

Definitions**Access Strip**

Has the same meaning as in Section 2 of the Act.

Accessory Building or Activity

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

The Act

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

Allotment or Lot

Has the same meaning as in Section 2 of the Act.

Amenity or 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.

Archaeological Site

Means any place in New Zealand that either was associated with human activity that occurred before 1900, or is the site of the wreck of any vessel which occurred before 1900 and is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Boundary Relocation

Means subdivision whereby there is no increase in the number of lots created.

Building

Has the same meaning as "Building" in the Building Act 1993.

Certificate of Title

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

- ♦ A composite Certificate of Title for tenancy-in-common and leasehold estate.
- ♦ A Certificate of Title for tenancy-in-common interest, which is less than the whole of the estate in the land described in the Certificate of Title.
- ♦ A Certificate of Title for a stratum estate in terms of the Unit Titles Act 1972.

Coastal Marine Area

Means that area of the foreshore and seabed:

- ♦ of which the seaward boundary is the outer limits of the territorial sea;
- ♦ 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 as set out in the relevant Regional Coastal Plan

Community Facility

A gathering place or public facility which is not operated on a primarily commercial basis. A community facility includes but is not limited to churches, church halls, local community halls, periodic detention centres, probation reporting centres, libraries, public toilets, display of information for the public and any accessory building.

Conservation Activity

Includes activities involving the establishment, maintenance or upgrading of Conservation Areas or Reserves, such as tree husbandry, walking and cycle track construction, control of pests, interpretative and directional signs, toilets, huts, shelters, camp sites and the like, and search and rescue operations.

Contaminant

Includes any substance (including gases, 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:

- (a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- (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.

Controlled Activity

Means an activity which:

- ♦ is provided for, as a controlled activity, by a rule in a plan or proposed plan; and
- ♦ Is allowed only if a resource consent is obtained in respect of that activity.

Council

Means the Waitomo District Council or any Committee, Community Board, Hearings Commissioner, or person authorised to exercise the functions, duties or powers of the Council under the Act.

Coverage

Means the portion of the site, excluding any area set aside for a right of way, or shared accessway, which is covered by buildings.

Day time

In relation to noise measurement means from 7.00 am to 10.00 pm Monday to Saturday and 8.00 am to 5.00 pm Sundays and Public Holidays.

Discretionary Activity

Means an activity

- ♦ Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
- ♦ Which is allowed only if a resource consent is obtained in respect of that activity; and
- ♦ Which may have standards or terms specified in a plan or proposed plan

District Plan

Means the operative District Plan for the Waitomo District and includes the Waitomo District Planning Maps.

Dwelling

Means a residential building designed and used principally as a self-contained residence for persons who normally permanently reside on the site, and within which there is not more than one kitchen.

Earthworks

Means the disturbance of the land surface by blading, digging, scooping, contouring, ripping, removing of overburden, placing or replacing rock, soil or earth, or by excavation or cutting or filling.

Ecological Sequence

Means a series of two or more connected ecosystems or vegetation types that retain natural transition zones along an environmental gradient. Ecological sequences that are not common in the Waikato Region include, but are not restricted to, native dune vegetation through to coastal scrub or forest, lake margins or geothermal systems to native forest, coastal to alpine vegetation. Such sequences should be largely intact (e.g. perhaps bisected by roads but not by large tracts of non-native land cover), such that they can be traversed by the majority of indigenous species that are reliant on such sequences for the completion of part or all of their life-cycles (either by deliberate movement or dispersal of propagules such as seed or pollen). An exceptional, representative sequence will be one of the best examples of its type, taking into account its inactness, composition, and ecological processes.

Ecological Sustainability

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

Effects

Has the same meaning as in Section 3 of the Act.

Endemic to the Waikato Region

Means currently only occurs naturally within the Waikato Region.

Environment

Has the same meaning as in Section 2 of the Act.

Esplanade Reserves

Means a reserve within the meaning of the Reserves Act 1977:

- (a) Which is either:
 - (i) A local purpose reserve within the meaning of Section 23 of that Act, if vested in the territorial authority under Section 239; or
 - (ii) A reserve vested in the crown or a regional council under Section 237D; and
- (b) Which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in Section 229 of the Act.

Esplanade Strip

Means a strip of land created by the registration of an instrument in accordance with Section 232 for a purpose or purposes set out in Section 229 of the Act.

Extractive Industries

Means mining and mining operations.

Farming

Means any type of farming being a land based activity having as its primary purpose the commercial production of any livestock (where the groundcover is maintained) or vegetative matter whether relying on the productive capacity of the soil or not, and includes activities associated with land preparation (eg tracks, pits), the use of buildings for purposes accessory to farming, bee keeping, horse training and adjustment, land re-contouring, or forestry, excluding intensive farming.

Financial Contribution

Means a contribution of:

- (a) Money; or
- (b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
- (c) Works, including (but not limited to) the protection, planting, or replanting of any tree or other vegetation, or the protection, restoration, or enhancement of any natural or physical resource; or
- (d) Services

Or any combination thereof, made for the purposes specified in the plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and which does not exceed in value the maximum amount specified in, or determined in accordance with, the plan.

Forestry

Means the planting, cultivation, and/or harvesting of tree species for commercial purposes and includes any works ancillary thereto. It includes, but is not limited to, protection forestry, woodlots, seed orchards, tree nurseries, farm forestry or agroforestry (the combination of pastoral farming and forestry), and plantation forestry.

Gross Floor Area (GFA)

Means the sum of the gross area of all floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings, or in the absence of walls, from the exterior edge of the floor and includes with terraces (open or roofed), external balconies, stairwells and lobbies.

Hazard

Means, in relation to hazardous substances, any inherent property of the substance which makes it capable of causing adverse effects on people or the environment.

Hazardous Facilities

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

It does not include the incidental use and storage of hazardous and environmentally damaging substances in minimal domestic scale quantities;

Hazardous Substances

Substances with one or more of the following intrinsic properties, and including evolving substances with one or more of these properties on release into the environment.

- (a) an explosive nature
- (b) an oxidising nature
- (c) a corrosive nature
- (d) flammability
- (e) acute and chronic toxicity
- (f) ecotoxicity with or without bioaccumulation.

Height

Means in relation to a building the vertical distance between ground level at any point and the highest part of the building above that point. Ground level shall be the natural ground level if existing or if not existing then the finished level of the ground as a result of subdivisional works approved by Council.

Excluded from this definition are radio and TV aerials, flagpoles and chimneys, and hose drying towers.

Heritage Protection Authority

Means:

- ♦ Any Minister of the Crown;
- ♦ The Minister of Conservation acting alone or on the recommendation of a Conservation Authority, a local conservation board, the New Zealand or other Fish and Game Council;
- ♦ The Minister of Maori Affairs acting alone or on the recommendation of an Iwi authority;
- ♦ A local authority acting alone or on the recommendation of an Iwi authority;
- ♦ The New Zealand Historic Places Trust;
- ♦ A body corporate approved by the Minister for the Environment.

Heritage Site, Heritage Feature

Means any site or feature which by its history and/or character adds cultural, heritage, or amenity value to its environs, and may include an historic place, archaeological site, indigenous vegetation, identified trees, rocks, outcrops and caves as identified as heritage sites or heritage features on the planning maps.

Historic Place

Means any land (including an archaeological site) or any building or structure (including part of a building or structure) or any combination of land and a building or structure that forms part of the historical and cultural heritage of New Zealand and includes anything that is fixed to such land.

Home Occupation

Means the use of a site for an activity that is accessory to the use of the site for residential purposes where:

- (a) The activity is managed and carried out day to day by a person residing on the site, and
- (b) no more than two persons not resident on the site are employed in the activity, and
- (c) all of the activity is carried out inside buildings.

Hospital

Includes:

- ♦ Hospital, medical, surgical, emergency and treatment services.
- ♦ Hospital administration, maintenance and support services.
- ♦ Hospital grounds, carparks and heli-port.
- ♦ Residential accommodation associated with the hospital.
- ♦ Community and mental health services.
- ♦ Retail/commercial activities ancillary to the hospital.
- ♦ Educational/recreational activities ancillary to the hospital.

Indigenous Vegetation

Means all plant species which originate from New Zealand, or are naturally occurring without the aid of humans in New Zealand. Excluded from this definition are:

- ♦ Plantation indigenous vegetation, planted and managed as a production crop.
- ♦ Scattered scrub and reversion species (for example pig fern, bracken, and non-mature manuka) in established pasture or under or within 50m of plantation forestry.

Industrial Activity

Means the production, processing, assembly, testing, repair, and/or storage of any materials, goods and products, but excludes service stations and home occupations.

Intensive Farming

Means any farming activity where the principal production processes are carried out within the confines of a building and includes such activities as poultry farming, intensive pig farming, fish farming or production, animal or bird breeding, mushroom production, and crop propagation and growing. This definition does not include the keeping or breeding of animals or any of the above activities where carried out on a domestic scale as an accessory activity.

Karst

Means any area of highly soluble rock that has well developed internal (rather than surface) drainage. In the Waitomo District this essentially encompasses the limestone areas.

L₁₀

In relation to noise measurement is the sound level in decibels that is equalled or exceeded for 10 percent of the measurement time.

Lot

See definition of allotment.

Limited Access Road

Means Limited Access Road as defined in Section 346 of the Local Government Act 1974.

Loading Space

Means a space for loading and unloading of a service vehicle.

Iwi

Means tribe, people.

Minimum Lot Area

Means the site area exclusive of any access strip.

Mining

Means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration.

Mining Operations

Means the operations in connection with mining including –

- (a) The extraction, transport, treatment, processing and separation of any mineral; and
- (b) The construction, maintenance and operation of any works, structures, and other land improvements, and any machinery and equipment, connected with such operations; and
- (c) The removal of overburden by mechanical or other means, and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; and
- (d) The deposit or discharge of any mineral, material, debris, tailings, refuse or wastewater produced from or consequent on, any such operations; and
- (e) The doing of all lawful acts incidental or conducive to any such operations – when carried out at or near the site where the mining is carried out.

Network Utility

Means a network utility operation undertaken by a network utility operator. The terms network utility operation and network utility operator have the same meaning as specified in Section 166 of the Resource Management Act 1991.

Night time

In relation to noise measurement means from 10.00pm to 7.00am Monday to Saturday and 5.00pm to 8.00am Sundays and Public Holidays.

Non Complying Activity

Means an activity, (not being a prohibited activity), which

- (a) contravenes a rule in a plan or proposed plan; and
- (b) Is allowed only if a resource consent is obtained in respect of that activity.

Non-Residential Activity

Means the use of land and buildings for any activity which does not fall within the definition of residential activity.

Notional Boundary

In relation to noise measurement means a line 20 metres from the facade of any dwelling in a Rural zone, or the legal boundary where this is closer to the dwelling.

Objective

Means a statement of a desired environmental outcome.

Official Sign

Means all regulatory or official signs approved by a road controlling authority and which are erected on a public road or highway, or any official sign provided for under any legislation.

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 condition in relation to any matter described in Section 108 or Section 220) specified in the plan.

Police Purposes

Means police station administration and offices, including education and training, reception and meeting facilities, holding cells, storage facilities, telecommunications facilities, vehicle parking and police residence.

Policy

Means a specific statement that guides or directs decision making. A policy indicates a commitment to a general course of action in working towards an objective.

Produce Stall

Means a facility for the sale of produce grown on the site to the public that does not exceed 10m² in area, is of a single story, and is not located closer than its own height to any property boundary.

Prohibited Activity

Means an activity which the Plan expressly prohibits and describes as an activity for which no resource consent shall be granted.

Public Works

Means every work which the Crown or any local authority is authorised to construct, undertake, establish, operate, or maintain, and every use of land which the Crown or any local authority is authorised to establish and continue, by or under this or any Act; and includes anything required directly or indirectly for any such work or use.

Requiring Authority

Means:

- (a) A minister of the Crown; or
- (b) A local authority; or
- (c) A network utility operator approved as a requiring authority under Section 167 of the Resource Management Act 1991.

Residential Activity

Means the use of land and buildings by people for domestic living accommodation.

Residential Institution

Means residential activities which provide professional or specialist care of any person or persons, including hospitals, retirement homes, convalescent and special purpose homes.

Restricted Discretionary Activity

Means a Discretionary Activity where the Plan specifies that the Council has restricted the exercise of its discretion to specific matters in accordance with Section 76 of the Resource Management Act.

Riparian Margins

Means an area or strip of land immediately adjacent to waterbodies.

Road

Means:

- (a) Road as defined in the Local Government Act 1974 and the Transit New Zealand Act 1989
- (b) All land within the legal road reserve
- (c) All land comprising formed and existing roads under the control of the road controlling authority.

Rule

Is a mechanism in the district plan that:

- (a) Defines an activity according to specified terms and conditions as being permitted, controlled, discretionary, non-complying or prohibited; or
- (b) Implements a policy.

School

Means land or buildings used to provide regular instruction and training in accordance with a systematic curriculum by suitably qualified instructors and includes:

- ♦ Primary, intermediate and secondary schools (and any class variants e.g. area or middle schools);
- ♦ Kura kaupapa and kura Maori (primary and secondary schools and any class variants, e.g. composite schools); and
- ♦ Their ancillary administrative, cultural, health (e.g. dental clinics, counselling), retail (e.g. tuckshops), residential and communal facilities.
- ♦ Activities such as after school programmes and night classes.
- ♦ Tertiary level courses and programmes (e.g. teacher training).
- ♦ Classrooms, special purpose rooms, indoor and outdoor facilities and school houses.

Sign

Means any display or device which is visible from a public place and which is intended to attract attention for the purpose of identifying, advertising, informing or directing.

Site

An allotment or allotments held in a separate Certificate of Title or any area of land that is managed as an individual unit, including areas of land subject to composite Certificates of Title, or the equivalent, issued following a Cross Lease, Company Lease or Unit Title approval.

Subdivision

Has the same meaning as set out in Section 2 and 218 of the Act.

Tangata Whenua

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

Taonga

Means treasure, property - prized and sacred possessions of the tribe. Taonga may be things that cannot be seen or touched. Examples of taonga include te reo (the Maori language), waahi tapu, waterways, fishing grounds, and mountains.

Telecommunication Line

Has the same meaning as set out in Section 2(1A) of the Telecommunications Act 1987.

Temporary Military Training Activities

Means the temporary use of land or facilities for the purpose of training personnel covered by the Defence Act 1990. The nature of the activity is transient, has no permanent adverse effects, and evidence of the activity is able to be completely removed from the site.

Tikanga Maori

Means Maori tradition and custom. It includes protocol and ceremony, values, beliefs.

Tino Rangatiratanga

Means the full expression of chiefly authority.

Tourist Accommodation

Includes any hotel, motel, apartment, cabin, camping ground, caravan park, motor home off road park over facility, homestay, or bed and breakfast service.

Urupa

Means burial ground or grave site.

Wetland

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

Waahi Tapu

Means sacred site - typically includes burial grounds and sites of historical, or cultural, or spiritual importance to iwi. Also includes places or things which are sacred or spiritually endowed, including places where significant events have taken place.

Yard

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

- (a) A verandah or canopy attached to a non-residential building may project over any front yard
- (b) an open fire escape may project over any yard
- (c) a fence, boundary wall or retaining wall not exceeding 2.0 metres in height (but in each case not being a building) may be erected on any yard
- (d) an uncovered deck of less than 1.0 metre in height may project over any yard
- (e) where a building line restriction is imposed over the site, the yard shall be measured back from the building line.

Front Yard

Means a yard between the road and a line parallel thereto, extending across the full width of the site.

Rear Yard

Means a yard in any site other than a corner site, bounded by the rear boundary of the site and a line extending across the full width of the site except that a rear yard in respect of any rear lot means a yard between the full length of all boundaries of the site and a line parallel thereto.

Side Yard

Means a yard except for any portion of the site comprised in a front or rear yard, lies between the full length of a side boundary and a line parallel thereto a corner site every boundary not being a road frontage shall be deemed to be a side boundary.

Zone

Means a portion of the District shown on the District Planning Maps by distinctive notation, for the purposes of indicating the policies and controls in the Plan that apply to that part of the District.