

Section 4:

DEFINITIONS

TABLE OF CONTENTS – SECTION 4

Act.....	6	Children’s Playgrounds	11
Access Leg (refer to definition of ‘Access Strip (Vehicle)’)	6	Cleanfill.....	11
Access Right.....	6	Clubrooms	12
Access Strip (Vehicle)	6	* Coastal Marine Area (refer s2 RMA).....	12
* Access Strip (Esplanade) (refer S2 RMA).....	6	Collector Road	12
Access Way (refer to definition of ‘Internal Access’)	6	Commercial Service.....	12
Accessory Building or Activity	6	Community Facility/Activity	12
Accessory Use.....	6	Community Housing.....	12
Additions	7	Comprehensive Residential Development	12
Administrative Activities	7	* Conditions (refer s2 RMA).....	13
Airstrip	7	* Controlled Activity (Activities) (refer s87A(2) RMA)	13
* Allotment/Lot (refer s218(2) RMA).....	7	Council/Council’s.....	13
All Weather Standard	7	Dairy	13
Alterations	7	Daylight Control/Daylighting.....	13
* Amenity / Amenity Values (refer s2 RMA)	8	Decibels (dB).....	14
Ancillary Retailing/Retail Outlet/Activity.....	8	Demolition	14
Animal Feedlot.....	8	* Designation (refer to s166 RMA).....	14
Areas of Significance to Maori.....	8	Development	14
Area Subject to Inundation	8	Development Standard(s) (refer to Zone Development Standard(s).....	14
Arterial Road	8	Discretionary Activity (refer s87A(4) RMA).....	14
* Best Practicable Option (refer s2 RMA).....	8	Domestic Effluent.....	14
* Biological Diversity (refer s2 RMA)	8	Drainage Works	15
Boarding, Breeding and Training of Animals (Facilities).....	9	Drip-line	15
Body of the Lot.....	9	Dwelling.....	15
*Building(s) (s8 & 9 Building Act 2004)	9	Earthworks	15
Business Activity	11	Ecological Sustainability	16
Certificate of Title.....	11	Education/Training Activities and Facilities	16
Child Care Facilities.....	11	Education (for the purpose of Ministry of Education designations).....	16

Section 4: Definitions

Effluent Disposal Area	16	Heritage Feature	22
Electricity Substation	16	Heritage Item.....	22
Emergency Services and Training Facilities ..	17	High Productive Capability.....	22
* Environment (refer s2 RMA)	17	Holding	22
* Excessive Noise (refer to s326 (1) & (2) RMA)	17	Home Occupation	22
* Exploration (refer s2 RMA)	17	Home/Farm Stay	22
Extractive Industry	18	Household Unit (refer to definition of 'Dwelling')	22
Factory/Intensive Outdoor Farming.....	18	Housing for the Elderly.....	22
Factory Shop	18	Indicative Road	23
Farming.....	18	Indigenous Vegetation	23
Farm Stay	18	Industrial Activity	23
Firearm Sports	18	Infill Development/Lot/Subdivision.....	23
Fittings	19	Intensive Outdoor Farming (refer to definition of 'Factory/Intensive Outdoor Farming')	23
Flood Protection Works	19	Intensive Pig Farming (refer to definition of 'Factory/Intensive Outdoor Farming')	23
Forestry.....	19	Internal Access.....	23
Formed Road.....	19	Invasive Weeds.....	23
Frontage.....	19	*Kaitiakitanga (refer s2 RMA)	23
Greenfield Development/Lot/Subdivision	19	kV	24
gfa = Gross Floor Area	19	Landfill	24
Ground Level	20	Landscaping	24
Habitable Room.....	20	Landscape Buffer Strip	24
Hauraki Ecological Corridor.....	20	Landscape Planting Strip	24
Hazard	20	* Lines	24
Hazardous Facility (Facilities)	20	Lot.....	25
* Hazardous Substances (refer s2 RMA).....	20	LA _{eq}	25
Health Care Services.....	21	Limited Access Road	25
Heavy Vehicle.....	21	LAF _{max}	25
Height.....	21	Loading Space	25
Helipad.....	21	Local Road	25
Helicopter Landing Areas	21	Land Use Capability Class (LUC).....	25
Heritage Area.....	22		

Management Activities	25	Passive Recreation Activities.....	30
*Mana Whenua (refer s2 RMA).....	26	* Permitted Activity (refer to s87A(1) RMA)	30
Manoeuvring/Turning Area	26	Permanent All Weather Surface	30
Maori Land	26	Ponding Area	30
Marae.....	26	Produce Market.....	30
Meteorological Activities	26	Produce Stall.....	31
Minor Works.....	26	* Prohibited Activity (refer s87A(6) RMA)	31
Mineral	26	Property.....	31
* Mining (refer s2 RMA).....	27	* Prospecting.....	31
Mining Operations	27	* Public Work(s) (refer s2 RMA)	31
Motor Sports	27	Regulatory Sign.....	32
Motorised Recreation (in relation to Surface of Water Activities).....	27	Relocatable	32
*Natural Hazard (refer s2 RMA)	27	Renewable Electricity Generation Activities ...	32
Net Floor Area	27	Residential Area	32
Net Lot Area.....	27	Residential Purposes or Activities	32
Net Site Area	28	Residential Property/Site	33
Network Utility.....	28	* Restricted Discretionary Activity (refer to s87A (3) RMA).....	33
* Network utility operator (refer s166 RMA) ...	28	Retail Activity.....	33
* Non-Complying Activity (refer to s87A(5) RMA).....	28	Riparian Margin.....	33
Non-Domestic Effluent Disposal	29	Riparian Vegetation.....	33
Notional Boundary	29	River Control Works.....	33
Offices.....	29	RMA.....	33
Official Sign.....	29	Road(s).....	34
Outdoor (Extensive) Pig Farming	29	* Rule (refer s43AA RMA).....	34
Outdoor Living Area.....	29	Rural Area	34
Outdoor Service Area.....	29	Rural Production Activities	34
Overland Flow Path	30	Sensitive Zone	34
Papakāinga Housing	30	Service Industrial Activity	34
Parking Lot/Parking Building	30	Service Station	34
Parking Space	30	Shared Environment Road	34
		Shelter Belt.....	35

Sign	35
Significant Natural Area	35
Site	35
Site Coverage	35
Sports Grounds.....	35
State Highway.....	35
* Structure (refer also to the definition of Building) (refer s2 RMA).....	35
* Subdivision (refer to s218(1) RMA)	35
Subject to Inundation (refer to definition of 'Area Subject to Inundation').....	36
Surface Mining.....	36
*Tangata Whenua (refer s2 RMA).....	36
Temporary Military Training.....	36
Temporary Uses and Buildings	36
*Tikanga Maori (refer s2 RMA).....	37
Title (refer to definition of 'Certificate of Title').....	37
Tourist Facility Sign	37
Turning Area (refer to definition of 'Manoeuvring/Turning Area').....	37
Underground Mining	37
Urban Area	37
Visitor Accommodation.....	37
Warehouse	37
Wind Farm	38
*Working Day(s) (refer s2 RMA)	38
Yard	38
Youth Play Areas	38
Zone(s).....	38
Zone Coverage	39
Zone Development Standard(s)	39

Notes:

- (1) Where terms are defined in NZ government legislation, and are relied upon for the purpose of rule interpretations of this district plan, these terms are marked with an * and are quoted for information purposes only. Users should refer to the latest version of the relevant legislation.
- (2) Where a definition is quoted from the RMA, and that definition refers to a definition in other legislation, or where a definition is quoted from another statutory document, the definition is provided within [square brackets].
- (3) All other terms have been developed specifically for the purpose of this Plan.

Act

Means the Resource Management Act 1991 and Regulations, and includes any amendments thereto.

Access Leg (refer to definition of 'Access Strip (Vehicle)') (168.17)

Access Right

Means the area of land over which the land controlling authority has granted access.

Access Strip (Vehicle)

Means in relation to a rear site that strip of land extending from the street frontage to that site, of minimum specified width and for the permanent and legal use of that site for ingress and egress only. (168.17)

* **Access Strip (Esplanade)** (refer S2 RMA)

Means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 to that Act).

Access Way (refer to definition of 'Internal Access')

Accessory Building or Activity (168.18)

Means a building or part of a building or an activity which is incidental to any other building or activity on the same site.

Accessory Use

Means any accompanying use of land which is incidental to that of the principal building, or activity on the same site.

Additions

Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) any external extension to a structure or building that increases its size and volume and includes the attachment of structures such as canopies, verandahs, pergolas and balustrades. It does not include *minor works* as defined elsewhere.

Administrative Activities

Means the activity of administration associated with business, Central and Local Government, Community organisations and private groups.

Airstrip

Means an area or place set aside for the take off or landing of light aircraft for commercial or recreational activities, other than for private domestic use by the owners and occupiers of the holding on which the airstrip is sited, and approved for such purposes in terms of the current Civil Aviation Regulations.

Such an airstrip shall not be used for any other aircraft purposes. (87.1)

*** Allotment/Lot (refer s218(2) RMA)**

Means –

- (a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
 - (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- (b) any parcel of land or building or part of a building that is shown or identified separately—
 - (i) on a survey plan; or
 - (ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
- (c) any unit on a unit plan; or
- (d) any parcel of land not subject to the Land Transfer Act 1952.

All Weather Standard

Means a pavement which is trafficable under all weather conditions, and includes metalled and sealed surfaces.

See also 'Permanent All Weather Standard'.

Alterations

Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1) any change to the fabric or characteristics of a structure or building and includes the removal and replacement of external walls, windows, ceilings, floors, roofs, verandahs, parapets, balustrades, abutments and supports. It does not include *minor works* as defined elsewhere.

*** Amenity / Amenity Values** (refer s2 RMA)

Means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Ancillary Retailing/Retail Outlet/Activity

A shop ancillary to an activity (by rule or consent) selling items manufactured, repaired, produced, processed or grown on the same site.

Animal Feedlot

Means a standing area covered or uncovered for the purpose of intensively feeding animals. It does not include the concentrated but temporary wintering of stock normally present on the holding. (87.2)

Areas of Significance to Maori

Means areas of significance to Maori, including iwi, hapu and whanau, and which may contain an inter-related group of heritage features or archaeological sites of significance to Maori and includes any Areas of Significance to Maori within the Schedule of Historic Heritage Inventory in Section 6.1 of the District Plan.

Area Subject to Inundation

Means low lying parts of a property which may be subject to intermittent/temporary inundation at times of severe weather events (87.3)

Arterial Road

Means roads shown on Planning Map L1, in which the movement of traffic is the dominant function of the road. Arterials include the main direct non state highway link roads between the urban centres of the District, and the main link roads within the urban centres, but this function does not preclude providing property frontage to a road in appropriate circumstances.

*** Best Practicable Option** (refer s2 RMA)

Means in relation to a discharge of a contaminant or an emission of noise, the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

- (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and
- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied.

*** Biological Diversity** (refer s2 RMA)

Means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.

Boarding, Breeding and Training of Animals (Facilities)

Means any land or *building* where board and lodging, breeding and training is provided or intended to be provided for more than five animals (excluding off spring up to 3 months of age, and livestock farming), or where shelter is provided for five or more stray or unwanted animals. This does not include dog kennels, calf rearing sheds, stables and similar shelters for private farming uses.

Body of the Lot

Means for the purpose of the Vehicle Access and Crossings Standards (Rule 8.4.3.3) a point to/or immediately within the *residential area* of the lot that is not impeded by terrain or a water course restriction for the purpose of providing a vehicle access.

*Building(s) (93.15)(191.15)(93.159)(191.159)(s8 & 9 Building Act 2004)

[Building: what it means and includes

- (1) In this Act, unless the context otherwise requires, **building**—
 - (a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and
 - (b) includes—
 - (i) a mechanical, electrical, or other system; and
 - (ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and
 - (iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis; and
 - (iv) a mast pole or a telecommunication aerial that is on, or forms part of, a building and that is more than 7 m in height above the point of its attachment or base support (except a dish aerial that is less than 2 m wide); and
 - (c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and
 - (d) includes the non-moving parts of a cable car attached to or servicing a building; and
 - (e) after 30 March 2008, includes the moving parts of a cable car attached to or servicing a building.
- (2) Subsection (1)(b)(i) only applies if—
 - (a) the mechanical, electrical, or other system is attached to the structure referred to in subsection (1)(a); and
 - (b) the system—
 - (i) is required by the building code; or
 - (ii) if installed, is required to comply with the building code.
- (3) Subsection (1)(c) only applies in relation to—
 - (a) subpart 2 of Part 2; and

- (b) a building consent; and
 - (c) a code compliance certificate; and
 - (d) a compliance schedule.
- (4) This section is subject to section 9.

Building: what it does not include

In this Act, **building** does not include—

- (a) a NUO {Network Utility Operation} system, or part of a NUO system, that—
 - (i) is external to the building; and
 - (ii) is connected to, or is intended to be connected to, the building to provide for the successful functioning of the NUO system in accordance with the system's intended design and purpose; and
 - (iii) is not a mast pole or a telecommunication aerial that is on, or forms part of, a building; or
- (ab) a pylon, free-standing communication tower, power pole, or telephone pole that is a NUO system or part of a NUO system; or
- (b) cranes (including any cranes as defined in regulations made under the Health and Safety in Employment Act 1992); or
- (c) any of the following, whether or not incorporated within another structure:
 - (i) ski tows;
 - (ii) other similar stand-alone machinery systems; or
- (d) any description of vessel, boat, ferry, or craft used in navigation—
 - (i) whether or not it has a means of propulsion; and
 - (ii) regardless of what that means of propulsion is; or
- (e) aircraft (including any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth); or
- (f) any offshore installation (as defined in section 222 of the Maritime Transport Act 1994) to be used for petroleum mining; or
- (g) containers as defined in section 2(1) of the Hazardous Substances and New Organisms Act 1996; or
- (h) magazines as defined in section 222 of the Hazardous Substances and New Organisms Act 1996; or
 - (i) scaffolding used in the course of the construction process; or
 - (ii) falsework.]

(Note: For the avoidance of doubt the above definition of 'building' includes eaves, chimneys, aerials, satellite or telecommunication dishes, masts and *structures*).

Business Activity

Means the activity of conducting business, and also includes *Service Industrial Activities, Education/Training Activities and Facilities, Health Care Services, and Visitor Accommodation.*

Certificate of Title

Means Certificate of Title in terms of the Land Transfer Act 1952, including:

- (a) A composite Certificate of Title for tenancy-in-common and leasehold estate;
- (b) 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.
- (c) A Certificate of Title for a stratum estate in terms of the Unit Titles Act 1972.

Child Care Facilities

Means a facility for the care and/or education of children, and shall include, but is not limited to, a crèche, day care centre, kindergarten, kohanga reo, play centre and private school. There shall be no provision for overnight accommodation.

Note: Where child care facilities are permitted or controlled activities, there is a limit to the number of children. This limit is given in the list of permitted or controlled activities for the zone.

Children's Playgrounds

Means play areas for children and may contain play equipment such as swings, slides and other agility equipment suited to children

Cleanfill

Means fill consisting of any of the following material:

- Uncontaminated soil and/or sand
- Uncontaminated clay
- Uncontaminated gravel and or/rock
- Uncontaminated brick and rubble
- General demolition material that is not contaminated by substances subject to biological, chemical and/or physical breakdown.

Material excluded from cleanfill, include the following:

- Asphalt, asphaltic concrete and tarseal
- Sawdust or bark
- Combustible matter
- Organic matter including timber, trees and/or garden trimmings
- Sludges
- Contaminated soil
- Domestic, industrial and commercial waste
- Hazardous waste

- **Medical or clinical waste.** (87.6)

Clubrooms

Means premises used by a club for social activities and can be in association with a recreation activity (see *Community Facility/Activity*).

*** Coastal Marine Area** (refer s2 RMA)

Means the foreshore, seabed, and coastal water, and the air space above the water –

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

Collector Road

Means roads and streets shown on Planning Maps L1, L2 and L3, in which the movement of traffic is the dominant function of the road or street. Collector Roads have a function which is a combination of moving traffic and providing property frontage to a road.

Commercial Service

Means the provision of goods, services and traveller's accommodation principally for commercial gain, including camping grounds, caravan/trailer home parks, a depot for the maintenance, repair and storage of vehicles, machinery, equipment and materials and the storage and use of hazardous substances but does not include stalls or produce markets.

Community Facility/Activity

Means land or buildings which are used in whole or in part for the assembly of persons for such purposes as deliberation, or social entertainment or similar purposes and includes such buildings used for clubrooms, arts and cultural community purposes, cinemas, theatres, conference rooms, churches, marae, and meeting rooms, but does not include a chartered club or building designed principally for indoor recreation.

Community Housing

Means a building(s) in which board, lodging or live in health (mental, social and physical) support is provided. This includes a nursing home for the elderly, boarding houses, emergency housing, refuge centres, hospices, housing for the physically and mentally challenged, and ancillary facilities for the exclusive use of the residents such as medical and nursing care, recreation and leisure, communal dining or other communal facilities.

Comprehensive Residential Development

Means a residential development, including shared accommodation, apartment buildings and individual dwellings, and includes open space, shared internal access, and ancillary facilities for the exclusive use

of the residents such as medical and nursing care, recreation and leisure, communal dining or other communal facilities. Comprehensive Residential Developments include *community housing*, housing for the elderly, retirement villages, housing for the physically and mentally challenged but does not include camping grounds or motor camps.

*** Conditions** (refer s2 RMA)

Means in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

*** Controlled Activity (Activities)** (refer s87A(2) RMA)

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a controlled activity, a resource consent is required for the activity and—

- (a) the consent authority must grant a resource consent (except if section 106 applies); and
- (b) the consent authority's power to impose conditions on the resource consent is restricted to the matters over which control is reserved (whether in its plan or proposed plan, a national environmental standard, or otherwise); and
- (c) the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Council/Council's

Means Hauraki District Council or any committee, sub-committee or person to whom the Council's powers, duties and discretion under the provisions of the RMA or this plan has been delegated pursuant to the provisions of the RMA or the Local Government Act 2002.

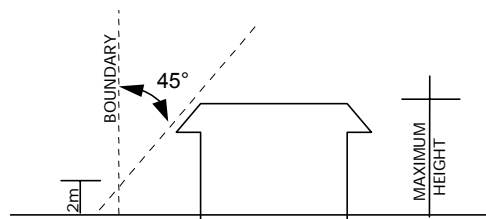
Dairy

Means the use of a building for the sale of primarily day to day convenience food requirements and associated household items. Excludes any retail activity involving food cooked, fried or baked on the premises.

Daylight Control/Daylighting

Means a building envelop created from a line commencing 2 metres vertically above each relevant boundary and projecting into the site or zone at a 45° angle up to the maximum permitted height.

For the purpose of the daylight control the holding, site or property boundary or zone boundary shall be the lot boundary, or the centreline of an adjoining internal access or drainage reserve. Spouting and guttering is not considered part of the building unless it incorporates the barge board.



Decibels (dB)

The term used to identify 10 times the logarithm to the base 10 of the ratio of two like quantities proportional to intensity, power or energy. Noise levels are measured in decibels. A doubling of the sound energy (eg two lawn mowers rather than one) increases the sound level by 3dB. But a 3dB increase in sound levels is only just noticeable, 5 dB is clearly noticeable and 10 dB is typically described as a doubling of loudness.

Demolition

Means (for heritage items listed in the Schedule of Historic Heritage Inventory in Section 6.1). the destruction in part or whole of a structure or the façade of the building including walls, windows, doors, ceilings, roofs and finials. It does not include *minor works*, *alterations* and *additions* as defined elsewhere.

*** Designation** (refer to s166 RMA)

Means a provision made in a district plan to give effect to a requirement made by a requiring authority under section 168 or section 168A or clause 4 of Schedule 1.

Development

Means development or redevelopment (other than subdivision) by:

- (a) Constructing, erecting or altering any one or more buildings or other works for the purpose of providing household units; or
- (b) Constructing, erecting or altering any one or more building, fixed plant and machinery, or other works intended to be used solely or principally for administrative, commercial, rural community, recreation, mineral extraction or industrial purposes or any combination of those purposes.

Development Standard(s) (refer to Zone Development Standard(s))

Discretionary Activity (refer s87A(4) RMA)

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a discretionary activity, a resource consent is required for the activity and—

- (a) the consent authority may decline the consent or grant the consent with or without conditions; and
- (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Domestic Effluent

Has the same meaning as ‘domestic sewage’ as defined in the HDC Consolidated Bylaw – Part 4 (Trade Waste & Waste Water) adopted on 30 January 2008; which is:

[“foul water (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids or gases that may not lawfully be discharged into the sewerage system and may include geothermal water.”]

For the purpose of this definition 'foul water' is defined in the above Bylaw as:

["means the discharge from:

- (a) any sanitary fixtures (any fixture which is intended to be used for sanitation – the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effects on health is minimised, with regard to dirt and infection); or
- (b) any sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture – included are machines for washing dishes and clothes)."]

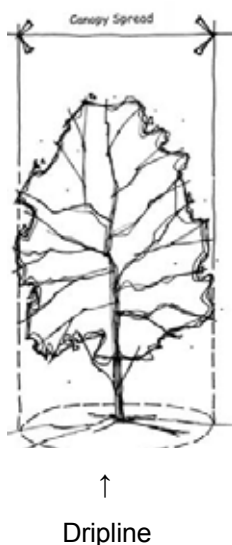
(see also definition of 'non domestic effluent')

Drainage Works

Means the maintenance and development of drains. It is held to include drains, pipes, culverts, pumps, etc associated with land drainage and stormwater management, but does not include river control works such as stopbanks, floodgates and other control structures.

Drip-line

Means the ground beneath the canopy spread of the tree.



Dwelling (36.3)(90.1)(86.2)(168.20)(141.1)

Means a building or part thereof designed and used principally as a self-contained residence for persons who normally permanently reside or are employed on the *holding*, within which there is one, and only one kitchen.

Earthworks (168.21)(93.7)(191.7)(104.6)(67.10)(175.10)(178.10)(179.10)(186.48)(191.171)(193.6)

Means excavation and/or placement of *cleanfill* to change the contour or level of a site or part of a site.

The following shall not be included within the meaning of earthworks:

- (a) Earthworks that have been specifically approved as part of a subdivision or land use consent

- (b) Excavations for service connections, effluent disposal systems, swimming pools, drain construction and maintenance
- (c) Land preparation (87.7) activities associated with farming and forestry (see definitions of Farming and Forestry).
- (d) Formation and maintenance of carparking areas, walkways and cycleways
- (e) Turf preparation and maintenance for recreation use.
- (f) Road, driveway and access construction with a gradient $\leq 1:8$.
- (g) Exploration and Prospecting (see definitions for these activities)
- (h) *Drainage Works and River Control Works*

Note: A regional consent may be required for earthworks including the exclusions listed in this definition.

Ecological Sustainability

Means a site's ability to continue to exist as an area of indigenous vegetation or habitat for indigenous fauna when taking into account its size, shape, buffering from external effects, connection to other natural areas, and likely threats. It may change naturally into a different habitat but will remain essentially **compromised** of indigenous species and of natural character. (183.41)

Education/Training Activities and Facilities

Means land and/or buildings and associated amenities used for the purposes of education, learning and training. It includes childcare facilities, schools, tertiary institutions, kokiri centres, outdoor education centres and sport training establishments and facilities delivering educational services to special groups such as unemployed, youth, elderly, physically impaired or other special needs.

Education (for the purpose of Ministry of Education designations)

Includes the provision of infrastructure and/or training and may include such uses as early childhood education services, schools, community education, tertiary educational institutions, work skills training centres, outdoor education centres, sports training establishments and out of school care services and includes their ancillary administrative and support facilities (including cultural, recreational, communal or accommodation).

Effluent Disposal Area

Means a continuous area of land, which in its entirety is suitable for normal domestic drainage purposes. It can include all yards and area to be used for residential activities, but excludes any area located within any identified hazard areas, or internal access. (168.22)

Electricity Substation

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.

Emergency Services and Training Facilities

Means those facilities or authorities which are responsible for the safety and physical welfare of people or property in the community and includes fire stations, ambulance stations, police stations, surf life saving and coastguard facilities which includes storage and surveillance buildings or structures (excluding clubrooms). This may include ancillary accommodation in relation to these activities within or attached to the principle building.

* **Environment** (refer s2 RMA)

* Environment includes:

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

* **Excessive Noise** (refer to s326 (1) & (2) RMA)

Means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—

- (a) aircraft being operated during, or immediately before or after, flight; or
- (b) vehicle being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or
- (c) train, other than when being tested (when stationary), maintained, loaded, or unloaded.

Without limiting the above, *excessive noise*—

- (a) includes noise that exceeds a standard for noise prescribed by a national environmental standard; and
- (b) may include noise emitted by—
 - (i) a musical instrument; or
 - (ii) an electrical appliance; or
 - (iii) a machine, however powered; or
 - (iv) a person or group of persons; or
 - (v) an explosion or vibration.

* **Exploration** (refer s2 RMA)

Has the same meaning as in Section 2 of the Crown Minerals Act 1991.

[Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably

necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.]

Extractive Industry

Means prospecting, exploration and mining. (104.7)(93.8)(191.8)(191.172)

Factory/Intensive Outdoor Farming (168.23)(87.9)

Means the production of animals or mushrooms which is not dependant on the fertility of the soils on which it is located and/or where the stocking intensity is beyond the productive capacity of the land over which it is carried out and/or precludes the maintenance of pasture or ground cover. Intensive pig farming shall be considered to be intensive outdoor farming when pigs are stocked at an intensity greater than 1 pig per 1/10th of a hectare.

This definition does not include the keeping or breeding of animals or any of the above activities where carried out on a domestic scale as an accessory use where it is clearly incidental to the use of the property as a whole. Except that, the keeping of no more than 4 pigs on a site and/or 25 head of poultry shall be deemed to be of a domestic scale.

Factory Shop

Means a retail shop on the same site and ancillary to a permitted industrial use selling only items manufactured, processed, repaired or serviced on the site, or items reasonably associated with the principal use such as parts and accessories.

Farming (87.10)(87.17)(87.18)

Means any type of farming being a land based activity having as its primary purpose the commercial production of any livestock (where the groundcover is maintained) or vegetative matter outdoors, relying on the productive capacity of the soil, and includes:

- activities associated with land preparation (eg hump/hollow, tracks, pits);
- land drainage;
- the use of buildings for purposes accessory to farming; and
- bee keeping;
- *Outdoor (Extensive) pig farming*

but does not include land re-contouring, *factory/ intensive outdoor farming or forestry.*

Farm Stay

See definition of Home/Farm Stay.

Firearm Sports

Means recreational activities which involve the discharge of firearms, such as hunting, pistol and rifle shooting.

Fittings

Means everything used or designed or intended for use in or in connection with the conversion, conveyance or use of electricity.

Flood Protection Works

Means the floodways and stopbanks which form part of the Waihou and Piako flood protection schemes and along the Firth of Thames foreshore.

Forestry (87.11)(193.7)

Means the planting and growing of trees and is an integrated land use including land preparation, roading, tree planting, maintenance (ie thinning, pruning, noxious weed and animal control) and harvesting of trees for commercial purposes, soil conservation, regulation of water runoff and aesthetic or scientific purposes and includes the use of buildings for purposes accessory to this land use but not the establishment and/or use of permanent sawmills and other methods of timber processing. It includes woodlots, shelter belts and the like.

Formed Road

Means a road with a carriageway constructed to an all weather standard with a minimum carriageway width of 3 metres.

Frontage

Means 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 any right of way.

Greenfield Development/Lot/Subdivision

Means new development or subdivision in the Residential Zone where the parent net lot area is greater than 5,000m² and/or includes any land within areas defined as being subject to Structure Plans on the Planning Maps. (168.24)

gfa = Gross Floor Area

Means the sum of the gross floor area of all floors of all buildings on a site measured from the exterior faces of the exterior walls or from the centrelines of walls separating two buildings.

In particular, gross floor area shall:

- (a) Include:
 - (i) Elevator shafts, stairwells and lobbies at each floor.
 - (ii) Mezzanine floors and balconies.
- (b) Exclude:
 - (i) Any provided carparking, loading and servicing areas and access thereto.
 - (ii) Building service rooms containing equipment such as lift machinery, tanks, airconditioning and heating plants.

Ground Level

Means:

- (a) Where land has been subdivided under the Resource Management Act 1991 or Local Government Act 1974, the finished surface of the ground following all approved works associated with the most recently completed subdivision of the land but excluding changes to the surface of the ground as a result of earthworks associated with building activity where such building activity is permitted or has been approved by resource consent.
- (b) In all other cases, the surface of the ground prior to any earthworks on the site.

For the purposes of this definition:

- Completed subdivision means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued.
- Ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known history

Habitable Room

Means any room in a dwelling/household unit, visitor accommodation, housing for the elderly facility used for activities normally associated with domestic living apart from those used solely for the purpose of an entrance, passageway, toilet, bathroom, laundry, garage, storeroom or other space of a specialised nature occupied neither frequently nor for extended periods.

Hauraki Ecological Corridor

Means the vegetative link that provides for flora and fauna to pass between the Coromandel and Kaimai-Mamaku Forest Parks in the vicinity of the Karangahake Gorge.

Hazard (87.12)

In relation to hazardous substances, means any intrinsic property of a substance which makes it capable of causing adverse effects to people, the environment or property.

Hazardous Facility (Facilities) (87.13)(93.8)(191.8)

Means all activities involving hazardous substances and sites (including vehicles for their transport) at which these substances are used, stored, handled or disposed of.

It does not include:

- the incidental use and storage of hazardous and environmentally damaging substances in minimal domestic scale quantities.

* Hazardous Substances (refer s2 RMA)

Includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

[Hazardous substance means, unless expressly provided otherwise by regulations, any substance—

- (a) With one or more of the following intrinsic properties:
- (i) Explosiveness:
 - (ii) Flammability:
 - (iii) A capacity to oxidise:
 - (iv) Corrosiveness:
 - (v) Toxicity (including chronic toxicity):
 - (vi) Ecotoxicity, with or without bioaccumulation; or
- (b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition]

Health Care Services

Means services relating to physical and mental health and welfare performed by duly qualified practitioners or by persons in their employ and includes surgical procedures and patient day care performed by medical, dental and veterinary specialists

Heavy Vehicle

Means a motor vehicle and trailer, the gross laden weight of which exceeds 3,500kg.

Height

Means in relation to a building the vertical distance between ground level (as defined) at any point and the highest part of the building immediately above that point.

Projections such as flagpoles, chimneys, flues, gantries, service rooms containing equipment such as lift machinery, tanks, air conditioning and heating plants are excluded from this definition where measuring not more than 1m² in area and projecting not more than 2.0 metres above the maximum permitted height (see also Section 7.4 Network Utilities).

The height restrictions do not apply to aerials that comply with the following dimensions and standards:

- maximum cross-section is 100mm
- must be un-guyed at all times
- must not exceed a height of 20 metres above ground level or 5 metres above the height of the roofline if erected on a building
- may contain one microwave dish or similar attachment, not exceeding 2 metres in diameter
- no more than 2 aerials are permitted per site

Helipad

Means an area or place used for the take-off “ and landing of helicopters other than for private domestic use of the owners and occupiers of the holding on which the helipad is sited, and is approved for such purposes in terms of the current civil aviation regulations. (104.8)(93.10)(191.10)(191.173)

Helicopter Landing Areas

Means any area of land to be used or intended to be used as a location from which to base helicopter operations including helicopter take-off and landing, refuelling, maintenance, servicing, helicopter parking, hangaring, administration, pilot training, passenger and freight handling facilities.

Heritage Area

Means areas of land that may or may not contain an interrelated group of heritage features that contributes to the understanding and appreciation of New Zealand's history and cultures, and includes any heritage areas within the Schedule of Historic Heritage Inventory in Section 6.1 of the District Plan.

Heritage Feature

Means any type of heritage building and/or temporary or permanent movable or immovable structure or structures and anything that is in or fixed to land that contributes to the understanding and appreciation of New Zealand's history and cultures, and includes any heritage feature within the Schedule of Historic Heritage Inventory in Section 6.1 of the District Plan.

Heritage Item

Means any type of *heritage feature* or area that contributes to the understanding and appreciation of New Zealand's history and cultures. It may include a historic building or structure(s), historic site (including archaeological site), a place/area of significance to Maori, or heritage landscape and includes any heritage feature or area within the Schedule of Historic Heritage Inventory in Section 6.1 of the District Plan.

High Productive Capability

Means land containing soils with high versatility for productive purposes as defined on Planning Maps M1 to M4, and referred to as the Plains and Waihi Basin areas.

Holding

Means all land owned and/or leased by the same owner which is either contiguous or divided only by a road, railway, drain, water-race, river or stream.

Home Occupation

Means the use of a site for an occupation, business, trade or profession that is secondary and incidental to the use of that site for a residential activity, including commercial care of dependents, provided the number of children or persons cared for at any one time does not exceed five.

See also the Activity Specific Standards for Home Occupations in the zone sections (Section 5.0)

Home/Farm Stay

Means where a resident household offers for a daily tariff accommodation and meals within their own dwelling to visitors, provided that not more than six people exclusive of the members of the household are accommodated.

Household Unit (refer to definition of 'Dwelling')

Housing for the Elderly

Means two or more dwellings or household units either attached or detached for the aged who may or may not be physically impaired. They may be built from public, charitable or private funding. It includes

kaumatua housing in the Marae Development zone and associated facilities (ie. dining room, games room, gymnasium etc) ancillary and incidental to the principal residential activity.

Indicative Road

Means a road as shown on the Structure Plans in Section 8 Appendices 8.6.4 to 8.6.11, that provides for connectivity through areas that are either currently being developed or will be developed in the future.

Indigenous Vegetation

Means an area of bush, trees and other vegetation comprising wholly or predominantly (87.14) species indigenous to New Zealand and includes native forest. (183.49)

Industrial Activity (87.15)

Means any land, building or part of a building used for the processing, assembly, servicing, testing, repair, packaging, storage or manufacture of a product or produce, including the maintenance, repair and storage of vehicles, machinery, equipment and materials, and includes training activities and the storage and use of hazardous substances, associated with an industrial activity, but does not include mineral extraction.

Infill Development/Lot/Subdivision

Means the further development/subdivision of land in the Residential Zone (not including areas defined as being subject to Structure Plans on the Planning Maps) where the parent net lot area is less than 5,000m². (168.25)

Intensive Outdoor Farming (refer to definition of 'Factory/Intensive Outdoor Farming') (187.5)(188.5)(189.5)

Intensive Pig Farming (refer to definition of 'Factory/Intensive Outdoor Farming')

Internal Access

A combined access arrangement (eg. accessway, right of way, shared driveway) serving two or more dwellings/household units or allotments

Invasive Weeds

Means plants that can significantly and adversely affect the long term survival of native species and are harmful to biodiversity and/or ecosystem functions. For a list of invasive weeds refer to the Department of Conservation consolidated list of environmental weeds in New Zealand at <http://www.doc.govt.nz/upload/documents/science-and-technical/drds292.pdf>

***Kaitiakitanga** (refer s2 RMA)

Means the exercise of guardianship by the tangata whenua of the area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

kV

Means kilo volt or thousand volts.

Landfill (87.16)

Means the controlled disposal of refuse by sanitary landfill operation, including the rehabilitation of the area so filled.

Landscaping

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 includes the planting of trees, shrubs and grass, earthworks, ground formation and related drainage and the establishment of elements such as walls, fences, screens and amenity features.

Landscape Buffer Strip

Means a permeable strip with planting consisting of shrubs which can grow to a mature height of at least 2 metres, planted at a maximum of 1.5 metres apart, and including at least 1 tree for every 10 metres of boundary length.

Landscape Planting Strip

Means a permeable strip with planting consisting of a combination of groundcovers, shrubs, and trees, and must provide vegetative coverage of the specified area within one year from the time of planting. The planting strip shall include at least one tree able to grow taller than 2m for every 10m of frontage. Such trees may be grouped so as not to obscure the site, building or access.

*** Lines**

Means as defined in Section 5 of the Telecommunications Act 2001.

[line—

- (a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and
- (b) includes—
 - (i) any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and
 - (ii) any part of a line]

OR

Means as defined in Section 2 of the Electricity Act 1992.

[lines means works that are used or intended to be used for the conveyance of electricity]

OR

Means as defined in Section 2 of the Electricity Regulations 1997.

[electric line means all conductors (including fittings supporting, or connected to, those conductors), whether above or below ground, that are used, or intended to be used, in, or in connection with, the supply of electricity from the outgoing terminals of a generating station, a building, enclosure, or other structure to—

- (a) the incoming terminals of another building, enclosure, or other structure; or
- (b) an electrical appliance, in any case where the electrical appliance is supplied with electricity other than from a terminal in a building, enclosure, or other structure]

NOTE: [**conductor** means a wire, cable, bar, or tube, used or placed in position for the conveyance of electricity; but does not include the wire of an electric fence].

Lot

Has the same meaning as Allotment/Lot.

LA_{eq}

Means a level that can be described as the energy averaged sound level or constant level that would be equivalent to all of the sound energy experienced during the measurement period.

Limited Access Road

Means any road declared to be a limited access road under the provisions of either the Local Government Act 1974 or the Government Roading Powers Act 1989, including the corresponding provisions of any former enactments.

LAF_{max}

Is the maximum sound level during the period of measurement.

Loading Space

Means a space on a site suitable and available for fuelling of a heavy commercial vehicle, and the adjustment, covering or tying of its load, and the loading, unloading or adjustment of any part of its load.

Local Road

Means all roads and streets not shown on Planning Maps L1, L2 and L3, in which the access function to adjoining properties is the dominant function, not the movement of traffic.

Land Use Capability Class (LUC)

Means Land Use Capability Class as defined in the New Zealand Land Resource Inventory Worksheets published by the National Water and Soil Conservation organisation.

Management Activities

Includes tree husbandry; removal/control of exotic, noxious or nuisance species; construction, reconstruction, maintenance and use of pedestrian and cycle tracks, huts and shelters, toilets, picnic areas and campsites; radio installations (for management and safety purposes); search and rescue operations; wild animal control operations; erection of interpretative and directional signs.

***Mana Whenua** (refer s2 RMA)

Means customary authority exercised by an iwi or hapu in an identified area.

Manoeuvring/Turning Area

Means that part of a site used by vehicles to move from the vehicle crossing to any parking or loading space and includes all driveways and aisles and may be part of an access strip. Parking spaces and loading spaces may be served in whole or in part by a common manoeuvring area.

Maori Land

Means land owned by Maori people and under the jurisdiction of the Maori Land Court under the Te Ture Whenua Maori Act 1993/Maori Land Act 1993.

Marae

Means a defined parcel of land set apart for the common use of a Maori Community and includes a complex of buildings such as meeting house, dining hall, ablution block, urupa and other community, recreational, health and educational facilities, and dwellings generally associated with a Marae.

Meteorological Activities

Means the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.

Minor Works

Means in relation to *heritage items* listed in the Schedule of Historic Heritage Inventory in Section 6.1:

- Cleaning or washing with materials or techniques not detrimental to the heritage fabric.
- General maintenance and/or minor repair means the repair 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 should 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.
- Repairing and revarnishing of surfaces. The application of other finishes provided that the materials used are similar to the existing or earlier finishes.
- Activities that have an insignificant effect on the heritage fabric of the item, for example:
 - Hanging planter pots
 - The installation and refurbishment of services where the work does not affect significant fittings or features.

Mineral

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, a prescribed substance within the meaning of the Atomic Energy Act 1945; and peat, topsoil and sand.

*** Mining** (refer s2 RMA)

Has the same meaning as in Section 2 of the Crown Minerals Act 1991.

[Mining means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and to mine has a corresponding meaning]

Mining Operations

Means operations in connection with mining (for any mineral) carried out at or near the site where the mining is carried out, and shall include the following:
(104.9)(87.17)(93.11)(191.11)(93.12)(191.12)(191.174)

- the transport, treatment, processing and separation of any mineral; and
- the construction, maintenance and operation of any works, structures and other land improvements, and of any machinery and equipment connected with such operations; and
- the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; and
- the deposit or discharge of any mineral, material, debris, tailings, refuse or wastewater produced from or consequent on any such operation; and
- the doing of all lawful acts incidental or conducive to any such operations.

Motor Sports

Means sporting activity involving a motor driven vehicle and can include cars, motorbikes and karts, but does not include modelled or scaled down versions of vehicles operated through remote control

Motorised Recreation (in relation to Surface of Water Activities)

Means motorised vehicles (including boats, jet skis) used for recreational purposes which sit in, on or above the surface of water and includes fishing and sight seeing,.

***Natural Hazard** (refer s2 RMA)

Means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Net Floor Area

Means the sum of the floor area (within the external walls of the building designed for the exclusive use of the residential occupant(s)

Net Lot Area

Means the area of that part of a lot (within one zone), excluding any part which is also part of an internal access or an Access Leg, and excluding any area within 15 metres of an open drain and any Significant Natural Areas listed and described in Section 6.2.

Net Site Area

Means the area of a site that contains the development and/or activity and any outdoor living court, service court, vehicle parking and manoeuvring space required by the District Plan and which is for the exclusive use of the development and/or activity, but shall exclude any communal open space, communal parking and any *internal access*.

Network Utility

Means a network utility operation undertaken by a network utility operator. The terms “network utility operation” and “network utility operator” shall have the same meaning as specified in s166 RMA. In addition, for the purposes of this Plan a network utility operation shall also include lighthouses, navigation and survey aids and beacons, and meteorological activities.

*** Network utility operator (refer s166 RMA)**

Means a person who—

- (a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
- (b) operates or proposes to operate a network for the purpose of—
 - (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or
 - (ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or
- (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- (e) undertakes or proposes to undertake a drainage or sewerage system; or
- (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
- (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—

and the words network utility operation have a corresponding meaning.

*** Non-Complying Activity (refer to s87A(5) RMA)**

If an activity is described in this Act, regulations (including a national environmental standard), a plan, or a proposed plan as a non-complying activity, a resource consent is required for the activity and the consent authority may—

- (a) decline the consent; or
- (b) grant the consent, with or without conditions, but only if the consent authority is satisfied that the requirements of section 104D are met and the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Non-Domestic Effluent Disposal

Means the disposal of non human wastes and disposal of *domestic effluent* from a public or community based sewage system.

Notional Boundary

Means a line 20 metres from and parallel to the facade of the dwelling or building used for accommodation, or the legal boundary, where this is closer to the dwelling or building.

Offices

Means premises used for an administrative or professional profession and includes but is not limited to the following: financial, insurance, law, surveying, engineering, architecture, real estate, and healthcare services.

Official Sign (181.154)

Means signs on roads which have been approved by the road controlling authority and are not traffic signs (ie, they relate to off road activities, such as tourist and information signage).

Outdoor (Extensive) Pig Farming

Means where all stock is in paddocks with groundcover maintained.

See also 'Factory/Intensive Outdoor Farming'

Outdoor Living Area

Means an on site outdoor area for the exclusive use of each residential activity, and community house free of any outdoor service area, driveways, manoeuvring areas, parking spaces, accessory buildings and any roof or eave overhang of more than 600mm width. The outdoor living area may include uncovered, open decks and terraces of a minimum dimension in all directions of 3 metres and shall:

- be located to the north, east or west of the dwelling, or community house, and directly accessible from it; and
- have a slope no greater than 10⁰; and
- where terraced, each terrace shall be level and with a minimum dimension of 3 metres and a maximum difference in level between terraces of 1.5 metres.

Outdoor Service Area

Means an area of outdoor open space provided for the exclusive use of each residential activity, community house, visitor accommodation for such service facilities as clotheslines, storage of refuse containers and the like. Each outdoor service court shall:

- be accessible from the service area(s) within the household unit, community house, visitor accommodation
- be free of driveways, vehicle manoeuvring areas, parking spaces and buildings (excluding any roof or eave overhang of no more than 600mm width)
- be screened from the site areas of adjoining household units

Overland Flow Path

Means a secondary flow path that conveys flood water, in excess of the capacity of the disposal system.

Papakāinga Housing

Means a comprehensive residential development for a recognised tangata whenua group or organisation residing in the Hauraki District to support traditional Maori cultural living on Maori land for members of the iwi group or organisation

Parking Lot/Parking Building

Means parking areas established specifically to be used for carparking and which are not provided to fulfil the parking requirements of any activity in the District Plan.

Parking Space

Means a space on a site suitable and available for the parking of a car which complies with the standards set out in Rule 8.4.4.3.

Passive Recreation Activities

Means any recreation activity whose principal aim is the enjoyment of leisure of a primarily non competitive casual nature that does not involve the use of vehicles (excluding bicycles) and motorised equipment and also excludes any organised sport. It includes amenity and conservation plantings, habitat restoration and enhancement, *children's playgrounds*, seating and tables, barbeque facilities, pedestrian walkways, cycleways, jogging tracks, the erection and use of information boards, directional signage, fencing, public artwork/sculptures, public toilets and other buildings and structures necessary for the maintenance and operational needs of the recreation area and associated carparking.

*** Permitted Activity (refer to s87A(1) RMA)**

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a permitted activity, a resource consent is not required for the activity if it complies with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Permanent All Weather Surface

Means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of eg. concrete, asphalt, bitumen.

Ponding Area

Means an area subject to flooding from events that are greater than the disposal system is designed to accommodate.

Produce Market

Means any land, *building* or part of any *building* that is used for the sale of fruit, vegetables or other natural products, and/or the products of home occupations produced or grown predominantly on, and in

the vicinity of the holding, on which the produce market is sited. In addition not more than 20% of the total produce and/or products, by value, offered for sale may be procured for resale from other wholesale/retail outlets. In the context of this definition 'vicinity' means surrounding or nearby properties which can conveniently supply goods for sale.

Produce Stall

Means any land, *building* or part of any *building* that is used for the sale of fruit, vegetables or other natural products, and/or the product of *home occupations*, produced or grown on the holding on which the produce stall is sited, and in the case where the purchaser harvests the produce the produce stall means any land or *building* or part of a *building* in which such produce is weighed, packaged or sold.

*** Prohibited Activity (refer s87A(6) RMA)**

If an activity is described in this Act, regulations (including a national environmental standard), a plan, or a proposed plan as a prohibited activity,—

- (a) no application for a resource consent may be made for the activity; and
- (b) the consent authority must not grant a consent for it.]

Property

Means all land held in the same valuation reference.

*** Prospecting**

Has the same meaning as Section 2 of the Crown Minerals Act 1991.

[Prospecting means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes—

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

and to prospect has a corresponding meaning]

*** Public Work(s) (refer s2 RMA)**

Has the same meaning as in the Public Works Act 1981, and includes any existing or proposed public reserve within the meaning of the Reserves Act 1977 and any national park purposes under the National Parks Act 1980.

[**Public work and work** mean—

- (a) Every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain by or under this or any other Act; and includes anything required directly or indirectly for any such Government work or local work or use:

- (b) Every Government work or local work constructed, undertaken, established, managed, operated, or maintained by any Education Authority within the meaning of the Education Act 1964 and every use of land for any Government work or local work which such Education Authority constructs, undertakes, establishes, manages, operates, or maintains, and includes anything required directly or indirectly for any such Government work or local work or use:
- (c) Any Government work or local work that is, or is required, for any university within the meaning of the Universities Act 1961]

Regulatory Sign (181.155)

Means traffic signs on roads in accordance with the Traffic Regulations 1976, relating to on road traffic control and road condition.

Relocatable

Means the building (including foundations) is able to be practicably moved to an alternative site outside the erosion protection setback lines as defined in Rule 8.2.3.1 within 10 working days (as defined in the RMA) from the start of such relocation activity, by way of removal truck, a roller and/or crane and that access can be gained to the site to move the building to the satisfaction of the Council.

Note:

The abandonment of the building does not meet the definition of 'relocatable'. Total demolition and removal of debris and foundations would meet this definition.

Renewable Electricity Generation Activities

Means the construction, operation and maintenance of structures associated with the generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current resources, and includes the system of electricity conveyance required to convey electricity to the local electricity distribution network and/or the national grid.

Residential Area

Means an area of land to be used for a dwelling and associated residential purposes which in its entirety is not liable to flooding, erosion, landslip or instability and excludes all necessary yards and any area within 15 metres of an open drain and Significant Natural Areas listed and described in Section 6.2.

Note: The Council may require from the applicant an engineering report on the stability of the land, to be prepared by a Registered Engineer experienced and practising in soil mechanics and the stability of soils to confirm compliance with this definition.

Residential Purposes or Activities

Means the construction of a dwelling and any use of the dwelling, land or other accessory buildings, for purposes ancillary or incidental to the occupation of the dwelling exclusively by one household for living accommodation purposes.

Residential Property/Site

Means any occupied dwelling, community house or any form of tourist accommodation lawfully established which is located on a separate Certificate of Title from that on which the noise level of an activity is being measured and assessed.

*** Restricted Discretionary Activity** (refer to s87A (3) RMA)

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and—

- (a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and
- (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Retail Activity

Means land or buildings used for the display and/or sale of goods by retail or hire to members of the public but does not include "Warehouse" which is separately defined.

Riparian Margin

Means a strip of land adjacent to any water body which is or can be managed to preserve the natural character, natural ecosystems and processes of the water body and the margins of the water body. (183.50)

Riparian Vegetation

Means vegetation on a riparian margin that functions to manage the adverse effects of the subdivision, use or development of adjacent land use activities. The vegetation can be indigenous or exotic. (183.51)

River Control Works

Means works carried out by either the Hauraki District Council or Waikato Regional Council (Environment Waikato) with respect to maintenance of the flood protection schemes for the following rivers:

- Waitakaruru;
- Piako;
- Ohinemuri; and
- Waihou

RMA

Means the Resource Management Act 1991 and Regulations, and includes any amendments thereto.

Road(s)

Shall be defined as including all land comprising legal but unformed roads and all land comprising formed and existing roads under the control of the road controlling authority and is inclusive of the definitions contained in the Local Government Act 1974 and the Government Roading Powers Act 1989.

* **Rule** (refer s43AA RMA)

Means a district rule or a regional rule.

Rural Area

Means land within a Rural, Coastal, Marae Development (excluding the Waihi Community Marae), Conservation (Indigenous Forest or Wetland), or Karangahake Gorge zones

Rural Production Activities

Means quarrying and rural land use activities that rely on the productive capacity of land such as agriculture, pastoral farming, horticulture, and forestry and includes their associated support industries.
(93.14)(191.14)

Sensitive Zone

Means a Residential, Low Density Residential, Township, Marae Development or Reserve (Passive) zone.

Service Industrial Activity

Means activities involving light manufacturing or repair or servicing of goods of a light nature and includes repair and servicing of household appliances, electronic equipment, vehicles and machinery (excluding panel beating and spray painting) and craft and clothes manufacture.

Service Station

Means an activity comprising the sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may also include any one or more of the following:

- the sale of kerosene, alcohol based fuels, lubrication oils, tyres, batteries, vehicle spare parts and other accessory items normally associated with motoring and convenience items including food and refreshments;
- car wash facilities.

In addition in the Industrial and Township Zones, this activity may include:

- mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers and domestic gardening equipment)
- warrant of fitness testing.

Shared Environment Road

Means roads designed as spaces shared by pedestrians, playing children, cyclists and low speed vehicles

Shelter Belt

Means a line of vegetation in one or more rows, established to provide shelter from wind, that exceeds the height and daylight controls for the zone it is located in. (168.27)

Sign

Means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance, or any other thing of a similar nature used to attract attention. It shall include all parts, portions, units and materials composing the same, together with the frame, background, structure or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle.

Significant Natural Area (183.52)

Means areas of significant indigenous vegetation and/or habitats of indigenous fauna in terrestrial and wetland ecosystems in the Hauraki District, as listed in Section 6.2 and shown on the planning maps.(183.53)

Site

Means a physical area of land with defined legal boundaries comprising one or more allotments, or part of an allotment related to a particular development application, proposal or use. A site comprising more than one allotment shall be held in such a way that separate allotments or part of an allotment cannot be disposed of separately.

Site Coverage

Means that portion of a net site area which is covered by buildings, whether principal or accessory, excluding eaves less than 600mm wide, and uncovered decks and terraces at ground floor level only.

Sports Grounds

Means an open designated area where people gather to watch and participate in a particular sporting event (excluding motorised sport or firearm sport) and includes golf courses, tennis and netball courts, fields for rugby, hockey, soccer etc.

State Highway

Means roads shown on Planning Map L1, L2 and L3, in which the movement of traffic is the dominant function of the road or street. Strategic Highways include State Highways 2, 25, 26 and 27, where the dominant function is the movement of both large volumes of traffic and heavy traffic. (181.156)

* **Structure** (refer also to the definition of Building) (refer s2 RMA)

Means any building, equipment, device or other facility made by people and which is fixed to land; (and includes any raft). (104.10)(93.15)(191.15)(93.159)(191.159)(191.175)

* **Subdivision** (refer to s218(1) RMA)

Means—

- (a) the division of an allotment—
- (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
 - (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
 - (iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or
 - (v) by the deposit of a unit plan, or an application to a 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 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.

Subject to Inundation (refer to definition of ‘Area Subject to Inundation’)

Surface Mining

Means taking, winning or extraction of naturally occurring minerals from under or on the land surface utilising open pit, open cast or other recognised surface mining techniques, methods and equipment. It does not include minor surface activities (eg. removal of boulders from the surface of land) which are provided separately under the “Earthworks” provisions. It excludes “Mining Operations” (refer to separate definition). (104.11)(87.18)(191.176)

***Tangata Whenua** (refer s2 RMA)

Means in relation to a particular area, the iwi, or hapu, that hold mana whenua over the land.

Temporary Military Training

Means activities undertaken to meet the purposes of the Defence Act 1990 provided:

- the activity does not require the construction of permanent structures;
- the activity does not require (permanent or mechanical) excavation unless provided for elsewhere in the Plan;
- flying activities are in compliance with civil aviation regulations or in agreement with the local controlling authority.

Temporary Uses and Buildings

Means:

- (a) 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. These are permitted only for the duration of that project, and not for a period exceeding 12 months. Where the temporary use or building relates to the construction of a building, no such

temporary use or building shall be commenced or erected, unless a building consent for the erection of the permanent building on the site has been issued.

- (b) Temporary uses and buildings for such purposes as carnivals, bazaars, public meetings and the like. These are permitted for a period not exceeding one week in any one year.

***Tikanga Maori** (refer s2 RMA)

Means Maori customary values and practices

Title (refer to definition of 'Certificate of Title')

Tourist Facility Sign

Means a sign giving directions to a geographic feature, commercial enterprise or scenic route which caters for tourists and is located adjacent to the road, or on a side road off it, and includes signs for tourist features (eg scenic lookouts, waterfalls), tourist establishments (eg museums, wineries, craft centres) and major tourist attractions (eg national parks) and tourist drives or routes (scenic drive, wine trail). (181.157)

Turning Area (refer to definition of 'Manoeuvring/Turning Area')

Underground Mining

Means taking, winning or extraction of naturally occurring minerals from under the land surface utilising shafts, adits, tunnelling and other recognised underground mining techniques, methods and equipment, and includes surface disturbance associated with underground mining and backfilling of the void with waste rock. It excludes "Mining Operations" (refer to separate definition).

Urban Area

Means land within a Residential, Low Density Residential, Township, Marae Development Zone (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) zone

Visitor Accommodation

Means building(s) used for day to day accommodation by visitors where tariffs are charged and includes hotels, motels, guest houses, bed and breakfast accommodation, backpackers accommodation. It excludes camping grounds and motor camps.

Note: Where the operator(s) of the visitor accommodation lives on site any maximum occupancy standard specified in the zone rules for the visitor accommodation shall not include the operator(s) and their required residential accommodation (ie. a separate dwelling may be provided for the operator(s) in addition to the visitor accommodation facility where permitted by the rules of the Plan.

See also 'Homestay/Farmstay'.

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.

Wind Farm

Means land, buildings or structures used to generate electricity from the wind.

***Working Day(s)** (refer s2 RMA)

Means any day except –

- (1) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (2) a day in the period beginning on 20 December in any year and ending with 10 January in the following year.

Yard

Means a part of a site measured from the boundary of the site which is required by the Plan to be unobstructed by buildings from the ground upwards except that:

- a verandah or canopy attached to a non-residential building may project over any front yard;
- an open fire escape may project over any yard;
- a fence, boundary wall or retaining wall not exceeding 2.0m in height (but in each case not being a building) may be erected on any yard;
- an uncovered deck of less than 1.0 metre in height may project over any yard;
- where a building line restriction is imposed over the site, the yard shall be measured back from the building line; and
- eaves no more than 600mm wide may encroach into any yard.

Front Yard	Means a yard between the road (whether formed or unformed) and a line parallel thereto, extending across the full width of the site.
Rear Yard	Means a yard in any site other than a corner site, bounded by the rear boundary of the site and a line extending across the full width of the site except that a rear yard in respect of any rear lot means a yard between the full length of all boundaries of the site and a line parallel thereto.
Side Yard	Means a yard except for any portion of the site comprised in a front or rear yard that lies between the full length of a side boundary and a line parallel thereto on a corner site every boundary not being a road frontage shall be deemed to be a side boundary.
Other Yard	Means any yard other than a Front Yard.

Youth Play Areas

Means play areas and associated equipment and structures for non organised recreational activities suited to youth and may include skate boarding, BMX and agility courses

Zone(s)

Means a portion of the District shown on the District Planning Maps by distinctive notation, for the purpose of indicating the policies and controls in the Plan for the erection or use of buildings or the use of land.

Zone Coverage

Means that portion of a zone, which is covered by buildings, whether principal or accessory, excluding eaves less than 600mm wide, and uncovered decks and terraces at ground floor level only.

Zone Development Standard(s)

Means limits for external effects of activities as specified in this District Plan.