

# SECTION EIGHT

## DEFINITIONS

In this District Plan unless the context otherwise requires:

**Access Lot:** Means a lot owned in common in undivided shares by the owners of two or more adjacent lots for the principal purpose of providing road frontage and/or access to those lots, where their interest in the access lot is recorded in the Certificates of Title for those adjacent lots.

**Accessory Building:** Means any building which is accessory to the principal activity on the site and includes but is not limited to garages, carports, tool sheds, glasshouses etc.

**Agriculture:** Means the use of land or buildings for the rearing, breeding and keeping of animals and/or the growing and harvesting of crops including, but not limited to:

- (A) factory farming of poultry, pigs and other species, and feedlots
- (B) horticulture, hydroponics, seed production, viticulture and forestry
- (C) bee keeping
- (D) the keeping and/or training of horses

together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, and disposal of waste produced on the site.

**Aircraft Operations:** For the purpose of establishing the Airnoise, Outer Control and Single Event Sound Exposure Boundaries in terms of Rule 4.35(5), means aircraft, other than those used for emergency purposes and military purposes, being operated immediately before, during or after take off or landing.

**Airport Activities:** Means the landing, departure, movement or servicing of aircraft at an airport, together with passenger and freight facilities, vehicles parking, vehicle hire, aircraft training, associated buildings, administration, staff facilities, infrastructure and recreational activities. In the case of the Invercargill Airport this also includes conference and meeting facilities, border control activities, and those retail activities providing for the needs of travellers, including, but not limited to, selling of duty free goods.

**Aluminium Smelting:** Means the casting and smelting of aluminium, together with those industrial activities providing equipment, product or other inputs to these processes, and includes:

- (A) Associated infrastructure, administration, training activities, tourist activities, staff facilities, medical treatment facilities, caretaker's accommodation, wharves, stores, roading and parking
- (B) Stockpiles, facilities and structures for the storage, loading and unloading
- (C) The disposal and/or treatment of waste material and effluent associated with the above

**Animal Boarding Activity:** Means a facility where animals are temporarily housed as a commercial service for owners, or for animal welfare or quarantine purpose. This does not include pet shops or veterinary clinics.

**Antenna:** Means that part of a communications facility used for transmission or reception of communications, including the antenna mountings but not any supporting mast or similar

structure.

**Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna:** Means those areas identified on the District Planning Maps as either “Wetlands” or “Other areas of significant indigenous vegetation and significant habitats of indigenous fauna” extending to the drip line on the ground directly below the outside edge of the canopy of any indigenous plant.

**Biological Diversity (biodiversity):** Means principally the biological and genetic diversity of the ecosystems of indigenous flora and fauna and their constituent parts.

**Borrow Pit:** Means the excavation and stock piling of material from the ground for use without undertaking any extraction of minerals or other such processes, on the property on which it is extracted.

**Car Parking:** Means a site where the parking of vehicles, either in the open or a building, is the dominant activity on that site. Car parking associated with any use of a site is deemed to be part of that use.

**Care Group:** Means a body of persons with a common interest in the land and other natural resources.

**Coastal Environment:** Commences at the CMA and contains land to the extent that such land is affected by or affects the coast, whether the coast be sea, estuary, harbour or bay, as delineated on the District Planning Maps.

**Code of Practice for Land Development:** Means the Code of Practice for Land Development adopted by the Invercargill City Council on 2 December 1997.

**Commercial Activity:** Means the use of land and/or buildings for the display, offering, provision, sale or hire of goods, equipment or the provision of personal services, product repair services or financial and professional services. This includes, but is not limited to, retail activities and ancillary workrooms, administrative offices (including periodic detention centres and probation offices), garden centres and restaurants, but excludes any activity otherwise defined as a commercial recreation activity, animal boarding activity, industrial activity, airport activity, seaport activity, aluminium smelting, roadside sales activity, service station, healthcare activity, communal activity, home stay or home occupation.

**Commercial Recreation Activity:** Means any activity undertaken for commercial profit and carried out on land or in buildings, where the public pays to undertake some form of sport, game or other such recreation. This includes, but is not limited to, golf courses, gymnasiums, health clubs and swimming pools open to the public, but excludes such activities on reserve land and school sites and any communal activity.

**Communal Activity:** Means any activity carried out on land or in buildings where people gather for meetings, social, cultural or religious ceremonies and socialising including, but not limited to, movie theatres, night clubs, video arcades and churches etc. This also means activities carried out on land or within buildings where people pay to watch sports, displays or other such activities. Communal activity includes, but is not limited to, ancillary sales of food, beverages and other retail items associated with the activity or event, but excludes such activities on reserve land and school sites, and any such use associated with any residential activity, education activity, day care activity, commercial activity, recreation activity and commercial recreation activity.

**Conservatory:** Means a separate room attached to a residence where the external walls and roof are constructed of transparent or translucent materials, usually of glass.

**Construction Work:** Means the undertaking of earthworks and site works in association with land development and the erection of buildings or other structures on the land. For the purpose of this Plan construction work is deemed part of the activity for which work is being undertaken.

**Contiguous Ownership:** Means ownership of contiguous parcels of land that cannot be separately disposed of without a consent to subdivide. For the purposes of Rule 4.40, land shall be regarded as contiguous with other land notwithstanding that it is separated from the other land only by a road, railway, drain, river or stream.

**Council:** Means the Invercargill City Council or any committee, sub-committee, commissioner, officer or person to whom Council's powers, duties or discretions have lawfully been delegated pursuant to the provisions of the Resource Management Act 1991.

**Council's Reticulated Sewerage System:** Means, for the purposes of Residential Activities in the Rural Sub-Area under Rule 4.40, those services identified on the Maps in Appendix IX.

**Coverage:** Means that portion of a site that may be covered by structures and parts of structures including overhanging or cantilever parts of structures, including any part of the eaves and/or spouting projecting more than 0.6 metres measured horizontally from the exterior wall.

**Day Care Activity:** Means land and/or buildings used for the supervised care of persons other than those residing on site including care for the elderly or persons with physical, intellectual or psychological disabilities.

**District:** Means the Invercargill City District.

**District Plan:** Means the Invercargill City District Plan.

**Earthworks:** for the purpose of Rule 4.22.2, within the Otatara Sub-Area, means the disturbance of land surfaces by the removal or depositing of material, excavatyon, filling or the formation of roads, banks, tracks. It does not include the digging of holes for the erection of posts, planting of trees or other vegetation, or the cultivation of land normally associated with farming activities.

**Educational Activity:** Means the use of land and buildings for the provision of regular instruction, teaching, learning or training at state, private or integrated facilities, together with any associated boarding activities, and includes ancillary administrative, recreational, cultural, car parking and retail facilities. This includes, but is not limited to, any preschool, primary school, intermediate school, secondary school, kohanga reo, language schools, learning centre and tertiary education facility.

**Educational Activity (Existing):** Means educational activity as defined above on land owned as at 15 October 2002 and as listed in Appendix VIII to the Plan.

**Environmental Advocacy:** Means the provision of practical information and support to people and communities, with the aim of changing the way resources are cared for and used, for the purposes of promoting sustainable management of natural and physical resources.

**Essential Services:** Means activities which provide emergency response services to protect life and property, including, but not limited to, civil defence, ambulance, fire, police and rescue services; together with associated residential accommodation, offices or staff facilities, and helicopter landing pads.

**Extended runway centreline:** Runway centreline alignment from the runway end beyond the runway for a distance of 1km.

**Façade:** Means the face of a building towards the street, road or open space.

**Factory Farming:** Means the use of buildings for the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.

**Filming and Recording Activity:** Means the use of land or buildings for carrying out pre-production activities, image capture and creation, audio recording and post-production processing of multimedia, including animation, video, film, audio, still images and text, together with associated support services and activities.

**Floor Area:** Means the sum of the total floor area of a building (including any void area in those floors such as service shafts or lift or stairwells) measured from the exterior faces of exterior walls or from the centre lines of walls separating two buildings. For assessing parking requirements it excludes the floor space within a building allocated to car parking or vehicular access to car parking.

**Floor Level:** Means the elevation above mean sea level of the floor of any room of a residence. Correspondingly, "minimum floor level" is the lowest elevation above mean sea level of any room of a residence.

**Ground Level:** Means the actual ground level at the date of public notification of this Plan; except for land which subdivision consent has been obtained after the notification of this Plan, for which ground level shall mean the actual finished ground level when all works associated with the subdivision of the land were completed; and excludes any excavation or fill associated with building activity.

**Habilitation Centre:** Means an approved residential centre that operates programmes for offenders designed to discover and address the cause or causes of all factors contributing to their offending.

**Habitable Rooms of Noise Sensitive Activities:** Means

- (A) rooms within a residence used for activities normally associated with domestic living;
- (B) areas available to guests within visitor accommodation;
- (C) areas available to occupants within residential institutions;
- (D) all internal teaching areas, staff offices, medical facilities or rooms and libraries within education activities;
- (E) areas available to patients and/or visitors within healthcare activities and hospital activities;
- (F) areas available to people attending day care activities; and
- (G) areas available to residents within residential care activities

but excludes any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes drying room, utility room, conservatory or other space of a specialised nature occupied neither frequently nor for extended periods.

**Healthcare Activity:** Means land and or buildings used for the provision of services relating to the physical and mental health of people, excluding the overnight accommodation of patients.

**Height:** Means the distance measured from a horizontal line drawn through the mid point of the line representing average ground level along the foundation of the building facing any external boundary of the site to:

- (A) The highest point of the ridge where the roof slope exceeds 35°; or

- (B) To the highest point of the parapet, or intersection of the wall and roof in the case of a flat or sloping roof less than 35° and other than a roof having a gable end; or
- (C) In the case of a roof with a slope of less than 35° and having a gable end, the mean level between the intersection of the walls and roof and the highest points of the roof.

Provided that chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows and similar parts of a building may be excluded from the height calculations.



Horizontal line drawn through midpoint of average ground level.

Average ground level:  $\text{area } y = \text{area } x + \text{area } z$ .

**Home Occupation:** Means any occupation, business, profession, craft or hobby which is undertaken from a residence and:

- (A) Is contained within the residence or any accessory building on the site;
- (B) Is secondary and incidental to the principal residential use; and
- (C) Employs no more than two persons residing elsewhere than on the site

**Home Stay:** Means accommodation offered to a maximum of four paying guests in association with a residential activity where guests share use of the residential unit with the residents. This includes bed and breakfast accommodation.

**Hospital Activity:** Means an activity providing medical assessment, treatment and care services for patients, health administration, community health services; and includes associated infrastructure, support activities including non-clinical support services and activities that are required for the functioning of the hospital, emergency land and air transportation services, mortuary and ancillary commercial and residential activities.

**ICC City Datum or City Datum:** Is the Council's height datum which has its zero point at 100 metres below mean sea level.

**Industrial Activity:** Means an activity involving land and/or buildings used for the manufacturing, repairing, engineering, fabricating, processing, packing or warehouse storing of products or materials. This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices, staff facilities and caretaker's accommodation. Industrial activity includes, but is not limited to, contractor's yard or depot, power generation station, substation not provided for as infrastructure, the transfer, storage, treatment or disposal of waste not otherwise defined.

**Infrastructure:** Means the system, services, structures and networks associated with:

- (A) the supply and distribution of electricity
- (B) water supply
- (C) drainage
- (D) street lighting and lighting of public land
- (E) the receiving and sending of communications
- (F) navigation aids
- (G) data recording and monitoring systems, including but not restricted to meteorological facilities
- (H) roading and street furniture
- (I) sewage collection, treatment and disposal

**Iwi:** Means, for the purpose of this District Plan, the four runaka of Murihiku being Hokonui, Waihopai, Oraka /Aparima and Awarua collectively.

**Kaitiaki:** Means guardians.

**Kaitiakitanga:** Means the exercise of guardianship by the takata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources and includes the ethic of stewardship.

**Koiwi o Nga Tupuna:** Means skeletal remains.

**Landscape:** Means a result of natural and cultural processes.

**Loading:** Means the loading or unloading or fuelling of a vehicle or the adjustment or covering or tying of its load or any part or parts of its load; and load in relation to a vehicle has a corresponding meaning.

**Loading Area:** Means that part of a site within which all vehicle loading facilities required under the District Plan are accommodated and includes all loading spaces and manoeuvring areas.

**Lux:** Means the unit of measurement of light falling on to a defined area.

**Mahika Kai:** Means food and other resources, and the areas that they are sourced from.

**Maintenance and Replacement:** Means any work necessary to continue the operation and/or functioning of infrastructure and shall include:

- (A) The replacement of an electricity line, telecommunication line, building, structure or other facility with another of the same or similar height, size or scale, in the same or similar position and for the same or similar purpose
- (B) The replacement of conductors

- (C) The replacement and/or alteration of antennas, masts, poles and associated structures

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

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

**Marae Activity:** Means land or buildings used with the approval of the takata whenua for the common use of the takata whenua community and may include buildings such as meeting house, hall, dining facilities, ablution block, urupa, and other community, recreational, administrative, educational facilities and residences.

**Mean Sea Level:** Is the official National Datum for height and has as its zero point the mean level of the sea.

**Mineral Extraction:** Means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and "to mine" has a corresponding meaning. Mining includes quarrying but does not include extraction from borrow pits.

**Murihiku:** Means approximately the Southland Region.

**Natural Character:** Means the qualities of the environment that give it recognisable character. This embraces ecological, physical, spiritual, cultural, intrinsic and aesthetic values, and includes modified and managed environments.

**Natural Feature:** Means a clearly distinct and spatially restricted natural piece of landscape, normally experienced from beyond its boundaries.

**Net Site Area:** In relation to a site, means the total area of the site less any area subject to a designation for any purpose, and/or any area contained in the access to the site, and/or any strip of land less than six metres in width.

**Noise Sensitive Activities:** Means buildings or parts of buildings used for, or able to be used for the following purposes:

- (A) Residential activity;
- (B) Visitor accommodation;
- (C) Residential care activity;
- (D) Education activity;
- (E) Hospital activity;
- (F) Healthcare activity;
- (G) Day care activity; and
- (H) Marae activity.

**Notional Boundary:** Means a line 20 metres from the side of a residence or the legal boundary where the boundary is closer to the building than 20 metres.

**Radiocommunication Facility:** Means any transmitting/receiving devices such as aerials, dishes, antennas, cables, lines, wires and associated equipment/apparatus, as well as

support structures such as towers, masts and poles, and ancillary buildings, and as defined in the Radiocommunications Act 1989 and its amendments.

**Recreational Activity:** Means the use of land and/or buildings for the primary purpose of recreation, excluding recreation ancillary to other activities including, but not limited to, residential activities, educational activities and communal activities. This includes, but is not limited to, clubrooms and storage buildings associated with recreational activities within the coastal marine area.

**Rehabilitation Plan:** Means a plan to accompany a resource consent application for mineral extraction and other large scale activities. The aim of the rehabilitation plan is to restore, as far as possible, the natural character of the environment which is the subject site of the application so that it blends in with the surrounding environment.

**Reserve:** Means a Reserve under the Reserves Act 1977.

**Residence:** Means building(s) or part thereof and any accessory buildings associated with the use for the domestic purposes of a residential unit.

**Residential Activity:** Means the use of land and buildings by an individual, a family unit or a group of unrelated individuals living together in a single household which is self contained in respect of sleeping, cooking, dining, bathing and toilet facilities, and includes ancillary entertainment and recreation activities and home detention.

**Residential Care Activity:** Means the provision of supervised residential accommodation, other than as provided for by a home occupation, for persons who are not living independently, including rest homes and persons with intellectual or physical disabilities, but excludes remand and other such institutions where people are not free to enter or leave the premises as they wish. Residential care activity also includes day care activity.

**Retail Floor Space:** Means the floor space within a building set aside for the display of goods offered for sale and outdoor display areas but does not include service station forecourts, and drive-through facilities.

**Road:** Means a public road or road reserve but does not mean a private road.

**Roadside Sales Activity:** Means the use of land and/or buildings in a rural area for the sale of produce or goods which are produced or crafted on the same property.

**Rohe:** Means boundary, district, as for rohe pootae.

**Runaka:** Means local representative groups. A Maori equivalent of local government formed to protect and defend the rangatiratanga, the turangawaewae, and the cultural and social values of their members.

**Runway Centreline:** An imaginary line in the centre of the runway seal (running the full length of the runway) important for aircraft alignment on approach/ take off and positioning of lead in lighting.

**Rural Servicing Activity:** means the use of land and/or building for the primary purpose of providing goods and services to agriculture but excluding the use of the site for any activity otherwise defined as animal boarding, factory farming, noise sensitive activity, supermarket and commercial and industrial activity that are not primarily rurally oriented.

**Seaport Activities:** Means those activities, buildings and structures associated with, and necessary for, the loading and unloading of goods and materials to and from sea vessels and their associated storage, handling, consolidation and distribution. This includes, but is

not limited to, associated administration activities, staff facilities and infrastructure, and also includes the repair, maintenance and servicing of sea vessels, border control activities, facilities for the use of passengers of vessels including associated vehicle parking, and

caretaker's accommodation.

**Service Station:** means an activity where the dominant aspect is the retail sales and storage of motor vehicle fuels (including petrol, LPG, CNG and diesel) and also includes:

- (A) Retail sales of kerosene, alcohol based fuels, lubricating oils, tyres and batteries, vehicle spare parts and other accessories normally associated with motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment
- (B) Warrant of fitness testing
- (C) Car wash facilities
- (D) Other retail sales subsidiary to the main use of the site

**Signage:** Means any name, figure, image, character, outline, spectacle, display, delineation, announcement, poster, handling, advertising device or appliance, or any other things of a similar advertising nature, visible from a public place, intended principally to attract attention, whether it is pasted on or fixed to any land or structure, attached to a stationary vehicle, or incorporated within the design of any structure, whether by painting or otherwise which is visible from a public space whether illuminated or not. This does not include any display within a shop window, or inside a moving vehicle.

**Southland Regional Council** is also known by its brand name "Environment Southland".

**Supermarkets:** Means a building with a trading or retail floor area, greater than 500m<sup>2</sup> providing mainly for the retailing of groceries, and household goods of a minor nature, being organised on a predominantly self-service basis.

**Taiapure:** means a fisheries management area.

**Takata Whenua:** Means "people of the land", the people who hold the turangawaewae and the mana whenua in an area, according to tribal and hapu custom.

**Taoka:** Means treasured possessions, includes both tangible and intangible treasures, for example, the Maori language.

**Tapu:** Means spiritual protection or restriction, best described by the context in which it is used.

**Tauraka Waka:** Means canoe landing sites.

**Telecommunication facility** means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication, and as defined in the Telecommunications Act 2001 and its amendments.

**Temporary Military Training Activity:** Means a temporary activity undertaken for defence purposes in accordance with the Defence Act 1991.

**Upgrading:** Without limiting the meaning of "upgrading" in relation to infrastructure generally, in relation to electricity, telecommunication or radiocommunication lines and/or facilities, upgrading includes an increase in the carrying capacity, efficiency or security of electricity, telecommunication and radiocommunication lines and/or facilities utilising the existing structures or structures of a similar scale and character, and includes:

- (A) the addition of circuits and conductors
- (B) the reconductoring of the line with higher capacity conductors

- (C) the resagging of conductors
- (D) the addition of longer or more efficient insulators
- (E) the addition of earthwires which may contain telecommunication lines earthpeaks and lightning rods
- (F) the replacement and/or alteration of antennas, masts, poles and associated structures

Upgrading shall not include, in relation to electricity, telecommunication or radiocommunication lines and/or facilities:

- (A) An increase in the line voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage; or
- (B) The addition of further lines or cables to be used other than for the original purpose for which the structure was erected.

**Urupa:** Means a place often enclosed where manawhenua often bury their dead.

**Vehicle Access:** Means that area which is formed (or capable of being formed) for use by a motor vehicle to move from a public road on to a site. It extends from the edge of a formed public roadway to the furthest area on the site used or intended to be used to provide required parking or service access for an activity.

**Verandah:** Means a permanent structure, constructed of weatherproof material, which is either cantilevered or supported on posts or pillars, which extends from the building façade, usually on the street frontage and at first floor level, and overhangs a footpath or other similar public pedestrian accessway or space.

**Veterinary Clinic:** Means the use of land and/or buildings for the medical care and/or hospitalisation of animals by veterinary surgeon(s). This excludes animal boarding facilities.

**Visitor Accommodation:** Means the use of land or buildings for the provision of accommodation by fee paying customers for a daily tariff. This includes hotels, motels, hostels, backpackers, and camping grounds, but does not include home stay.

**Wahi Tapu:** Means a place which is particularly sacred or spiritually meaningful to takata whenua. It includes burial grounds and places where significant events have taken place.

**Wetlands:** Means those areas identified as “wetlands” on the District Planning Maps.

**Yard:** Means a part of a site which is to be kept clear and unobstructed by structures from the ground upwards, except that the eaves of any building and any roof, gutter, or downpipe may project over any yard of not more than 0.6 metres.