

7 DEFINITIONS

In this Plan, unless the context otherwise requires, the following words and phrases mean:

- **Access** Means that area of land over which vehicular, pedestrian and/or livestock access to a legal road is obtained and extends to include, as the context requires: an access leg; access lot; private way; land shown on a cross lease or company lease definition plan as being available for use for that purpose; and land shown as common land on a unit plan under the Unit Titles Act 1972 which is used for that purpose.
- **Access Lot** An allotment held in common ownership by the owners of other allotments, which provides frontage and access to those other allotments.
- **Access Strips** See section 2 of the Resource Management Act 1991.
- **Access Way** See section 315 of the Local Government Act 1974.
- **Accessory Building** A detached building the use of which is incidental to that of another building or buildings on the site unless otherwise provided for.
- **Act** The Act or RMA refers to the Resource Management Act 1991 and its amendments.
- **Activity Sensitive to Aircraft Noise** Means Boarding or Lodging House or Hostel, Camping Grounds/Caravan Parks, Community Care Facility, Community Facilities, Day Care Centres, Educational Establishments, Home Stay, Hospital, Household Unit, Kohanga Reo, Marae, Papakainga, and Place of Assembly as defined in this District Plan.

- Activity Sensitive to the National Grid Means Boarding or Lodging House or Hostel, Camping Grounds/Caravan Parks, Community Care Facility, Community Facilities, Day Care Centres, Educational Establishments, Home Stay, Hospital, Household Unit, Kohanga Reo, Marae, Papakainga, and Place of Assembly as defined in this District Plan.
- Allotment See section 218(2) of the Resource Management Act 1991.
- Amenity Values See section 2 of the Resource Management Act 1991.
- Boarding or Lodging House or Hostel See the definition of Community Service in Clause 3.0.2 of the First Schedule of the Building Regulations 1992 which currently applies to residential buildings housing six or more people including boarding houses, halls of residence, hostels and nurses homes but does not include travellers accommodation.
- Brothel(s) Has the same meaning as “brothel” in section 4 of the Prostitution Reform Act 2003.
- Building See sections 7-9 of the Building Act 2004, and note that this excludes “Utility Services” and telecommunication facilities.
- Building Set Back The minimum distance a building is required to be set back from the boundaries of the site by the provisions specified in this Plan, provided that the following be permitted to protrude into the building set back:
 - (i) Sills, belt courses, chimneys, cornices and eaves, as long as they do not protrude more than 600mm from the main walls of the building.
 - (ii) Fire escapes.
 - (iii) Entrance porches (verandahs, decks) not exceeding 1.2m x 1.1m and not less than 1 metre from any boundary.

- (iv) Utility Services.
 - (v) Drain pipes, (sanitary and stormwater), water pipes, gas pipes, electricity and telecommunication lines.
 - (vi) Telecommunication and radio-communication facilities.
- Business(es) of Prostitution Has the same meaning as “business of prostitution” in section 4 of the Prostitution Reform Act 2003.
- Camping Grounds/Caravan Parks See The Camping-Grounds Regulations 1985.
- Car Parking Those sites for which the principal activity is the parking of vehicles.
- Coastal Marine Area See definition in section 2 of the Resource Management Act 1991.
- Commercial Involving payment of fees for hire or reward.
- Community Care Facility Applies to a residential building or use where a large degree of assistance or care is extended to the principal users. There are two types:
 - (a) Unrestrained; where the principal users are free to come and go. Examples: a hospital, an old people's home or a health camp.
 - (b) Restrained; where the principal users are legally or physically constrained in their movements. Examples: a borstal or drug rehabilitation centre, an old people's home where substantial care is extended, a prison or hospital.
- Community Facilities Means places available to the public for the purpose of community activities and includes but is not limited to public playgrounds, recreational halls, community centres, community halls and public swimming pools.

- Contaminant See section 2 of the Resource Management Act 1991.
- Controlled Activity See definition in section 2 of the Resource Management Act 1991 which currently reads “... an activity which:
 - (a) Is provided for, as a controlled activity, by a rule in a plan or proposed plan; and
 - (b) Complies with standards and terms specified in a plan or proposed plan for such activities; and
 - (c) Is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and
 - (d) Is allowed only if a resource consent is obtained in respect of that activity.”
- Council The Timaru District Council or any Committee or person to whom the Council has delegated the power to represent it in accordance with the provisions of the Act or any other Legislation e.g. Local Government Act.
- Day Care Centres Land or buildings used for the care during the day of children or for adults with disabilities, other than those residing on the site.
- Designation See section 166 of the Resource Management Act 1991.
- Development and activities (For the purpose of determining financial contributions in the Washdyke Industrial Expansion Area Outline Development Plan) Means any subdivision, development or re-development of a site and includes the construction, erection, establishment or alteration of any building or activity that generates a demand for reserves, network infrastructure, or community infrastructure.

- **Discretionary Activity** See definition in section 2 of the Resource Management Act 1991 which currently reads “... an activity:
 - (a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
 - (b) Which is allowed only if a resource consent is obtained in respect of that activity; and
 - (c) Which may have standards and terms specified in a plan or proposed plan; and
 - (d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.”

- **Electricity Transmission Line Buffer Corridor** Is a 20 metre wide corridor either side of the centre point of the existing electricity transmission line to allow for risks to the integrity and efficient operation of the transmission network, and to people and property, to be appropriately assessed and managed.

- **dBa** A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See New Zealand Standard 6801:1991 clause 2.1 definitions of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level.

- **Educational Establishments** Land or buildings used for regular instruction or training.

- **Effluent** Liquid wastes and sludges, including agricultural and industrial waste waters and domestic and municipal sewage and sludges.

- **Emergency Services Facilities** Means fire stations, ambulance stations, police stations and associated ancillary

- facilities.
- **Entrance Way** That area of land extending from the road to a site including a rear site, which provides permanent and legal use for entering into and departing from or servicing the site.
 - **Existing Use** As provided for in sections 10 and 10A of the Resource Management Act 1991.
 - **Exotic** Any plant or animal species not indigenous to New Zealand.
 - **Factory Farming** A farm or unit of production in which the process is carried out largely indoors or in a restricted space and which is not dependent on the soil characteristics of the site on which it is situated and includes mushroom farming, poultry farming, feed lots and intensive pig farming.
 - **Farming** A land based activity having as its primary purpose the production of any livestock or vegetative matter and includes horse breeding and horse training establishments but excludes factory farming, shelter belts, woodlots, and forestry.
 - **Floor Height** The top surface of the ground floor of a building (prior to the installation of any covering).
 - **Forestry and Woodlots** The planting, tending and harvesting of trees for timber or firewood production (other than an orchard).
 - **Front Site** See definition of site.
 - **Gross Floor Area** The sum of the gross floor area of all floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.

- Hazardous Substances
 - Are substances:
 - (a) With one or more of the following intrinsic properties:
 - (i) explosiveness;
 - (ii) flammability;
 - (iii) a capacity to oxidise;
 - (iv) corrosiveness;
 - (v) toxicity (both acute and chronic);
 - (vi) ecotoxicity, with or without bio accumulation; or
 - (b) 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 with any one or more of the properties specified in paragraph (a) of this definition.

Such substances may be poisonous, infectious or radioactive. They include substances that are toxic because they are pathogenic, carcinogenic, mutagenic, teratogenic or immuno-suppressant.

- Height
 - For the purpose of determining the height of any part of any building or structure, means the vertical height of that part of the building above the point on the existing ground level immediately below that point. Provided that this shall not apply to chimneys, ventilator shafts and equipment, skylights, spires, radio and television aerials, flagpoles, masts, poles, rods, antennae, mounting fixtures, mast caps or similar appendages and other purely decorative features not exceeding 2m² in area (measured horizontally). The existing ground level is that occurring before the commencement of a proposed development.
- High Hazard Stopbank Maintenance Area (HHSSA)
 - This area represents the area identified by Environment Canterbury as being subject to a higher hazard potential for flooding. This line represents a less restrictive no development area than the setback identified in the District

- Plan, as being 100 metres from the centre of the stopbank and only relates to the Residential 1 Zone (Temuka North West).
- Home Occupation Any activity carried out within a residential building or a building accessory to a residential building occupying no more than 30m² of floor space in that building where:
 - (i) The resident(s) and up to one other person not resident on the site may be employed in the home occupation except that where the home occupation is for the purpose of the business of prostitution then only two sex workers may be engaged in this business at the site providing that at least one sex worker is resident on the site, i.e. no other sex workers may operate from this site.
 - (ii) No articles produced by the occupation are sold or displayed for sale on the premises.
 - (iii) The occupation does not include panel beating, spray painting, motor vehicle repairs, fibreglassing, heavy trade vehicles, sheet metal work, wrecking of motor vehicles, bottle or scrap metal storage, rubbish collection service, wrought iron work or manufacture, motor body building, fish processing, breeding or boarding of dogs or cats.
 - Home Stay The provision of short term accommodation in an existing household unit for no more than 5 guests.
 - Hospital Any private or public hospital within the meaning of the Hospitals Act 1957.

- Household Unit See definition in section 2 of the Building Act 1991 which currently reads:

“any building or group of buildings, or part of any building or group of buildings, used or intended to be used solely or principally for residential purposes and occupied or intended to be occupied exclusively as the home or residence of not more than one household; but does not include a hostel or boarding house or other specialised accommodation”.

- Indigenous Native or Any species of plant or animal that occurs naturally in New Zealand.

- Industry The use of any premises or land used or proposed to be used for the production, processing, assembly, servicing, testing, repair and/or storage and warehousing of any materials, goods or products and also includes transportation facilities, and sales facilities that are a part of the industry.

- Iwi Tribe.

- Iwi Management Plan Refers to the Iwi Management Plan for Kati Huirapa.

- Kaitiaki Guardians.

- Kaitiakitanga See definition in section 2 of the Resource Management Act 1991 which currently reads “the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.”

- Kati Huirapa The hapu or subtribe of the Takata Whenua. The rohe or district of Kati Huirapa extends from the Rakaia River to the Waitaki River.

- Kohanga Reo A preschool facility.

- Landscaping The provision of tree or shrub plantings, which may be interspersed with ground cover plants including lawn, arranged to improve the visual amenity of the site, including to partially or wholly screen activities or buildings on the site.

- Licensed Premises See section 2 of the Sale of Liquor Act 1989.
- Liquid Waste Waste water, including liquid by-product, derived from industrial, agricultural, trade or domestic premises containing residues of the processes carried out onsite.
- L₁₀ or L10 The L10 exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded ten percent of the total measurement time. See New Zealand Standard 6801:1991 clause 2.2 definition of exceedance level.
- L_{max} or Lmax The maximum A-frequency-weighted sound level (dBA Lmax) during a stated time period. See New Zealand Standard 6801:1991 clause 2.1 definition of maximum sound level.
- Mahika Kai Food and other resources, and the areas that they are sourced from.
- Mana Whenua See definition in section 2 of the Resource Management Act 1991 which currently reads: “means customary authority exercised by an iwi or hapu in an identified area.”
- Marae The meeting ground.
- Meteorological Activities Means the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunications, radio and satellite links.
- Mining Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation and/or associated processing of minerals, and includes prospecting and exploration.

- **Minor Upgrading (so far as it relates to utility services and public utility lines)** Means an increase in the power carrying capacity, efficiency or security, of the line (eg such as reconductoring with higher capacity conductors, resagging of conductors, longer or more efficient insulators or the addition of earth wires which may contain telecommunication lines, earth peaks and lightening rods) utilising the existing support structures or replacement structures of a similar scale and character. This definition does not include any increase in the voltage of a line.
- **Natural and Physical Resources** See section 2 of the Resource Management Act 1991 which currently reads “.....includes land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures”.
- **Natural Area** An area where there is a predominance of elements that are natural, rather than made by people, including any area where there are indigenous plant or animal species present to the extent that they characterise the area and includes wetlands, tussock grassland, shrublands, scrublands, bush or forest remnants, rivers and coastal areas.
- **Net Area** The area of the site excluding the area of the entrance strip or access lot.
- **Non-complying Activity** See definition in section 77B of the Resource Management Act 1991 which currently reads:
 - (a) a resource consent is required for the activity; and
 - (b) the consent authority may grant the resource consent with or without conditions or decline the resource consent.
- **Non-Notified Applications** As provided for in section 94 of the Resource Management Act 1991.
- **Notified Applications** As provided for in sections 93, 94C, 94D and 95 of the Resource Management Act 1991.

- Notional Boundary
The notional boundary is defined as a line 20 metres from the facade of any household unit or the legal boundary where this is closer to the household unit. (As stated in NZS6801:1991) Measurement of Sound.
- Office
Any of the following:
 - (i) Administrative offices where the administration of an organisation, whether trading or non-trading, is conducted.
 - (ii) Commercial offices such as banks, insurance agents, typing services, duplicating services and estate agents, being places where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted.
 - (iii) Professional offices such as the offices of accountants, solicitors, architects, surveyors, engineers, where a professional service is available and carried out.
- Open Space
Is an expanse of land which is generally unobstructed by buildings, trees etc (ie open countryside), and its use is for recreational purposes, other than motorsport.
- Outline Development Plan (ODP)
An ODP is a mapped planning framework indicating land use patterns, areas of open space and infrastructure across properties of multiple ownership.
- Papakainga
A general term for Maori housing on Maori land.
- Pastoral Intensification
Internal fencing, top dressing, oversowing, increasing of stock levels, or planting of fodder crops on indigenous tussock grassland, wetlands, shrublands, or forest.

- Permitted Activity See definition in section 2 of the Resource Management Act 1991 which currently reads:

“.....an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matters described in section 108 or section 220) specified in the plan:”

- Personal Services An activity which provides individual service to people and includes hairdressers, beauticians and photographers.

- Place of Assembly Buildings or facilities used for private or public assembly such as worship, entertainment, recreation, education and discussion whether the groups involved have a temporary licence to sell liquor or not but does not include a theatre or a cinema.

- Postal Services Includes bulk mail and parcel receipt, processing, sorting and delivery, including courier operations.

- Private Way See section 315 of the Local Government Act 1974.

- Prohibited Activity See definition in section 2 of the Resource Management Act 1991 which currently reads:

“... an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by section 105(2)(b) of the Historic Places Act 1993.”

- Public Utilities Any of the following:

Lighthouses, navigational aids and beacons, electricity substations, transformers and lines for conveying electricity at a voltage exceeding 110KV and a capacity exceeding 100MVA, treatment facilities or pump stations for water, sewage or stormwater, and flood protection works.

- **Public Work** See section 2 of the Resource Management Act 1991.
- **Radio Communication Facilities** Means any transmitting/receiving devices such as aerials, dishes, antenna, cables, lines, wires, and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
- **Rear Site** See definition of site.
- **Recession Plane** See Appendix 2.
- **Restaurants** Land and/or buildings or part thereof in which meals are sold for consumption either on or off the premises.
- **Retailing or Shop** The direct sale or hire to the public from a site and/or the display or offering for sale or hire to the public on site of goods, merchandise or equipment and any ancillary work rooms, but shall exclude premises licensed under the Sale of Liquor Act 1989, restaurants, roadside stalls, service stations or vehicle or boat sales.
- **Resource Management Act** Includes the Resource Management Act 1991 and its amendments.
- **Right of Way** Means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.
- **River** See definition in section 2 of the Resource Management Act 1991 which currently reads:

“... means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal);”

For the purposes of applying the riparian management performance standards for rural

- zones, rivers include all natural watercourses including streams that have a discernable (visible) bed.
- Road See section 315 of the Local Government Act 1974.
 - Rohe The boundary or district of an iwi or hapu.
 - Roadside Stalls A building or similar structure that is used as a place of direct retailing of produce grown on the site.
 - Screen Fence or Screened A solid fence of 2 metres in height which obscures activities on a site or a mesh or lattice fence over which climbing plants are grown so that activities on the site are screened from adjoining sites.
 - Service Lane See definition in section 315 of the Local Government Act 1974.
 - Service Station Any site used for the retail sale of motor spirits, lubricating oils and any other fuels for motor vehicles. The sale of kerosene, tyres, batteries, and other accessories normally associated with motor vehicles, and the sale of convenience goods usually sold to the travelling public, provided that the sale of convenience goods is only permitted when the service station is open for the sale of fuels and motoring accessories, and may include the mechanical repair and servicing of motor vehicles provided that the repairs undertaken shall be confined to the mechanical repair of motor vehicles (other than heavy trade vehicles) and domestic garden equipment and shall not include panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding; and may include the display, sale or hire of motor vehicles, caravans or boats.
 - Set Back See definition for building set back.
 - Sex Worker(s) Has the same meaning as “sex worker” in section 4 of the Prostitution Reform Act 2003.

- Shelter Belts Vegetation planted primarily to provide shelter.
- Shop See definition of retailing.
- Sign Includes every advertising device or advertising matter of whatever kind whether consisting of a specially constructed device or structure, painted, fixed to or upon any premises, wall, fence, rock, stone, structure, stationary vehicle, or erection of any kind.
- Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna Any areas or vegetation described in **Table B2** in Part B 2 of this Plan
OR
Any areas or vegetation that are confirmed as being significant at the completion of an individual property assessment carried out by Council in accordance with the process set out in Part B2 Issue 1 Method (7) of this Plan, in which case Table B2 shall no longer apply to that property.
- Site Site means the following:
 - (1) An area of land which is:
 - (i) Comprised in a single allotment in a single certificate of title; or
 - (ii) Comprised in a single lot or balance area on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council; being in any case the smaller land area of (i) or (ii); or
 - (2) An area of land which is comprised of two or more adjoining lots held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or
 - (3) An area of land which is comprised of two

or more adjoining lots held in two or more certificates of title where such titles are:

- (i) Subject to a condition imposed under section 37 of the Building Act 1991 or section 643 of the Local Government Act 1974; or
- (ii) Held together in such a way that they cannot be dealt with separately without the prior consent of the Council,

EXCEPT THAT

- (i) In the case of land subdivided under the cross lease or company lease systems (other than strata titles) site shall mean an area of land containing:
 - (a) A building or buildings for residential or business purposes with any accessory building(s) plus any land exclusively restricted to the users of that/those building(s); or
 - (b) A remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and
- (ii) In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units; and
- (iii) In the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.

- (4) FRONT SITE means a site having frontage to a public road or roads of not less than 12 metres.
- (5) REAR SITE means a site having frontage to a public road or roads of less than 12 metres.
- Small Owner-Operated Brothel(s) Has the same meaning as “small owner-operated brothel” in section 4 of the Prostitution Reform Act 2003.
 - Stopbank Maintenance Area (SMA) This is a 10 metre setback line measured from the landward toe of the stopbank in the Residential 1 Zone (Temuka North West).
 - Subdivision Subdivision shall mean the subdivision of land as defined in section 218 Resource Management Act 1991.
 - Takata Whenua Has the same meaning as “tangata whenua” in section 2 of the Resource Management Act 1991 which currently reads “in relation to a particular area, means the iwi, or hapu that holds mana whenua over that area”.
 - Telecommunication Facilities 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.
 - Temporary Military Activities A temporary activity undertaken for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990. The Defence Act also enables access to Defence areas, which includes areas utilised for temporary military training activities to be restricted.
 - Tikaka Maori See definition of “Tikanga Maori” in section 2 of the Resource Management Act 1991 which currently reads “Maori customary values and practices.”

- Travellers Accommodation Any land or buildings used to house the travelling public in accommodation which is available at a daily tariff but does not include premises licensed under the Sale of Liquor Act 1989.
- Utility Services Any of the following:
 - (1) Household, commercial and industrial connections to gas, water, drainage and sewer pipes.
 - (2) Water and irrigation races, drains, channels, pipes and necessary incidental equipment, including water intakes.
 - (3) Transformers and lines, and necessary incidental equipment and structures of a maximum area of 20m² and 2m in height, for conveying electricity at a voltage up to and including 110KV with a design capacity up to and including 100MVA per circuit.
 - (4) Pipes for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure not exceeding 2000 kilopascals and necessary incidental equipment.
 - (5) Pipes and/or channels for the conveyance or drainage of water or sewage, and necessary incidental equipment.
- Vehicle Crossings That part of a footpath or road reserve from the kerb or edge of the carriageway to the boundary of the land or premises adjoining the footpath or road reserve which is used for the purpose of giving entry or access for vehicles of any description.
- Vehicle Repair Garages Any land or building on or in which vehicles not belonging to the occupier of the premises are serviced, overhauled, or repaired but does not include panel beating or spray painting.
- Water body See section 2 of the Resource Management

Act 1991 which currently reads:

“... 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 See section 2 of the Resource Management Act 1991 which currently reads:

“... 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:”
- Whare Kai Dining room.
- Whare Runaka Meeting house.
- Yard or Building Set Back See definition of building set back.