

SECTION FOUR

DEFINITIONS

In this District Plan unless the context otherwise requires:

A

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) Intensive 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, storage buildings, the storage and use of fertiliser and disposal of waste produced on the site.

Agrichemicals: Means any substance, whether inorganic or organic, manufactured or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture, forestry management, or public amenity areas, or related activity, to eradicate, modify, or control flora or fauna, and excludes fertiliser and organisms used for biological control.

Ahi kā: Means occupation, land rights; continued occupation, properly *ahi kā roa* “long burning fires”, one of the most important elements of traditional lore of Māori land tenure.

Airnoise Boundary: Means a boundary, the location of which represents the 65dB Ldn contour based on the average night-weighted sound exposure (from aircraft noise) over a 24 hour period is. The location of the boundary is shown on District Planning Maps 5 and 8.

Aircraft Operations: For the purpose of establishing the Airnoise, Outer Control and Single Event Sound Exposure Boundaries in terms of Rule 3.13.17 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, air traffic control facilities, flight information services, navigation aids, vehicle parking, vehicle hire, aircraft training, associated buildings, administration, staff facilities, infrastructure and recreational activities. In the case of the Invercargill Airport this also includes meeting facilities to accommodate up to 20 people, and border control activities.

Airport Service and Commercial Activity: Means activities providing goods and services to passengers and visitors using the Airport; or activities which benefit from an Airport location; or facilities associated with the aviation activities at the Airport including food and beverage services, airline services, banking, retail activities, post or courier services, cleaning services and offices.

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:
 - (a) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - (b) a subdivision consent for the subdivision shown on the survey plan has been granted under the Act; or
- (B) Any parcel of land or building or part of a building that is shown or identified separately:
 - (a) on a survey plan; or
 - (b) on a licence within the meaning of Part VIIA 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.

Aluminium Smelting: Means the casting and smelting of aluminium, together with those industrial and other ancillary 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, parking and/or essential services
- (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
- (D) The storage and distribution of liquid or gaseous fuels associated with aluminium smelting
- (E) Earthworks
- (F) Activities associated with fire fighting and emergency services

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, for the purposes of Rules 3.9.21-23, communications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.

Archaeological site: Means:

- (A) Any place, including any building or structure (or part of a building or structure), that:
 - (i) Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
 - (ii) Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; or
- (B) A site for which a declaration is made under Section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.

Areas of Significant Indigenous Biodiversity: Means those areas of indigenous vegetation and habitats of indigenous fauna that are determined in accordance with the criteria set out in 2.3.3 Policy 1, along with those areas identified on the District Planning Maps as areas of significant indigenous biodiversity extending where appropriate to the drip line on the ground directly below the outside edge of the canopy of any indigenous plant or group of plants.

Arterial Routes: Means those routes identified as State Highways/Major Arterials and Minor Arterials.

Asset Management Authority: Means any Regional Council, Territorial Authority or designating authority or their authorised agents in relation to works or assets for which it has financial responsibility.

B

Bar: Means any premises which is used principally for the sale, supply or consumption of liquor on the premises and which has an on-licence under the Sale and Supply of Alcohol Act 2012.

Biodiversity: Means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species and of ecosystems. Within the context of the District Plan this refers to ecosystems that support indigenous vegetation and habitats of indigenous fauna.

Borrow Pit: Means the excavation and stockpiling of material from the ground for use on the property on which it is extracted. This excludes the extraction of minerals (other than industrial rock and building stones) or other such processes.

Boundary: Means a line marking the outer limits of an area, comprising the entire or whole of the boundary and delimits as follows:

- (A) Fee simple subdivision, the line marking the limits of the site.
- (B) Cross-lease subdivision, the line marking the limits of the exclusive covenant area.
- (C) Unit title subdivision, the line marking the limits of the accessory unit associated with a particular principal unit.

Boundary Adjustment: Means a subdivision to adjust the boundary between adjoining lots where as a result of the adjustment, the number of lots does not exceed the number of lots previously existing.

Building: Shall have the same meaning as in the Building Act 2004, but does not include:

- (A) Fences or walls of two metres in height or less above ground level or retaining walls of two metres in height or less below ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall.
- (B) Structures less than 10 square metres in area and less than two metres in height above ground level.
- (C) Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2 metres in diameter), less than two metres in height above ground level.
- (D) Masts and poles less than two metres in height above ground level.
- (E) Clothes lines.

C

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. A land transport facility is not included within this definition.

Caretaker Accommodation: Means a building or part of a building used for accommodation of a caretaker, security staff, or other staff required to be located on-site, that is associated with and ancillary to a permitted activity on the site.

Child Day Care activity: Means any place or premises used (exclusively, mainly or regularly) for the education or care of three or more children under the age of six (not being children of the persons providing the education or care) by the day or part of the day.

Circulation roadway: Means a roadway used to gain access to parking aisles from entry and exit points of the facility.

Cleanfill: Means material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- combustible, putrescible, degradable or leachable components.
- hazardous substances.
- products or materials derived from the treatment, stabilisation or disposal of hazardous waste.
- materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances.
- liquid waste.

Clearance: Means the removal, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning.

Coastal Environment: Commences at the landward boundary of the Coastal Marine Area as defined by the RMA 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.

Code of Practice for Land Development and Infrastructure Bylaw: Means the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure adopted by the Invercargill City Council on 1 July 2016.

Commercial Recreation Activity: Means any activity 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.

Commercial Service Activity: Means any lawful service, including professional service, offered to individuals in return for a fee and which may or may not require a qualification or certification of the provider. This includes, but is not limited to, activities providing services such as laundry or dry cleaning services, hairdressers' premises, and beauty salons. This includes any ancillary retail sales and associated offices and staff facilities but does not include Office 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, sports clubs, movie theatres, night clubs, gaming centres and churches. 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. Communal activity excludes any such use associated with any residential activity, education activity, day care activity, commercial activity, and commercial recreation activity.

Communication Kiosk: Means a publicly accessible structure, whether free-standing or attached to a building, for the provision of telecommunication and radiocommunication services to the public. These include, but are not limited to, phone boxes and public wifi access points.

Community Corrections Facility: Means land and buildings used for administrative and non-custodial services. Services onsite may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes. Community corrections facilities may be used for the administration of and a meeting point for community workgroups.

Community Service: Means a place where services are offered that are volunteered or operated on a non-profit basis by individuals or an organisation to benefit a community or its institutions e.g. charity shops operated by Salvation Army, Habitat for Humanity, Red Cross etc.

Conference Facilities: Means the use of land, or buildings and rooms for the gathering of people for meetings, presentations, training and promotions, public or community events, conference and standalone social events such as weddings and parties.

Contaminated Land: Means any land that has a hazardous substance in or on it that:

- (A) Has significant adverse effects on the environment; or
- (B) Is reasonably likely to have significant adverse effects on the environment; or
- (C) Is likely to pose an immediate or long term hazard to human health

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 Council approval. Land shall be regarded as contiguous with other land notwithstanding that it may be separated from the other land 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 the 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 those services identified on Appendix XI.

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.

Cross-lease Subdivision: Means a form of title where each party owns a share of the underlying title. An exclusive use area for each party is then leased back from the other owner(s). Areas not held exclusively are held “in common”.

D

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.

Dead Hole (Offal Pit) Means a hole excavated on a rural property to be used only for the purpose of disposing of dead animal or plant matter generated on that property.

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District Plan: Means the Invercargill City District Plan.

Drive-through facility: Means any land or building on or in which food and/or beverages are prepared, served and sold to the public for consumption off the premises and which are ordered and received while customers remain in their vehicles.

E

Early childhood education and care centre: Means premises used regularly for the education or care of three or more children (not being children of the persons providing the education or care, or children enrolled at a school being provided with education or care before or after school) under the age of six by the day or part of a day.

Earthworks: Means the disturbance of land surfaces by the removal or deposition of material, excavation, filling or the formation of roads, banks, tracks. "Earthworks" includes preparing the ground for building foundations or service trenches. "Earthworks" does not include the cultivation of farm land or the digging of holes for the erection of posts, planting of trees or other vegetation.

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 and support facilities (including ancillary health, social, and medical services). This includes, but is not limited to, any primary school, intermediate school, secondary school, language schools, learning centre and tertiary education facility, and unless otherwise provided for also includes early childhood education and care centres.

Educational Activity (Existing): Means educational activity as listed in Appendix V.

Electrical Interference: Means the interruption, obstruction or degradation of the effective performance of an electrical device or radio frequency.

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.

Environment Southland: Is the brand name of the Southland Regional Council.

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.

Existing 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 of fill associated with building activity.

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

F

Façade: Means the face of a building towards the formed street or road or public open space.

Farm: Means an area of land devoted to the production and management of food, either produce or livestock.

Farm Landfill: Means a landfill located on a rural property used to dispose of household waste generated on that property. It does not include the disposal of any hazardous waste, dead animal material or any waste generated from any industrial or trade process on that property.

Fee Simple Subdivision: Means a method of subdivision whereby new allotments are created under the Land Transfer Act 1952 and ownership of land and buildings within the allotments is held solely by those persons listed on the Certificate of Title.

Fish Processing: Means the processes associated with fish and fish products between the time fish are caught or harvested, and the time the final product is delivered to the customer and covers any aquatic organisms harvested for commercial purposes, whether caught in wild fisheries or harvested from aquaculture or fish farming.

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.

Freight Depot: Means a central point where goods are collected before being shipped, whether by road, rail, sea or air.

G

Gable end: Means the triangular section of a wall at the end of a pitched roof with a single ridge, occupying the space between the two slopes of the roof.

Gardening: Means the preparation of the soil, maintenance and growing of plants including associated soil disturbance and harvesting of produce, associated with a dwellinghouse and/or is ancillary to residential activity. It does not include soil cultivation for agricultural purposes or earthworks.

Gross Site Area: Means the total area of the site.

H

Habilitation Centre: Means an approved residential centre that operates programmes designed to assist those in need of rehabilitation treatment, supervision or support.

Habitable Rooms: 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
 - (H) areas used within buildings as offices
- 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.

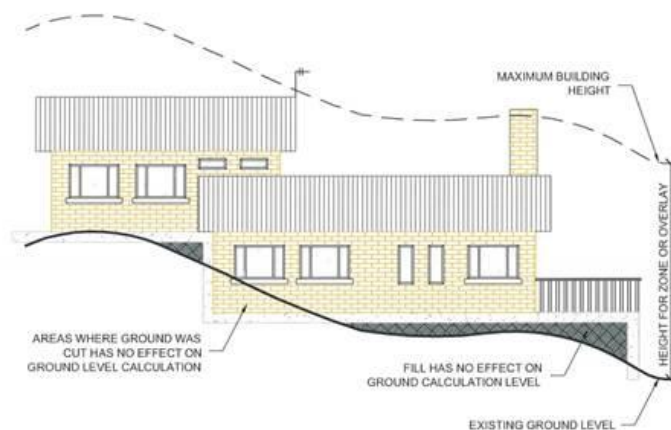
Hazardous Substance: Means

- (A) any substance, or waste generated by the use of hazardous substances, with one or more of the following intrinsic properties which meets the Hazardous Substance (Minimum Degrees of Hazard) Regulations 2001:
 - (a) explosiveness
 - (b) flammability
 - (c) a capability to oxidise
 - (d) corrosiveness
 - (e) toxicity (including chronic toxicity)
 - (f) ecotoxicity, with or without bio-accumulation; or
- (B) any substance which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance or waste, generated by the use of hazardous substances, with any one or more of the properties specified in paragraph (A) of this definition.

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.

Heavy Industry: Means any industry listed in Appendix IX. This includes any ancillary retail sales and/or warehousing activity, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities

Height: Means the vertical distance between the existing ground level and the top of that part of the building immediately above. Refer to the diagram below.



ROLLING BUILDING HEIGHT IS MEASURED VERTICALLY ACROSS THE WHOLE SITE FROM EXISTING GROUND LEVEL TO THE MAXIMUM BUILDING HEIGHT FOR THAT ZONE.

ROLLING HEIGHT METHOD

For the purpose of calculating height, account shall not be taken of:

- (A) lightning rods, chimneys, steeples, towers, turrets, spires, finials, dormer windows, ventilation shafts, water tanks, elevator lofts, solar heating devices and similar architectural features and parts of a building, provided the feature is incorporated within the footprint of the building, and:
 - (a) in the Residential 1, 1A, 2 and 3 Zones, the Business 4 Zone, the Rural Zone and the Otatara Zone the maximum height permitted for the Zone and any relevant height recession planes are not exceeded by more than 1.5m and the maximum width of the incursion does not exceed 2m. Up to one such incursion is permitted per boundary.
 - (b) in the Business 1, 2, 3 and 6 Zones and the Industrial 1 Zone the maximum height permitted for the Zone and any relevant height recession planes, are not exceeded by more than 3m and the maximum width of the projection does not exceed 3m. Up to one such incursion is permitted per boundary.
 - (c) in all other Zones the maximum height permitted for the Zone and any relevant height recession planes are not exceeded by more than 5m and the maximum width of the incursion does not exceed 3m. Up to one such incursion is permitted per boundary.
- (B) the top portion of a gable end or the end wall of a mono-pitched roof, including any associated overhanging eaves and/or spouting, for sites in the Residential 1, 1A, 2 and 3 Zones, and the Rural Zone, provided the maximum height permitted for the Zone and any relevant height recession planes are not exceeded by more than 1.5m and the maximum width of the incursion does not exceed 3m. One such incursion is permitted per boundary.

Heritage: 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:

- (A) Archaeological
- (B) Architectural
- (C) Cultural
- (D) Historic
- (E) Scientific
- (F) Technological

And includes

- (a) Historic sites, structures, places and areas
- (b) Archaeological sites
- (c) Sites of significance to Māori, including wāhi tapu
- (d) Surroundings associated with the natural and physical resources

High Value Soils: Soils identified as Class 2 arable horticulture in the P D McIntosh and J R F Barringer's study *Classification of Land for Horticulture, Forestry and Urban Use in Invercargill City*. These soils are known to be highly productive and suitable for multiple uses such as growing a wide range of crops, pasture and forest and of high versatility for pastoral farming.

Home Occupation: Means any occupation, business or profession which is undertaken from the residence of the primary operator 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 one person residing elsewhere than on the site
- (D) Does not generate or cause objectionable noise, smoke, smell, effluent, vibration, dust or other noxious or dangerous effects;
- (E) Does not result in non-residents to come to the site between the hours of 10.00 pm to 7.00 am;

- (F) Does not include servicing, spray painting, panel beating or dismantling of motor vehicles including motorcycles; sheetmetal work; the preparation and sale of firewood.

Home Stay: Means accommodation offered to a maximum of five 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.

Hours of Operation: Means the time when a building or activity is open for normal operation, but does not include deliveries or the time when only maintenance, housekeeping/cleaning or security staff may be in the building.

I

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

Indigenous vegetation: means vegetation or groundcover containing vascular and/or non-vascular plants and/or lichens that are indigenous in or endemic to any of the ecological districts of which the City are part.

Industrial Rocks and Building Stones: Includes aggregate, basalt, diatomite, dunite, granite, limestone, marble, perlite, pumice, sandstone, serpentine, slate, sand and gravel.

Industry: Means an activity involving land and/or buildings used for the manufacturing, repairing, engineering, fabricating, processing, packing or warehouse storing of products or material and includes but is not limited to contractors' yards and depots, substations not provided for as infrastructure, and the transfer, storage and/or treatment of waste not otherwise defined.

Infrastructure: Means the system, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:

- (A) The supply and distribution of electricity
- (B) Water supply
- (C) Stormwater
- (D) Street lighting and lighting of public land
- (E) The receiving and sending of communications, including telecommunication and radiocommunication
- (F) Navigation aids for aircraft, boats and other such water craft
- (G) Data recording and monitoring systems, including but not restricted to meteorological facilities
- (H) Sewage collection, treatment and disposal
- (I) The distribution or transmission of natural or manufactured gas, petroleum, biofuel or geothermal energy
- (J) The transportation network, including the roads, cycleways, walkways, airport, seaport and railway
- (K) Flood alleviation works managed by the Council and/or Environment Southland
- (L) Anything described as a network utility operation in Section 166 of the Resource Management Act 1991

Inner Control Boundary: Means a boundary along the Bluff waterfront, the location of which represents the 65dB Ldn contour based on the average night-weighted sound exposure (from aircraft noise) over a 24 hour period. The location of the boundary is shown on District Planning Maps 27, 28, 29 and 30.

Intensive 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.

Investigation into Energy Generation: Means activities undertaken for the identification and assessment of potential sites and sources for energy generation, including:

- (A) The installation of instruments and devices, including the erection of masts and telemetry stations, required to investigate the extent of an energy resource and/or to assess the suitability of a site for energy generation into drill holes for monitoring groundwater levels and land movement.
- (B) Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions.
- (C) Erection of signs or notices giving warning of danger.
- (D) Construction and maintenance of access tracks and roads to any investigation and assessment sites and facilities.

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

K

Kaitiaki: Means guardians.

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

Kaupapa: Means strategy, policy, cause.

Kōiwi o Nga Tūpuna: Means human skeletal remains.

L

L_{Aeq}: Means the equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.

L_{Amax}: Means the A-frequency-weighted maximum noise level. The highest noise level which occurs during a measurement period.

L_{dn}: Means the day/night noise level, which is a 24 hour L_{Aeq} with a 10dB penalty applied to the night-time (2200 – 0700 hours).

Landfill: Means a site used for the deposition of solid waste, including material that does not meet the definition of “cleanfill”, on to or into land. This excludes farm landfills and dead holes.

Landscape: Means an expanse of scenery that can be seen as an identifiable unit, including all the natural components of that landscape (landforms, rivers, indigenous vegetation, water bodies and the sea) and cultural components (crops, ornamental planting, buildings, structures and routes), and including such qualities as light which affect the perception of that landscape. Landscapes may embody cultural or spiritual values for the beholder.

Landscaping: Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or provide protection from climate.

Land Transport Facility: Means land based transportation facilities that provide for the movement of people, goods and/or services including garaging for service and tour buses, courier sorting and distribution centre, car valet services and rental car facilities.

Light Industry: Means any industry not listed in Appendix IX and includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities.

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 Facilities and Manoeuvring Spaces: Means that part of a site within which all vehicle loading facilities required under the District Plan are accommodated and includes all manoeuvring areas 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 manoeuvring area. Refer to Appendix VIII.

Lux: Means the unit of measurement of light falling on to a defined area expressed as 1 lumen per square metre.

M

Mahinga Kai: Means food, and places for obtaining natural foods, methods and cultural activities involved.

Main Glazing: Means the biggest area of glazing for a habitable room.

Main Living Area: Means the principal area in a private residence intended for general social and leisure activities of the inhabitants of that residence, other than a bedroom or kitchen.

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 traditional/customary authority or title over land, and the rights of ownership and control of usage on the land, forests, rivers etc. Manawhenua is held by an iwi or hapū rather than individuals. Also the land area (and boundaries, Rohē) within which such authority is held.

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

Mast: Means, for the purposes of Rule 3.9.21-23, any pole, tower or similar structure designed to carry antenna or dish antenna or otherwise to facilitate communications.

Mātauranga: Means information, knowledge, education.

Mauri: Means spiritual essence, life force.

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

Meat Processing Facility: Means the slaughtering of animals and ancillary activities, which may include activities such as the freezing, and/or packing of meat and by-products and/or the treatment and disposal of waste.

Medium Density Housing: Means comprehensive housing developments including four or more dwellings with an average density of less than 350 square metres per unit. It can include stand-alone dwellings, semi-detached (or duplex) dwellings, terraced housing or apartments within a building of two storeys or less. These can be located on either single or aggregated sites, or as part of larger master-planned developments.

Meteorological Facilities: Means facilities and installations or equipment to measure, collect and distribute meteorological and atmospheric information.

Mineral: Means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water, and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

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.

Motor vehicle sales: Means an activity where the dominant aspect is the retail sales of motor vehicles and accessories, whether new or second-hand, and includes sales of motor cycles, caravans, and trailer-borne boats and accessories.

Murihiku: Means the area of the four Murihiku Rūnanga Papatipu of Ngāi Tahu Whanui as identified in Te Rūnanga o Ngāi Tahu Act 1996.

N

National Grid: Means the network that transmits high-voltage electricity that is owned and operated by Transpower New Zealand Limited, including transmission lines and electricity substations.

National Grid Corridor: Means the area measured either side of the centreline of above ground National Grid transmission lines as follows:

- 16 metres for the 110kV transmission lines on pi poles
- 32 metres for the 110kV transmission lines on towers
- 37 metres for the 220kV transmission lines on towers.

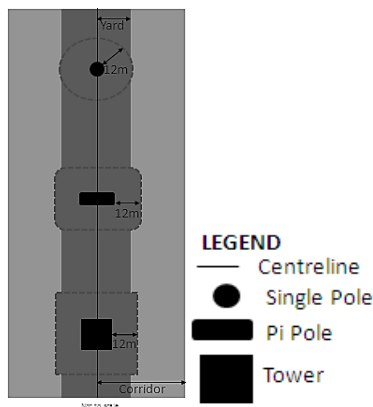
Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.

National Grid Sensitive Activities: - Means the following:

- (A) Residence (excluding accessory buildings)
- (B) Day Care Activity;
- (C) Educational Activity;
- (D) Hospital Activity

National Grid Yard: Means:

- (A) The area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- (B) The area located 12 metres either side of the centreline of any overhead National Grid line;
(as shown in dark grey in diagram below)



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 strip of land less than six metres in width.

Network Utility Services: Means services provided by a network utility operator as defined in Section 166 of the RMA.

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, except training related to Airport and aircraft operations;
- (E) Hospital activity;
- (F) Healthcare activity;
- (G) Child Daycare activity;

- (H) Marae activity; and
- (I) Caretaker accommodation.

Non-Tracked Hazardous Substance: As defined by Hazardous Substances (Tracking) Regulations 2001.

Normal Working Day: Means the period between the hours of 7.00 am and 10.00 pm.

Northernmost Boundary: Refer to Infogram 6.

Notional Boundary: Means a line 20 metres from any side of a building used for a noise sensitive activity or the legal boundary where the boundary is closer to the building than 20 metres.

Nursery Activity: Means a place where plants are propagated and grown to usable size. They include garden centres which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners and private nurseries which supply the needs of institutions or private estates.

O

Office: Means a room, set of rooms, or building where the business of a commercial or industrial organisation or of a professional person is conducted.

Office Activity: Means the use of a building for the purposes of administration, consultation, or management of business transactions and includes the personal service elements of these activities offered to consumers or clients where visits by members of the public are accessory to the main use. This includes, but is not limited to:

- (a) Administrative offices for the purposes of managing the affairs of an organisation, whether or not trading is conducted.
- (b) Commercial offices such as banks, insurance agents, or real estate agents where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted.
- (c) 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 definition shall not include those activities defined as healthcare activities
- (d) Administrative and non-custodial services of the Department of Corrections.

Outer Control Boundary: Means a boundary, the location of which represents the 55dB Ldn contour based on the average night-weighted sound exposure (from aircraft noise) over a 24 hour period. The location of the boundary is shown District Planning Maps 5, 8, 9, 10 and 15.

Outline Development Plan: Means a plan of a specified area, included or intended for inclusion in Appendix XV, which identifies, in a general manner, the road layout and the provision of reticulated services, reserve areas or other matters required to be provided for, or included in, any subdivision or development within the area of the Outline Development Plan.

Papakāinga: Means a form of housing development which occurs on multiple-owned Māori or ancestral land. Traditionally, the literal meaning of *papakāinga* housing is “a nurturing place to return to”.

P

Pedestrian Friendly Frontage: Means that part of the building facing the formed street or road and offering safety, comfort and a stimulating and enjoyable pedestrian experience.

Permeable Surface: Means any ground surface treatment that allows for surface water to soak into the ground, including through specially designed paved surfaces.

Plantation Forestry: Means the use of land for the planting, tending and harvesting of trees for commercial gain, including the location and operation of mobile sawmill facilities on a site for no longer than three months in a 12 month period, but excludes any other sawmilling or timber processing.

Public Open Space: Means any open space maintained for the benefit of the public pursuant to an Act of Parliament.

R

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.

Rāhui: Means restriction, reservation/exclusion under tribal authority, and a marker warning of this; controls, also a statement that a resource is being actively managed, also “No Trespass” sign, reserve, reservation.

Rehabilitation Plan: Means a plan for the purposes of mineral extraction and other large scale activities. The purpose 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.

Renewable Energy: Means energy that comes from a resource that is continually replenished such as sunlight, wind, rain, tides, waves, geothermal heat and other ground sourced heat.

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.

Residential Zone: Means any of the Residential 1, 1A, 2 or 3 Zones identified on the Planning Maps.

Restaurant: Means land and buildings where food is prepared and sold to the public primarily for consumption on the premises and may include incidental sale of liquor and drinks. This includes cafes, tearooms, coffee bars and unless otherwise stated drive-through facilities.

Restricted Flow Supply: Means a type of water supply connection provided by the Invercargill City Council where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.

Retail Sales: Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment including Lotto sales and Totalisator Agency Board venues, but excludes supermarkets and motor vehicle sales. Unless otherwise provided for, Retail Sales includes takeaway food premises, and nursery activities.

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 pōtae. (Rohe is a word used by Māori to describe the territory or boundaries of tribal groups.)

Rūnanga: Means local representative groups. A Māori equivalent of local government formed to protect and defend the rangatiratanga, the tūrangawaewae, and the cultural and social values of their members.

Runway Centreline: The centreline of the sealed runway (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,
- heavy industry,
- noise sensitive activity,
- professional or personal service,
- restaurant, bar or tavern,
- shopping mall,
- supermarket.

S

Seaport Activities: Means those activities, buildings and structures associated with, and necessary for, the loading and unloading of goods and materials to and from ships and boats and their associated storage, handling, consolidation and distribution. This includes, but is not limited to, associated administration activities (including ancillary offices), staff facilities and infrastructure, freight depots, and also includes the repair, maintenance and servicing of ships and boats, border control activities, and facilities for the use of passengers including associated vehicle parking.

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 ancillary to the main use of the site.

Shelter Planting: Means trees or vegetation planted primarily to provide shelter for stock or other agricultural or horticultural purposes, up to a maximum width of 15 metres but excluding amenity tree planting and forestry activities.

Shopping Mall: Means a grouping of shops under one roof and comprising stores and businesses facing a system of enclosed walkways for pedestrian movement and including associated car parking.

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.

Single Event Sound Exposure Boundary: Means a boundary, the location of which represents the 95 SEL contour, which is the limit which defines the onset of significant sleep disturbance. The location of the boundary is shown on District Planning Maps 5, 8, 9, and 15.

Site: An area of land which is composed of one allotment in one Certificate of Title or two or more contiguous allotments held together in one or more Certificates of Title in such a way that the allotments cannot be dealt with separately without the prior consent of the Council.

Small and Community-Scale Renewable Energy Generation and Distribution: Means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

Solid Waste: Means any solid materials, regardless of form, that require permanent disposal, or are diverted from disposal to be reused or recycled.

Specialist Facilities for Animal Husbandry: Means indoor facilities for housing and looking after animals which are likely to have specialist requirements for isolation from the surrounding environment e.g. a quarantine facility.

Statutory Acknowledgement: Means an acknowledgement by the Crown of Ngāi Tahu's special relationship with identifiable areas, namely Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with those areas (known as statutory areas).

Strategic arterial road: Means an arterial road or regional road identified on the Council's Rooding Hierarchy, set out in the Rooding Asset Management Plan.

Street Frontage: Means any boundary of a site that directly adjoins a road, a legal access or a public place.

Structures: Means any building, equipment, device, or other facility made by people which is fixed to land.

Supermarkets: Means a building with a trading or retail floor area, greater than 500 square metres where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold on a predominantly self-service basis for consumption or use off premises and includes Lotto shops and pharmacies located within such premises.

T

Taiāpure: Means local fisheries areas. They can be established over areas that have customarily been of special significance to tangata whenua under Section 175 of the Fisheries Act 1996.

Take-away food premises: Means premises where meals and snacks are prepared and sold for consumption away from the premises and unless otherwise provided for includes "drive-through facilities".

Tangata Whenua: Means "people of the land", local owner-occupier, the people who hold the tūrangawaewae and the manawhenua in an area, according to tribal and hapu custom.

Taonga: Means treasured possessions, material or abstract (e.g. language); Māori interest in these is protected by the Treaty of Waitangi and New Zealand statute and common law/lore.

Tapu: Means sacredness, forbidden, restricted; spiritual protection or restriction, best described by the context in which it is used.

Tauranga Waka: Means canoe landing sites.

Tavern: Means any premises licensed as such under the Sale and Supply of Alcohol Act 2012 and used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments, and may include associated facilities such as a bottle store, bistro bar, gaming facilities and a TAB (Totalisator Agency Board) venue.

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 Activities: Means the use of land, buildings, vehicles or structures for activities of short duration that include but are not limited to the following:

- (A) Any temporary building, office, scaffolding, storage, storage shed, workshop, safety fences and other similar structures and activities that are incidental to a building or construction project and located on the same site for up to 12 months.
- (B) Temporary storage or stacking of goods and materials for up to three months.
- (C) Carnivals, fairs, galas, market days, tents and marquees, meetings, exhibitions, parades, rallies, filming, sporting and cultural events where these are held on the same site no more than twice per annum.
- (D) Concerts, shows, musical and theatrical festivals and entertainment where these are held on the same site no more often than twice per annum.

Temporary Military Training Activity: Means a temporary activity undertaken for defence purposes in accordance with the Defence Act 1990.

Tikanga: Means rights, customs, accepted protocol, rule, Māori traditions, lore or law, the correct Māori way.

Townscape: Means the configuration of built forms and spaces between built forms, both private and public, and including roads, foot and cycle ways and parks that can be seen as an identifiable unit.

Tracked Hazardous Substance: As defined by Hazardous Substances (Tracking) Regulations 2001.

Trade retail: Means the display and sale of the following within any building or part of a building, together with any outdoor display areas on the same site:

- Motor vehicles, unless otherwise provided for
- Catering equipment
- Industrial machinery
- Industrial clothing and safety equipment
- Materials associated with the building trade, including supplies for builders, plumbers and electricians
- Home and building display centres
- Farm supplies and farm equipment
- Garden centres, including ancillary cafes, nurseries and landscape supplies
- Showrooms, including carpets and floor coverings
- Hire premises, except hire or loan of books, videos, DVDs and other similar home entertainment items
- Office furniture, equipment, supplies and systems

including spare parts and accessories ancillary to the above where undertaken on that site.

U

Unit Title Subdivision: Means a method of subdivision whereby more than one dwelling or building is built on a single title and separate ownership of individual units is required, together with an undivided share in the ownership of the areas of common property.

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.

Urupā: Means burial place, cemetery, often enclosed; a place where manawhenua often bury their dead.

Utilities: Means any activity or structure relating to —

- (A) The supply or distribution of electricity
- (B) Water supply
- (C) Stormwater
- (D) Street lighting and lighting of public land
- (E) The receiving and sending of communications, including telecommunication or radiocommunication
- (F) Navigation aids for aircraft, boats and other such water craft
- (G) Data recording and monitoring systems, including but not restricted to meteorological facilities
- (H) Roading and street furniture
- (I) The railway network
- (J) Sewage collection, treatment and disposal
- (K) The distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy
- (L) Flood alleviation, including but not restricted to stopbanks, detention dams and associated drainage works managed by the Council and/or Environment Southland.

V

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 (in the context of the Business 1, 2, 3 and 4 Zones) a canopy constructed in solid or translucent materials and sheltering pedestrians in a shopping street. The canopy is normally attached to the building on one side and is supported by poles near the outer edge of the footpath or cantilevered off the building.

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.

W

Warehousing Activity: Means any building or part of a building or land where materials, articles or goods are stored pending sale or use elsewhere and includes only those offices which are necessary for, or incidental to, and form part of the principal use as a warehouse.

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

Wāhi Taonga: Means places of sacred or extreme importance.

Wairua: Means spirit.

Wetland: Means naturally occurring permanently or intermittently wet areas, shallow water and land water margins that support plants and animals that are adapted to wet conditions. This definition excludes wet pastures where water temporarily ponds after rain or pasture containing patches of rushes (*juncus* species).

Y

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 no more than 0.6 metres over any yard.