

PART 11

DEFINITIONS



PART 11 - DEFINITIONS

The Act	means the Resource Management Act 1991 and includes any amendments thereto.
Amenity/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
Airstrips	
Commercial Airstrip	means a site (as defined herein) set aside for the take off or landing of aircraft for commercial purposes, but does not include any farm airstrip, helipad or any landing area specified in 6B .1.1.6.
Farm Airstrip	means a site (as defined herein) set aside for the take-off and landing of light aircraft. The use of such an airstrip shall be confined to light aircraft engaged in topdressing or similar farm related activities, or the transport of the occupants of the farm property in which it is located. Such an airstrip shall not be used for any other aircraft purposes.
Building	<p>means any building or construction or part of a building or construction and in addition to its ordinary and usual meaning shall include the following:-</p> <ul style="list-style-type: none">(a) any construction, having a roof thereto and a height from floor to ceiling (or to the underside of the rafters where no ceiling is provided) over any portion of the floor of more than 1.7m;(b) any grandstand, stadium or other construction which supplies seating or standing accommodation at any race-course, sports ground, recreation ground or similar place whether or not such construction is enclosed or covered;(c) any retaining wall or breastwork exceeding 1.0m in height;(d) any fence or wall exceeding 2.0m height;(e) any pool or tank more than 1.0 metre in height above ground level immediately below, (including a detention tank, swimming pool, spa pool, swirl pool, plunge pool and hot tub);(f) any vehicle, caravan or construction whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;(g) any verandah, bridge or other construction over a public place or any tunnel or excavation beneath the same;



- (h) any mast, pole or radio or television aerial which exceeds 6m in height above the point of attachment or its base support;
- (i) any permanent tent or marquee or air supported canopy;
- (j) any part of a deck or terrace which is more than 1m above ground level; but does not include any fence or wall, not exceeding 2.4m in height from the lowest ground level adjoining;
- (k) any satellite dishes exceeding 1.0 metre in height above ground level immediately below.
- (l) any dam or similar construction used to divert or store water.

but does not include boardwalks on publicly owned land used as part of a public walkway system

Building Line

means a line drawn on the planning maps to indicate the extent of a building restriction yard.

Camping Facilities

means an area of land used, designed or intended to be used for rent, hire or reward for the purposes of temporary living places (tent or other structure or shelter, caravan or other vehicle occupied either wholly or in part as a temporary living place for human habitation) by two or more families or parties (whether consisting of a single person or of more persons than one) living independently of each other, irrespective of whether such families or parties enjoy the use in common of entrances, water supplies, cook houses, sanitary conveniences or other premises and equipment.

Care Centre

means any land or buildings where;

- (a) three or more children (in addition to the children of the centre manager) aged younger than 6 years are educated and cared for, and may be licensed as such by regulation; and/or
- (b) three or more children aged 6 years or older (in addition to the children of the centre manager) are cared for out of school hours; and/or
- (c) elderly persons are cared for during the day; and/or
- (d) persons with disabilities are educated and cared for during the day.

and includes: Creches, Play Centres, Kindergartens, Childcare Centres, Kohanga Reo, Play Groups.

Catchment

means an area of natural topography from which surface water flows via a self contained natural drainage system.

Commercial Firewood Harvesting

means the harvesting of Manuka and/or Kanuka or any exotic species for the production and sale of firewood using portable equipment, but does not include other activities associated with the milling or processing of trees.

Community Facilities

means any buildings or facilities or part thereof intended to be used principally by members of the local community for the assembly of people for recreation, entertainment, worship cultural and spiritual instruction and deliberation (but does not include any entertainment facilities or restaurant).

Comprehensive Rural Development

means a proposed development under Rule 6.22.4.3B and Rule 8.5.4.6 whereby provision is made for dwellings at a low density in a rural landscape. The protection of the rural and coastal character of the land unit is the prime determinant upon which the evaluation of any such application is based.

Controlled Activity

means any activity which the plan specifies as a controlled activity and which is allowed only if a resource consent is obtained in respect of that activity.



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Co-operatively Owned Land	means in the context of the Plan rules which provide for multiple dwellings, land owned by a number of individuals under a legally recognised, co-operative company or society structure eg; a written agreement registered under the Companies Act.
Council	means Auckland City Council or any committee, sub-committee or person to whom the Council's powers, duties and discretion under the provisions of the Act or this plan has been delegated pursuant to the provisions of the Act or the Local Government Act 1974.
Discretionary Activity	means an activity which a plan specifies as being allowed only if a resource consent is obtained in respect of the activity from a consent authority, which must exercise its discretion to grant the consent in accordance with criteria specified in the plan and the Act:
Dwelling	means a building, a cluster of buildings, a room or a group of rooms, used, designed or intended to be used exclusively by one or more persons as a single, independent and separate housekeeping unit and includes homestay accommodation where lodging is provided or intended to be provided within the dwelling for reward or payment for not more than five (5) guests. Where separate buildings exist, they must be integral to each other in terms of location and layout. Residential accessory buildings do not need to be integral to other buildings on the lot.
Earthworks	<p>means earthmoving operations carried out by any means for development purposes and includes:</p> <ul style="list-style-type: none">(i) quarrying,(ii) prospecting and exploration;(iii) The disturbance of land surfaces by moving, removing, placing or replacing soil or earth; or by excavation, cutting or filling operations;(iv) Contouring;(v) Road, driveway and access construction;(vi) cleanfill operations, involving the depositing of soil or earth onto or into land, and not including material subject to biological breakdown. <p>The following shall not be included within the meaning of earthworks:</p> <ul style="list-style-type: none">- gardening for domestic purposes- cultivation associated with agriculture or horticulture- the digging of holes for the erection of posts- the cleaning and maintenance of existing farm drains- the construction of new farm drains in Land Units 3 and 5 on Great Barrier Island
Ecological Corridor	means a geographical connection between natural habitats which provides for the movement of organisms between those habitats or provides a further habitat for organisms.
Educational Facilities	means land and or buildings used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors and includes schools, technical institutes, teachers colleges, universities, outdoor education centres and sports training establishments.



Entertainment Facilities	<p>means premises in which facilities are provided for a charge to the public, or by private reservation for</p> <ul style="list-style-type: none"> • indoor recreation and entertainment • premises designed for the promotion of physical health or beauty culture <p>and may include premises licensed under the Sale of Liquor Act, theatres, cinemas, cabarets, clubs, amusement galleries, gymnasiums, sauna or figure control clinics and premises controlled by the Massage Parlour Act 1978 but does not include restaurant areas or a restaurant.</p>
Exploration	As defined in the Crown Minerals Act 1991
Forestry	means the management of land for commercial wood production including the extraction of timber therefrom but does not include the milling or processing of timber or the extraction of manuka and/or kanuka for commercial firewood harvesting.
Frontage	means that portion of land which secures legal access to a lot from an existing road or road to be vested or otherwise legalised and includes any right of way.
Gross Dwelling Area	means the total area of all floors contained within the exterior walls of any dwelling or visitor facilities excluding stairwells or any private garage located within those exterior walls.
Hazardous Facilities	includes all activities involving hazardous substances, sites where hazardous substances are stored or handled or which might be contaminated by hazardous substances, and all installations containing hazardous substances, including vehicles for their transport.
Hazardous Substances	are defined as any substances which may impair human, plant, or animal health or may adversely affect the health or safety of any person or the environment, whether or not contained in or forming part of any other substance or thing.
Height	<p>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 (see Figure 11 herein).</p> <p>For the purpose of calculating height, account shall be taken of parapets but not of:-</p> <ul style="list-style-type: none"> (a) radio or television aerials; or (b) chimneys, (not exceeding 1.1m in any horizontal direction); or (c) finials, where the maximum height normally permitted by the rules for the land unit is exceeded by not more than 1.5m.
Helipad	means a site (as defined herein) set aside primarily for the take-off and landing of helicopters used for more than 4 inward movements and 4 outward movements in any 7 day period or more than 10 movements in any one month. A helipad may include passenger facilities but shall not have servicing, hangaring or freight handling facilities.



Home Occupation

means the use of a lot for an activity which is secondary and incidental to the use of the lot for residential purposes, where the activity

- (i) is performed by a member of the household residing in a dwelling on the lot;
- (ii) is carried on either wholly within the dwelling or within an accessory building erected or modified for the purpose, provided that the activity shall not occupy more than one-third of the floor area of all buildings on the lot;
- (iii) employs not more than one person residing elsewhere than on the lot.
- (iv) involves no retail sales from the lot other than of:
 - handcrafts produced on the property
 - fruit, vegetables or other natural products grown on the property.
- (v) generates or causes no objectionable noise, smoke, smell, effluent, vibration, dust or other noxious or dangerous effects, or significant increase in traffic.

Horticulture

means the commercial growing of vegetables, fruit, berries, nuts, vines, flowers or plants. It includes market gardening, viticulture and orcharding but does not include the growing of crops in greenhouses or factory farming.

Houseboat

means any dwelling designed, constructed and located in such a manner that it has the ability to float.

Housekeeping unit

means a separate household consisting of either:

- (a) one person; and up to five people unassociated with the household; or
- (b) two or more persons related by blood, marriage whether legal or defacto, or adoption or by legal guardianship; and up to five people unassociated with the household; or
- (c) a group of not more than eight persons unrelated by blood, marriage whether legal or defacto, adoption or legal guardianship;

and includes any of the normal domestic household activities which may occur on the premises.

Industry

means premises used for the manufacturing, fabricating, processing, packing or storage of substances, into new products, whether by machinery or by hand.

Landscaping

means the enhancement of the amenities of a lot by means of planting, paving, land contouring or screening.

Lot

Lot is an area of land:

- (i) comprised in a single certificate of title: or
- (ii) defined on an approved survey plan for which a separate title could be issued without further consent of the Council;

being in any case the smaller land area at (i) or (ii); and includes an access lot.



Lot Coverage

means that portion of a lot which is covered by buildings or parts of buildings including overhanging or cantilevered parts of buildings (including any part of the eaves and/or spouting or bay windows projecting more than 1m measured horizontally, from the exterior wall). In the case of multiple dwellings, papakainga and buildings approved as part of a Comprehensive Rural Development in Land Unit 22, lot coverage refers to the coverage associated with each approved dwelling.

The following shall not be included in Lot Coverage:-

- Pergolas;
- Underground car parking with landscaping above.
- Earthen terracing with landscaping above of sufficient depth to allow drainage;
- Satellite dishes.

Lot Area - Gross

means the total area of a lot including any entrance strip and any areas of the site over which rights of way have been granted or are proposed to be granted.

Lot Yards

Refer Yards

Marine Industry

means the commercial production, processing, assembly, servicing, testing, repair and/or storage and warehousing of any materials, goods or products related to any maritime activity and includes the storage and processing of fish and shellfish, the construction and repair of boats and the storage of fuel for marine use.

Marine Fuelling Services

means any facility designed for the supply of motor fuels (excluding CNG and LPG) to vessels moored alongside a jetty or wharf.

Mining

means to take, win or extract, by whatever means a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance, but does not include quarrying, prospecting or exploration; and "to mine" has a corresponding meaning. Prospecting, exploration and quarrying are defined separately here-in.

Multiple Dwellings

means the provision of more than one dwelling on a lot.

New Organisms

means:

- (a) A species (or a subspecies, variety, strain or cultivar of a species) of an organism which has not previously been legally imported into New Zealand and is not native to New Zealand; or
- (b) A genetically modified organism which has not previously been approved by the Crown (or its agency) for general release in New Zealand; or
- (c) An organism which has been eradicated from New Zealand.
- (d) An organism, further imports of which are prohibited; or
- (e) An organism which is in containment.

Non-Complying Activity

means an activity which contravenes the Plan but is not listed as a prohibited activity.

Papakainga Housing

Residential accommodation on Maori land which is held in multiple ownership.



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Pastoral Farming	means the growing of grass and fodder crops, and the grazing of livestock thereon.
Permitted Activity	means an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in Section 108 or Section 220) specified in the Plan.
Prohibited Activity	means an activity which the Plan expressly prohibits and describes as an activity for which no resource consent shall be granted.
Prospecting	As defined in the Crown Minerals Act 1991.
Protection Yard	means part of a lot which is to be kept clear of all land uses associated with activities located on that lot except for landscaping or planting for conservation purposes.
Quarrying	means the excavation of sand, gravel or rock from the earth for the purposes of providing construction materials and includes the removal of overburden and processing to produce aggregates of sand, gravel and rock only and the storage of this material and the erection and maintenance of plant, machinery and buildings and other works connected with such operations
Radiocommunication	has the same meaning as in Section 2(1) of the Telecommunications Act 1987, or any amendment or any act passed in substitution.
Rehabilitation Facilities	means land and buildings which together are used for the purpose of providing for physical, psychological or social rehabilitation.
Residential Accessory Building	means a building which is small in scale, the use of which is ancillary and incidental to the use of a dwelling on the site, and includes garages, sheds, workshops, offices and buildings used for home occupations, but does not include sleepouts or other buildings that generally comprise part of a dwelling.
Residential Purposes	means any use of land or buildings for a dwelling or for purposes ancillary or incidental to a dwelling, and includes any home occupation and homestay accommodation.
Restaurant	means any land and/or building on or in which snacks or meals are sold generally to the public for consumption on the premises, and may include premises licensed under the Sale of Liquor Act. Part of the trade of the premises may be derived from the sale of food for consumption off the premises, i.e. Takeaway.
Retail Premises	means land and/or buildings from which goods, merchandise, equipment or services are sold, exposed, displayed, or offered for sale or direct hire to the public, and includes a takeaway food bar, but does not include a service station, motor vehicle sales and service premises, or a restaurant, cafe and other eating places.
Rural Industries	means the use of land and buildings for the processing and/or sale of garden, farm and forest products or the commercial raising of plants and animals where the principal processes do not rely on soil fertility.
Rural Property Management Plan	means a site plan together with relevant information to accompany a discretionary resource consent application comprising details of all land use activities for the whole of the site.



Service Station

means any lot used for a retail premises where the dominant activity is:

the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel), kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; and

may also include any one or more of the following:

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

Significant Environmental Feature

means the whole of any discrete natural feature or landscape which makes a significant contribution to the quality of the local natural environment and amenity and includes any water system, habitat for indigenous species, association of indigenous vegetation, archaeological feature or area of significance as identified by iwi, or any geological feature, landform (including any significant ridgeline identified on the planning maps), ecological corridor or visually significant area or group of areas and includes any site of Ecological Significance listed in Appendix C in the District Plan.

Significant Ridgeline

means any ridgeline specifically identified on the planning maps or information overlay maps (foils) forming part of the district plan.

Site

means either:

- A. an area of land which is
 - (i) comprised in a single certificate of title; or
 - (ii) 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;
 being in any case the smaller land area of (i) or (ii); or
- B. an area of land which is composed of two or more contiguous lots held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or
- C. 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:
 - (i) subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or
 - (ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council;
- D. An area of land which is:
 - (i) partly made up of land which complies with A, B or C above; and
 - (ii) partly made up of an interest in any airspace above or subsoil below a road;

where (i) and (ii) are adjacent and can be held together in such a way that they cannot be dealt with separately without the prior approval of the Council;

Except that in the case of land subdivided under the Unit Titles Act 1972 or the cross lease system, "site" shall be deemed to be the whole of the land subject to the unit development or cross lease.



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Telecommunication	has the same meaning as in Section 2(1A) of the Telecommunications Act 1987, or any amendment or any act passed in substitution.
Visitor Facilities	Means any premises in which transient accommodation or lodging is provided or intended to be provided for reward or payment, ie short term guests paying a daily tariff, licensed for the sale of liquor or not, and inclusive of any service or amenity ancillary to such a facility but excludes any premise where five or less persons are provided for within a dwelling. Any on-site manager's accommodation must form an integral part of any visitor facility.
Water System	means any part of a natural drainage system including ground water, aquifers, watercourses including streams and rivers, wetlands and estuaries.
Wetland	means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
Yards	
Building Restriction Yard	means a yard imposed on a lot to ensure that when new buildings are erected, or existing buildings are substantially rebuilt, no part of any such building shall stand within that yard (see Figure 10). The dimension of any Building Restriction Yard is indicated on the planning maps by a building line.
Front Yard	means a yard between the road and a line parallel thereto, extending across the full width of the lot; (except that where any building line is shown on Planning Map No.2 this line shall be substituted for the existing road line).
Rear Yard	means a yard in any lot other than a corner lot, such yard being bounded by the rear boundary of the lot and a line extending across the full width of the lot; except that a rear yard in respect of any rear lot means a yard which, except for any portion of the lot comprised in a front yard, lies between the full length of all boundaries of the lot and a line parallel thereto.
Side Yard	means a yard which, except for any portion of the lot comprised in a front or rear yard, lies between the full length of a side boundary and a line parallel thereto; except that in respect of a corner lot every boundary not being a road frontage shall be deemed to be a side boundary.



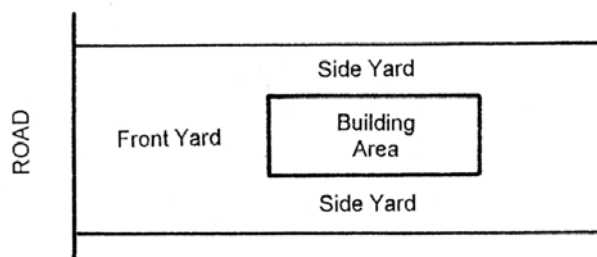
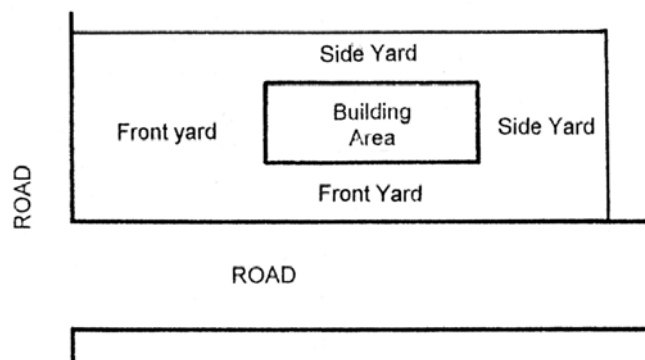
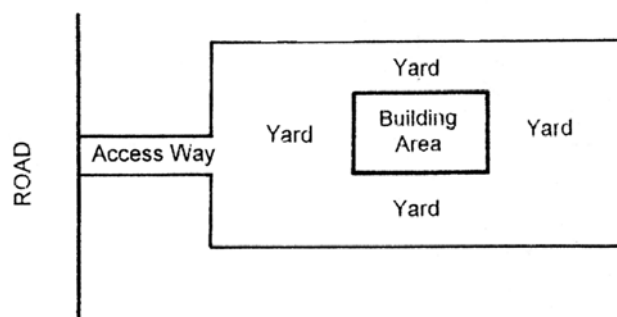
Figure 10**Front Lot****Corner Lot****Rear Lot**

Figure 11

Elevation

