of normal pastoral FARMING ACTIVITIES for a limited season only; and
- Greenhouses/glasshouses with a PERMEABLE floor and where the soil profile is maintained if located on high quality soil; and
- OUTDOOR (EXTENSIVE) PIG FARMING; and
- CONSERVATION PLANTING; and
- The use of FARM AIRSTRIPS AND FARM HELIPADS.

**‘Farm airstrips and farm helipads’**

means any area of Rural zoned land used for take off and landing of aircraft (including helicopters), for the purpose of servicing rural land. Such servicing includes but is not limited to aerial topdressing, application of AGRICHEMICALS, fire fighting, forestry, fencing, delivery of farm supplies and equipment, and the collection of farm produce, but excludes airstrips or HELIPADS directly associated with commercial passenger transport or associated with any ACTIVITY located in the Rural Zone for which resource consent is required.

- ‘Farm quarries’** means an ACTIVITY where sand or rock is extracted not for pecuniary gain and primarily for use on the source land HOLDING.
- ‘Farm track’** means a track or race suitable for farm VEHICLE MOVEMENTS which is used for FARMING ACTIVITIES, including the movement of stock.
- ‘Farm worker dwelling’** means a DWELLING established for employees required to live on the SITE for the purpose of employment as a direct result of the scale and intensity of the FARMING ACTIVITY.
- ‘Financial contribution’** has the same meaning as in the ACT.
- ‘Flats plan’** has the same meaning as a cross lease plan or cross lease Cadastral Survey Dataset (CSD), and depicts a lease area created by the BUILDING foot print (which may include any attachment to the BUILDING such as a deck or conservatory), as well as any exclusive use covenant areas and common areas. This type of CSD supports title issued under the requirements of Land Transfer Act 1952.
- ‘Fortified site’** means a SITE characterised by the ERECTION of a look-out platform, tower or structure or the placement of a wall, barricade, fence, electrified fence, barbed wire fence or similar structure which precludes or inhibits access by the police or any authorised OFFICER. It also includes the ERECTION of monitoring system such as a surveillance camera to enable monitoring of persons beyond the boundaries of the SITE; provided that normal domestic residential security systems and historic FORTIFIED SITES such as redoubts are excluded.
- ‘Frontage’** means for the purposes of legal access, that portion of land which secures legal access to a certificate of title from an existing ROAD or ROAD to be vested or otherwise legalised, and includes that portion of a RIGHT OF WAY or accessway ADJOINING a ROAD.
- ‘Front façade’** means that part of a BUILDING facing on to any ROAD or PUBLIC PLACE.



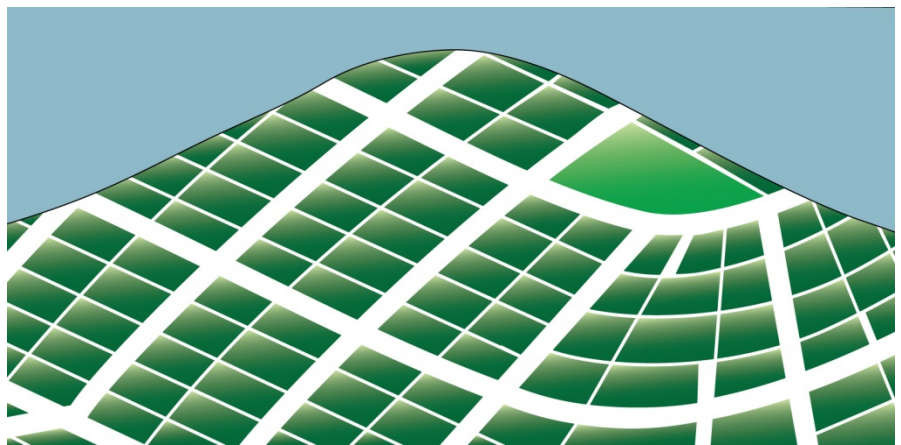
- ‘Frost fan’** means a fan or similar structure for the purpose of frost protection.
- ‘Future growth area’ or ‘Future urban area’** means those areas identified in Appendix S1 for the expansion of urban DEVELOPMENT.

**‘General store or dairy’** means a retail premises which derives a substantial part of its trade from the retail sale of milk, bread, non-alcoholic beverages, and a variety of daily household items and food.

**‘Green engineering’** means a design approach that identifies and recognises natural features and integrates these into DEVELOPMENT in order to minimise environmental impacts. This design approaches also aims to use natural processes to provide stormwater solutions and add benefit to urban ENVIRONMENTS through enhancing habitat, biodiversity, LANDSCAPING, amenity, recreational opportunities and cultural identity.

**‘Greenfield subdivision’** means new SUBDIVISIONS on undeveloped land within the urban limits.

**‘Grid layout’** means an interconnecting system of ROADS, blocks and ALLOTMENTS, laid out in a predominantly rectilinear pattern as demonstrated by the diagram below.



**‘Gross developable area’** means the total developable area and includes land for the BUILDING footprint, PARKING, LANDSCAPING, open space, bulk and location requirements, and land for INFRASTRUCTURE including ROADS, stormwater and wastewater facilities.

**‘Gross floor area’ or ‘GFA’** means the sum of the total area of all floors of a BUILDING or BUILDINGS (including any void area in those floors such as service shafts or lift or stair wells) measured from the exterior faces of exterior walls or from the centre lines of walls separating two BUILDINGS:

- For CAFÉS and RESTAURANTS, GROSS FLOOR AREA shall also include areas outside the external walls which are used for or are appropriate to use for outdoor dining and/or entertainment activities.
- For assessing PARKING requirement, GROSS FLOOR AREA excludes the area of a BUILDING that is used for car PARKING, MANOEUVRING or vehicular access to car PARKING.

**‘Gross lot area’** refer to the definition of NET LOT AREA.

**‘Gross site area’** refer to the definition of NET LOT AREA.

**‘Ground level’** the level of ground existing when approved EARTHWORKS associated with the most recent SUBDIVISION of the land have been completed (as

at the issue of the Section 224 Certificate or the previous legislative equivalent).

Areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a BUILDING or an ACTIVITY shall not be used in calculation of GROUND LEVEL.

When the GROUND LEVEL as defined, is not able to be identified, GROUND LEVEL shall mean the existing GROUND LEVEL but excluding any areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a BUILDING or an ACTIVITY which did/does not include SUBDIVISION.

<b>‘Habitable room’</b>	means any room in a DWELLING apart from those used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.
<b>‘Hautapu industrial park’</b>	means all that land (excluding land within the Hautapu specialised dairy industrial area and Hautapu Cemetery) which is bound by Hautapu Road in the north, Peake Road in the west, Victoria Road (SH1B) in the east and the proposed SH1 Cambridge Bypass to the south.
<b>‘Hautapu industrial park perimeter site’</b>	means those SITES located in the HAUTAPU INDUSTRIAL PARK which have a shared boundary with either Hautapu Road, Peake Road, STATE HIGHWAY 1B, Victoria Road; or with another zone.
<b>‘Hautapu unserviced industrial area’</b>	means the area (excluding the reserve land associated with the Hautapu cemetery) between Hannon Road to the west, Victoria Road to the east, and the Cambridge Bypass (SH1B) to the south.
<b>‘Hazardous facility’</b>	<p>means any ACTIVITY involving HAZARDOUS SUBSTANCES and SITES where HAZARDOUS SUBSTANCES are used, stored, handled or disposed of; and any installations or vehicles parked on SITE that contain HAZARDOUS SUBSTANCES. Provided that, a HAZARDOUS FACILITY does not include:</p> <ul style="list-style-type: none"><li>▪ The incidental use and storage of HAZARDOUS SUBSTANCES in minimal domestic quantities; and</li><li>▪ Fuel in motor vehicles, boats and small engines; and</li><li>▪ Retail outlets for the domestic scale usage of HAZARDOUS SUBSTANCES (i.e. supermarkets, hardware shops, pharmacies, home garden centres); and</li><li>▪ Sealed or self-contained electrical and TELECOMMUNICATIONS equipment containing oil such as TRANSFORMERS, switching gear and SUBSTATIONS containing less than 1500 litres of oil only; and</li><li>▪ Gas and oil pipelines; and</li><li>▪ Trade waste sewers and wastewater pipelines; and</li><li>▪ On farm milk and farm effluent storage and disposal.</li></ul>
<b>‘Hazardous substance’</b>	has the same meaning as in the ACT.
<b>‘Healthcare facilities’</b>	means any land or BUILDING used, or intended to be used, for the provision of professional and/or associated services to care for the physical and mental well-being of people, and includes HOSPITALS,

psychiatric units, clinics, polyclinics, medical rooms, LABORATORIES, diagnostic and radiology treatment premises; and DWELLINGS for people requiring care, attention and counselling, with or without the administration of medication.

**‘Heavy motor vehicle’  
and ‘Heavy vehicle’**

means a motor vehicle that has a gross vehicle mass (GVM) exceeding 3500 kilograms.

**‘Hedge’**

means a row of bushes or trees planted close together to form a fence or boundary, and provide screening.

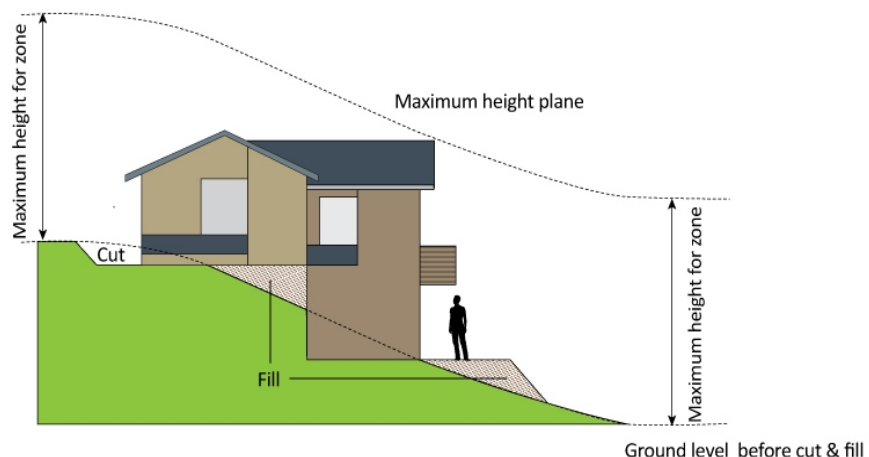
**‘Height’**

in relation to a BUILDING, means the vertical distance between any part of the BUILDING and the GROUND LEVEL immediately below that part of the BUILDING.

Provided that, the following shall not be taken into account (except in NATURAL LANDSCAPE areas), in determining whether any BUILDING or structure or part thereof is contained within the permitted HEIGHT:

- Lift wells, elevator and stair bulkheads, roof water tanks and cooling towers (together with their enclosures), provided that the maximum dimension thereof shall not exceed 6m; and
- Chimneys and flues provided that the maximum dimension thereof shall not exceed an aggregate of 4.5m for any 30m of FRONTAGE; and
- Dipole ANTENNAS and other TELECOMMUNICATION ANTENNAS, provided that the maximum dimension does not exceed 1.5m; and
- Solar panels and associated fittings; and
- Flagpoles, aerials and wire, chain and such finials and similar parts as constitute only decorative features.

Except that within the Compact Housing Overlay, a lift overrun shaft or similar architectural element or the peak of a roof structure may project beyond this plane by no more than 2m vertical.



**‘Helipad’**

means a facility for helicopter movements that may include passenger facilities, but does not include refuelling, servicing, storing of helicopters, or freight handling facilities.

<b>‘Heritage fabric’</b>	means the combination of materials, including cladding, panelling, wall and ceiling finishes, used in the construction of a historic BUILDING which forms part of the character of the BUILDING.
<b>‘Heritage item’</b>	means an item listed in Appendix N1 of this Plan, considered to be of historic importance to the Waipā DISTRICT. These items are in both public and private ownership and include BUILDINGS, monuments, bridges, and smaller items such as post boxes, water troughs, railway gates and surveying markers.
<b>‘Heritage item addition’</b>	means for HERITAGE ITEMS (listed in Appendix N1 of this Plan), any external extension to a BUILDING that increases its size, and includes the attachment of structures such as canopies, verandas, pergolas and balustrades.
<b>‘High class soils’</b>	means those soils of LAND USE capability classes I and II (excluding PEAT SOILS), and soils of LAND USE capability class IIIe1 and IIIe5 classified as Allophanic Soils using the New Zealand soil classification.
<b>‘High risk flood zone’</b>	means land that is subject to RIVER or surface flooding during an event with an ANNUAL EXCEEDENCE PROBABILITY of no more than one percent, and during such an event: <ul style="list-style-type: none"> <li>▪ The depth of flood waters exceeds 1m; or</li> <li>▪ The speed of flood waters exceeds 2m per second; or</li> <li>▪ The flood depth multiplied by the flood speed exceeds one.</li> </ul>
<b>‘Hire facilities’</b>	means land or BUILDINGS used for the hire of items such as vehicles, power tools, plants, machinery and equipment, and includes the sale of items for use with items for hire and facilities for the repair and maintenance of items for hire.
<b>‘Historic heritage’</b>	has the same meaning as in the ACT.
<b>‘Holding’</b>	means a PROPERTY or a collection of properties under common occupancy on which the ACTIVITY is undertaken in conjunction with one another and are contiguous.
<b>‘Home occupation’</b>	means an occupation or craft or profession and the provision of accommodation in association with that occupation, craft or profession, where it is ANCILLARY to the RESIDENTIAL ACTIVITY on the SITE and where the principal operator of the HOME OCCUPATION is a permanent resident on the SITE.  It does not include panel beating, spray painting, motor vehicle repair or wrecking, fibre glassing activities involving HEAVY VEHICLES, sheet metal work, wrought iron work, activities involved scrap metal or DEMOLITION materials or hazardous waste substances, activities involving fish or meat, BOARDING AND/OR BREEDING KENNELS or CATTERIES, or funeral parlours or RESIDENTIAL BASED VISITOR ACCOMMODATION.



**‘Hospital’**

means an institution providing primarily in-patient care for the sick or injured, including medical, surgical, maternity, mental health, geriatric, convalescent or hospice care, and includes all HOSPITAL clinics, dispensaries, out-patient departments, operations and maintenance support services (such as laundries, KITCHENS, cafeterias, refreshment facilities, residential centres, generators, SUBSTATIONS, storage facilities, workshops), HOSPITAL administration OFFICES, ANCILLARY RETAIL facilities and undertakings maintained in connection with, or incidental to, the HOSPITAL ACTIVITY. For the avoidance of doubt, geriatric or hospice care may also be provided within a REST HOME or within care facilities provided within a RETIREMENT VILLAGE.

**‘Hydro electric power emergency provisions’**

where the Karāpiro or Arapuni Hydro Scheme is affected by or likely to be affected by:

- An adverse effect on the ENVIRONMENT which requires immediate preventive measures; or
- An adverse effect on the ENVIRONMENT which requires immediate remedial measures; or
- Any sudden event causing or likely to cause loss of life, injury, or serious damage to PROPERTY.

Then the provisions of this Plan shall not apply to any ACTIVITY undertaken by or on behalf of the Hydro Power Scheme Operator, to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

**‘Hydro electric power generation infrastructure area’ or ‘HEPA’**

means the areas identified on the figures contained in Section 12.6 of this Plan, and on the Planning Maps.

**‘Hydro electric power generation infrastructure and activities’**

means all BUILDINGS, structures and associated activities for the generation of electricity within the sites of the existing Karāpiro and Arapuni Power Stations, including hydro dams, diversion tunnels, headraces, intakes, spillway structures, penstocks, tailraces, turbines, powerhouses and associated generation equipment, ACCESSORY BUILDINGS, switchyards, TRANSFORMERS, transmission LINES and associated support structures, dam abutments, ROADS and tracks.

**‘Hydro electric power generation infrastructure maintenance’**

means all activities associated with the protective care, monitoring and surveillance of existing HYDRO ELECTRIC POWER GENERATION INFRASTRUCTURE where BUILDINGS and structures remain of the same or similar character and scale. MAINTENANCE also includes LANDSCAPING, and the MAINTENANCE of surrounds and water areas.

**‘Hydro electric power generation infrastructure upgrading’**

means structural improvement, repair and replacement of worn or technically deficient parts, which allow for an increase in carrying capacity, efficiency or security of electricity.

<b>‘Impermeable surfaces’</b>	means a surface which does not allow natural percolation of water into the ground at a rate that avoids ponding or runoff; and includes roofs, paving, decking, gobi-blocks, grasscrete, metalled DRIVEWAYS, highly compacted soil, hard surfaced materials, and other similar materials but excludes wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a PERMEABLE surface below the deck.
<b>‘Incentivised Cycleway(s)’</b>	means a cycleway approved by Council resolution as suitable for environmental benefit lot eligibility in accordance with Policy 15.3.6.4, which includes any alternate or new route for the Te Awa Cycleway to the route included in Appendix 04.
<b>‘Indigenous’</b>	means a species of flora or fauna that arrived in New Zealand without human assistance.
<b>‘Indigenous vegetation’</b>	means vegetation that occurs naturally in New Zealand or arrived in New Zealand without human assistance. For the purposes of this Plan, indigenous plant species within domestic or ornamental/landscape planting, or planted SHELTER BELTS, or COMMERCIAL FORESTRY undergrowth, or PLANTED INDIGENOUS FORESTRY are excluded from the definition of ‘indigenous vegetation’.
<b>‘Individual retail activity’</b>	means in relation to Te Awamutu LARGE FORMAT RETAIL DEVELOPMENT, a single retail tenancy whose GROSS FLOOR AREA or gross leasable floor area cannot be sublet or leased in part to any other RETAIL ACTIVITY.
<b>‘Industrial activity’</b>	means any use of land or BUILDING where people or machinery: <ul style="list-style-type: none"> <li>▪ Extract, process or convert natural resources, excluding FARMING ACTIVITIES and MINERAL EXTRACTION ACTIVITIES; and/or</li> <li>▪ Produce or manufacture goods; and/or</li> <li>▪ Service, test or repair goods or machinery; and/or</li> <li>▪ Store goods (ensuing from the industrial process); and/or</li> <li>▪ Transport or distribute goods including depots.</li> </ul>
<b>‘Infill housing’</b>	means the further residential SUBDIVISION/DEVELOPMENT of land within the urban limits where SUBDIVISION and LAND USE consents are jointly lodged.
<b>‘Infrastructure’</b>	means the provision of, and resources associated with the delivery or reticulation of, water, ROADS, electricity, gas, wastewater disposal, stormwater disposal, reserves, street lighting, community INFRASTRUCTURE, community facilities, and TELECOMMUNICATIONS; and includes activities which can be undertaken by a NETWORK UTILITY OPERATOR defined under the ACT.

<b>‘Integrated transport assessment (ITA)’</b>	means an analysis to determine the impacts on the transport network for all modes of travel and effects on safety, PARKING, efficiency, access and the capacity of the transport network from a proposed STRUCTURE PLAN, plan change, ACTIVITY, DEVELOPMENT or SUBDIVISION. An INTEGRATED TRANSPORT ASSESSMENT may be provided where there are combinations of activities or progressive implementation of activities provided that the assessment allows for traffic conditions at the time of implementation of each ACTIVITY.
<b>‘Intensive farming’</b>	means the commercial raising and keeping of animals and/or plants which is dependent on a high input of food including but not limited to cut pasture and/or supplementary meal or fertiliser throughout the year from beyond the HOLDING, and is contained in BUILDINGS or outdoor enclosures.  It includes, but is not limited to rabbit farming, aquaculture, mushroom growing, commercial greenhouses/glasshouses with an IMPERMEABLE floor or where the soil profile has not been maintained where located on HIGH CLASS SOILS, and the keeping of pigs outdoors without groundcover being maintained; but excludes POULTRY FARMING, BOARDING KENNELS or CATTERIES.
<b>‘Internal site boundary’</b>	means a side or REAR BOUNDARY as illustrated in the diagram within the definition of SITE.
<b>‘Kart Activity Days’</b>	refer to definition of ACTIVITY DAYS.
<b>‘Kitchen’</b>	means any space, facility or surface for the storage, preparation and/or cooking of food, the washing of utensils and the disposal of wastewater, including a food preparation bench, sink, oven, stove, hotplate or separate hob, refrigerator, dishwasher and other KITCHEN appliance.
<b>‘Kitchenettes’</b>	means a space which may contain a sink and does not meet the definition of ‘KITCHEN facility’ and is generally used for the purpose of tea and coffee making, a drinks bar and the rinsing of utensils or tools.
<b>‘kV’</b>	means thousands of volts (which are a measure of electric pressure).
<b>‘Laboratories’</b>	means rooms or BUILDINGS used for scientific experimentation or research and includes a place for the preparation and use of chemicals.
<b>‘Land use’</b>	means any BUILDING or ACTIVITY.
<b>‘Landscaping’</b>	means the planting and treatment of a SITE or part of a SITE for the purpose of protecting the character and/or enhancing the amenities of the SITE and ADJACENT areas. It may include the establishment of elements such as walls, fences, screens and amenity features where these areas or features are clearly subsidiary to the planting on the SITE.
<b>‘Landscaping plan’</b>	means the preparation of a design and functional layout of LANDSCAPING by a suitably qualified person for the purpose of improving the visual amenity of a SITE and achieving integration or enhancement within the SURROUNDING ENVIRONMENT.

<b>‘Large format retail’</b>	means any retail or wholesale outlet with a GFA greater than 300m <sup>2</sup> .
<b>‘Leq’</b>	means the A-weighted sound pressure level of a noise measured over a period of time, expressed as the amount of average energy.
<b>‘Licensed premises’</b>	means land or BUILDINGS for which any liquor licence has been issued and is in force in terms of the Sale of Liquor Act 1989 and its amendments.
<b>‘Limited access road’</b>	means sections of a STATE HIGHWAY that can only be accessed from crossing points authorised by the relevant ROAD controlling authority and any ROAD declared to be a LIMITED ACCESS ROAD under Section 88 of the Government Roading Powers Act 1989, Section 346A of the Local Government Act 1974, or the corresponding provisions of any former enactment.
<b>‘Liquid waste’</b>	means waste BY-PRODUCTS that are in a liquid state.
<b>‘Living area’</b>	means a HABITABLE ROOM that is a minimum area of 10m <sup>2</sup> in size or more in a DWELLING, excluding bedrooms.
<b>‘Lmax’</b>	means the highest (maximum) sound level for a defined measurement period.
<b>‘Loading’ or ‘load’</b>	means the fuelling, LOADING, and/or unloading of a vehicle.
<b>‘Loading space’</b>	means that portion of a SITE including BUILDINGS, used for LOADING vehicles and includes a LOADING dock.
<b>‘Local road’</b>	means any ROADS and SERVICE LANES in COUNCIL ownership, which are not defined as ‘MAJOR ARTERIAL ROADS’, ‘MINOR ARTERIAL ROADS’ or ‘COLLECTOR ROADS’. They are primarily designed for PROPERTY access, with a secondary through ROAD function. Refer to the definition of ROAD HIERARCHY for more information.
<b>‘Local shops’</b>	means an area providing a comparatively small cluster of convenience retail and other business opportunities to service a local community.
<b>‘Long Term Plan’ or ‘LTP’</b>	has the same meaning as in the Local Government Act 2002.
<b>‘Lot’</b>	has the same meaning as ‘ALLOTMENT’.
<b>‘Lot shape factor’</b>	means the minimum shape requirement of a LOT to ensure the shape of the LOT is suitable for use. For the avoidance of doubt, a BUILDING PLATFORM may or may not be over the same area as the LOT SHAPE FACTOR.
<b>‘Low impact urban design’</b>	means a design approach and range of structural techniques that can be applied to urban DEVELOPMENT and stormwater management, to provide an opportunity within a DEVELOPMENT to identify and recognise natural features; and integrate these into the design of the DEVELOPMENT in order to minimise environmental impacts, and enhance natural layout.
<b>‘Lux’</b>	means the unit of luminance.

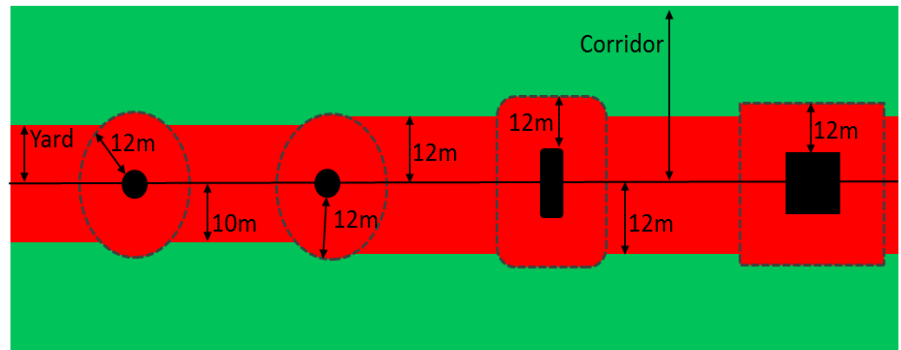
<b>‘Main living area’</b>	means the primary HABITABLE ROOMS in a DWELLING, excluding KITCHENS and bedrooms.
<b>‘Maintenance’</b>	<p>means in relation to HERITAGE ITEMS listed in Appendix N1 of this Plan:</p> <ul style="list-style-type: none"> <li>▪ Cleaning or washing with materials or techniques not detrimental to the HERITAGE FABRIC; and/or</li> <li>▪ The minor repair and/or general MAINTENANCE of materials by patching, piecing-in, splicing and consolidating existing materials and including minor replacement of minor components such as individual bricks, cut-stone, timber sections, tiles and slates where these have been damaged beyond reasonable repair or are missing. The replacement needs to be of the original or similar material, colour, texture, form and design as the original it replaces and the number of components replaced should be substantially less than the existing; and/or</li> <li>▪ Repairing and re-varnishing of surfaces. The application of other finishes provided that the materials used are similar to the existing or earlier finishes; and/or</li> <li>▪ Activities that have an insignificant effect on the HERITAGE FABRIC of the item, for example: <ul style="list-style-type: none"> <li>– hanging planter pots; and</li> <li>– the installation and refurbishment of services where the work does not affect significant fittings or features.</li> </ul> </li> </ul>
<b>‘Major arterial road’</b>	means those ROADS identified as a 'MAJOR ARTERIAL ROAD' within the definition of ROAD HIERARCHY.
<b>‘Manoeuvring area’</b>	means that part of a SITE used by vehicles to move between the VEHICLE CROSSING, and any PARKING SPACES or LOADING SPACES, and includes all DRIVEWAYS.
<b>‘Marae’ or ‘Pā’</b>	means an area of land set apart for the common use of TĀNGATA WHENUA of Waipā DISTRICT, and includes a complex of BUILDINGS such as wharenuī (meeting house), wharekai (dining hall), whārepaku (ablution block), papakāinga (housing); and/or other facilities generally associated with a MARAE or PĀ.
<b>‘Medical centre’</b>	means a planned arrangement of BUILDINGS or rooms for the use of a group of persons engaged in, or associated with, restoring or preserving human health and may include a PHARMACY, but does not include overnight facilities.
<b>‘Meteorological enclosures’</b>	means automatic air monitoring stations, automatic weather stations and ANCILLARY ACTIVITIES.
<b>‘Meteorological enclosures and buildings’</b>	means METEOROLOGICAL ENCLOSURES AND BUILDINGS including; automatic air monitoring stations, automatic weather stations and single anemometer masts provided that the anemometer mast does not exceed a HEIGHT of 10m, and VOLUNTARY OBSERVER SITES.

<b>‘Milk reception facilities’</b>	means a facility at a milk processing plant where raw milk is unloaded from tankers, tested, and stored, prior to further processing.
<b>‘Mineral’</b>	means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic MINERALS, non-metallic MINERALS, fuel MINERALS, precious stones, industrial rocks and BUILDING stones and a prescribed substance within the meaning of the Atomic Energy Act 1945.
<b>‘Mineral exploration and prospecting activities’</b>	<p>means any ACTIVITY (excluding blasting) undertaken for the purpose of:</p> <ul style="list-style-type: none"> <li>▪ Identifying land likely to contain exploitable MINERAL deposits or occurrences; and/or</li> <li>▪ Evaluating the feasibility of mining particular deposit or occurrences of one or more MINERAL.</li> </ul> <p>It includes any drilling, dredging or EXCAVATIONS (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a MINERAL deposit or occurrence; geological, geochemical and geophysical surveys; the taking of samples by hand or hand-held methods; and aerial surveys.</p> <p>‘to explore’ and ‘to prospect’ have a corresponding meaning.</p>
<b>‘Mineral extraction activities’</b>	<p>means extraction and processing activities including:</p> <ul style="list-style-type: none"> <li>▪ Blasting; and</li> <li>▪ Excavating rock and MINERALS; and</li> <li>▪ Processing rock and MINERALS by crushing, screening, washing, or blending them; and</li> <li>▪ ANCILLARY ACTIVITIES to rock and MINERAL processing; and</li> <li>▪ Storing, distributing and selling rock and MINERAL products; and</li> <li>▪ ANCILLARY land disturbance activities; and</li> <li>▪ Removing and depositing overburden; and</li> <li>▪ Treating stormwater and wastewater; and</li> <li>▪ LANDSCAPING and rehabilitation works including CLEANFILLING; and</li> <li>▪ Recycling or reusing aggregate from DEMOLITION waste such as concrete, masonry, or asphalt; and</li> <li>▪ ACCESSORY BUILDINGS and structures; and</li> <li>▪ ANCILLARY residential accommodation for caretaking and on-SITE security; and</li> <li>▪ SITE OFFICES.</li> </ul>
<b>‘Mineral extraction area’</b>	means an area identified on the Planning Maps for the purpose of indicating where MINERAL EXTRACTION ACTIVITIES occur or are planned to occur. See also QUARRY BUFFER AREA.

<b>‘Minor arterial road’</b>	means those ROADS identified as MINOR ARTERIAL ROAD within the definition of ROAD HIERARCHY.
<b>‘Minor pruning’</b>	means the removal of up to 10% of the foliage of a tree in any one calendar year, using recognised arboriculture practices.
<b>‘Mixed exotic forestry’</b>	<p>means the use of land, equipment and buildings for the purpose of growing a range of exotic tree species for wood and timber production including the preparation of land, planting trees, and the tending and harvesting of those trees. Typically MIXED EXOTIC FORESTRY comprises a range of species selected and arranged throughout each catchment:</p> <ul style="list-style-type: none"> <li>▪ In response to the site specific microclimate, soil, slope and aspect conditions; and</li> <li>▪ To avoid the perception of single species forestry character in views from the surrounding area.</li> </ul> <p>MIXED EXOTIC FORESTRY does not include single species exotic forestry with a border of a different exotic species.</p>
<b>‘MVA’</b>	means millions of volt amperes (which are units of electric power).
<b>‘Multi model transport system’</b>	means a transport system that contains and supports various modes (i.e. walking, cycling, automobile, public transport) and connections among modes, so each mode fulfils its optimal role in the overall transport system.
<b>‘Mystery Creek Event Day’</b>	refer to definition of ACTIVITY DAYS.
<b>‘National Grid’</b>	means the assets used or owned by Transpower NZ Limited.
<b>‘National Grid Sensitive Activities’</b>	means RESIDENTIAL ACTIVITIES, CHILDCARE AND PRESCHOOL FACILITIES, schools, RETIREMENT VILLAGE ACCOMMODATION and associated care facilities, REST HOMES, and HOSPITALS, being activities that are particularly sensitive to the NATIONAL GRID high voltage transmission LINES.
<b>‘National Grid Corridor’</b> <i>(refer National Grid diagram)</i>	<p>means the area measured either side of the centreline of above ground NATIONAL GRID line as follows:</p> <ul style="list-style-type: none"> <li>▪ 14m for the 110kV lines on single poles; and</li> <li>▪ 16m for the 110kV lines on pi poles; and</li> <li>▪ 32m for 110kV lines on towers; and</li> <li>▪ 37m for the 220kV transmission lines.</li> </ul> <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 (for example the Brownhill to Whakamaru North 400 kV LINE).</p>
<b>‘National Grid Yard’</b> <i>(shown in red on the National Grid diagram)</i>	<p>means:</p> <ul style="list-style-type: none"> <li>▪ The area located 12m in any direction from the outer edge of a NATIONAL GRID support structure; and</li> </ul>

- The area located 10m either side of the centreline of an overhead 100kV NATIONAL GRID line on single poles; and
- The area located 12m either side of the centreline of any overhead NATIONAL GRID line on pi poles or towers.

**NATIONAL GRID diagram**



**LEGEND**

Not to scale

- Centreline
- Single Pole
- ▬ Pi Pole
- Tower

**‘Natural hazard’**

means any atmospheric, earth, or water related occurrence (including earthquake, tsunami, erosion, volcanic and thermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding), the action of which affects or may affect human life, PROPERTY, or the ENVIRONMENT.

**‘Natural landscape’**

means the identified landscapes within the DISTRICT Plan and Planning Maps.

**‘Nature tourism’**

means tourism activities related to an identified natural feature or NATURAL LANDSCAPE involving experiencing natural places through outdoor and EDUCATION ACTIVITIES, ranging from active to passive, and including everything from bushwalking to adventure tourism experiences; and may include associated ANCILLARY ACTIVITIES and VISITOR ACCOMMODATION where this is part of the overall experience.

**‘Net lot area’**

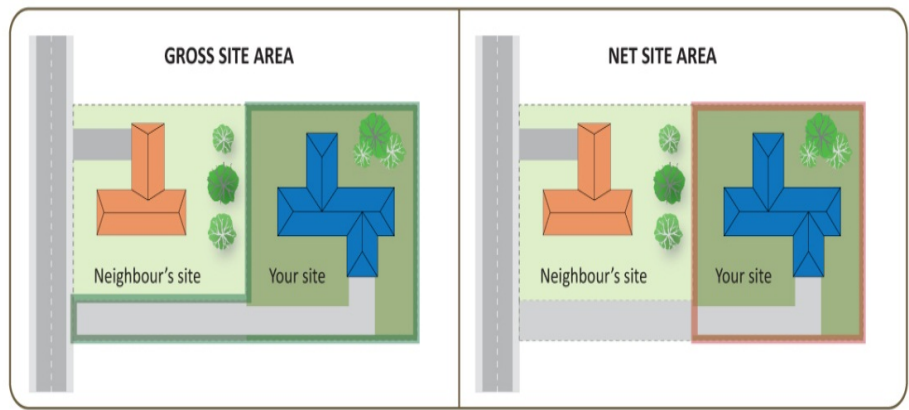
refer to definition of NET SITE AREA.

**‘Net site area’**

means the total area of the SITE as illustrated in the diagram and excludes:

- Any area of that SITE that is solely for the purpose of providing access to the SITE as illustrated in the diagram; and
- A DRIVEWAY owned in common with the owners of other SITES; and
- Any area in a cross-lease, company lease or unit title SUBDIVISION that is not covered by a DWELLING, the ACCESSORY BUILDINGS of that DWELLING, or other area set aside for the exclusive use of the occupants of that DWELLING.





**‘Neighbourhood reserve’**

means a residential reserve designed for use by local community.

**‘Network utility’**

means a NETWORK UTILITY operation undertaken by a NETWORK UTILITY operator and the term ‘NETWORK UTILITY operation’ shall have the same meaning as specified in Section 166 of the ACT.

**‘Network utility operator’**

has the same meaning as in the ACT, but excludes AMATEUR RADIO CONFIGURATION.

**‘No net loss principle’**

means no reasonable measurable overall reduction in the type, extent, long-term viability and functioning of indigenous biodiversity. When the term is applied in a policy context it has regard to the overall contribution of regulatory and non-regulatory methods contained in local indigenous biodiversity strategies. It does not create a no adverse effects regime.

**‘Noise sensitive activity’**

means the following:

- BUILDINGS used for RESIDENTIAL ACTIVITIES, including boarding establishments, homes for elderly persons, RETIREMENT VILLAGES, in-house aged care facilities, hotels and motels, and other BUILDINGS used for RESIDENTIAL accommodation but excluding camping grounds; and
- MARAE; and
- HOSPITALS; and
- Teaching areas and sleeping rooms in an EDUCATIONAL FACILITY.

Except that in the Airport Business Zone NOISE SENSITIVE ACTIVITIES mean those activities specifically listed and identified in the Rules, and in the Houchens Road Large Lot Residential Structure Plan Area NOISE SENSITIVE ACTIVITIES also include OFFICES.

**‘Non farming activity’**

means any activity that is not a FARMING ACTIVITY, INTENSIVE FARMING or a MINERAL EXTRACTION ACTIVITY or a RURAL BASED INDUSTRY.

**‘Notional boundary’**

means a line 20m from the most exposed external walls of a DWELLING or BUILDING used for accommodation; or the legal boundary of the SITE on which the DWELLING is located, where the boundary is closer than 20m to the DWELLING or BUILDING used for accommodation.

<b>‘Office’</b>	<p>means the use of a BUILDING for the purposes of administration, consultation, or management of business transactions and shall include:</p> <ul style="list-style-type: none"> <li>▪ Administrative OFFICES for the purposes of managing the affairs of an organisation, whether or not trading is conducted; and</li> <li>▪ COMMERCIAL OFFICES such as banks, insurance agents, or real estate agents where trade (other than for the immediate exchange of money for goods) is transacted; and</li> <li>▪ PROFESSIONAL OFFICES such as the OFFICES of accountants, solicitors, architects, engineers, surveyors, stockbrokers, and consultants where a professional service is available and carried out.</li> </ul>
<b>‘Outdoor education’</b>	<p>means education in the outdoors using the natural ENVIRONMENT, and direct experiences as part of a curriculum based learning programme.</p>
<b>‘Outdoor (extensive) pig farming’</b>	<p>means an area of a SITE where all pigs, boar, and piglets are contained within a paddock(s) with groundcover maintained.</p>
<b>‘Outdoor living area’</b>	<p>means an outdoor area on a SITE for the exclusive use of a DWELLING which excludes any OUTDOOR SERVICE AREA, OUTDOOR STORAGE area, DRIVEWAYS, MANOEUVRING AREA, PARKING SPACES, BUILDINGS, (except where the BUILDING is provided for as part of Rule 2.4.2.16).</p>
<b>‘Outdoor pursuits’</b>	<p>means moving across land by non-powered means for example biking, orienteering, tramping, and horse trekking.</p>
<b>‘Outdoor service area’</b>	<p>means an area on a SITE related to a DWELLING, that is typically paved for the storage of rubbish bins, recycling bins or containing a washing line. An OUTDOOR SERVICE AREA includes an OUTDOOR STORAGE area.</p>
<b>‘Outdoor storage’</b>	<p>means, in the case of residential SITES, a communal service area for rubbish storage, storage of firewood or BUILDING materials etc.</p>
<b>‘Packhouse’</b>	<p>means a BUILDING operated on a co-operative or commercial basis and used for the storage, packing, washing, inspecting and grading of eggs, fruit, vegetables or other (natural and unprocessed) primary produce brought to the PACKHOUSE from a range of SITES.</p>
<b>‘Packing shed’</b>	<p>means a BUILDING not exceeding 250m<sup>2</sup> in area that is used for the initial processing, storage and packing of eggs, fruit, vegetables or other primary produce grown on the SITE or HOLDING on which the BUILDING is located.</p>
<b>‘Papakāinga development’</b>	<p>means a comprehensive RESIDENTIAL DEVELOPMENT for TĀNGATA WHENUA residing in the Waipā DISTRICT to provide residential accommodation for members of the iwi or hapū group, and also includes communal BUILDINGS and facilities (e.g. whare hauora [health centre], whakangahau [recreation]).</p>
<b>‘Parking’</b>	<p>means the stopping or standing of any vehicle in approximately the same place, whether the driver is with the vehicle or not, whether the engine is running or not, and whether the vehicle is capable of moving under its own power or not.</p>

<b>‘Parking area’</b>	means that part of a SITE within which vehicle PARKING SPACES are provided, and includes all vehicle PARKING SPACES and MANOEUVRING AREAS.
<b>‘Parking space’</b>	means an area of land formed and set aside exclusively for the PARKING of vehicles.
<b>‘Passive recreational use’</b>	means those recreational pursuits which are of a passive nature including walking, cycling, horse riding, picnicking, swimming, fishing and activities of a similar nature. It includes any associated track or pathway DEVELOPMENT.
<b>‘Passive surveillance’</b>	means the casual observance of public and private areas by users or residents during the course of their normal activities.
<b>‘Peat soils’</b>	means those soils defined as organic soils in the New Zealand soil classification.
<b>‘Permeable’</b>	means capable of being entirely permeated by rainwater. Permeable surface shall include (but is not limited to) grass, soil, planting or similar such natural landscaping and wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck, but shall not include, pavers, gobi-blocks, grasscrete, gravel, wooden decks or metalled driveways or hard-surfaced materials or other similar materials.
<b>‘Pharmacy’</b>	means a shop where medicinal drugs are dispensed and sold, and in which toiletries and other medical goods can be purchased.
<b>‘Place of assembly’</b>	means any BUILDING and/or associated outdoor area used primarily for worship, recreation or deliberation and includes any church, church hall, COMMUNITY CENTRE/hall, funeral directors’ premises, clubrooms, gymnasium, pavilion, sports grounds, museum, indoor sports facility, COMMUNITY CENTRE, art gallery, and may include meeting and conference facilities.
<b>‘Planted indigenous forestry’</b>	means planting and management (including thinning) of INDIGENOUS timber trees or tree ferns, or areas specifically planted in INDIGENOUS vegetation for the purpose of harvesting or commercial use.
<b>‘Potable water supply’</b>	means drinking-water that does not contain or exhibit any determinant to an extent that exceeds its maximum acceptable value (MAV) more frequently than allowed when the water quality is measured as specified in the Drinking-water Standards New Zealand 2005 (Revised 2008).
<b>‘Poultry farming’</b>	means the commercial keeping, raising and breeding of poultry (fowls, ducks, geese, turkeys or similar domesticated birds).

<b>‘Pre development levels’</b>	means the amount of stormwater disposed beyond the boundaries of a SITE prior to any proposed DEVELOPMENT and/or SUBDIVISION. For the avoidance of doubt, the term has been adopted in the Plan to enable a generic baseline effects assessment to be performed, irrespective of the LAND USE or the condition of the land prior to DEVELOPMENT and/or SUBDIVISION.
<b>‘Primary mast’</b>	means either the primary structure that antennas, dishes, and aerials are fixed to; or an HF vertical antenna. The primary mast may be a guyed pole mast, a self-supporting pole mast, a guyed lattice mast or a self-supporting lattice mast.
<b>‘Primary storage device’</b>	means the main tank or other device for the storage of gas or liquids.
<b>‘Principal activity’</b>	means the predominant ACTIVITY on a SITE or HOLDING in terms of size, scale and/or the ACTIVITY being a primary function on the SITE or HOLDING, as distinct to an ANCILLARY ACTIVITY.
<b>‘Principal building’</b>	means the predominant BUILDING on a SITE in terms of size, scale and/or the ACTIVITY located within that BUILDING, being a primary function on the SITE, as distinct to an ANCILLARY BUILDING or ACTIVITY.
<b>‘Principal dwelling’</b>	means the main DWELLING on a SITE, and in the context of the DEVELOPMENT of a SECONDARY DWELLING, means the DWELLING to which the SECONDARY DWELLING is ANCILLARY.
<b>‘Prison’</b>	means a corrections PRISON, or police jail, established under the Corrections Act 2004.
<b>‘Private function’</b>	means any gathering for an exclusive group of people via invitation to carry out, celebrate, observe or mark an event. Examples include birthday, anniversary, wedding, retirement, commemoration, Christmas parties and training and education events.
<b>‘Professional office’</b>	refer to definition of OFFICE.
<b>‘Property’</b>	means ADJOINING land in the same ownership held in one or more certificates of title.
<b>‘Public place’</b>	means the parts of the DISTRICT that are accessible to the public without charge for anyone to use including ROADS, town squares, parks, and reserves.
<b>‘Public road’</b>	refer to definition of ROAD.
<b>‘Quarry buffer area’</b>	means an area identified on the Planning Maps associated with a MINERAL EXTRACTION AREA for the purpose of addressing reverse sensitivity issues associated with the operation of MINERAL EXTRACTION ACTIVITIES.
<b>‘Rear boundary’</b>	refer to definition of SITE.
<b>‘Rear site’</b>	refer to definition of SITE.

<b>‘Recreational activity’</b>	means any indoor or outdoor passive or active sports or games or recreational pursuits for participants and/or spectators, whether or not they are undertaken for profit or reward or for which no charge is made, and shall include such activities on or in water or land, or in the air.
<b>‘Recreational hunting’</b>	means non-commercial hunting where the hunter or hunters pursue their game for recreation as a pastime, without gaining pecuniary reward or gain from the hunting, or from the sale of any wild animal or part thereof. For the avoidance of doubt, RECREATIONAL HUNTING includes the use of SITE(S) by Gun Dog Clubs.
<b>‘Regionally significant infrastructure’</b>	includes: <ul style="list-style-type: none"> <li>▪ Pipelines for the distribution or transmission of natural or manufactured gas or petroleum; and/or</li> <li>▪ INFRASTRUCTURE required to permit telecommunication as defined in the Telecommunications Act 2001; and/or</li> <li>▪ Radio apparatus as defined in Section 2(1) of the Radio Communications Act 1989; and/or</li> <li>▪ The national electricity grid, as defined by the Electricity Industry Act 2010; and/or</li> <li>▪ Facilities for the generation of electricity that is fed into the NATIONAL GRID or a network (as defined in the Electricity Industry Act 2010); and/or</li> <li>▪ Significant transport corridors as defined in Map 6.1 and 6.1A of the and Regional Policy Statement; and/or</li> <li>▪ Life line utilities as defined in the Civil Defence and Emergency Management Act 2002; and/or</li> <li>▪ Flood and drainage INFRASTRUCTURE managed by Waikato Regional Council; and/or</li> <li>▪ Hamilton City bus terminal and Hamilton Railway Station terminus; and/or</li> <li>▪ Hamilton International Airport.</li> </ul>
<b>‘Relocatable’</b>	means a BUILDING (including foundations such as skids and/or jacks) that is not permanently placed or established on the SITE and is movable (i.e. able to be practicably moved to an alternative SITE within 10 working days from the start of such relocation ACTIVITY), by way of removal truck and/or crane; and that suitable access can be gained to the SITE to move the BUILDING to the satisfaction of COUNCIL.
<b>‘Relocatable farm workers dwellings’</b>	means any DWELLING unit that is designed and constructed to be moved in one or more prefabricated sections from one position to another and is not permanently attached to a SITE other than for the provision of services. The term does not include a caravan, recreational vehicle or similar.

<b>‘Relocated building’</b>	means any BUILDING that is removed from one SITE and relocated to another SITE (or another part of the same SITE) either in whole or in parts. It does not include any new BUILDING which is designed for or intended to be used on a SITE but which is erected off the SITE either in whole or in parts and transported to the SITE.
<b>‘Research establishment’</b>	means the use of land and/or BUILDINGS by people for the purpose of scientific research and research and DEVELOPMENT.
<b>‘Reserves contribution’</b>	means a FINANCIAL CONTRIBUTION for reserves, as defined in this Plan.
<b>‘Residential activity’</b>	<p>means the use of land and DWELLINGS and ACCESSORY BUILDINGS by people who form a single household for the purpose of permanent living accommodation where the majority of occupiers intend to live at the SITE for a period of one month or more of continuous occupation per annum, and will generally refer to the SITE as their home and permanent address; and activities that are ANCILLARY to the residential use of the SITE. For the avoidance of doubt, it includes the use of land and BUILDINGS for:</p> <ul style="list-style-type: none"> <li>▪ In the Rural Zone, RECREATIONAL HUNTING (including non residents of the SITE(S)); and</li> <li>▪ In all zones, emergency and refuge accommodation; and</li> <li>▪ In all zones, the use of land and/or BUILDINGS for supervised living accommodation and any associated caregivers.</li> </ul> <p>But excludes PRISONS.</p>
<b>‘Residential Based Visitor Accommodation’</b>	means the use of a DWELLING and directly associated SLEEP OUT for short stay residential visitor accommodation for a tariff when there may or may not be permanent residents staying overnight on the SITE. For the purposes of this definition short stay is where a booking does not exceed 3 months.
<b>‘Residential cluster development’</b>	means a group of DWELLINGS within the Rural Zone, that due to their proximity to each other, have the appearance of Large Lot Residential Zone housing, and therefore do not contribute to the more dispersed character of built form within the Rural Zone.
<b>‘Residential development’</b>	means DEVELOPMENTS for RESIDENTIAL ACTIVITIES on SITES less than 5,000m <sup>2</sup> except for large lot residential areas and all comprehensive DEVELOPMENTS such as RETIREMENT VILLAGES, which may occur on SITES greater than 5,000m <sup>2</sup> .
<b>‘Rest home’</b>	means BUILDINGS, services and facilities that provide residential based health care with on-SITE support to residents requiring nursing care or significant support with the activities of daily living. This may include respite care and REST HOME based HOSPITAL specialising in geriatric care, but excludes people who require nursing or hospice support in a DWELLING.

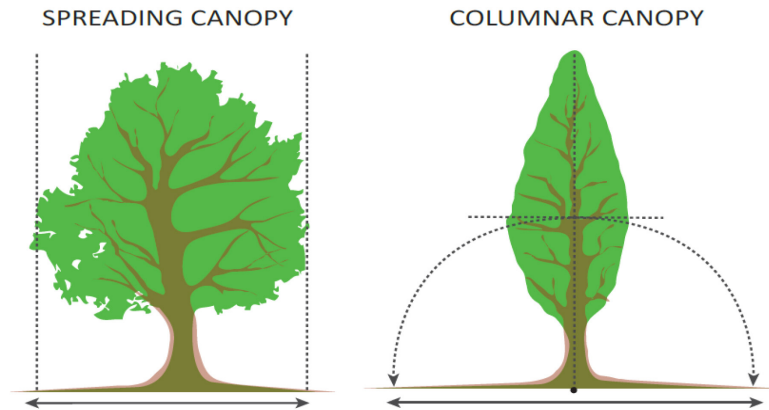
<b>‘Restaurant’</b>	means any land and/or BUILDINGS or part thereof, principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments is carried out on the premises. Such premises may be licensed under the Sale of Liquor Act 1989.
<b>‘Restaurant, cafes and other eating places’</b>	refer to the definitions of RESTAURANT, CAFÉ, and TAKEAWAY FOOD OUTLET.
<b>‘Retail activities’</b>	means land or BUILDINGS used for the display and/or sale of goods, but does not include ‘WHOLESALE SHOPS’.
<b>‘Retirement village accommodation and associated care facilities’</b>	<p>means a comprehensive RESIDENTIAL DEVELOPMENT that contains two or more DWELLINGS for the purpose of a RESIDENTIAL ACTIVITY for people in their retirement and may include:</p> <ul style="list-style-type: none"> <li>▪ BUILDINGS, services and facilities for the purpose of a RESIDENTIAL ACTIVITY and respite care that provide a continuum of care predominantly for the elderly and retired persons and includes REST HOMES, HOSPITALS, and palliative and dementia care facilities.</li> <li>▪ Associated ANCILLARY services and facilities such as recreation, welfare or medical facilities for residents.</li> </ul> <p>For the avoidance of doubt, the following are not RETIREMENT VILLAGE ACCOMMODATION and associated care facilities for the purposes of this Plan:</p> <ul style="list-style-type: none"> <li>▪ Owner-occupied DWELLINGS registered under the Unit Titles Act 2010; or</li> <li>▪ Owner-occupied cross lease DWELLINGS that in either case do not provide services or facilities to their occupants beyond those commonly provided for by: <ul style="list-style-type: none"> <li>– DWELLINGS that are not intended to provide accommodation predominantly for elderly people; or</li> <li>– DWELLINGS occupied under tenancies to which the Residential Tenancies Act 1986 applies.</li> </ul> </li> </ul>
<b>‘Reverse sensitivity’</b>	is the vulnerability of a lawfully established ACTIVITY to a new ACTIVITY or land use. It arises when a lawfully established ACTIVITY causes potential, actual or perceived adverse environmental effects on the new ACTIVITY, to a point where the new ACTIVITY may seek to restrict the operation or require mitigation of the effects of the established ACTIVITY.
<b>‘Ribbon development’</b>	means DWELLINGS located ADJACENT to ROADS within the Rural Zone, that due to their proximity to each other, have the appearance of Large Lot Residential Zone housing, and therefore do not contribute to the more dispersed character of built form within the Rural Zone.
<b>‘Ridgeline’</b>	means a geological feature that features a continuous elevational crest for some distance; provided that for the purposes of landscape assessments, this does not include the vegetation on the RIDGELINE.

<b>'Right of way'</b>	means a type of easement, which allows the owners of one PROPERTY to have vehicle and/or pedestrian access over a portion of another PROPERTY.
<b>'Riparian vegetation'</b>	means vegetation on land close to the banks of any WATER BODY which preserves the natural character of the WATER BODY and its margins.
<b>'River'</b>	has the same meaning as in the ACT.
<b>'Road'</b>	<p>means all land comprising formed and unformed ROADS as defined in Section 315(1) of the Local Government Act 1974 and the Government Roading Powers Act 1989:</p> <p><i>“road means the whole of any land which is within a district, and which—</i></p> <p><i>(a) immediately before the commencement of this Part was a road or street or public highway; or</i></p> <p><i>(b) immediately before the inclusion of any area in the district was a public highway within that area; or</i></p> <p><i>(c) is laid out by the council as a road or street after the commencement of this Part; or</i></p> <p><i>(d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or</i></p> <p><i>(e) is vested in the council as a road or street pursuant to any other enactment;—</i></p> <p><i>and includes—</i></p> <p><i>(f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:</i></p> <p><i>(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—</i></p> <p><i>but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989”</i></p>
<b>'Road boundary'</b>	means the boundary of a SITE fronting onto a ROAD, as illustrated in the diagram within the definition of SITE.
<b>'Road Corridor Services'</b>	<p>for the purposes of Section 18, Financial Contributions, ROAD CORRIDOR SERVICES means:</p> <ul style="list-style-type: none"> <li>▪ Any ACTIVITY intended to service the needs of expected pedestrian, rider or vehicular traffic in a ROAD, including construction, maintenance, network management, widening, renewal, reconstruction and upgrading; and</li> <li>▪ The permitted access and servicing to ADJACENT PROPERTY.</li> </ul>
<b>'Road hierarchy'</b>	means the tiered listing and utilisation of ROADS within the Waipā DISTRICT as set out in Appendix T5.
<b>'Road Noise Effects Area'</b>	means an area identified on the Planning Maps as a ROAD NOISE EFFECTS AREA.



**‘Root protection zone’**

means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at GROUND LEVEL from the surface of the trunk, with a radius to the outer most extent of the spread of the tree’s branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree. As demonstrated by the diagrams below.



**‘Rural activities’**

means activities that are typically associated with rural areas and:

- Depend on rural resources; or
- Require a rural location; or
- Predominantly serve residents in rural areas.

**‘Rural based industry’**

means an ACTIVITY that has a direct connection to or processes the output of land based activities involving animal, agriculture, forestry or horticultural crops, and includes (but is not limited to) rural transportation and agricultural contractors depots, and the preliminary packaging and processing of agricultural produce including PACKHOUSES and coolstores, stock saleyards, sawmills, grain silos and feedmills, meat and poultry processing, wineries and RURAL RESEARCH FACILITIES.

**‘Rural based industry in the Narrows Concept Plan Area’**

means an ACTIVITY that has a direct connection to or processes the output of land based activities involving agriculture, forestry or horticultural crops but excludes coolstores, stock saleyards, sawmills, grain silos and feedmills, meat and poultry processing, wineries and RURAL RESEARCH FACILITIES.

**‘Rural research facility’**

means a research facility concerned with agricultural production, farming or rural land management.

**‘Self contained’**

means a BUILDING or DWELLING that contains a KITCHEN and/or KITCHENETTE, a bathroom, a living area, and/or a bedroom; and is separated from any other SELF CONTAINED area by being in another BUILDING, or where within the same BUILDING, by a door, a wall or a garage.

**‘Secondary dwelling’**

means an independent DWELLING that is secondary to the PRINCIPAL DWELLING on the same SITE.

<b>‘Secondary flow path’</b>	means the path taken by runoff in excess of the primary design flow, which is capable of providing protection to the SURROUNDING ENVIRONMENT for a 1 in 50 year return period rain event.
<b>‘Sensitive location’</b>	means, for the purposes of TRANSFERABLE DEVELOPMENT RIGHTS, the locations outlined in Rule 15.4.2.38.
<b>‘Service lane’</b>	means land dedicated as SERVICE LANE for intermittent access to ADJACENT or ADJOINING properties in the Residential Zone, Commercial Zone or Industrial Zone.
<b>‘Service station’</b>	<p>means any SITE where the PRINCIPAL ACTIVITY is the retail sale of motor fuels and lubricating oils and includes:</p> <ul style="list-style-type: none"> <li>▪ The sale of kerosene, tyres, batteries and other accessories normally associated with motor vehicles; and/or</li> <li>▪ The cleaning of vehicles; and/or</li> <li>▪ Mechanical and electrical servicing and repair of vehicles and light machinery such as lawn mowers; and/or</li> <li>▪ ANCILLARY RETAIL; and/or</li> <li>▪ Trailer hire.</li> </ul> <p>But does not include panel beating, spray painting or heavy engineering such as engine reboring and crank shaft grinding.</p>
<b>‘Shelter belt’</b>	means a row of trees not more than four deep, planted for the purpose of providing wind shelter and screening.
<b>‘Show home’</b>	means any BUILDING designed to be used as a RESIDENTIAL ACTIVITY placed on temporary or permanent foundations for the purpose of the display or advertising of that home or that type of house.
<b>‘Side boundary’</b>	refer to the definition of SITE.
<b>‘Sign’</b>	<p>shall mean any name, figure, character, outline, spectacle, display, delineation, projection, blimp, billboard skin, poster, handbill, advertising device or appliance or any other thing of a similar nature to attract attention which is visible from PUBLIC PLACES and shall include:</p> <ul style="list-style-type: none"> <li>▪ All parts, portions, units and materials composing the same, together with the frame, background, structure and support or anchorage thereof, as the case may be and shall also include any of the foregoing things when displayed on a hoarding or painted on a BUILDING; and</li> <li>▪ 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.</li> </ul> <p>Provided that where a SIGN is painted directly onto a BUILDING (for the avoidance of doubt, this includes windows, walls and roofs), the SIGN size is considered to be that area of the SIGN enclosed by a line drawn around the perimeter of the lettering or design.</p>

**‘Significant Natural Areas’**

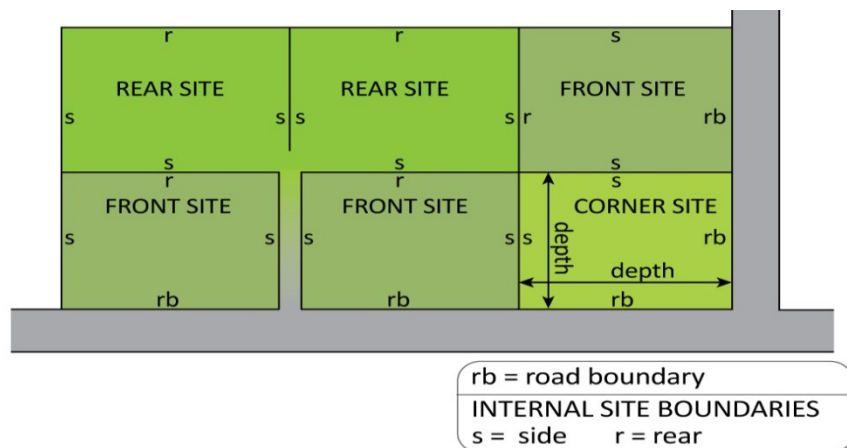
means areas that have been identified as significant INDIGENOUS vegetation or significant habitats of INDIGENOUS fauna, in order to recognise and provide for their protection pursuant to Section 6 of the Resource Management Act 1991, as indicated on the Planning Maps.

**‘Site’**

includes any CORNER SITE, FRONT SITE, REAR SITE or through SITE and means either:

- An area of land permitted by the DISTRICT Plan to be used as a separate unit for one or more specified or ascertainable uses and held in one single Certificate of Title, and includes all related BUILDINGS and curtilages; or
- An area of land which is held in two or more Certificates of Title where such titles are legally held together in such a way that they cannot be dealt with separately without the prior approval of COUNCIL or the titles consist of more than one ALLOTMENT and such ALLOTMENTS are held together in such a way that they cannot be dealt with separately without the prior approval of COUNCIL.

In the case of a cross lease – each area shown on the certificate of title as an exclusive use area.



**‘CORNER SITE’** means a SITE having a FRONTAGE of not less than 6m to each of two or more ROADS, if the angle within the SITE between two such minimum FRONTAGES is not greater than 135 degrees.

**‘FRONT SITE’** means a SITE having one FRONTAGE of not less than 6m to a ROAD and includes any ‘through SITE’.

**‘REAR SITE’** means a SITE which is situated generally to the rear of another and has access to a ROAD by means of an access leg, or which has a FRONTAGE to a ROAD of less than 6m.

**‘Site analysis statement’**

means a report and plans that describe the physical aspects of the BUILDING in relation to the defined built character and the relationship of the BUILDING with the existing context and character of the streetscape.

**‘Site area’**

refer to the definition of NET LOT AREA.

‘Site boundary’	means any boundary of a SITE and includes any REAR BOUNDARY, ROAD BOUNDARY, SIDE BOUNDARY or zone boundary which crosses within the SITE (refer to the definition of SITE for a diagram of SITE BOUNDARIES).
‘Site coverage’	refer to definition of COVERAGE.
‘Skyline’	has the same meaning as ‘RIDGELINE’.
‘Sleep out’	means an ACCESSORY BUILDING or part of an ACCESSORY BUILDING that has been fitted out for the purposes of being a bedroom. It may include a bathroom and a KITCHENETTE, but shall not contain a KITCHEN or vehicle access into the bedroom.
‘Sporting activity’	means land and BUILDINGS operated for sporting competitions and activities and includes related training activities and BUILDINGS.
‘Sports reserve’	means a reserve that is primarily designed and used for active sport and recreation within one geographic area, usually of a traditional team nature. The reserve may also provide for a range of COMMUNITY ACTIVITIES and facilities, and is also likely to be used for casual RECREATION ACTIVITIES such as child’s play, and walking by local residents.
‘State Highway’	has the same meaning as in the Land Transport Management Act 2003. For the purposes of this Plan, STATE HIGHWAYS are also a ‘MAJOR ARTERIAL ROAD’.
‘Strategic road’	means a ‘MAJOR ARTERIAL ROAD’ or ‘MINOR ARTERIAL ROAD’.
‘Structure plan’	is a framework to guide the DEVELOPMENT or redevelopment of a particular area by defining the future DEVELOPMENT and LAND USE patterns, areas of open space, the layout and nature of INFRASTRUCTURE (including transportation links), and other key features for managing the effects of DEVELOPMENT.
‘Studio unit’	means an apartment consisting of a single, multifunctional room which serves as a living room, dining room, and bedroom, contains a KITCHEN; and has a separate bathroom.
‘Subdivision’	has the same meaning as the definition in the Resource Management Act 1991, which means: <p style="margin-left: 40px;"><i>S218 RMA - Meaning of <b>subdivision of land</b></i></p> <p style="margin-left: 40px;"><i>(1) In this Act, the term <b>subdivision of land</b> means—</i></p> <p style="margin-left: 80px;"><i>(a) the division of an allotment—</i></p> <p style="margin-left: 120px;"><i>(i) by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or</i></p> <p style="margin-left: 120px;"><i>(ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or</i></p> <p style="margin-left: 120px;"><i>(iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or</i></p> <p style="margin-left: 120px;"><i>(iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or</i></p>

(v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or  
(b) an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226,—  
and the term **subdivide land** has a corresponding meaning.

<b>‘Subsidiary poles’</b>	means a pole that is subsidiary to the primary mast.
<b>‘Substation’</b>	means those parts of works or electrical installations, being a BUILDING, structure, casing or enclosure, incorporating fittings that are used for the purpose of the control of the distribution of electricity.
<b>‘Surroundings’</b>	means for the purpose of listed HERITAGE ITEMS, the land immediately SURROUNDING the listed item including any closely associated BUILDINGS, gardens, monuments and structures, but excluding any immediately ADJACENT open fields, provided that this definition shall not apply to the Residential Zone and Commercial Zone and where SURROUNDINGS have been specifically mapped and identified in Appendix N1. For those properties located in the Residential Zone and Commercial Zone the SURROUNDINGS shall be the SITE that the listed HERITAGE ITEM is located on. For those items where the SURROUNDINGS are identified and mapped in Appendix N1, SURROUNDINGS means the area identified as the SURROUNDINGS in that Appendix.
<b>‘Sustainable forest management or sustainable harvesting’</b>	means management of an area of INDIGENOUS forest in a way that maintains the ability of the forest to continue to provide a full range of products and amenities in perpetuity while retaining the forests natural values as approved under a SUSTAINABLE FOREST MANAGEMENT plan or permit.
<b>‘Takeaway food outlet’</b>	means a small retail outlet which sells food and drinks to consume away from the premise.
<b>‘Tāngata whenua’</b>	in relation to a particular area, means the iwi, or hapū, that hold mana whenua over that area.
<b>‘Tanker wash facilities’</b>	means a facility for the washing of tankers.
<b>‘Telecommunication line or Lines’</b>	means a wire or wires or a conductor of any other kind (including a fibre optic cable and associated drop lead cables) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding or protecting any such wire or conductor; and also includes any part of a LINE.
<b>‘Temporary construction building’</b>	means any BUILDING which meets the following criteria: <ul style="list-style-type: none"><li>▪ Is in place for a maximum of one year from the commencement of construction; and</li><li>▪ Includes temporary OFFICES, storage sheds, storage yards, builders' workshops and other similar BUILDINGS and uses which are required as incidental to a BUILDING or construction project; and</li></ul>

- Temporary ablution and storage sheds on SITES pending the ERECTION of a DWELLING.

<b>‘Temporary diesel generators’</b>	means the use of diesel fired generators during the duration of a natural disaster and or during outages of electricity supply.
<b>‘Temporary event’</b>	means an ACTIVITY involving people engaged in recreational, leisure or meetings or similar pursuits either as participants or spectators and includes sports events, public meetings, carnivals, concerts, craft or trade fairs, displays, and filming, but excludes CUSTOMARY ACTIVITIES.
<b>‘Temporary military training activity’</b>	means a TEMPORARY MILITARY TRAINING ACTIVITY undertaken for defence purposes in accordance with the Defence Act 1990.
<b>‘The Act’</b>	means the Resource Management Act 1991 and its amendments and ‘Resource Management Act’ shall have the same meaning.
<b>‘Tourism facilities’</b>	means land and/or BUILDINGS used for the commercial organisation and operation of activities that cater to tourists including those relating to features and attractions (e.g. scenic lookouts, reserves, waterfalls, national parks), and tourist establishments (e.g. information centres and visitor centres), but excludes VISITOR ACCOMMODATION.
<b>‘Town centre’</b>	means a consolidated area providing a wide range of business opportunities including convenience retail, comparison shopping, entertainment, civic and cultural uses, and located to service a significant local population, and provide pedestrian orientated main street DEVELOPMENT.
<b>‘Town Concept Plan’</b>	means a plan prepared by COUNCIL that guides the DEVELOPMENT of specified areas within the Waipā DISTRICT, being Cambridge, Te Awamutu & Kihikihi, Pirongia, and Ōhaupo.
<b>‘Trade suppliers’</b>	means a business engaging in sales whose products wholly consists of one or more of the following: <ul style="list-style-type: none"> <li>▪ Automotive or marine supplies; or</li> <li>▪ BUILDING supplies; or</li> <li>▪ Catering equipment; or</li> <li>▪ Farming and agricultural supplies; or</li> <li>▪ Garden and outdoor equipment; or</li> <li>▪ Hire services; or</li> <li>▪ Industrial supplies.</li> </ul>
<b>‘Traffic management plan’</b>	means a plan established to clearly direct and control the flow of traffic that has been interrupted as a result of an ACTIVITY, normally temporary in nature, whether it be a construction ACTIVITY or TEMPORARY EVENT. The plan determines the placement of barricades, warning lights, signs and/or alternative routes for the duration of the interruption to the roading network, with an overall aim of minimising the disturbance to the normal flow of that roading network.

**‘Transferable Development Right’**

means a legal right through SUBDIVISION consent for the creation of an LOT which is generated from one certificate of title (donor PROPERTY) and transferred to a receiving certificate of title (recipient PROPERTY). The donor and recipient properties shall be the subject of a single SUBDIVISION application.

**‘Transformer’**

means a device for reducing or increasing the voltage of a current.

**‘Upgrading’**

means in relation to the transmission and distribution of ELECTRIC LINES, involving an increase in the carrying capacity, efficiency or security of transmission ELECTRIC LINES and distribution ELECTRIC LINES and TELECOMMUNICATIONS LINES utilising the existing support structures or structures of a similar scale, intensity and character, and includes:

- The addition of circuits, conductors and TELECOMMUNICATIONS LINES provided that there shall be no more than two TELECOMMUNICATION LINES on any structure and the TELECOMMUNICATION LINE shall be placed not more than 600mm below existing LINES, provided that this requirement does not apply to drop lead cables from the distribution network to the customer.
- The addition of earthwires which may contain TELECOMMUNICATION LINES, earthpeaks and lightning rods.
- The addition of telecommunications devices.

For ELECTRIC LINES only:

- The reconducting of the line with higher capacity conductors; and
- The resagging of conductors; and
- The bonding of conductors; and
- The addition of electrical fittings; and
- The addition of longer or more efficient insulators; and
- The relocation or replacement of a pole with another pole providing that it is no more than 5m from the existing pole’s base position (measured horizontally); and
- The replacement of existing cross-arms with cross-arms of an alternative design; and
- An increase in support structure HEIGHT by not more than 15% of the base HEIGHT of the support structure, and where the base HEIGHT is defined as the HEIGHT of the structure at date of public notification of the Plan.

Provided that, UPGRADING shall not include an increase in the voltage of a high voltage transmission LINE unless the LINE was originally constructed at the high voltage but has been operating at a reduced voltage.

Advice Note: Please also refer to the requirements of the New Zealand Electrical Code of Practice 34:2001.

Advice Note: Activities that are permitted under the NES for Electricity Transmission include:

1. Operating existing transmission lines; and
2. Maintaining conductors (wires) and adding a limited number of conductors provided limits on electric and magnetic fields are not exceeded; and
3. Signs on transmission line support structures (within specified size limits); and
4. Strengthening, upgrading and replacing support structures and foundations.

**‘Unit site area’**

means a defined area of land associated with a DWELLING and comprises a contiguous area of land to which the following apply:

- The area is, or is proposed to be, associated with any DWELLING whether detached or attached and forming part of a DEVELOPMENT comprising of two or more DWELLINGS on a SITE; and
- The area is able to be subdivided as an ALLOTMENT in accordance with the provisions of this DISTRICT Plan and held under a separate freehold, a cross lease, a unit or a company lease title; and
- The area contains, or is capable of containing, the DWELLING together with its OUTDOOR LIVING AREA, service area, ACCESSORY BUILDINGS and vehicle PARKING and MANOEUVRING AREA; and
- The area includes any covenant area under a cross lease title, auxiliary unit under a unit title or license to occupy under a company lease title which is exclusive to the DWELLING but shall exclude any communal open space, communal PARKING or communal access or that part of any entrance strip.

**‘Urban areas’**

means all SITES located within the urban limits as shown on the Planning Maps.

**‘Urban activities’**

means activities, including DEVELOPMENT, which are expected to occur within URBAN AREAS such as RESIDENTIAL ACTIVITIES, COMMERCIAL ACTIVITIES and INDUSTRIAL ACTIVITIES.

**‘Utilities corridor’**

means a 2.1m wide corridor within the ROAD reserve and parallel to the ROAD BOUNDARY which accommodates the following services:

- Telecommunication; and
- Broadband; and
- Electricity; and
- Water supply reticulation pipes.

Advice Notes:

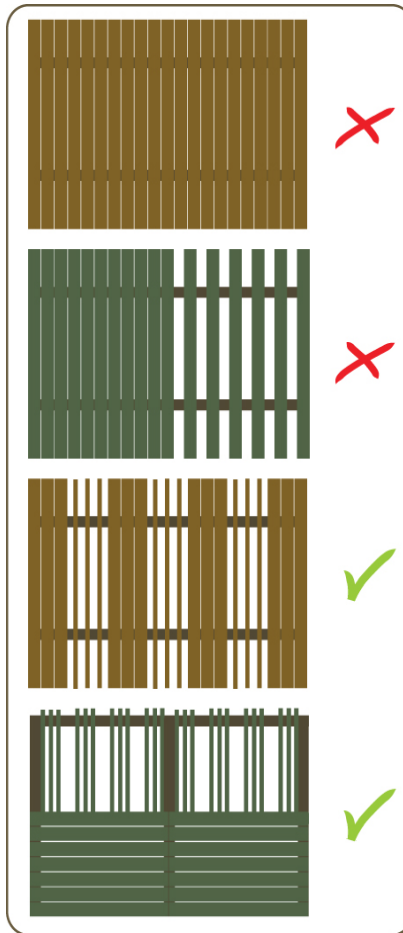
1. Refer to the Regional Infrastructure Technical Specifications for more detail.
2. Water supply reticulation may not be available in some Large Lot Residential Zones.

**‘Utility service’**

means the provision of electricity, street lighting, gas, telephone and telecommunication services or water supply to DISTRICTS and consumers and the provision of drainage systems for the removal of storm and foul water, and the provision of meteorological services and information, and includes at all LINES, wires, pipes, structures and associated works and equipment for those purposes.



<b>‘Utility structure’</b>	means any structure associated with a UTILITY SERVICE excluding the generation of matter or energy transmitted by the UTILITY SERVICE and includes any aerials, ANTENNAE and satellite dishes, ELECTRIC LINES and TELECOMMUNICATION LINES, TRANSFORMERS, SUBSTATIONS, compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths, and similar structures, whether for private or public purposes.
<b>‘Vehicle access’</b>	refer to the definition of DRIVEWAY.
<b>‘Vehicle crossing’</b>	means the formed and properly constructed vehicle entry/exit point from the CARRIAGEWAY of any ROAD up to and including that portion of the ROAD BOUNDARY of the SITE across which a vehicle entry or exit point is permitted by this Plan and includes any culvert, bridge or kerbing.
<b>‘Vehicle movement’</b>	means a single journey to or from a particular SITE by a person or persons in a motor vehicle. For example, a vehicle entering and leaving a SITE constitutes two VEHICLE MOVEMENTS.
<b>‘Vet clinic’</b>	means a premise where practitioners of veterinary medicine provide services.
<b>‘Visitor accommodation’</b>	means any land or BUILDINGS used as a residence on a temporary basis (for periods of up to three months occupation during any 12-month period) and includes motels, boarding-houses, hostels, hotels, holiday or tourist flats, and ANCILLARY reception areas and activities on the SITE. Provided that VISITOR ACCOMMODATION does not include activities defined in this Plan as RESIDENTIAL ACTIVITIES or RESIDENTIAL BASED VISITOR ACCOMMODATION or a HOME OCCUPATION (unless the number of overnight visitors exceeds the relevant zone criteria); and does not include camping or caravan SITES.
<b>‘Visual cluster’</b>	means a cluster of BUILDINGS within 50m proximity to each other on the same HOLDING.
<b>‘Visually permeable’</b>	means a wall, or fence that is: <ul style="list-style-type: none"> <li>▪ 1.2m in HEIGHT or less, or</li> <li>▪ Greater than 1.2m in HEIGHT and either: <ul style="list-style-type: none"> <li>– uses materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility; or</li> <li>– uses any materials for the lower half of the fence, wall or HEDGE, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility on the upper half.</li> </ul> </li> </ul> <p>Examples of acceptable and unacceptable solutions are illustrated below:</p>



- ‘Voluntary observer site’** means a SITE related to the voluntary collection of weather related data, for example rainfall, to be conveyed to a recognised data collection agency.
- ‘VOR Facility’** means Very High Frequency Omni Directional Radio Range facility.
- ‘Waikato River’** refer to the area identified as the WAIKATO RIVER in the Planning Maps.
- ‘Walkable catchment’** means within a 10 minute walking distance.
- ‘Warehouse’** means any BUILDING or land, where materials, articles or goods are stored pending sale or removal. Any WAREHOUSE shall be deemed to include only such OFFICES, showrooms and WHOLESALE SHOPS as are necessary for, incidental to, and part of the principal use of the SITE as a WAREHOUSE.
- ‘Wastewater treatment system’** means a system that treats effluent collected from domestic on-SITE WASTEWATER TREATMENT plants (including septic tanks, package plants, and trench or dripper irrigation fields) and public or private community WASTEWATER TREATMENT plants.
- ‘Water body’** means a WATER BODY, which is defined in the ACT as meaning 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, but excludes approved water bodies created for stormwater

retention.

**‘Wetland’**

means permanently or intermittently wet areas, shallow water and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

**‘Whole farm management plan’**

means a plan that outlines an integrated approach to addressing and managing activities and effects on a farm.

**‘Wholesale shop’**

means an area within a SITE used for INDUSTRIAL ACTIVITIES where goods are displayed for direct sale to the public. Provided that the total floor space used for such purposes, together with any outdoor display area, shall not exceed 10% of the total floor space of the associated industrial BUILDINGS on the SITE; and provided that the goods sold are manufactured on the SITE.

**‘Wintering barn’**

means a barn or shed used to house animals during winter.

**‘Woodlot forestry’ and  
‘Woodlot forests’**

means the use of land for the planting and tending of trees not exceeding 4ha in area per 40ha of land HOLDING that at a later date are to be harvested at a maximum of 4ha per year, and that are ANCILLARY and incidental to a larger FARMING ACTIVITY. WOODLOT FORESTRY can include SUSTAINABLE FOREST MANAGEMENT, CONTINUOUS COVER FORESTRY or PLANTED INDIGENOUS FORESTRY.

**‘Yard based suppliers’**

means any RETAIL ACTIVITY selling or hiring products for construction (including activities such as BUILDING supply outlets and garden supplies) where more than 50% of the display area is located in an uncovered YARD. Provided that, external car PARKING and MANOEUVRING AREAS are excluded from the YARD area for the purpose of this definition.