



5. 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 District Plan, unless the context otherwise requires:

`**THE ACT**' means the Resource Management Act 1991.

`**ACCESSORY BUILDING**' in relation to any site means a subordinate detached building or structure (and includes a car port, garage, sleep-out or Granny flat) if

- (a) The use is clearly incidental to the site or 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 use 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**' in relation to a rear site means an area of land whether part of the site or not extending from the street frontage to that site, of a minimum specified width for the permanent and legal use of that site for ingress and egress only.

`**ADVANCE WARNING/DIRECTIONAL SIGN**' means a sign, whose sole purpose is to alert the road user of a place ahead, to allow sufficient time for an appropriate driver response or a sign whose sole purpose is to provide direction to a facility or place off a main route.

`**AMENITY PLANTING**' shall include trees or shrubs designed to achieve substantial screening of the equipment, site or activity.

`**ARCHAEOLOGICAL SITE**' means any place in the District that:

- (a) Either:
 - i. was associated with human activity that occurred before 1900; or
 - ii. is a 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 METHOD**' 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.

`**BUILDING**' shall have 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.

‘COMMERCIAL SERVICE ACTIVITIES’ include but are not limited to tourist, hospitality, accommodation and motorist service activities.

‘COMMUNITY SUPPORT ACTIVITIES’ means activities whose primary purpose is supporting the health, safety, welfare, education, cultural and spiritual well-being of the community.

‘COUNCIL’ means the Clutha 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. Some fault zones may be crush zones.

‘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 associated 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 associated 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 associated works shall include –

- (i) The fencing, draining, excavation, filling, or reclamation of land, or the making of retaining walls or associated works relating to that fencing, draining, excavation, filling, or reclamation; and
- (ii) The grading or levelling of land or the removal of rocks, stone, sand, or soil from land; and
- (iii) The removal or destruction of vegetation; and
- (iv) The arresting or elimination of erosion or flooding; and
- (v) The construction of any tramway, railway, road, transmission lines and pipelines

relating to any such construction, erection, or alteration.

Where it is proposed to construct, erect, or alter one or more buildings, fixed plant and machinery, or associated 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.

‘DISTRIBUTION NETWORK’ means a distributor’s lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.

‘DISTRIBUTOR’ means a business engaged in distribution of electricity.

‘DISTRICT’ means the Clutha District

‘DWELLINGHOUSE’ (as defined by the Act) shall include Dwelling Unit and Dwelling and are considered residential activities.

‘EARTHWORKS’ means any modification to the shape of the ground surface by movement or removal of soil and includes excavation, infilling and construction of any road, track, or drainage channel but does not include cultivation or the planting of crops.

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

‘EMERGENCY SERVICE FACILITIES’ means those facilities of authorities which are responsible for the safety and welfare of the people and property in the community and includes fire stations, ambulance stations and police stations.

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.

ELECTRICITY GENERATION FACILITY means a facility, operation or activity which utilises or converts natural resources into electricity or transforms one energy type into electricity, and includes hydroelectric, thermal and geothermal power stations, wind turbines, solar, biomass, wave and ocean current generation etc but excludes co-generational plants constructed as part of an industrial activity. This includes the system of electricity conveyance (including substations) required to convey electricity to the distribution network and/or the national grid but excludes the distribution network and/or the national grid.

ENVIRONMENTAL COMPENSATION means any action (work, services, financial contribution or restrictive covenants) to compensate for the environmental effects of activities that cannot be avoided, remedied or mitigated. It provides positive measures to correct, balance or otherwise atone for the loss of the resource or value affected.

ERECTION in relation to any building, includes the reerection 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 a 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 point 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.

EXPLORATION means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavation (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.

FAMILY FLAT means an independent and self-contained one bedroom residential building located on the same site as a dwelling and occupied by a person dependant on the household that lives in the dwelling.

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:

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

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 or recreational activities and located within the grounds used for that activity (although excluding signs on roof tops) or any such sign otherwise permitted by this Plan.

`HOME OCCUPATION' means an occupation, craft or profession which:

- (a) Is carried on by a member of the family residing in the dwelling on the site; and
- (b) Is clearly accessory and secondary to the use of the dwelling for residential purposes; and
- (c) Conforms to the following:
 - (i) the occupation, craft or profession shall be carried out either wholly within a principal building or within an accessory building erected or modified for the purposes; and
 - (ii) no more than two persons outside the family shall be employed in the home occupation; and
 - (iii) there shall be no exterior display, no exterior sign (except as permitted under the relevant rules for the District Plan Resource Area), no exterior storage of materials, no other exterior indication of the home occupation or variation from the residential character of the principal building or the neighbourhood.

`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, resident or migratory, or arrived in New Zealand without human assistance.

`INDIGENOUS VEGETATION' means plant communities dominated by species that are indigenous to New Zealand and includes forest, scrub, shrubland, grassland and wetland vegetation; while the **clearance, modification or removal of 'Indigenous Vegetation'** means the felling, clearing or modification of any indigenous vegetation by cutting, crushing, mulching, cultivation (including direct drilling), spraying (including effluent or water containing contaminant), burning, grazing or the planting of exotics within. Note: this does not apply to indigenous vegetation that has been deliberately planted for the purpose of harvest.

`INTENSIVE FARMING' means:

- the use of land and/or building for the production of commercial livestock where the regular feed source for such livestock is substantially provided other than from grazing the site concerned, or
- intensive pig farming, or
- boarding of animals, or
- mushroom farming, or
- the disposal of effluent as part of any intensive farming activity,

`INTENSIVE PIG FARMING' means keeping in excess of 5 pigs beyond weaner age, mainly within buildings or outdoors at a stocking density which precludes the maintenance of ground cover.

`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 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 strips.

`**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 and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links associated with such activities.

`**MINING**' shall have the same meaning as in Crown Owned Minerals Act 1991.

`**MULTI-UNIT RESIDENTIAL DEVELOPMENT**' means a residential activity comprising of two or more household units on one site (whether contained in one building or not) but does not include camping grounds, licensed premises or travellers accommodation.

`**NATIONAL GRID**' means the lines and associated equipment used or owned by Transpower to convey electricity (including any associated sub-stations).

`**NET SITE AREA**' means the difference in area between the area of the site and the area of its access leg, and for a front, corner, or through site means the total area of the site.

`**NETWORK UTILITY**' is to have the same meaning as that of "network utility operation" as set out in Section 166 of the Resource Management Act 1991 and for the purposes of this Plan also includes lighthouses, navigation and survey aids and beacons, and meteorological activities.

`**NON-NOTIFIED APPLICATION**' means any application which may be made without public notice pursuant to the Act, and any Rule of this Plan.

`**NON-RESIDENTIAL ACTIVITY**' means all activities, other than Residential Activities, excluding the keeping of animals and temporary military training activities.

`**OFFSETTING ADVERSE EFFECTS**' for the purposes of this plan is a form of mitigation of an adverse effect directly caused by a development.

`**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.

`**PRIVATE HOTEL**' means a residential building in which board and lodging is provided or is intended to be provided for no more than 5 boarders or lodgers, other than members of the family of the occupier, or person in charge and control of the building, for reward or payment; and includes a boarding house, but does not include a building forming part of a camping ground, licensed premises or travellers accommodation (as defined).

`**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.

`**PROSPECTING**' means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes:

- Geological, geo-chemical and geophysical survey; and
- The taking of samples by hand or hand held methods; and
- Aerial surveys

`**UNDERLYING RESOURCE AREA**' means the Resource Area which would apply to land if the existing designation or reservation over the land was removed.

`**RADIOCOMMUNICATION**' has the same meaning as in Section 2(1) of the Telecommunication Act 1987.

`**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 and for the purposes of this Plan excludes road construction, drainage works, and the infilling and levelling of paddocks.

`**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, land or in the air.

`**REMOVAL OF TOPSOIL**' means removal of topsoil from the site.

`**RENEWABLE ELECTRICITY GENERATION**' means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean currents resources.

`**RENEWABLE ELECTRICITY GENERATION ACTIVITIES**' means the construction, operation and maintenance of structures associated with the generation of renewable electricity. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electric storage technologies associated with renewable electricity.

`**RESIDENTIAL ACTIVITY**' means a use of land and buildings by people for the purpose of living accommodation in a household unit and includes a dwelling house. It includes accessory buildings, leisure activities associated with needs generated principally from living on the site; home occupation as defined; private hotel as defined, and family flat as defined.

`**RESIDENTIAL BUILDING**' means any building or part of a building used or intended to be used for human habitation as a residential activity.

`**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.

`**ROAD**' includes `**STREET**' and means an area of land dedicated as road in accordance with the provisions of the Local Government Act 1974. (Refer to Roading Hierarchy (page 73).

`**SCHEDULED FOOTPRINT (FOR ELECTRICITY GENERATION FACILITIES)**' is the area that has been consented or otherwise authorised for activity as defined in the District Plan. It also includes the maximum consented/authorised height of any structure associated with the facility; the consented/authorised maximum operating water level of any water body used in the generation of electricity; and the transmission lines to the national or local grid and electricity substations and associated infrastructure that may not be located within the mapped area. `**EXISTING ENVELOPE**' has the same meaning for any lawfully established electricity generation facility except that it will not be defined in the District Plan.

`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' shall mean 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 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 an area of land permitted by this Plan and by general law to be used as a separate site of one or more specified or ascertainable uses and includes all related buildings and curtilages.

Any land required to be dedicated for road or road widening shall be excluded as a part of any site for the purposes of this Plan

Where any land held in one Certificate of Title is crossed by any Resource Area boundary that Resource Area boundary shall be deemed to be a site boundary and there shall be deemed to be more than one site.

`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 also 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.

`SMALL AND COMMUNITY-SCALE DISTRIBUTED RENEWABLE ELECTRICITY GENERATION' 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. This includes the system of electricity conveyance required to convey electricity to the local electricity distribution network and/or the national grid.

`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 and for the purpose of this Plan;

`ZONE SUBSTATION' means any substation exceeding 22kv that generally transforms 33kv electricity to 11 kv, while;

`DISTRIBUTION SUBSTATION' means any substation less than 22kv that generally transforms 11kv to 400v/230v.

`TELECOMMUNICATION' has the same meaning as in Section 2(l) of the Telecommunication Act 1987.

`TELECOMMUNICATION LINE' means a line as defined in Section 2(l) of the Telecommunication Act 1987 except that for the purpose of the Plan, line does not include any supporting structure.

`TELECOMMUNICATION LINK' has the same meaning as in Section 2(l) of the Telecommunication Act 1987.

`TEMPORARY MILITARY TRAINING ACTIVITIES' means activities undertaken for defence purposes as provided for by the Defence Act 1990 and shall:

- (i) require that the written consent of the owner of the property is obtained;
- (ii) be limited to a period not exceeding 31 days;
- (iii) not include the construction of permanent structures;
- (iv) not include earthworks or excavation by mechanical means or of a permanent nature, unless provided for elsewhere in this or any other appropriate plan;
- (v) not include live firing of artillery, dropping of high explosive bombs, firing of air to ground high explosive rockets or machine cannon gunnery from strike aircraft; and
- (vi) comply with civil aviation regulations.

`TOPSOIL' means the topmost layer of the undisturbed soil profile.

`TOURIST INFORMATION SIGN' means a sign erected for the sole purpose to display information to the public regarding a tourist attraction or point of interest as opposed to a facility providing a service to tourists but for the purpose of this Plan excludes `Heritage Trail' fingerboard signs as described in the document `Heritage Trail Signs Manual'.

`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.

`TRAVELLERS ACCOMMODATION' means land and buildings used for the accommodation of travellers on a daily tariff basis and includes those premises commonly described as motels, holiday and tourist flats and includes ancillary services or amenities provided on the site such as a retail kiosk, bath house, swimming pool or children's playground which are to be used exclusively by the persons using such accommodation. but does not include a private hotel, hostel or camping ground.

`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' includes trees, shrubs, plants, or grasses.

`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.

`WETLAND' shall have the same meaning as in the Resource Management Act 1991, being, "includes permanently or intermittently wet areas, shallow water and land/water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions".

`YARD' means a part of a site which is required by this Plan to be unoccupied and unobstructed by buildings from the ground upwards, (except as otherwise provided by this Plan) and includes the following;

`FRONT YARD' means a yard between the legal roadline and a line parallel thereto and extending across the full width of the site. Provided also that in the case of a site fronting a road that is proposed to be deviated or widened, this proposed roadline shall be substituted for the existing roadline for the purpose of determining the depth of the front yard.

`REAR YARD' means a yard between the rear boundary of the site and a line parallel thereto extending across the full width of the site. Provided that in the event of there being no rear boundary, as in a triangular section, the boundaries of the rear yard shall be the converging side boundaries of the site and the arc of a circle drawn with the apex as a centre and a radius of 9 metres.

`SIDE YARD' means a yard between each side boundary of the site a line parallel thereto extending the full length of the site, but excluding there from any part of the site that is included in a front or rear yard.