

SECTION 5

DEFINITIONS

5.0 DEFINITIONS

Any term or expression not defined in this Plan but which is defined by the Act shall have the meaning given to it by the Act.

In this Plan, unless the context otherwise requires:

‘The Act’ means the Resource Management Act 1991.

‘Accessory Building’ in relation to any use means a subordinate detached building or structure (and includes a carport, garage, swimming pool) if:

- (a) The use is clearly incidental to the site of the principal building on the land, or to any permitted use of the land if not built upon, and
- (b) The use is customary in connection with the principal building or permitted use of the land, and
- (c) The accessory building is located on the same site as the principal building,.

An accessory building includes a freestanding garage, but not a garage which is structurally part of or attached to the principal building on a site.

‘Access Lot’ means an allotment which provides the legal access or part of the legal access to one or more allotments in a subdivision or proposed subdivision and which is held in the same ownership or by a tenancy common in the same ownership as the allotment or allotments it provides legal access to.

‘Approved Sustainable Yield Management Plan’ means a Plan prepared and/or certified by a forestry consultant recognised by the New Zealand Institute of Forestry Inc. or equivalent body which provides for the management of indigenous woody vegetation to which Rule HER.3 applies.

- (a) The Plan shall comply with the following prescriptions:
 - (i) The rate of harvest of indigenous vegetation shall be limited to a level at which the resource can continue to supply an annual or periodic non-diminishing yield in perpetuity PROVIDED HOWEVER that for podocarp forests, harvesting shall be based on a minimum 300 year rotation period (excluding windthrown and dead trees).

- (ii) Podocarp species shall be harvested only by a single tree or small group harvesting using low impact techniques. Harvesting shall as far as possible be restricted to the selective removal of trees predisposed to windthrow or early death.
 - (iii) Beech and other light demanding hardwood species shall be harvested so as to ensure that sufficient seed trees are left for effective regeneration of the area harvested.
 - (iv) Shade-tolerant and exposure-sensitive broadleaved hardwood species shall be harvested only by single tree or small group harvesting using low impact techniques. In creating gaps, regard shall be had for natural regeneration characteristics of the species targeted for logging.
 - (v) Where any podocarp or shade-tolerant or exposure-sensitive broadleaved hardwood species is harvested and sufficient advanced growth is lacking, there shall be planted for each tree removed at least 5 seedlings of at least 60 cm in height of the same species which seedlings shall, where practicable, be raised from seed collected from the district in which such seedlings are to be planted.
 - (vi) Where there is a failure of regeneration in a light-demanding hardwood forest, the failure shall be corrected by the planting of nursery-raised seedlings with preference being given to using seedlings of the same species which seedlings shall, where practicable, be raised from seed collected from the district in which the seedlings are to be planted.
- (b) The Plan (without limiting the contents of it) shall contain the following matters:
 - (i) A description of the land to which the Plan relates and its ownership. The Plan shall include a map or plan showing clearly the boundaries of the land and the extent of the activity on the land.

- (ii) A description including a clear location map of the Indigenous Flora to be managed.
- (iii) The full name and address of the owner, Forest Manager, Contractor and any Licensee, Lessee, Assignee.
- (iv) The term of the Plan which shall be for a period of less than 50 years.
- (v) Details of:
 1. The names and species of Indigenous Flora that are proposed to be removed from the land; and
 2. Details of the proposed volume of timber to be harvested; and
 3. Forestry inventory information to support the proposed level of harvest; and
 4. The proposed methods of harvesting; and
 5. The location and construction details of all roads, tracks and landings that exist or are proposed to be constructed, extended or upgraded; and
 6. Details of the manner in which it is proposed to manage the land, including re-establishment of the vegetation.
- (vi)
 1. Any necessary measures to be taken to protect the flora and, in particular, to protect the regenerating flora from pest, stock, fire and other threats; and
 2. Any necessary measures to retain and enhance flora and fauna and soil and water quality.

‘Archaeological site’ means any place in the District that:

- (a) Either:
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and

- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand”.

‘Best practicable option’ except where given the meaning stated in the Act means the best method for preventing or minimising adverse effects on the environment having regard, among other things, to-

- (a) the nature of the activity, and the sensitivity of the receiving environment to adverse effects; and
- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and
- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied; and
- (d) the long term effect of continuing the chosen option when compared with other options.

‘Boundary Adjustment’ means a subdivision where the number of Lots as a result of the subdivision does not exceed the number of Lots previously existing. In determining the number of Lots, esplanade reserves shall not be counted.

‘Building’ has the same meaning as that contained in Section 3 of the Building Act 1991.

‘Building Line Restriction’ means a restriction imposed on a site to ensure that when new buildings are erected, or existing buildings relocated, altered or substantially rebuilt no part of any such building shall stand within the area specified.

‘Building Platform’ means an area of land created by filling an area subject to flooding and/or ponding which after filling is suitable for the erection of a building and which has a height sufficient to prevent any water flooding and/or ponding from having more than a 2% probability annually of entering any building erected on the Building Platform.

‘Carriageway’ means so much of any road that is constructed primarily for the use by vehicles.

‘Council’ means the Southland District Council or any committee, subcommittee, or person to whom the Council’s powers, duties, and discretions under the Act have lawfully been delegated.

‘Crush Zone’ means an area or location where rock has been broken and pulverised through past movement.

‘Cut-off’ means a constructed collection or diversion channel for the purposes of carrying surface run-off water away from bare ground and towards stable areas or into rivers.

‘Development’ means development or redevelopment by -

- (a) Constructing, erecting, or altering any one or more buildings or other works for the purpose of providing 3 or more new, or 2 or more additional, household units; or
- (b) Constructing, erecting, or altering any one or more buildings, fixed plant and machinery, or other works intended to be used solely or principally for administrative, commercial, or industrial purposes or any combination of those purposes.

For the purposes of this definition, the construction, erection, or alteration of any buildings, fixed plant and machinery, or other works shall include -

- (a) The fencing, draining, excavation, filling, or reclamation of land, or the making of retaining walls or other works relating to that fencing, draining, excavation, filling, or reclamation; and
- (b) The grading or levelling of land or the removal of rocks, stone, sand, or soil from land; and
- (c) The removal or destruction of vegetation; and
- (d) The arresting or elimination of erosion or flooding; and
- (e) The construction of any tramway or railway

relating to any such construction, erection, or alteration; but shall not include the construction or alteration of any pipeline or associated pumping works on land that is not otherwise subject to the development.

Where it is proposed to construct, erect, or alter one or more buildings, fixed plant and machinery, or other works in stages and the total proposed construction, erection, or alteration would, if carried out otherwise than in stages, constitute a development as defined in the foregoing provisions of this definition, the total construction, erection, or alteration shall constitute one development for the purposes of this Plan.

‘District’ means the District of Southland.

‘Dwellinghouse’ (as defined by the Act) shall include Dwelling Unit and Dwelling.

‘Earthworks’ means any modification to the shape of the ground surface by movement or removal of soil and includes excavation, infilling, recontouring, and construction of any road, track, or drainage channel excluding soil disturbance.

‘Ecosystem’ means a community of living organisms together with its physical and chemical environment.

‘Elderly Persons’ Housing’ means the dwellinghouses developed by a Local Authority, the Crown, a charitable institution or private individuals on Council owned land for the accommodation of elderly persons.

‘Encroachment Plane’ shall have the same meaning as **‘Recession Plane’**.

‘End Hauling’ means a technique of track, road or landing construction that requires the transport of spoil to a disposal area away from the site of construction.

‘Energy Facility’ means a structure, site or plant used exclusively for the generation or processing of energy for distribution and includes any structure site or plant used for the transmission of energy so generated or produced.

‘Erection’ in relation to any building, includes the re-erection or structural alteration of, or the making of any addition to the building, or the placing of the building on a site, or the placing of the building from one position on a site to another position on the same site; and **‘erect’** and **‘erected’** have corresponding meanings.

‘Excavation’ means the removal of any soil, earth or rock from any part of any site.

‘Existing’ in relation to buildings and uses, means lawfully established before this Plan was notified as a proposed Plan and lawfully continuing in existence the effects of which are the same in character, intensity and scale to those existing prior to this Plan being notified as a proposed Plan.

‘Floor Space’ means the sum of the total areas of several floors of a building or buildings (including any void area in those floors such as service shafts or lift or stair wells) measured from the exterior faces of exterior walls or from the centre lines of walls separating two buildings.

For assessing parking requirement it excludes the floor space allocated to car parking or vehicular access to car parking.

‘Garage’ means a building or land used for the housing or care of self-propelled vehicles but does not include a garage in which self propelled vehicles not belonging to the occupier of that land or building are stored, serviced, overhauled or repaired, or in which three or more self propelled vehicles used for any administrative, commercial, or business purpose are housed or cared for.

‘Ground Level’ shall be deemed to be the lowest of the following levels as are appropriate to the site in question:

- (a) the natural level of the ground or the finished level of the ground as a result of an approved subdivision.
- (b) the finished level of the ground as a result of excavation for building construction works.
- (c) or the finished level of the ground as a result of any subsequent works.

‘Hazard Prone Area’ means land which is subject to or is likely to be subject to any natural hazard either occurring naturally or accelerated or worsened by or resulting from activity either on or off the land.

‘Height Plane’ in relation to a building is a plane parallel to ground level through which a building may not project except as may be prescribed in this Plan.

‘Hoarding’ means any building, wall, fence, structure, or erection or part thereof which is erected or used for the purposes of exhibiting or displaying any advertisement, placard or inscription; and also any building, wall, fence, structure, erection upon or against which any advertisement, placard or inscription is displayed, and includes any sign used to advertise anything not sold on the premises where the sign is situated provided this does not apply to any signs associated with the sponsorship of sporting and recreational grounds or bodies where that sign is not generally visible from outside of the site at which it is displayed.

‘Household Unit’ means the self-contained house or residence of a single household.

‘Indigenous’ in relation to a species of flora or fauna means a species that occurs naturally in New Zealand or arrived in New Zealand without human assistance.

‘Industry’ except where excluded by any provision of this plan means any use of land or building where people use material and physical effort to:

- (a) extract or convert natural resources,
- (b) produce goods or energy from natural or converted resources,

- (c) repair goods,
- (d) store goods (resulting from the industrial process) being functions carried on in the course of a trade or a business and shall be deemed to include only such storage areas, offices, showrooms, residential or caretaker’s accommodation for persons whose employment is such that they are required to live on the premises.

‘Institution’ means a building administered by an organisation for the purposes of public health, education or culture.

‘Internal Site Boundaries’ means any boundary of a site other than a road boundary.

(NOTE: Refer to the definition of ‘Site’.)

‘Land Disturbance’ means the destruction or removal of vegetation, soil disturbance, or earthworks.

‘Landing’ means an area constructed for the purpose of log assembly or log making.

‘Landscaped’ means laid out and maintained with features such as trees, shrubs, lawns, paving, walls and screens so as to enhance the amenities of the site and surrounding area.

‘Loading’ in relation to a vehicle includes the fuelling and unloading of it, and the adjustment or covering or tying of its load and the loading or adjustment of any part of its load; and **‘load’** in relation to a vehicle, has a corresponding meaning.

‘Loading Space’ means that portion of a site including buildings, used for loading vehicles as required under this Plan and includes a loading dock.

‘Manoeuvre Area’ means that part of a site used by vehicles to move from the vehicle crossing to any parking space or loading space and includes all driveways and aisles and may be part of an access strip.

‘Meteorological Activities’ means the establishment and operation of facilities, installations and equipment to measure, collect and distribute meteorological information including telecommunication, radio and satellite links used for those purposes.

‘Motorised boating’ means the operation of any vessel less than 30 metres in overall length that is propelled or driven otherwise than solely by oars, paddles or the wind. For the purposes of this definition the term “vessel” shall include a hovercraft or jetski.

‘Multi-Unit Residential Development’ means any residential building or group of residential buildings containing two or more household units and includes all residential buildings containing a single household unit if such single separate household unit is part of a housing development contained within the boundaries of a single site.

‘Net Site Area’ means in relation to any rear site, the area of the site excluding the area of any access strip and for a front, corner or through site, means the total area of the site.

‘Non-notified Application’ means any application which may be made without public notice pursuant to the Act, and Rule 1.6.3.

‘Non-Residential Activity’ means all activities, other than Residential Activities.

‘Parking’ in relation to any vehicle includes the stopping or standing of the vehicle in approximately the same place, whether the driver is with the vehicle or not, whether the engine is running or not, and whether the vehicle is capable of moving under its own power or not.

‘Parking Area’ means that part of a site within which vehicle parking spaces are accommodated, and includes all parking spaces and manoeuvre areas.

‘Parking space’ means an area of land formed and set aside exclusively for the parking of a motor vehicle.

‘Places of Assembly’ means any building used primarily for worship, recreation, education or deliberation and includes any church, church hall, funeral director’s chapel, clubrooms, gymnasium, pavilion, indoor sports facility, community centre, or marae buildings.

‘Property’ means land held by one person in one or more adjacent certificates of title, and includes land held by one person that is traversed by a road, whether unformed or formed.

‘Rear Site’ - see **‘Site.’**

‘Recession Plane’ in relation to a building means a plane inclined at an angle to the horizontal and extending from points above each site boundary over the whole site through which a building may not project except as may be prescribed in this Plan. **‘Encroachment Plane’** shall have the same meaning.

‘Recontouring’ means any earthworks that result in the reshaping of the surface of a more or less continuous area of ground.

‘Recreational Activity’ shall mean any indoor or outdoor passive or active sports or games or recreational pursuits for participants and/or spectators whether or not they are undertaken for profit or reward or for which no charge is made and shall include such activities on or in water, on land or in the air.

‘Removal of Topsoil’ means the permanent removal of topsoil from the site.

‘Residential Activity’ means a use of lands and buildings by people for the purpose of permanent living accommodation in a household unit where the majority of occupiers intend to live at the site for a period of one month or more of continuous occupation per annum and will generally refer to the site as their home and permanent address. It includes accessory buildings and leisure activities associated with needs generated principally from living on the site.

‘Residential Building’ means any building or part of a building used or intended to be used for human habitation.

‘Residential Site’ means a site occupied by one or more dwellings.

‘Riparian Vegetation’ means the vegetation on areas of land immediately adjacent to any river, lake, wetland, or along the coast.

‘Scheme Plan’ means a plan which clearly illustrates the proposed subdivision.

‘Service Lane’ means land dedicated as service lane used from time to time for the vehicular servicing of adjacent properties.

‘Sidecasting’ means a technique of road, track, or landing construction that requires the placing of spoil immediately to the side of the site of construction.

‘Sign’ means any name, figure, character, outline, spectacle, display, delineation, announcement, poster, handbill, advertising device or appliance, or any other thing of a similar nature to attract attention and which is visible from some public place and shall include:

All parts, portions, units, and materials composing same, together with the frame, background, structure and support or anchorage thereof, as the case may be, and shall also include any of the foregoing things when displayed on a hoarding.

‘Site’ means the land comprised in one or more Certificate of Title which may be disposed of separately, but does not include a parcel of land which has been or may be disposed of separately for the purpose of a public reserve or public work or has been or which is subject to a condition requiring the issue of one Certificate of Title on a boundary adjustment or a principal or accessory unit approved under the Unit Titles Act 1972.

‘Site’ includes any corner site, front site or rear site.

‘Corner Site’ means a site having a frontage of not less than 6 m to each of two or more roads if the angle within the site between two such minimum frontages is not greater than 135 degrees.

‘Front Site’ means a site having one frontage of not less than 6m to a road, and includes any ‘through site.’

‘Rear Site’ means a site which is situated generally to the rear of another site and has access to a road by means of an access strip, or which has a frontage to a road of not less than 3.5 m.

‘Through Site’ means a site other than a corner site, with frontage of not less than 6 m to each of two or more roads. A through site shall be deemed to be a front site for the purpose of this Plan.

‘Site Area’ means the total area of the site, excluding any part of the site subject to any proposed road widening, or any designation for a public work, and excluding the area of any access strip or right of way.

‘Site Boundary’ means any boundary of a site and includes any rear boundary, road boundary, side boundary, or Resource Area boundary which crosses within the site.

‘Soil’ includes any weathered or disaggregated rock.

‘Soil Disturbance’ means the disturbance of soil other than by modification of the shape of the ground surface and includes cultivation, deep ripping, rootraking, blading, and compaction.

‘Street’ means **‘Road’**.

‘Substation’ means those parts of works or electrical installations, being a building, structure, or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission or distribution of electricity.

‘Telecommunication’ has the meaning given to that expression by the Telecommunications Act 1987 and for the purposes of this definition includes ‘Radiocommunications’ as defined by the Act.

‘Topsoil’ means the topmost layer of the undisturbed soil profile.

‘Track’ means any constructed pathway or trail where the formation construction is at least to a standard that is capable of carrying a crawler or wheel tractor or other vehicle, and can include any road.

‘Utility Service Line’ means any land disturbance required for or in connection with the installation of any pipe, cable, drain, channel, or race for utility purposes.

‘Vegetation’ means all plants and includes mosses, lichens, ferns and fungi.

‘Water Body’ means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

‘Water Recreation Activity Plan’ means the Plan prepared by or on behalf of any body or person pursuant to Rule WAT.1 of this Plan which incorporates for the undertaking by that body or person of motorised boating in excess of the speed limits applying to the waterbodies or parts of waterbodies specified in the Plan or in areas specifically reserved pursuant to Water Recreation Regulations 1979 and which is approved by Council in writing.

The Plan shall be for such period as Council specifies but in any event shall not be for a period greater than five years.

The Plan shall contain the following matters:

- (a) A description of the waterbody or part of the waterbody to which the Plan relates and sufficient details to enable it to be identified accurately and without difficulty.
- (b) The amount of flow as obtained from the Southland Regional Council water level recorders or gauges that will be necessary in the waterbody to undertake the motorised boating.
- (c) A description of the type of motorised boating to be undertaken, specifying the type of boats, the number of boats, the maximum speeds and the purpose of the motorised boating.
- (d) The frequency of the event to which the Plan applies.

- (e) The name, address and contact telephone numbers of the person or persons who are organising the motorised boating and who have the power to give undertakings to carry out any requirements specified by the Council.
- (f) Details of the Methods by which:
 - (i) Noise will be kept to a reasonable level.
 - (ii) Wave generation will be controlled and minimised.
 - (iii) The safety of the participants in the motorised boating and other users of the waterbody whether on or alongside of it will be protected.
 - (iv) Waste including any human waste is to be collected and/or disposed of.
- (g) The persons and bodies consulted about the proposed activities (which shall include the Southland Regional Council and the Southland Fish and Game Council) and the outcomes of those consultations specifying each bodies or persons comments and/or concerns. Public notice shall be given of the proposed activity and a copy of that notice and any comments received shall be included. Nothing in the Plan or the Council's approval of it shall authorise the erection of any building or structure on or alongside of the waterbody.