

Section 4:

DEFINITIONS

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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.
- (4) Singular includes plural and vice versa.

85 Percentile Car Tracking Curve

Means an area free from any obstacles for an 85 percentile car to manoeuvre in and out of a parking/drop off space in accordance with the 85 Percentile Car Tracking Curve Diagram in Appendix 13.

90 Percentile Single Axle Truck Tracking Curve

Means an area free from any obstacles for a 90 percentile medium rigid truck to manoeuvre in and out of a *loading space* in accordance with the 8m Rigid Truck Tracking Curve Diagram in the document titled 'NZ On Road Tracking Curves', Land Transport NZ 2007.

Act

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

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

Access Right

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

***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

Means a *building* or part of a *building* or an activity which is incidental to any other *building* or activity on the same *site*. A *minor dwelling unit* is accessory to a *dwelling* but is **not** an *accessory building*.

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, 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.

Note: This definition does not apply to private domestic and rural use by the owners and occupiers of the *holding* on which the airstrip is sited or temporary and intermittent use by planes for top-dressing and aerial spraying with the approval of the landowner and/or occupier of the *holding* on which the airstrip is sited. This is deemed to be an *accessory use* (Refer to definition of '*Accessory Use*').

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

Means –

- (a) any parcel of land under the Land Transfer Act 2017 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 Surface*'.

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 / Retail Activity

Means 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*, including stand-off paddocks/pads and feed pads.

Area Subject to Inundation

Means low lying parts of the properties identified on the Planning Maps, adjoining the Paeroa Flood Ponding Zone, which may be subject to intermittent/temporary inundation at times of severe weather events.

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.

Arterial Road

Means *roads* shown on Planning Maps L1, L2 and L3, 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.

Automatic Weather Stations

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.

*Best Practicable Option (refer s2 RMA)

In relation to a discharge of a contaminant or an emission of noise, means 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) (refer 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) any means of restricting or preventing access to a residential pool; 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
- (ac) security fences, oil interception and containment systems, wind turbines, gantries, and similar machinery and other *structures* (excluding dams) not intended to be occupied that are part of, or related to, a NUO system; or
- (b) cranes (including any cranes as defined in regulations made under the Health and Safety at Work Act 2015); 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 regulations made under the Health and Safety at Work Act 2015; or
- (h) magazines as defined in regulations made under the Health and Safety at Work Act 2015; or
- (i) scaffolding used in the course of the construction process; or
- (j) falsework.]

For the avoidance of doubt the above definition of ‘building’ includes eaves, chimneys, aerials, satellite or telecommunication dishes, masts and *structures* and excludes temporary *structures* such as drilling rigs used for *exploration*, sampling and monitoring activities.

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 2017, excluding:

- (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 2010.

Note: For the purposes of this Plan, reference to a Certificate of Title is equivalent to reference to a Record of Title.

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:

- (a) uncontaminated soil and/or sand
- (b) uncontaminated clay
- (c) uncontaminated gravel and or/rock
- (d) uncontaminated brick and rubble

Material excluded from cleanfill, includes the following:

- (a) asphalt, asphaltic concrete and tarseal
- (b) sawdust or bark
- (c) combustible matter
- (d) organic matter including timber, trees and/or garden trimmings
- (e) sludges
- (f) contaminated soil
- (g) domestic, industrial and commercial waste
- (h) hazardous waste
- (i) medical or clinical waste.

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, self storage unit facilities, 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 *produce* stalls or *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, 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 shared *internal access* and may include shared open space 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.

***Contaminated Land** (refer s2 *RMA*)

Means land that has a *hazardous substance* in or on it that –

- (a) has significant adverse effects on the *environment*; or
- (b) is reasonably likely to have significant adverse effects on the *environment*.

***Controlled Activity** (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—
 - (i) section 106 applies; or
 - (ii) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 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

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.

Current Ownership

For the purpose of Rule 6.2.5.1(3)(a), means the current registered owner(s) on the *certificate of title* of the land on which the Significant Natural Area is located, provided that a current owner may transfer the land to:

- (a) a close family member being a child, adopted child, wife or husband who is currently involved in the management of the land; or
- (b) a Qualifying Trust being a trust which is, in the sole opinion of *Council*, exclusively or principally for the benefit of any individual person or persons who are current owners or a close family member as defined in (a) above, as at the date of a proposed transfer. Where *Council* consents to the transfer to a Qualifying Trust, the Qualifying Trust shall become a current owner for the purposes of Rule 6.2.5.1(3)(a); or
- (c) a company in which control lies with the current owner and/or either of the entities referred to in (a) and (b) above.

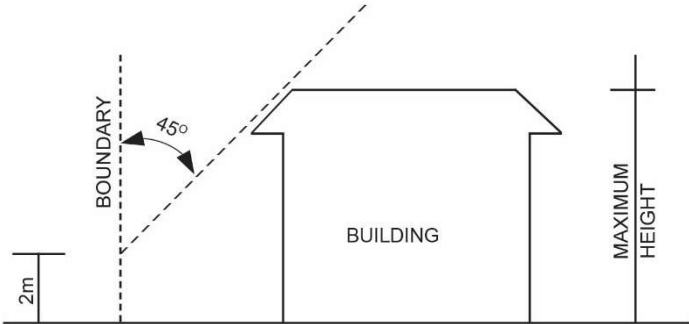
Dairy

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 envelope 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*, *vehicle access strip* or drainage reserve. Spouting and guttering is not considered part of the *building* unless it incorporates the barge board.



dB (refer to definition of 'Decibels')

Decibels

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. 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 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 a *minor dwelling unit*; or
- (b) constructing, erecting or altering any one or more *buildings*, 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)”].

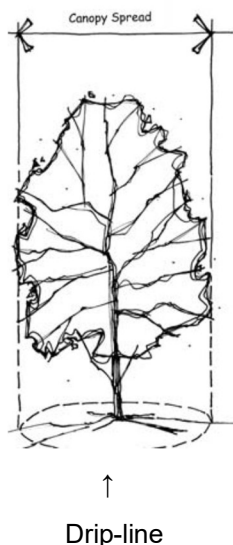
(See also definition of ‘*non-domestic effluent disposal*’.)

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

Means a *building* or part thereof designed and used principally as a self-contained residence for living accommodation purposes for persons who permanently or temporarily reside or are employed on the *holding*, within which there is one, and only one kitchen, but does not include other forms of accommodation or premises or parts thereof used for *visitor accommodation* or *community housing* or *minor dwelling unit* (refer to separate definitions for '*visitor accommodation*' and '*community housing*' and '*minor dwelling unit*').

Earthworks

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 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*.
- (i) *Mining* and *Mining Operations* (see definitions for these activities): where the total quantities of material extracted (*minerals*, overburden and waste rock) exceed those specified in 7.8.5.1(2) P3, 7.8.5.1(3) P5, 7.8.5.1(4) P7 and 7.8.5.1(5) P9.
- (j) Excavation of land and replacement with *cleanfill* up to the *ground level* which existed prior to the excavation, including to provide an improved building platform.

Note: A Regional Council consent may be required for earthworks including for 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 comprised of indigenous species and of natural character.

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).

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.

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 principal *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 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, mining and mining operations*.

Factory/Intensive Outdoor Farming

Means

- (a) the production of animals which is not reliant on the productive capacity of the soils on which it is located; and/or
- (b) the production of animals in a manner or production system which is dependent on the input of food throughout the year from beyond the *holding*; and/or
- (c) the production of animals in a manner or production system which precludes the continuous maintenance of pasture or ground cover; and/or
- (d) intensive pig farming (weaned pigs stocked outdoors at an intensity greater than 1 pig per 1/10th of a hectare); and/or

- (e) vegetative matter (including mushrooms) grown in green houses and other *buildings* (except that crops grown with artificial crop protection consisting of support poles with open weave cloth do not constitute factory farming).

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

Means any type of farming (except where falling within the definition of *Factory/Intensive Outdoor Farming, Forestry* and *Animal Feedlots*) being a land based activity having as its primary purpose the commercial production of any animals, and/or vegetative matter, outdoors, relying primarily (but including the provision of supplementary feed from beyond the *holding*) on productive capacity of the soil, and includes:

- (a) activities associated with land preparation, including cultivation, vegetation clearance, humping and hollowing, tracks, and races;
- (b) the application of fertiliser;
- (c) land drainage;
- (d) the use of *buildings* for purposes accessory to farming;
- (e) bee keeping;
- (f) *outdoor (extensive) pig farming; and*
- (g) stand-off feed pads, silage pits, ofal holes, effluent ponds and fencing.

Farm Stay (Refer to definition of '*Home/Farm Stay*')

Firearm Sports

Means recreational activities which involve the discharge of firearms, such as hunting, and 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

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, 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 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.

Freedom Camping (responsible camping) (refer to S5 Freedom Camping Act 2011)

- (a) In this Act, *freedom camp* means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:
- (i) a tent or other temporary structure:
 - (ii) a caravan:
 - (iii) a car, campervan, housetruck, or other motor vehicle.
- (b) In this Act, *freedom camping* does not include the following activities:
- (i) temporary and short-term parking of a motor vehicle
 - (ii) recreational activities commonly known as day-trip excursions:
 - (iii) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Note: Reference must also be made to Council's freedom camping bylaw.

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.

gfa (Refer to definition of '*Gross Floor Area*')

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 purpose of this definition:

- (a) 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.
- (b) Ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known history.

Habitable Dwelling

Means:

- (a) a *building* that complies with the minimum standards of the New Zealand Building Act to be a *dwelling*; or
- (b) a *building* that complies with the minimum standards applicable at the time that the *dwelling* was erected;

and for both (a) and (b):

- (c) the *dwelling* is being, and has been for at least the preceding year, lawfully occupied as a *dwelling*.

Habitable Room

Means any room in a *dwelling/household unit/minor dwelling unit, visitor accommodation, or 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

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

Means all activities involving *hazardous substances*, including their transportation only within the *site*, where these substances are used, stored, handled or disposed of.

It does not include:

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

***Hazardous Substance (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].

HDC Engineering Manual

Means the document titled HDC Engineering Manual 2010, Version 1.

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 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:

- (e) maximum cross-section is 100mm
- (f) must be un-guyed at all times
- (g) 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*
- (h) may contain one microwave dish or similar attachment, not exceeding 2 metres in diameter
- (i) no more than 2 aerials are permitted per *site*.

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.

Helipad

Means an area or place used for the take-off and landing of helicopters for:

- (a) private domestic use accessory to the house of the owners and occupiers of the *holding* on which the helipad is sited; and
- (b) rural uses of the property on which the helipad is located; and
- (c) temporary or intermittent use of the area for takeoff and landing of helicopters with the approval of the landowner and/or occupier;

which is approved for such purposes in terms of the current civil aviation regulations.

Heritage Area

Means an area 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, when assessed against Appendix 1 Section 6.1.6.8, and includes any heritage areas within the Schedule of Historic Heritage Inventory in Section 6.1.6 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, when assessed against Appendix 1 Section 6.1.6.8, and includes

any heritage feature within the Schedule of Historic Heritage Inventory in Section 6.1.6 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, when assessed against Appendix 1 Section 6.1.6.8, and includes any *heritage feature* or *area* within the Schedule of Historic Heritage Inventory in Section 6.1.6 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/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.

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* or *farming* (including a *Rural Contractor Depot*), and including commercial care of dependants, 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).

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 includes 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 8.6.13, 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 species indigenous to New Zealand and includes native forest. For the purpose of this Plan, domestic or ornamental/landscape planting, or planted shelterbelts, comprised of indigenous species are not included.

Industrial Activity

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 used in conjunction with this activity, and includes *industrial* training activities, and the storage and use of *hazardous substances* associated with an industrial activity, but does not include *mineral* extraction.

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

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

Internal Access

Means a combined access arrangement (eg accessway, right of way, shared driveway) serving two or more *dwelling/household units* or *allotments*.

Invasive Weeds

Means plants that can significantly and adversely affect the long term survival of native species, and which 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 www.doc.govt.nz.

***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.

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.

LAF_{max}

Is the maximum sound level during the period of measurement.

Landfill

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

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, which provides 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.

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.

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.

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 Roding Powers Act 1989, including the corresponding provisions of any former enactments.

*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 4 of the Electricity (Safety) Regulations 2010.

[**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 appliance, in any case where the 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]. (Section 4 of the Electricity Safety Regulations 2010)

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 labelled or 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.

Lot

Has the same meaning as '*Allotment*'.

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 Maori Customary Land and Maori Freehold Land as defined, and land gazetted as a Maori Reservation for communal purposes under Te Ture Whenua Maori Act 1993 / the Maori Land Act 1993. It does not include general land managed or owned by Maori.

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.

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

- (a) means to take, win, or extract, by whatever means, —
 - (i) a mineral existing in its natural state in land; or
 - (ii) a chemical substance from that mineral existing in its natural state in land; and
- (b) includes—
 - (i) the injection of petroleum into an underground gas storage facility; and
 - (ii) the extraction of petroleum from an underground gas storage facility; but
- (c) does not include *prospecting* or *exploration* for a mineral or chemical substance referred to in paragraph (a)]

Mining Operations

Means operations in connection with *mining* (for any *mineral*), and shall include the following:

- (a) the transport, treatment, processing and separation of any *mineral*; and
- (b) the construction, maintenance and operation of any works, *structures* and other land improvements, and of any machinery and equipment connected with such operations; and

- (c) the removal of overburden and waste rock, by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any *mineral*; and
- (d) the deposit or discharge of any *mineral*, material, debris, tailings, refuse or wastewater produced from or consequent on any such operation; and
- (e) the doing of all lawful acts incidental or conducive to any such operations.

Minor Dwelling Unit

Means a self-contained residential unit which:

- (a) has a maximum gross floor area (excluding associated decks to be used for outdoor recreation and associated *accessory buildings*) of:
 - (i) 50m²; or
 - (ii) 60m² when Lifemark™ Design Certified, or another certification acceptable to Council to demonstrate that the *minor dwelling unit* is designed to be functional for the elderly and/or disabled occupants.

NOTE: To qualify for Lifemark™ Design certification, *minor dwelling units* are required to be designed in accordance with, and assessed against, the Lifemark™ Design Standards and must achieve at least the entry-level '3-star' rating. For further information refer to www.lifemark.co.nz or www.hauraki-dc.govt.nz; and;

- (b) is ancillary to a *dwelling* on the same site; and;
- (c) is held in common ownership with the *dwelling* on the same site.
- (d) can be attached to the *dwelling* or be a detached stand-alone building.
- (e) may only have associated with it a single garage/carport and a garden shed. The total roof area of the garage/carport and garden shed shall be no greater than 25m².

Minor Upgrading (in relation to electric lines)

Means modification of electricity and associated telecommunication *lines*, utilising the existing support *structures* or *structures* of the same scale, intensity and character, and includes:

- (a) the addition of circuits and conductors;
- (b) the reconducting of the line with higher capacity conductors;
- (c) the resagging of conductors;
- (d) the addition of longer or more efficient insulators;
- (e) the addition of earthwires which may contain telecommunication *lines*, earthpeaks and lightning rods;
- (f) the addition of electrical *fittings*;
- (g) the replacement of existing cross arms with cross arms of an alternative design;
- (h) strengthening of support *structures* and foundations or staying poles;
- (i) the increase in voltage of electric *lines* up to 66kV;
- (j) support *structure* replacement in the same location as existing support *structures*.

Minor Works

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

- (a) cleaning or washing with materials or techniques not detrimental to the heritage fabric;
- (b) general maintenance and/or minor repair, which 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;
- (c) repairing and revarnishing of surfaces, and the application of other finishes provided that the materials used are similar to the existing or earlier finishes;
- (d) activities that have an insignificant effect on the heritage fabric of the item, for example:
 - (i) hanging planter pots
 - (ii) the installation and refurbishment of services where the work does not affect significant fittings or features.

And should be guided by the Best Practice Guidelines of Heritage New Zealand Pouhere Taonga.

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 and Physical Resources** (refer s2 RMA)

Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all *structures*.

***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* or *vehicle access strip*.

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 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 the 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 from a camping facility, or the legal boundary, where this is closer to the *dwelling* or *building* or *camping facility*.

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

Means Motorist Service *Signs*, Tourist *Signs* and General Information *Signs* (as defined in the NZ Transport Agency 'Manual of Traffic Signs and Markings') on *roads*, erected or approved by the road controlling authority.

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 of open space for the exclusive use of the occupants of each *residential activity*, *minor dwelling unit*, or *community house* to which the space is allocated, free of any *outdoor service area*, driveways, *manoeuvring areas*, *parking spaces*, and *accessory buildings*. The *outdoor living area* may include decks, *terraces* and *patios* of a minimum dimension in all directions of 3 metres or 1.5m in the case of a *minor dwelling unit* and shall:

- (a) be directly accessible from the *dwelling*, *minor dwelling unit*, or *community house*; and
- (b) have a slope no greater than 10°; and
- (c) where terraced, each *terrace* shall be level and with a maximum difference in level between *terraces* of 1.5 metres.

A deck or *patio* included in the *outdoor living area* may be roofed (in whole or in part), but may not be walled – except that where it is immediately adjacent to the *dwelling*, or *minor dwelling unit*, the walls of the *dwelling* or *minor dwelling unit* may form no more than 2 sides of the *outdoor living area*.

Outdoor Service Area

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

- (a) be accessible from the service area(s) within the *household unit*, *community house*, or *visitor accommodation*; and
- (b) be free of driveways, vehicle *manoeuvring areas*, *parking spaces* and *buildings* (excluding any roof or eave overhang of no more than 600mm width); and
- (c) 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/ 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 where the 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 and *freedom camping (responsible camping)*. It includes *amenity* and conservation plantings, habitat restoration and enhancement, *children's playgrounds*, seating and tables, barbeque facilities, pedestrian walkways, cycleways, jogging tracks, viewing platforms and lookouts, 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.

Patio

Patio (in relation to *outdoor living areas*) means a level paved or concreted area at ground level with direct access from the *dwelling*.

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.

***Permitted Activity** (refer 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.

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), or a 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** (refer s2 RMA)

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

[Prospecting

- (a) means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and
- (b) includes the following activities:
 - (i) geological, geochemical, and geophysical surveying;
 - (ii) aerial surveying;
 - (iii) taking samples by hand or hand held methods;
 - (iv) taking small samples offshore by low-impact mechanical methods].

***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 include 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 Education Act 1989].

Quarry Resource Area

Means land identified on the Planning Maps that contains:

- (a) an operating *extractive industry* that is lawfully established and the means by which it was lawfully established has not expired or lapsed; and/or
- (b) a known source of aggregate (including sand) which is either within the landholdings of an operating *extractive industry* operator and/or is subject to a resource consent for *mineral* extraction that has not lapsed.

Quarry Reverse Sensitivity Area

Means a strip of land identified on the Planning Maps, on which the existence of *mineral* extraction activities adjoining it, has resulted in the application of an activity status for lifestyle *lot subdivision*, other than *Controlled*, to enable assessment of reverse sensitivity effects on the *Quarry Resource Area*.

Regulatory Sign

Means traffic *signs* on *roads*, erected or approved by the road controlling authority 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*, associated *minor dwelling unit*, 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 Property/Site

Means any occupied *dwelling* and associated *minor dwelling unit*, *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.

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.

*Restricted Discretionary Activity (refer 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 Area

Means a strip of land adjacent to a water body and which contributes, or may contribute, to the maintenance or enhancement of the natural functioning, quality and character of the water body.

River Control Works

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

- (a) Waitakaruru
- (b) Piako
- (c) Ohinemuri
- (d) Waihou.

RMA

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

Road

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 Roding 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 Contractor Depot

Means land and/or *buildings* used for the purpose of storing equipment (ie vehicles and machinery) associated with a business which wholly serves the farming industry.

Rural Production Activities

Means *surface mining*, 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.

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:

- (a) 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;
- (b) car wash facilities.

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

- (a) mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers and domestic gardening equipment);
- (b) 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 trees in one or more rows, planted for the purpose of providing wind shelter, screening or for ornamental purposes.

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

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.

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.

SNA (refer to definition of '*Significant Natural Area*')

Sports Ground

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 a *road*, whether or not constructed or vested in the Crown, that is declared to be a state highway under Section 11 of the National Roads Act 1953, Section 60 of the Government Roading Powers Act 1989, or under Section 103 of the Land Transport Management Act 2003, and includes all land along or contiguous with its route that is the *road*, and any part of an intersection that is within the route of the state highway.

In Hauraki District the state highways are shown on Planning Map L1, L2 and L3, and include State Highways 2, 25, 26 and 27. The dominant function of the state highways is the safe and efficient movement of both large volumes of traffic and heavy traffic.

***Structure** (refer also to 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.

***Subdivision** (refer 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 *record 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 the Registrar-General of Land for the issue of a separate *record 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 *record of title* in circumstances where the issue of that *record 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 for separately under the "*Earthworks*" provisions. It excludes "*Mining Operations*" (refer to separate definition).

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

In relation to a particular area, means the iwi, or hapu, that holds *mana whenua* over that area.

Temporary Military Training

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

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

Temporary Uses and Buildings

Means the following:

- (a) Temporary offices, temporary accommodation in association with the construction of a *dwelling* on the same *site*, 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.
- (c) Drilling to determine ground conditions (geotechnical investigations) and/or to undertake ground water monitoring.
- (d) *Freedom camping (responsible camping)* on *formed* public roads and other (non-reserve) land owned or controlled by Hauraki District Council, limited in the *rural area* to a one night stay.

Note: Reference must also be made to Council's freedom camping bylaw.

Terrace (in relation to *outdoor living areas*)

Means a level area of land, existing naturally, or created for the purpose of providing an outdoor living area for a *dwelling* or a *minor dwelling unit*.

***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).

Travellers' Service Centre

Means an activity comprising of a *service station* and any one or more of the following as an integrated *development*:

- (a) rest, picnic and sealed parking areas
- (b) public toilets
- (c) food, refreshments and fast food outlets providing on-demand meals for consumption therein or for take-away
- (d) an information centre for the provision of information for travellers and tourists.

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 (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) Zones.

Vehicle Access Strip

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* only, for ingress and egress.

Ventilation System

Means a system complying with the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This will provide a minimum level of mechanical ventilation. An air conditioning system may also be necessary to achieve thermal comfort.

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, and 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 (refer s2 RMA)

Means a day of the week other than –

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing 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 to be unobstructed by *buildings* from the ground upwards except that:

- (a) a verandah or canopy attached to a non-residential *building* may project over any front yard;
- (b) an open fire escape may project over any yard;
- (c) a fence, boundary wall or retaining wall not exceeding 2 metres in *height* (but in each case not being a *building*) may be erected on any yard;
- (d) an uncovered deck of less than 1 metre in *height* may project over any yard;
- (e) where a building line restriction is imposed (in this District Plan) over the *site*, the yard shall be measured back from the building line; and
- (f) eaves no more than 600mm wide may encroach into any yard.

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

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

Means a portion of the District shown on the 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

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