

# Part 14

## Definitions

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**Annotations key**

**[DRx]** indicates where the content is affected by decision report x


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where this annotation appears next to a figure, this indicates that the figure has been amended or deleted, or a new figure inserted.

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 indicates where the content is part of plan modification x, which is subject to appeal.

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## 14.1 Introduction

This part contains the following information:

- a list of abbreviations used in the Plan
- definitions of terms used in the Plan
- definitions from the RMA.

## 14.2 List of abbreviations used in the Plan

ARCAuckland Regional Council

AS/NZSJoint Australian and New Zealand Standard

DOCDepartment of Conservation

HGMPAHauraki Gulf Marine Park Act 2000

MHWSMean high water springs

NZSNew Zealand Standard

RMAResource Management Act 1991 and its amendments

## 14.3 Definitions of terms used in the Plan

### Introduction

As well as the definitions below, there are additional specialist definitions in the following parts of the Plan:

- [part 6 - Financial contributions](#)
- [part 7 - Heritage](#)
- [part 9 - Hazardous facilities and contaminated land](#).

Definitions from the RMA are contained in [clause 14.4](#).

## Definitions

<b>Access lot</b>	means a separate lot identified on a survey plan for the purpose of access. The lot may be jointly owned in shares by a number of users, or by a single owner. 'Access site' has a corresponding meaning.
<b>Access strip</b>	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 of the Act).
<b>Accessory building</b>	means either: <ol style="list-style-type: none"> <li>1. A building which is used in a way which is incidental to the use of another building or buildings on the site; or</li> <li>2. A building which is used in a way which is incidental to a permitted activity on the site.</li> </ol>
<b>Accessway</b>	means land providing vehicular access to a site or to a parking space. It includes any manoeuvring area associated with vehicle access.
<b>Accommodation for care</b>	means land or buildings used or designed to be used for residential accommodation by five or more people (exclusive of the manager and the manager's family) where live-in management, care and support are provided to the residents.  This may include any of the following: <ul style="list-style-type: none"> <li>• emergency housing, refuge centres, and halfway houses</li> <li>• accommodation for people who for mental or physical health reasons require management, care and support.</li> </ul> <p>It does not include healthcare services.</p>
<b>Accommodation for retired, elderly or disabled people</b>	means a development which provides residential accommodation for retired, elderly or disabled people.  The accommodation includes any of the following: <ol style="list-style-type: none"> <li>1. Shared accommodation, serviced apartments or small self contained dwellings (including bedsits). There may be some shared facilities such as kitchen and dining facilities, toilet and washing facilities.</li> <li>2. A building or part of a building lawfully authorised and used as a rest home and providing accommodation and full-time care. Meals, nursing and other medical care may be provided.</li> <li>3. A retirement village providing accommodation, recreation, welfare and medical facilities.</li> </ol> <p>Any serviced apartments or dwellings must comply with one of the following:</p> <ul style="list-style-type: none"> <li>• Be part of a development undertaken by a registered charity, society, or public body.</li> <li>• Be held together under one title.</li> <li>• Be held in unit titles under the Unit Titles Act 1972 and encumbered by an appropriate legal instrument which ensures that the use of the dwelling is confined to retired, elderly or disabled people.</li> </ul>
<b>Adjacent</b>	means being near or close but not necessarily contiguous.
<b>Ahi kaa</b>	has the same meaning as 'mana whenua' (as in the RMA).
<b>Airstrip</b>	means land used for the take off and landing of aircraft used for commercial purposes.  It does not include a helipad.
<b>Allotment</b>	has the same meaning as in the RMA.
<b>Amenity values</b>	has the same meaning as in the RMA.

<b>Ancillary activities</b>	<p>means an activity which meets all of the following:</p> <ol style="list-style-type: none"> <li>1. It is located on the same site as the primary activity which is permitted on that site.</li> <li>2. It is incidental to the primary activity.</li> <li>3. It serves a supportive function to the primary activity.</li> </ol>
<b>Annual exceedence probability</b>	<p>means the chance that a particular event will occur in any given year. This may be expressed as a percentage or a ratio, eg 10% annual exceedence probability is the same as a 1 in 10 year return period for an event. This term generally relates to hazards and climatological events.</p>
<b>Antenna</b>	<p>means any telecommunication, radio-communication and broadcasting equipment (including a satellite dish) used for transmission or reception. It includes the antenna mounting. It does not include the supporting mast or structure.</p>
<b>Art galleries and museums</b>	<p>means land or buildings used for the display of artworks, historical or cultural collections to the public and includes sculpture parks. It may include the sale of these items.</p>
<b>Biodiversity</b>	<p>means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part. This includes diversity within species, between species and of ecosystems.</p> <p>Components include:</p> <ol style="list-style-type: none"> <li>1. Genetic diversity - the variability in the genetic makeup among individuals within a single species and those among individuals within a population.</li> <li>2. Species diversity - the variety of species, whether wild or domesticated, within a particular geographical area. A species is a group of organisms which have evolved distinct inheritable features and occupy a unique geographic area. Species are usually unable to interbreed naturally with other species due to such factors as genetic divergence, different behaviour and biological needs and separate geographic location.</li> <li>3. Ecological (ecosystem) diversity - the variety of ecosystem types (eg forests, deserts, grasslands, streams, lakes, wetlands and oceans) and their biological communities that interact with one another and their non-living environments.</li> </ol>
<b>Biosecurity</b>	<p>means measures that protect the economy, the natural environment and people from exotic pests and diseases. It includes preventing new pest and diseases from arriving, and eradicating or controlling those already here.</p>
<b>Boarding house or hostel</b>	<p>means a building used or designed to be used for residential accommodation by five or more people, boarders or lodgers (not including the manager or person in charge of the building and their family). The accommodation provided includes any of the following:</p> <ul style="list-style-type: none"> <li>• accommodation only</li> <li>• food and accommodation</li> <li>• accommodation and the use of communal food preparation, toilet and washing facilities.</li> </ul> <p>It includes hostels for students or farm workers.</p> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• premises which are licensed under the Sale of Liquor Act 1989</li> <li>• camping facilities</li> <li>• dwellings (excluding the accommodation for the manager or person in charge)</li> <li>• homestays</li> <li>• visitors' accommodation</li> <li>• tourist complexes</li> <li>• accommodation for care.</li> </ul>

<b>Boarding kennels and catteries</b>	means land or buildings used for the care of cats or dogs for commercial purposes, or by animal welfare agencies such as the SPCA (Society for the Prevention of Cruelty to Animals). It does not include the breeding or raising of cats or dogs for commercial purposes.
<b>Boatshed</b>	means an accessory building used exclusively for the construction, maintenance, or storage of boats or boating equipment.
<b>Bridle paths</b>	means a path or trail suitable for the purposes of riding and/or leading horses, which may also be suitable for use by pedestrians or cyclists.
<b>Building</b>	<p>means any structure or part of a structure. It also includes any fixed or moveable structure (including caravans) used for residential purposes, assembly or storage. It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• any deck or terrace, in whole or part, under 1m in height</li> <li>• fences or walls under 2m in height</li> <li>• retaining walls under 1m in height</li> <li>• pools under 1m in height</li> <li>• temporary tents or marquees</li> <li>• satellite dishes less than 1m in diameter</li> <li>• masts, poles or antennas, where these are less than 3m in height above the attachment point</li> <li>• pergolas with a permanently open roof</li> <li>• signs or billboards.</li> </ul>
<b>Building Code</b>	means the New Zealand Building Code, which is the first schedule to the Building Regulations 1992.
<b>Building coverage</b>	<p>means the extent or proportion of the net site area which is covered by buildings or parts of buildings.</p> <p>It includes any of the following:</p> <ul style="list-style-type: none"> <li>• any parts of the eaves, spouting or bay windows which project more than 1m measured horizontally from an exterior wall</li> <li>• overhanging and cantilevered parts of buildings.</li> </ul> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• pergolas with a permanently open roof</li> <li>• parking below ground level with landscaping above which includes soil of sufficient depth to allow drainage</li> <li>• earthen terracing</li> <li>• satellite dishes</li> <li>• tanks used for collecting and storing rainwater for reuse on the site.</li> </ul> <p>Maximum building coverage may be defined as an area (such as in m<sup>2</sup>) or as a proportion (such as a percentage) of the net site area depending on the requirements of the Plan.</p>
<b>Building footprint</b>	means the area of ground covered by a single building.
<b>Building line</b>	means a line drawn on the planning maps to indicate the extent of a building restriction yard.



<b>Camping facilities</b>	<p>means land or buildings used or designed to be used for rent, hire or reward for temporary living places by two or more families or groups of people living independently of each other.</p> <p>The temporary living places may include any of the following:</p> <ul style="list-style-type: none"> <li>• a tent</li> <li>• a caravan, campervan or other vehicle occupied either wholly or in part as a temporary living place.</li> </ul> <p>The families or groups may share common entrances, water supplies, cooking facilities, toilet and washing facilities, or other premises and equipment.</p>
<b>Care centre</b>	<p>means land or buildings where any of the following apply:</p> <ol style="list-style-type: none"> <li>1. Three or more children (in addition to the children of the person in charge) aged 5 years or younger are educated and cared for. It may be licensed as such by regulation.</li> <li>2. Three or more children aged 5 years or older (in addition to the children of the person in charge) are cared for out of school hours.</li> <li>3. Elderly people are cared for during the day.</li> <li>4. People with disabilities are cared for during the day.</li> </ol> <p>It includes creches, playcentres, kindergartens, childcare centres, kohanga reo, and play groups.</p>
<b>Catchment</b>	<p>means an area of topography from which surface water flows via a self contained drainage system.</p>
<b>Commercial carparking</b>	<p>means land or buildings providing parking available to members of the public for a charge or fee. It does not include parking required under <a href="#">rule 13.7.2</a>.</p>
<b>Commercial firewood harvesting</b>	<p>means the harvesting of living manuka, kanuka for the production and sale of firewood. The harvesting must occur in accordance with a management plan.</p> <p>It does not include other activities associated with the milling or processing of trees.</p> <p><b>Note:</b> the Plan does not restrict the harvesting or sale of exotic or dead vegetation</p>
<b>Community facilities</b>	<p>means land or buildings used for community or public use and run on a not-for-profit basis.</p> <p>It includes places used for the gathering of people for recreation, worship, cultural and spiritual instruction and deliberation, public halls and libraries.</p> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• entertainment facilities</li> <li>• healthcare services</li> <li>• restaurants, cafes and other eating places.</li> </ul>
<b>Comprehensive development</b>	<p>means a subdivision which creates at least three sites and which provides for the integrated assessment of the proposed sites, access (including any public access) and the development to be located on those sites.</p>
<b>Construction noise</b>	<p>means the noise arising from construction work.</p>

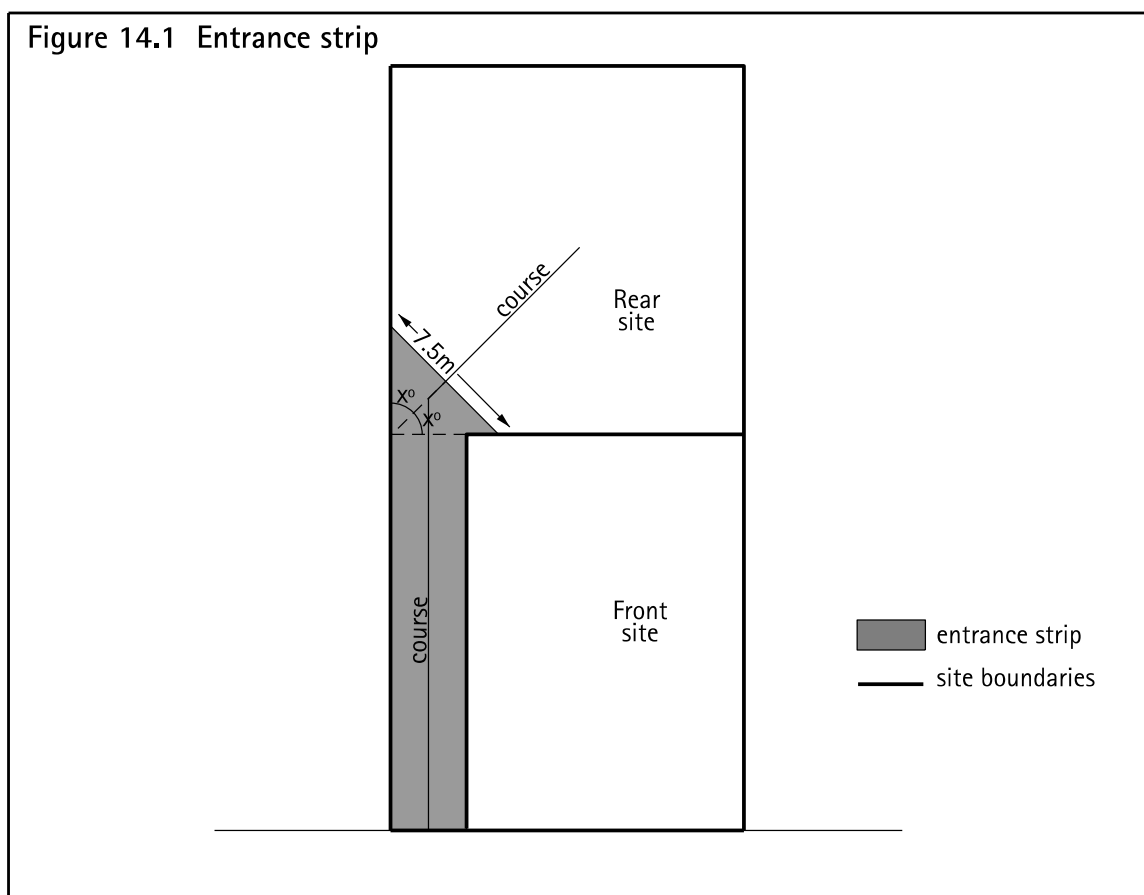
<b>Construction work</b>	<p>means:</p> <p>'any work in connection with the construction, erection, installation, carrying out, repair, maintenance, cleaning, painting, renewal, removal, alteration, dismantling, or demolition of:</p> <ol style="list-style-type: none"> <li>a. Any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level;</li> <li>b. Any road, motorway, harbour or foreshore works, railway, cableway, tramway, canal, or aerodrome;</li> <li>c. Any drainage, irrigation, or river control work;</li> <li>d. Any electricity, water, gas, or telecommunications reticulation;</li> <li>e. Any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel, or reclamation; or</li> <li>f. Any scaffolding.</li> </ol> <p>Construction work includes:</p> <ol style="list-style-type: none"> <li>g. Any work in connection with any excavation, site preparation, or preparatory work, carried out for the purpose of construction work;</li> <li>h. The use of any plant, tools, gear, or materials for the purpose of any construction work;</li> <li>i. Any construction work carried out underwater, including work on ships, wrecks, buoys, rafts and obstructions to navigation; and</li> <li>j. Any inspection or other work carried out for the purpose of ascertaining whether construction work should be carried out.' <p>This is the same definition as in NZS 6803:1999 Acoustics - Construction Noise.</p> </li></ol>
<b>Contaminated land</b>	has the same meaning as in the RMA.
<b>Continuous canopy indigenous forestry</b>	<p>means the sustainable harvesting of indigenous forests on a continuous canopy basis so that the ground is always covered by a canopy of tree species. The land must be registered with the New Zealand government's Permanent Forest Sink Initiative ('PFSI') and have a forest sink covenant registered on the title. Harvesting must be in accordance with the requirements of the PFSI.</p> <p><b>Note:</b> To be eligible for the PFSI, the land must not have contained forest on 31 December 1989 and a change in land management practices since then must promote forest growth.</p>
<b>Controlled activity</b>	has the same meaning as in the RMA.
<b>Co-operatively owned land</b>	<p>means land owned by a number of individuals under a legally recognised, co-operative company or society structure. <b>Land owned co-operatively</b> has a corresponding meaning.</p> <p><b>Note:</b> this definition is used in the context of the Plan rules which provide for multiple dwellings.</p>
<b>Council</b>	means the Auckland City Council. It includes any committee, community board, elected member of the council, or officer authorised to exercise the functions, duties or powers of the council.
<b>Dairy</b>	means a shop with a gross floor area of less than 50m <sup>2</sup> (not including any attached dwelling) that supplies milk, bread, non-alcoholic drinks, packaged food and a variety of produce and household consumables.



<b>DOC structures, facilities and operations</b>	<p>means all structures, facilities and operations that are necessary to achieve the Department of Conservation's functions under the Conservation Act 1987 and consistent with any conservation management strategy, conservation management plan or management plans established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act.</p> <p>It includes walking tracks, boardwalks, staircases, toilets, tramping huts and bunkhouses.</p>
<b>Designation</b>	has the same meaning as in the RMA.
<b>Discretionary activity</b>	has the same meaning as in the RMA.
<b>Domestic firewood harvesting</b>	<p>means the harvesting of living kanuka and manuka for the purpose of personal domestic firewood.</p> <p>It does not include other activities associated with the milling or processing of trees or the sale of firewood.</p> <p><b>Note:</b> The Plan does not restrict the harvesting or sale of exotic or dead vegetation</p>
<b>Dwelling</b>	<p>means a building or a cluster of buildings, a room or group of rooms used or designed to be used exclusively on a permanent or temporary basis by one or more people as a separate household unit.</p> <p>Sleepouts must be treated as a building forming part of a dwelling rather than as an accessory building.</p> <p>It also includes the use of land for uses ancillary or incidental to a dwelling.</p> <p><b>Note:</b> The terms 'accessory building', 'household unit' and 'sleepout' are defined elsewhere in this section.</p>
<b>Earthen terracing</b>	means an area of compacted earth that is above ground level, and includes any compacted earth behind a retaining wall.
<b>Earthworks</b>	<p>means earthmoving operations.</p> <p>It does not include quarrying, blasting, or rock drilling.</p> <p>Earthworks otherwise includes any of the following:</p> <ol style="list-style-type: none"> <li>1. The disturbance of land surfaces by: <ol style="list-style-type: none"> <li>a. moving, removing, placing or replacing earth (including soil, clay, sand and rock); or</li> <li>b. excavation, contouring, cutting or filling operations.</li> </ol> </li> <li>2. Digging trenches for utility services or effluent disposal systems.</li> <li>3. Cleanfill operations involving the depositing of soil or earth onto or into land, and not including material subject to biological breakdown.</li> </ol>
<b>Ecological corridor</b>	means a geographical connection between natural habitats which provides for the movement of native flora and fauna between those habitats or provides a further habitat.
<b>Ecosourcing</b>	means the use of indigenous species naturally occurring in the general vicinity and the use of local genetic stock. In practice, this means sourcing seeds or cuttings from as close to the planting site as possible (eg from the same ecological unit or district). ' <b>Ecosourced</b> ' has a corresponding meaning.
<b>Educational facilities</b>	<p>means land or buildings used to provide regular instruction or training in accordance with a curriculum by teachers or instructors.</p> <p>It includes schools, technical institutes, teachers' colleges, universities, outdoor education centres, sports training establishments and home-schooling for more than two children not resident on the site.</p> <p>The activity also includes ancillary administrative, cultural, health, retail and communal facilities.</p>
<b>Effect</b>	has the same meaning as in the RMA.

<b>Electricity network</b>	<p>means a system made up of electrical links to allow the distribution of electricity. It includes any of the following:</p> <ol style="list-style-type: none"> <li>1. Underground infrastructure located at or below the existing ground surface. This includes cables (service connection and distribution lines), cabinets, conductors, transformers, substations, and Totally Underground Distribution Systems (TUDS).</li> <li>2. Aboveground infrastructure located above the existing ground surface. This includes cabinets, pillars, transformers and substations.</li> <li>3. Overhead infrastructure located over the existing ground surface and suspended by poles or support structures. This includes cables (service connection and distribution lines) and support poles, and any equipment or structure located on support poles.</li> </ol>
<b>Emergency services facilities</b>	<p>means land and buildings used for a fire station, ambulance station or police station. This may include administration, vehicle and equipment storage and maintenance, and training.</p>
<b>Entertainment facilities</b>	<p>means land or buildings that are used for:</p> <ul style="list-style-type: none"> <li>• recreation and entertainment; or</li> <li>• promotion of fitness.</li> </ul> <p>It includes any of the following:</p> <ul style="list-style-type: none"> <li>• premises used for gambling</li> <li>• theatres and cinemas</li> <li>• brothels and massage parlours</li> <li>• gymnasiums</li> <li>• commercial swimming pools</li> <li>• internet cafes (where more than five computer terminals are available for hire and use on the premises for gaming or internet access).</li> </ul> <p>It does not include community facilities.</p>
<b>Entrance strip</b>	<p>means the narrow part of a site, designed to provide vehicle or other access from a road to the main part of the site. The entrance strip may have easements that provide access to other sites. The entrance strip only includes the narrow part of the site until it reaches 7.5m wide, perpendicular to the course of the entrance strip (as shown on <a href="#">figure 14.1: Entrance strip</a>).</p>
<b>Environment</b>	<p>has the same meaning as in the RMA.</p>
<b>Equestrian activity</b>	<p>means any activity involving the riding or leading of horses, including the teaching and learning of horse riding skills, and the showing of horses competitively (including trotting, galloping and cross-country jumping).</p>
<b>Erosion risk zone</b>	<p>means land and sites likely to be affected by coastal erosion. Land and sites within an 'erosion risk zone' is identified on the planning maps.</p>
<b>Exploration</b>	<p>means:</p> <p>'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 <b>'to explore'</b> has a corresponding meaning'</p> <p>This is the same definition as in the Crown Minerals Act 1991.</p>
<b>Freight handling and wharf administration activities</b>	<p>means land or buildings used for any of the following:</p> <ul style="list-style-type: none"> <li>• administrative offices associated with a wharf</li> <li>• the moving or storage of freight.</li> </ul>

Figure 14.1 Entrance strip



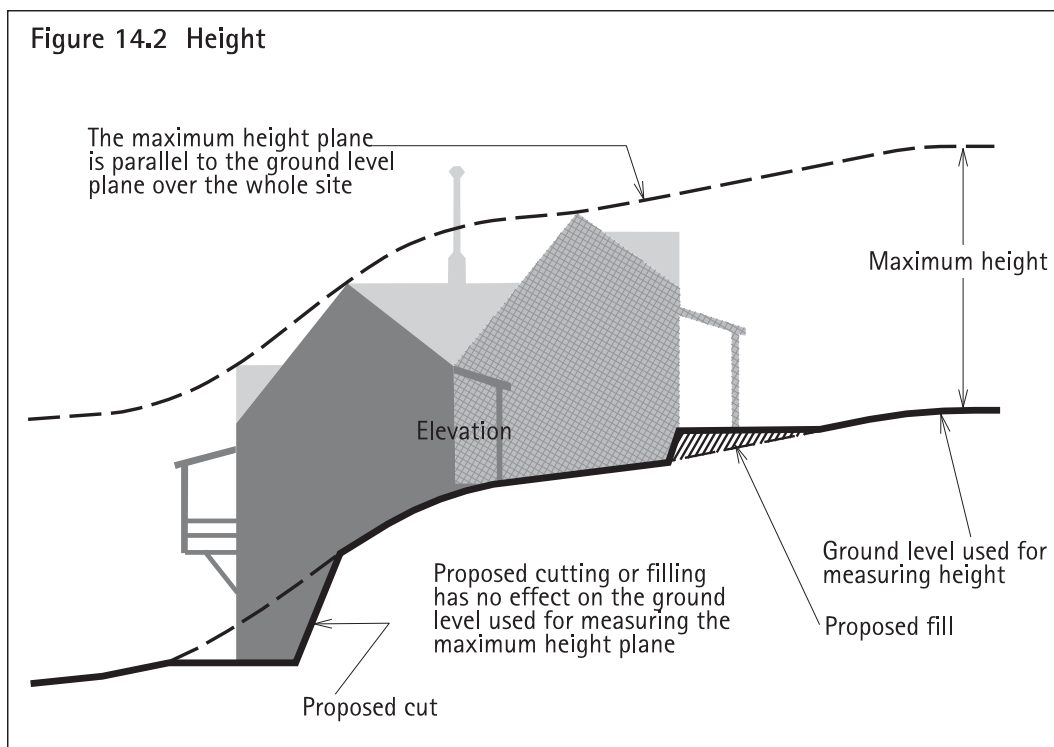
<b>Forestry</b>	means the management of land for commercial wood production including the extraction of timber. It does not include any of the following: <ul style="list-style-type: none"> <li>• the milling or processing of timber</li> <li>• commercial firewood harvesting.</li> </ul>
<b>Function facilities</b>	means land or buildings, or parts of buildings, where any of the following activities are held on a commercial basis: <ol style="list-style-type: none"> <li>1. Organised conferences, conventions, seminars and meetings.</li> <li>2. Events and celebrations such as parties, wedding and funeral receptions.</li> </ol> It does not include community facilities.
<b>Funeral parlour</b>	means land or buildings used for the purpose of directing or conducting funerals. It may include one or more of the following: <ul style="list-style-type: none"> <li>• mortuary facilities</li> <li>• a place for holding funeral services</li> <li>• facilities for cremating the bodies of people who have had their funeral on the premises.</li> </ul>
<b>Gross floor area ('GFA')</b>	means the combined area of all internal floorspaces, including any mezzanine floors, outdoor courtyards and external decking used for a commercial purposes such as beer gardens. The area includes all floors of all buildings on the site, but excludes any area used for required parking and loading spaces.
<b>Gross site area</b>	means the total area of a site. It includes any entrance strip.

<b>Ground level</b>	means the finished level of the ground at the time the council issued a completion certificate under s224c of the RMA for the most recent subdivision applying to the site. However where there has been no such subdivision since 18 September 2006, the ground level will be taken to be the finished level of the ground as shown in the contour information based on 'light detection and ranging technology' (LIDAR) and flown between September 2005 and February 2006.
<b>Hazardous facility</b>	<p>means activities involving hazardous substances and sites.</p> <p>It includes any of the following:</p> <ol style="list-style-type: none"> <li>1. Sites where hazardous substances are used, stored or disposed of.</li> <li>2. Vehicles used for transporting hazardous substances.</li> </ol> <p>It does not include any of the following:</p> <ol style="list-style-type: none"> <li>1. The incidental use and storage of hazardous substances in minimal domestic scale quantities.</li> <li>2. Hazardous activities which do not involve hazardous substances but which may pose a risk to people or the natural environment due to a physical or biological hazard (eg earthworks, electromagnetic radiation, genetically modified organisms and flour dust).</li> <li>3. Network utility pipelines used for the transfer of hazardous substances such as gas, oil and sewage.</li> <li>4. Infectious substances.</li> <li>5. Retail premises which sell hazardous substances for the domestic use (eg supermarkets, hardware shops, pharmacies).</li> <li>6. Fuel in motor vehicles, boats and small engines.</li> <li>7. Facilities using genetically modified organisms.</li> </ol>
<b>Hazardous substance</b>	<p>means any of the following:</p> <ol style="list-style-type: none"> <li>1. Substances with one or more of the following intrinsic properties: <ul style="list-style-type: none"> <li>• an explosive nature</li> <li>• an oxidising nature</li> <li>• a corrosive nature</li> <li>• flammability</li> <li>• acute and chronic toxicity</li> <li>• ecotoxicity with or without bioaccumulation.</li> </ul> </li> <li>2. Substances which in contact with air or water (other than air and water where the temperature or pressure has been artificially increased or decreased) generate a substance with any one or more of the properties specified in item (1) above.</li> <li>3. Substances which when discharged to surface or ground waters, have the potential to deplete oxygen as a result of the microbial decomposition of organic materials (eg milk or other food stuffs).</li> <li>4. Radio-active substances except smoke detectors.</li> </ol>
<b>Hauraki Gulf islands</b>	means that part of Auckland City excluding the Central Area and the Isthmus. This is shown in <a href="#">figure 1.1: Geographic areas</a> .
<b>Healthcare services</b>	<p>mean land or buildings used for treatment or diagnosis of physical or mental health or welfare for people or animals.</p> <p>It includes hospitals, dentists, doctors' surgeries, psychiatrists, psychologists, alternative healthcare or treatments, rehabilitation clinics, physiotherapists, paediatricians, dieticians, counselling services, medical laboratories, veterinarians and ancillary dispensary pharmacies.</p> <p>It does not include chemists, hairdressers, beauty clinics or other retail activities.</p>

**Height** in relation to a building means the vertical distance between ground level at any point and the highest part of the building immediately above that point (as shown on [figure 14.2: Height](#)).

When determining the highest part of the building, parapets will be taken into account but not any of the following:

1. Radio and television antennas which do not exceed the maximum height normally permitted by the rules for the land unit or settlement area by more than 3m.
2. Chimneys which:
  - a. Do not exceed 1.1m in any horizontal direction; and
  - b. Do not exceed the maximum height normally permitted by the rules for the land unit or settlement area by more than 1.5m.
3. Finials which do not exceed the maximum height normally permitted by the rules for the land unit or settlement area by more than 1.5m.



**Helipad** means land or buildings used for the take off and landing of helicopters. It does not include facilities for servicing, freight handling or storage hangars.

**Historic heritage** has the same meaning as in the RMA.

**Home occupation**

means the commercial use of a site for craft, occupation, business, trade or profession which is secondary and incidental to the use of the site for residential purposes.

The home occupation must meet all of the following:

1. Be carried out by a person who lives on the site.
2. Be carried out either wholly within the dwelling or within a residential accessory building. However fruit and vegetables used for the home occupation may be grown outdoors.
3. Employ no more than one full-time equivalent employee who does not live on the site.
4. No goods can be sold, or displayed for sale, on the site other than:
  - a. Goods made on the site; or
  - b. Fruit, vegetables or other natural products grown on the site.
5. Generate or cause no objectionable noise, smoke, smell, effluent, vibration, dust or other noxious or dangerous effects on the environment.
6. Generate no significant increase in traffic when compared with the traffic that could otherwise be generated from reasonable residential use of the site.
7. Include no exterior display, other than a single sign that complies with the council's bylaw about signs, no exterior storage of materials, no other exterior indication of the home occupation or variation from the residential character of the site or the neighbourhood.

None of the following activities may be undertaken as a home occupation:

- the boarding of cats, dogs or other animals
- storage or sorting of any bottles, scrap or other waste materials
- fish, meat or animal by-product processing
- panel beating
- vehicle wrecking
- spray painting
- non-residential vehicle storage
- sheet metal work
- heavy engineering
- engine reboring or crankshaft grinding
- boat, caravan or motor vehicle building.

These exclusions do not prevent the people who live in the dwelling from carrying out the normal maintenance and repair of domestic equipment (including motor vehicles) they own and use.

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**Homestay**

means where a resident person, family or other household provide within their own dwelling, accommodation (which may include meals) for reward or payment for not more than five guests. Homestay accommodation is not self-contained and does not contain a kitchen sink or dishwashing facility.

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**Horticulture**

means the use of land or buildings for the growing of vegetables, fruit, berries, nuts, vines, flowers, plants or fungi. It includes market gardening, orcharding, and viticulture (but not a winery).

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<b>Household unit</b>	<p>means a separate housekeeping unit consisting of any one of the following:</p> <ol style="list-style-type: none"> <li>1. One person; and up to five other people unassociated with the household.</li> <li>2. Two or more people related by blood, marriage (whether legal or defacto), civil union, adoption or legal guardianship; and up to five other people unassociated with the household.</li> <li>3. A group of not more than eight people unrelated by blood, marriage whether legal or defacto, civil union, adoption or legal guardianship.</li> </ol> <p>It includes any of the normal domestic household activities which may occur on the site.</p>
<b>Impervious surface</b>	<p>means a surface which prevents water from passing into the ground.</p> <p>It includes any of the following:</p> <ul style="list-style-type: none"> <li>• roofed areas</li> <li>• concrete and paving</li> <li>• driveway and parking areas</li> <li>• decking where there is not a gap of at least 5mm between the boards</li> <li>• any pool or tank (other than tanks used for collecting and storing rainwater for reuse on the site).</li> </ul> <p>It includes areas which also fit within the definition of building coverage.</p> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• eco pavers or gobi blocks (unless used for driveway and parking areas)</li> <li>• paths under 1m in width</li> <li>• decking where there is a gap of at least 5mm between the boards</li> <li>• tanks used for collecting and storing rainwater for reuse on the site.</li> </ul> <p>Maximum impervious surface may be defined as an area (such as in m<sup>2</sup>) or as a proportion (such as a percentage) of the net site area depending on the requirements of the Plan.</p>
<b>Indigenous vegetation</b>	<p>means vegetation of a species which occurs naturally in New Zealand or arrived in New Zealand without human assistance. It includes manuka and kanuka.</p>
<b>Industry</b>	<p>means the production, processing, assembly, packaging, servicing, testing, repair, or storage of any materials, goods, products, vehicles or equipment.</p> <p>It may include any of the following:</p> <ul style="list-style-type: none"> <li>• a works depot</li> <li>• vehicle dismantling or wrecking to extract parts for sale</li> <li>• a recycling facility (but not the composting of green waste).</li> </ul> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• quarrying or mining</li> <li>• refuse transfer stations.</li> </ul>
<b>Integrated visitor development</b>	<p>means a comprehensive proposal for all buildings (including new and existing buildings) and activities associated with a visitor development. It may include one or more of the following:</p> <ul style="list-style-type: none"> <li>• visitor accommodation</li> <li>• restaurants, café and other eating places</li> <li>• tourist complex</li> <li>• visitor information centre</li> <li>• dairy</li> <li>• management and maintenance facilities and service infrastructure.</li> </ul>
<b>Islands</b>	<p>means the Hauraki Gulf islands, unless the context makes it clear that a different or smaller group of islands is being referred to.</p>

<b>Kaitiakitanga</b>	has the same meaning as in the RMA.
<b>Landing Area</b>	Any land located in landforms 1 (coastal cliffs), 3 (alluvial flats), 5 (productive land), 6 (regenerating slopes) and 7 (forest and bush areas) only where they are used for the take-off and landing of helicopters and aircraft in association with pastoral farming and horticulture.
<b>Lot</b>	means a distinct parcel of land defined on a survey plan.
<b>Mana whenua</b>	has the same meaning as in the RMA.
<b>Marine fuelling services</b>	means any facility supplying motor fuels (excluding CNG or LPG) to boats or other vessels moored alongside at a jetty or wharf.
<b>Marine recreation facilities</b>	means land or buildings used for marine recreation activities that have a functional relationship with the sea. It must be for community use and includes clubrooms used by organisations such as boating clubs, sea scouts and surf life saving clubs. It does not include retail premises.
<b>Mast</b>	means any pole, tower or structure designed to carry antennas.
<b>Mean high water springs ('MHWS')</b>	is determined by the average of the heights of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days) when the range of tides is greatest.
<b>Metrolight pole</b>	means a street light pole that has been designed to include telecommunications equipment as part of the pole structure. The equipment may include radio communication antennas.
<b>Mining</b>	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.'  This is the same meaning as in the Crown Minerals Act 1991.
<b>Minor alterations and additions to a building</b>	means any of the following: <ol style="list-style-type: none"> <li>1. Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the development controls for the land unit or settlement area.</li> <li>2. Changing or putting in windows or doors in an existing building.</li> <li>3. Changing existing materials or cladding with other materials or cladding of the same colour.</li> </ol>
<b>Motor vehicle sales</b>	means any of the following: <ol style="list-style-type: none"> <li>1. The sale, hire or lease of motor vehicles, trailer boats, caravans, or trailers.</li> <li>2. The sale of spare parts for motor vehicles, outboard motors or trailer boats.</li> </ol>
<b>Motor vehicle services</b>	means the servicing and repair of motor vehicles and outboard motors. This may include any of the following: <ul style="list-style-type: none"> <li>• building motor vehicle bodies</li> <li>• panel beating</li> <li>• spraypainting</li> <li>• engine reconditioning.</li> </ul>
<b>Multiple dwellings</b>	means more than one dwelling on a site.
<b>Natural and physical resources</b>	has the same meaning as in the RMA.
<b>Natural hazard</b>	has the same meaning as in the RMA.



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<b>Natural hazard area</b>	<p>means land identified on the planning maps as being in any of the following:</p> <ul style="list-style-type: none"> <li>• flood prone land - type A flood plain</li> <li>• flood prone land - type B flood risk area</li> <li>• soil warning area</li> <li>• soil register area</li> <li>• erosion risk zone.</li> </ul>
<b>Net site area</b>	<p>means the net area of a site. It is calculated by deducting the area of the entrance strip (if any) from gross site area.</p> <p><b>Note:</b> for front and corner sites, net site area is the same as gross site area.</p>
<b>Network utility service</b>	<p>means any activity relating to one or more of the following:</p> <ol style="list-style-type: none"> <li>1. Distribution or transmission by pipeline of natural or manufactured gas petroleum or geothermal energy.</li> <li>2. Telecommunication or radiocommunication.</li> <li>3. Transformation, transmission or distribution of electricity.</li> <li>4. The transmission and distribution of water, (whether treated or untreated), for the supply including irrigation.</li> <li>5. Stormwater drainage or sewerage reticulation systems.</li> <li>6. Construction, operation and maintenance of railway lines, tramways and roads.</li> <li>7. Construction, operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990.</li> <li>8. Lighthouse, navigation aids and beacons.</li> <li>9. Meteorological services.</li> <li>10. A project or work described as a 'network utility operation' by regulations made under the RMA.</li> </ol> <p><b>'Network utility' or 'utility service'</b> has a corresponding meaning.</p>

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**New organism**

means:

1. A new organism is-
  - a. An organism belonging to a species that was not present in New Zealand immediately before 29 July 1998:
  - b. An organism belonging to a species, subspecies, infrasubspecies, variety, strain, or cultivar prescribed as a risk species, where that organism was not present in New Zealand at the time of promulgation of the relevant regulation:
  - c. An organism for which a containment approval has been given under this Act:
    - ca. an organism for which conditional release approval has been given:
    - cb. a qualifying organism approved for release with controls:
  - d. A genetically modified organism:
  - e. An organism that belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that has been eradicated from New Zealand.
2. An organism is not a new organism if-
  - a. the organism is not a genetically modified organism and-
    - i. an approval is granted under section 38 to release an organism of the same taxonomic classification; or
    - ii. the organism is a qualifying organism and an approval has been granted under section 38I to release an organism of the same taxonomic classification without controls; or
    - iii. an organism of the same taxonomic classification has been prescribed as not a new organism; or
  - b. the organism is a genetically modified organism and-
    - i. an approval is granted under section 38 to release an organism of the same taxonomic classification with the same genetic modification; or
    - ii. the organism is a qualifying organism and an approval has been granted under section 38I to release an organism of the same taxonomic classification with the same genetic modification without controls; or
    - iii. an organism of the same taxonomic classification with the same genetic modification has been prescribed as not a new organism; or
  - c. the new organism was deemed to be a new organism under section 255 and other organisms of the same taxonomic classification were lawfully present in New Zealand before the commencement of that section and in a place that was not registered as a circus or zoo under the Zoological Gardens Regulations 1977.
- 2A. A new organism does not cease to be a new organism because-
  - a. it is subject to a conditional release approval; or
  - b. it is a qualifying organism approved for release with controls.
3. Despite the provisions of this section, an organism present in New Zealand before 29 July 1998 in contravention of the Animals Act 1967 or the Plants Act 1970 is a new organism.
4. Subsection (3) does not apply to the organism known as rabbit haemorrhagic disease virus, or rabbit calicivirus.'

This is the same definition as in the Hazardous Substances and New Organisms Act 1996.

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<b>Noise Sensitive Activity</b>	Means any of the following activities that are sensitive to air transport noise: dwellings: educational facilities, care centres; healthcare services; accommodation for care: accommodation for retired, elderly or disabled people; boarding house or hostel, visitor facilities.
<b>Non-complying activity</b>	has the same meaning as in the RMA.
<b>Notional boundary</b>	means:  'The notional boundary is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.'  This is the same meaning as NZS 9801:1999 Acoustics - Measurement of Sound. The term 'notional boundary' is used in the Plan in the context of measuring noise.
<b>Offices</b>	means land or buildings used for administration, consultation, or management of business transactions.  It includes any of the following: <ol style="list-style-type: none"> <li>1. Administrative offices for managing the affairs of an organisation, whether or not trading takes place.</li> <li>2. Commercial offices such as banks, insurance agents, or real estate agents where trade (other than the immediate exchange of money for physical goods) is transacted.</li> <li>3. Professional offices such as the offices of accountants, solicitors, architects, engineers, surveyors, stockbrokers and consultants where a professional service is available and carried out. This does not include healthcare services.</li> </ol>
<b>Open air market</b>	means an outdoor market which sells goods including bric a brac, produce, food and drink, art and cottage industry goods.
<b>Outdoor adventure activities</b>	means an adventure sport undertaken outdoors. It includes paintball, mountain biking and associated tracks, bungyjumping, kayaking, and other outdoor pursuits. It does not include motorised activities such as motorcross or go-karting.
<b>Papakainga housing</b>	means residential accommodation on any land classified as Maori land by the Maori Land Court.
<b>Park and ride facilities</b>	means all day carparking provided for commuters so that they can use passenger transport (ie bus) for all or part of their journey to and from work.
<b>Parks Maintenance</b>	means maintenance and repair undertaken within parks. It includes: <ol style="list-style-type: none"> <li>1. Maintenance and repair of any buildings and structures.</li> <li>2. Maintenance and repair of footpaths (concrete, gravel and shell).</li> <li>3. Track and trail maintenance and repair including re-metalling and re-surfacing of bush tracks.</li> <li>4. Clearing and reforming drainage channels.</li> <li>5. Re-topsoiling, reseeding, sandslitting for sports fields and parks.</li> <li>6. Weed management.</li> <li>7. Grass mowing.</li> <li>8. Replacement, repairs, maintenance or upgrading of existing bridges, boardwalks, and culverts.</li> <li>9. Resealing and sealing metal parking and access drives and internal park roads.</li> <li>10. Maintenance of jetties and boat ramps.</li> <li>11. Ecosystem restoration by replanting and re-vegetation.</li> <li>12. Maintenance and construction of sand carpet surfaces.</li> <li>13. Maintenance and repair of golf courses within parks.</li> <li>14. Pest Management</li> </ol>
<b>Pastoral farming</b>	means the growing of grass and fodder crops on which stock are grazed. It includes the associated use of land and buildings. It does not include the grazing of deer or goats.
<b>Permitted activity</b>	has the same meaning as in the RMA.

Part 14 - Definitions

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<b>Plan</b>	means this District Plan (ie the proposed Hauraki Gulf Islands Section of the Auckland City District Plan).
<b>Prohibited activity</b>	has the same meaning as in the RMA.
<b>Prospecting</b>	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 <b>'to prospect'</b> has a corresponding meaning:'  This is the same definition as in the Crown Minerals Act 1991.

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<b>Protection yard</b>	<p>means either of the following:</p> <ol style="list-style-type: none"> <li>1. A strip of land located between the coast (as defined by mean high water springs 'MHWS') and a line parallel to that coast; or</li> <li>2. A strip of land located between the edge of a wetland or water body, and a line parallel to that edge.</li> </ol> <p>The Plan rules specify the required width for any particular protection yard. The width must be measured in the horizontal plane.</p> <p>The protection yard must be:</p> <ol style="list-style-type: none"> <li>1. Kept clear and unobstructed by buildings (including eaves, roof, gutter or downpipes). This includes buildings both above and below ground; and</li> <li>2. Kept clear of earthworks and any other activities as specified in the Plan.</li> </ol> <p>The location of the protection yard may change over time due to changes in the location of MHWS, the wetland or water body.</p>
<b>Quarrying</b>	<p>means the extraction of sand, gravel or rock for the purposes of providing construction materials. It may include any of the following:</p> <ol style="list-style-type: none"> <li>1. Blasting.</li> <li>2. Removal of overburden.</li> <li>3. Processing to produce aggregates of sand, gravel and rock only.</li> <li>4. Storage of this material.</li> <li>5. Construction and maintenance of plant, machinery and buildings.</li> <li>6. Other ancillary works connected with such operations.</li> </ol>
<p>[new text to be added]</p>	
<b>Refuse transfer station</b>	<p>means a facility where waste collected from waste generators is compacted before being taken to a waste deposit site.</p>
<b>Requiring authority</b>	<p>has the same meaning as in the RMA.</p>
<b>Residential accessory building</b>	<p>means an accessory building which is either:</p> <ol style="list-style-type: none"> <li>1. Incidental to the use of a dwelling on a site; or</li> <li>2. Incidental to the residential use of a site.</li> </ol> <p>It may include a garage or carport, a shed, a workshop, an office, a building used for a home occupation, a recreation room, a spa pool or swimming pool.</p> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• a sleepout or other buildings that generally form part of a dwelling</li> <li>• a building which contains a kitchen sink, cooking or dishwashing facility.</li> </ul> <p><b>Note:</b> The terms 'accessory building', 'building', 'dwelling', 'residential use' and 'sleepout' are defined elsewhere in this section.</p>
<b>Residential uses</b>	<p>means any use of land or buildings for a dwelling or for uses ancillary or incidental to a dwelling.</p>
<b>Restaurant, cafe and other eating places</b>	<p>means land or buildings where food is sold to the public for eating on the premises. It may include premises licensed under the Sale of Liquor Act 1989. Part of the trade of the premises may involve sale of food to be eaten off the premises ie takeaway food.</p>
<b>Restricted discretionary activity</b>	<p>has the same meaning as in the RMA.</p>



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<b>Retail premises</b>	means land or buildings where goods, merchandise, equipment or services are sold, displayed, hired or offered for sale or direct hire to the public. It includes any of the following: <ul style="list-style-type: none"><li>• a shop</li><li>• a takeaway food bar</li><li>• a market</li><li>• premises which have an off-license under the Sale of Liquor Act 1989.</li></ul> It does not include any of the following: <ul style="list-style-type: none"><li>• a service station</li><li>• motor vehicle sales</li><li>• motor vehicle services</li><li>• restaurant, cafe and other eating places</li><li>• an internet cafe (where five or more computer terminals are available for hire and use on the premises for gaming and internet access.)</li></ul>
<b>Ridgeline</b>	means the line marking or following the crest of a ridge.
<b>RMA - the RMA</b>	means the Resource Management Act 1991 and includes any amendments to that Act. The RMA is also referred to as 'the Act'.
<b>Road</b>	means: 'the whole of land which is within the district, and which- <ol style="list-style-type: none"><li>a. Immediately before the commencement of this Part of this Act was a road or street or public highway; or</li><li>b. Immediately before the inclusion of any area in the district was a public highway within that area; or</li><li>c. Is laid out by the council as a road or street after the commencement of this Part of this Act; or</li><li>d. Is vested in the council for the purpose of a road as shown on a deposited survey plan; or</li><li>e. Is vested in the council as a road or street pursuant to any other enactment;-</li></ol> and includes- <ol style="list-style-type: none"><li>f. Except where elsewhere provided in this Part of this Act, any access way or service lane which before the commencement of this Part of this Act was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this part of this Act or is declared by the Minister of Lands as an access way or service lane on or after the 1st day of April 1988.</li><li>g. Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or limits thereof;-</li></ol> But, except as provided in the Public Works Act 1981 or in any regulations under that Act, but does not include a motorway within the meaning of that Act.' This is the same definition as in section 315 of the Local Government Act 1974.

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<b>Road network</b>	<p>means a system of roads to allow the movement of pedestrian, cycles and vehicles. It includes any of the following:</p> <ol style="list-style-type: none"> <li>1. Underground infrastructure located at or below the existing ground surface. This includes any of the following: <ol style="list-style-type: none"> <li>a. The construction (including earthworks), operation and maintenance of roads including associated footways, cycleways, footbridges, bridges, tunnels and retaining walls.</li> <li>b. Public transit systems.</li> <li>c. Road lighting, lighting in public places, lighting in private roads and private ways together with support structures as provided for by section 334A of the Local Government Act.</li> <li>d. Traffic and direction signs, information and naming signs permitted under the council's bylaw which controls signs.</li> <li>e. Traffic signals and support structures, cabinets and ancillary equipment associated with traffic signals.</li> <li>f. Transport shelters.</li> <li>g. Seats and rubbish bins.</li> </ol> </li> <li>2. Aboveground infrastructure located above the existing ground surface. This includes any of the following: <ol style="list-style-type: none"> <li>a. The construction (including earthworks), operation and maintenance of roads including associated footways, cycleways, footbridges, bridges, tunnels and retaining walls.</li> <li>b. Public transit systems.</li> <li>c. Road lighting, lighting in public places, lighting in private roads and private ways together with support structures as provided for by Section 334A of the Local Government Act.</li> <li>d. Traffic and direction signs, information and naming signs permitted under the council's bylaw which controls signs.</li> <li>e. Traffic signals and support structures, cabinets and ancillary equipment associated with traffic signals.</li> <li>f. Parking meters.</li> <li>g. Refuse and recycling drop off points.</li> <li>h. Transport shelters.</li> <li>i. CCTV (closed circuit television) cameras.</li> <li>j. Seats and rubbish bins.</li> </ol> </li> </ol>
<b>Rural property management plan</b>	<p>means a long term management plan which comprehensively details all land use activities proposed to be undertaken on a site. It includes:</p> <ul style="list-style-type: none"> <li>• the location of buildings and activities</li> <li>• the mitigation of effects proposed to manage adverse effects from those buildings and activities</li> <li>• methods for protecting and, where practicable, enhancing any parts of the site classified as landform 1, 2 or 4.</li> </ul>
<b>Sand quarrying</b>	means 'quarrying' (as defined earlier) but for sand only.
<b>Scheduled item</b>	see definition in <a href="#">part 7 - Heritage</a> .

<b>Service station</b>	<p>means any land or buildings where the main activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel).</p> <p>It may also include one or more of the following:</p> <ol style="list-style-type: none"> <li>1. The sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles.</li> <li>2. A retail premises with a maximum gross floor area of 100m<sup>2</sup>.</li> <li>3. Mechanical repair and servicing of motor vehicles (including motor cycles, caravans, boat motors, trailers) and domestic gardening equipment.</li> <li>4. Warrant of fitness testing.</li> <li>5. Car wash facilities.</li> </ol>
<b>Settlement area</b>	<p>means an area identified as such in <a href="#">figures 10b.1 to 8</a> and on the planning maps for the outer islands.</p>
<b>Significant environmental feature</b>	<p>means any of the following:</p> <ul style="list-style-type: none"> <li>• The whole of any distinct natural feature, landform or landscape which makes a significant contribution to the quality of the local natural environment and amenity.</li> <li>• Any feature of archaeological, historical or cultural significance.</li> </ul> <p>It may include one or more of the following:</p> <ul style="list-style-type: none"> <li>• any site of ecological significance scheduled in the Plan</li> <li>• a water system</li> <li>• a habitat for indigenous species</li> <li>• an association of indigenous vegetation</li> <li>• a landform (including any significant ridgeline identified on the planning maps)</li> <li>• an ecological corridor</li> <li>• a visually significant area or group of areas</li> <li>• any item scheduled in the Plan for its archaeological, historical or cultural significance.</li> </ul> <p>For the purposes of the Thumb Point Waiheke Island property, any site of ecological significance that is shown on the (Series 2) planning maps in the Plan is deemed to be a significant environmental feature (for the avoidance of doubt).</p>
<b>Significant ridgeline area</b>	<p>means an area surrounding a significant ridgeline as identified on the planning maps. The significant ridgeline area includes all land falling within 100m perpendicular to any point on the identified ridgeline.</p> <p>On the planning maps, the extent of the significant ridgeline area is shown by lighter dotted lines parallel to and on either side of a heavier dotted line which marks the location of the associated ridgeline.</p>



<b>Site</b>	<p>means either:</p> <ol style="list-style-type: none"> <li>1. An area of land which is: <ol style="list-style-type: none"> <li>a. Contained in a single certificate of title; or</li> <li>b. Contained in a single lot on an approved survey plan or subdivision for which a separate certificate of title could be issued without further consent of the council;</li> </ol> <p>being in any case the smaller land area of (a) or (b); or</p> </li> <li>2. An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are: <ol style="list-style-type: none"> <li>a. Subject to a condition imposed under section 75 of the Building Act 2004 (or previously bound by section 37 of the Building Act 1991 (repealed)); or</li> <li>b. Held together in such a way that they cannot be dealt with separately without the prior consent of the council, such as a covenant imposed under section 220(2)(a) and section 240 of the Resource Management Act 1991, or any covenant previously bound by section 643 (repealed) of the Local Government Act 1974.</li> </ol> </li> </ol> <p>Except that in the case of land subdivided under the Unit Titles Act 1972 or the cross lease system, 'site' will be considered to be the whole of the land subject to the unit development or cross lease.</p>
<b>Sleepout</b>	<p>means a building which contains a bedroom or bedrooms. It may include bathroom and toilet facilities. It does not contain a kitchen sink, cooking or dishwashing facility.</p> <p>A sleepout must be treated as a building forming part of a dwelling rather than as an accessory building.</p> <p><b>Note:</b> The terms 'accessory building', 'building' and 'dwelling' are defined earlier in this section.</p>
<b>Soil register area</b>	<p>means land for which the council holds a geotechnical report on the condition of soils for all or part of the sites identified. These reports have usually been prepared in conjunction with an application for a building consent because:</p> <ul style="list-style-type: none"> <li>• The land was within a soil warning area; or</li> <li>• Site inspections by an engineer with geotechnical expertise determined that the foundations for a building or structure on the site would need specific design due to soil conditions.</li> </ul> <p>Land within a 'soil register area' is identified on the planning maps.</p>
<b>Soil warning area</b>	<p>means any of the following:</p> <ul style="list-style-type: none"> <li>• areas of filled or weak ground (this may include former refuse tip sites)</li> <li>• areas that are unstable</li> <li>• areas where the ground is suspected to be liable to slip, slump, or become liquefied, or perform poorly if loads are imposed upon it.</li> </ul> <p>Land within a 'soil warning area' is identified on the planning maps.</p>
<b>Sustainable management</b>	<p>has the same meaning as in the RMA.</p>
<b>Tavern</b>	<p>means land or buildings used primarily for the sale of liquor and other refreshments to the public for consumption on the premises. Liquor may also be sold for consumption off the premises.</p>

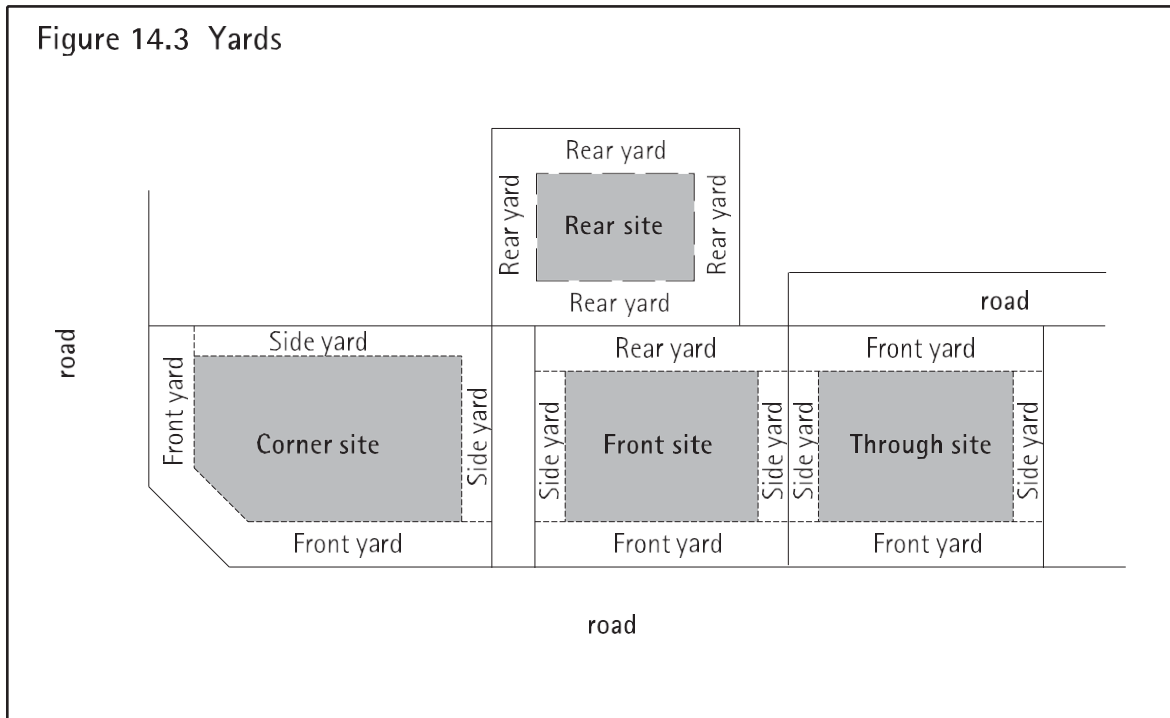
<b>Telecommunication network</b>	<p>means a system made up of telecommunication links to allow telecommunication. It includes any of the following:</p> <ol style="list-style-type: none"> <li>1. Underground infrastructure located at or below the existing ground surface. This includes cables (service connection and distribution lines including fibre optic), cabinets, conductors and Totally Underground Distribution Systems (TUDS).</li> <li>2. Aboveground infrastructure located above the existing ground surface. This includes public telephone boxes, cabinets, junction pillars, cellphone antennas, cell site antennas, masts and metrolight poles.</li> <li>3. Overhead cable infrastructure located above the existing ground surface and suspended by poles or support structures. This includes cables (service connection and distribution lines including fibre optic) and support poles, and any equipment or structure located on support poles.</li> </ol>
<b>Thumb Point Waiheke Island property</b>	<p>Means any land that is (as at 17 October ) contained within the following certificates of title NA23C/199. NA23C/200, NA26A/1073, NA26A/1074. NA26A/1075. NA47C/503. NA47C/889, NA173/117, NA195/118. NA758/233. NA758/234, NA758/235, NA970/265 and NA82C/468.</p>
<b>Tourist complex</b>	<p>means land or buildings which are used for the day to day accommodation of tourists and short-stay visitors away from their normal place of residence.</p> <p>It includes visitor accommodation in association with one or more of the following:</p> <ul style="list-style-type: none"> <li>• function facilities</li> <li>• taverns</li> <li>• restaurants, cafe and other eating places</li> <li>• entertainment facilities</li> </ul> <p>without limiting the use of such facilities to people staying in the complex.</p> <p>It may include premises licensed under the Sale of Liquor Act 1989.</p> <p>It does not include:</p> <ul style="list-style-type: none"> <li>• camping facilities; or</li> <li>• boarding houses or hostels.</li> </ul>
<b>Type A flood plain</b>	<p>means land that the council has identified as being likely to flood in a 1 in 100 year storm. Type A flood plains are identified on the planning maps. Type A flood plains are considered to be a reasonably accurate assessment of flooding in a 1 in 100 year storm.</p>
<b>Type B flood risk area</b>	<p>means land that the council has identified as being likely to flood in a 1 in 100 year storm. Type B flood risk areas are identified on the planning maps. Type B flood risk areas are based on less accurate information than type A flood plains.</p>

<b>Visitor accommodation</b>	<p>means land or buildings used for the day to day accommodation of tourists and short-stay visitors away from their normal place of residence.</p> <p>It may include shared or centralised services for the tourists or visitors such as kitchen and dining facilities, toilet and washing facilities, and recreational and bar facilities.</p> <p>It includes any of the following:</p> <ul style="list-style-type: none"> <li>• motels and hotels</li> <li>• backpacker lodges</li> <li>• serviced rental accommodation for visitors that is offered at a daily tariff or with a pricing structure that is consistent with short stay accommodation</li> <li>• timeshare accommodation.</li> </ul> <p>It may include premises licensed under the Sale of Liquor Act 1989.</p> <p>Where the visitor accommodation provides for more than 10 people, it may include on site accommodation for a manager and the manager's family.</p> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• the letting of dwellings, including for holiday purposes</li> <li>• homestays</li> <li>• boarding houses and hostels</li> <li>• camping facilities</li> <li>• taverns</li> <li>• restaurants, cafes and other eating places except where these are limited to the use of people staying in the accommodation and their guests.</li> </ul> <p>It may form part of a tourist complex.</p>
<b>Wastewater network</b>	<p>means a system made up of wastewater links to allow the reticulation of wastewater or sewage. It includes any of the following:</p> <ol style="list-style-type: none"> <li>1. Underground infrastructure located at or below the existing ground surface. This includes associated equipment, pipes and fittings, chambers and pits, meters, pumping stations, manholes and detention tanks.</li> <li>2. Aboveground infrastructure located above the existing ground surface. This includes aerial pipe bridges, pumping stations, transformers, ventilation pipes, manholes, discharge outlets equipment, cabinets, emergency overflows, aerals, overflow screens and biofilters.</li> </ol>
<b>Water body</b>	<p>means fresh or tidal water in a river, lake, stream, pond or modified natural water course.</p> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• any artificial water course such as a drain or an irrigation canal</li> <li>• any ephemeral streams that do not support aquatic life</li> <li>• any water located below mean high water springs.</li> </ul>
<b>Water system</b>	<p>means any part of a natural drainage system including ground water, aquifers, water bodies, and wetlands.</p>
<b>Wetland</b>	<p>includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.</p>

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<b>Winery</b>	<p>means land or buildings used for the processing and, if required fermentation of grapes into wine or juice, and may include:</p> <ul style="list-style-type: none"> <li>• the storage, blending, or mixing of a wine or wines</li> <li>• the bottling or otherwise packaging of wine</li> <li>• the labelling of wine</li> <li>• wine-tasting and ancillary wine retailing.</li> </ul> <p>It does not include any of the following:</p> <ul style="list-style-type: none"> <li>• visitor accommodation</li> <li>• restaurants, cafes or other eating places</li> <li>• function facilities.</li> </ul> <p>The storage, packaging (but not bottling), and labelling of wine is not exclusively limited to a winery and can occur as part of viticulture.</p>
<b>Works within the dripline</b>	<p>Means the excavation, deposition of material, construction, work, emplacement of services, storage or other activity in, on, above or under, the dripline (branch spread) of a tree or vegetation.</p>
<b>Yard</b>	<p>means a part of a site which is to be kept clear and unobstructed by buildings (including eaves, roof, gutter or downpipes) from the ground upwards.</p> <p>The Plan rules specify the required width for any particular yard. The width must be measured in the horizontal plane.</p> <p>Except as otherwise provided by this Plan:</p> <p><b>Front yard</b> means a yard which:</p> <ul style="list-style-type: none"> <li>• is located between the site boundary where it abuts the road and a line parallel to that; and</li> <li>• extends across the full width of the site.</li> </ul> <p>Except that where any building line for road widening purposes is shown on the planning maps this line will be substituted for the site boundary.</p> <p><b>Rear yard</b> means a yard which:</p> <ul style="list-style-type: none"> <li>• is located between the rear boundary of a site (other than a corner site) and a line parallel to that; and</li> <li>• extends across the full width of the site.</li> </ul> <p>For a rear site, all boundaries, other than the boundary fronting the road, will be treated as rear boundaries.</p> <p><b>Side yard</b> means a yard which:</p> <ul style="list-style-type: none"> <li>• is located between the side boundary of a site and a line parallel to that</li> <li>• extends across the full width of the site; and</li> <li>• excludes any part of the site which is a front or rear yard.</li> </ul> <p>For a corner site, every boundary which does not abut the road, will be treated as a side boundary.</p> <p>The location of front, rear and side yards is shown on <a href="#">figure 14.3: Yards</a>.</p> <p><b>Building restriction yard</b> means a yard, the location of which is indicated on the planning maps. This replaces any other front yard requirements.</p> <p><b>Protection yard</b> - this is defined under 'protection yard'</p>

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## 14.4 Definitions from the Resource Management Act 1991

The Plan uses a number of terms which have particular meanings as defined the RMA. Those RMA terms which are likely to be of most relevance to a user of the Plan are set out below for information purposes only. However this list is by no means exhaustive.

The definitions below are correct at the time of notification of this Plan. However from time to time there may be further amendments to the RMA resulting in changes to defined terms. The council intends to update this list periodically to reflect any subsequent changes to the RMA. If any inconsistency arises between the most current RMA definition and this list, then the RMA definition takes precedence.

**Allotment** Section 218 (2) states:

“In this Act, the term “allotment” 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.”

<b>Amenity values</b>	<p>Section 2 states:</p> <p>“Amenity values 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.”</p>
<b>Coastal marine area</b>	<p>Section 2 states:</p> <p>"Coastal marine area means the foreshore, seabed, and coastal water, and the air space above the water-</p> <ol style="list-style-type: none"> <li>a. Of which the seaward boundary is the outer limits of the territorial sea:</li> <li>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- <ol style="list-style-type: none"> <li>i. One kilometre upstream from the mouth of the river; or</li> <li>ii. The point upstream that is calculated by multiplying the width of the river mouth by 5:"</li> </ol> </li> </ol>
<b>Contaminant</b>	<p>Section 2 states:</p> <p>"Contaminant includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat-</p> <ol style="list-style-type: none"> <li>a. When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</li> <li>b. When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged:"</li> </ol>
<b>Contaminated land</b>	<p>Section 2 states:</p> <p>"contaminated land means land that has a hazardous substance in or on it that-</p> <ol style="list-style-type: none"> <li>a. has significant adverse effects on the environment; or</li> <li>b. is reasonably likely to have significant adverse effects on the environment".</li> </ol>
<b>Controlled activity</b>	<p>Section 87A(2) states:</p> <p>"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-</p> <ol style="list-style-type: none"> <li>a. the consent authority must grant a resource consent (except if section 106 applies); and</li> <li>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</li> <li>c. the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan."</li> </ol>
<b>Designation</b>	<p>Section 166 states:</p> <p>“Designation 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.”</p>

<b>Discretionary activity</b>	<p>Section 87A(4) states:</p> <p>"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-</p> <ol style="list-style-type: none"> <li>a. the consent authority may decline the consent or grant the consent with or without conditions; and</li> <li>b. if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan." </li></ol>
<b>Effect</b>	<p>Section 3 states:</p> <p>"In this Act, unless the context otherwise requires, the term "effect" includes —</p> <ol style="list-style-type: none"> <li>a. Any positive or adverse effect; and</li> <li>b. Any temporary or permanent effect; and</li> <li>c. Any past, present, or future effect; and</li> <li>d. Any cumulative effect which arises over time or in combination with other effects —</li> </ol> <p>regardless of the scale, intensity, duration, or frequency of the effect, and also includes —</p> <ol style="list-style-type: none"> <li>e. Any potential effect of high probability; and</li> <li>f. Any potential effect of low probability which has a high potential impact." </li></ol>
<b>Environment</b>	<p>Section 2 states:</p> <p>"Environment includes —</p> <ol style="list-style-type: none"> <li>a. Ecosystems and their constituent parts, including people and communities; and</li> <li>b. All natural and physical resources; and</li> <li>c. Amenity values; and</li> <li>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." </li></ol>
<b>Historic heritage</b>	<p>Section 2 states:</p> <p>"Historic heritage -</p> <ol style="list-style-type: none"> <li>a. means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: <ol style="list-style-type: none"> <li>i. archaeological:</li> <li>ii. architectural:</li> <li>iii. cultural:</li> <li>iv. historic:</li> <li>v. scientific:</li> <li>vi. technological; and</li> </ol> </li> <li>b. includes — <ol style="list-style-type: none"> <li>i. historic sites, structures, places, and areas; and</li> <li>ii. archaeological sites; and</li> <li>iii. sites of significance to Maori, including wahi tapu; and</li> <li>iv. surroundings associated with the natural and physical resources."</li> </ol> </li> </ol>
<b>Kaitiakitanga</b>	<p>Section 2 states:</p> <p>"Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship."</p>

<b>Mana whenua</b>	<p>Section 2 states:</p> <p>“Mana whenua means customary authority exercised by an iwi or hapu in an identified area.”</p>
<b>Natural and physical resources</b>	<p>Section 2 states:</p> <p>“Natural and physical resources includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.”</p>
<b>Natural hazard</b>	<p>Section 2 states:</p> <p>“Natural hazard 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.”</p>
<b>Non-complying activity</b>	<p>Section 87A(5) states:</p> <p>“If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a non-complying activity, a resource consent is required for the activity and-</p> <ol style="list-style-type: none"> <li>a. decline the consent; or</li> <li>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.”</li> </ol>
<b>Permitted activity</b>	<p>Section 87A(1) states:</p> <p>“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.”</p>
<b>Prohibited activity</b>	<p>Section 87A(6) states:</p> <p>“If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a prohibited activity, a resource consent is required for the activity and-</p> <ol style="list-style-type: none"> <li>a. no application for a resource consent may be made for the activity; and</li> <li>b. the consent authority must not grant a consent for it.”</li> </ol>
<b>Requiring authority</b>	<p>Section 166 states:</p> <p>“Requiring authority means -</p> <ol style="list-style-type: none"> <li>a. A Minister of the Crown; or</li> <li>b. A local authority; or</li> <li>c. network utility operator approved as a requiring authority under section 167.”</li> </ol>
<b>Restricted discretionary activity</b>	<p>Section 87A(3) states:</p> <p>“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-</p> <ol style="list-style-type: none"> <li>a. 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</li> <li>b. if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.”</li> </ol>



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**Sustainable management**

Section 5 (2) states:

“In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while —

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”