

11. DEFINITIONS

In this District Plan unless the context otherwise requires:

Access means that area of land over which a site or allotment obtains legal vehicular and/or pedestrian access to a legal road. This land includes an access leg, a private way, common land as defined on a cross-lease or company lease, or common property as defined in Section 2 of the Unit Titles Act 1972.

Access lot means an allotment which provides the legal access or part of the legal access to one, or more than one allotment, and which is held in the same ownership or by tenancy-in-common in the same ownership as the allotment or allotments to which it provides legal access.

Access strip means a strip of land created by the registration of an easement in accordance with Section 237B of the RMA for the purposes of allowing public access to or along any river, or lake, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown, but excluding land held for a public work except land held, administered or managed under the Conservation Act 1987 and the Acts named in the First Schedule to the Conservation Act 1987.

Adjoining land shall be deemed to be adjoining other land, notwithstanding that it is separated from the other land only by a road, railway, drain, water race, river or stream, or combination thereof.

Agricultural field days means the passive and active display and sale of products and services associated with the agricultural activities. This includes farm related activities and competitions, and ancillary retail, recreation, education and entertainment.

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:

- indoor animal and bird operations and feedlots;
- horticulture, hydroponics, seed production and viticulture;
- woodlot forestry;
- bee keeping;
- the keeping and/or training of horses;

together with associated activities, including fertiliser application, shelter planting, amenity plantings, pest plant management, land disturbance, drainage, dwellings for persons employed on the property and their dependents, storage buildings, fencing, tracks, storage ponds and disposal of waste produced on the site.

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.

Boundary means any boundary of the nett area of a site. Site boundary shall have the same meaning as boundary.

Internal boundary means any boundary of the nett area of a site other than a road boundary.

Road boundary means any boundary of a site abutting a legal road, other than an accessway or service lane, or contiguous to a boundary of a road designation. Frontage or road frontage shall have the same meaning as road boundary. See also "Notional boundary".

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.

Cleanfill means material having no putrescible, contaminant, inflammable or hazardous components (eg stones, rubble) excluding mine overburden which is generated as a consequence of authorised mining activities and which is returned to the original mining site.

Commercial activity means the use of land and/or buildings for the display, offering, provision, sale or hire of goods, equipment or the provision of personal services, product repair services or financial and professional services. This includes, but is not limited to, retail activities, offices, garden centres and restaurants, but excludes any activity otherwise defined as a commercial recreation activity, animal boarding activity, industrial activity, roadside sales activity, service station, healthcare activity, communal activity, home stay or home occupation.

Commercial forestry means the use of land and buildings for the primary purpose of growing trees for timber production, other than provided for as woodlot forestry, including the preparation of land, planting of trees, and the tending and harvesting of those trees. Commercial forestry excludes the milling and processing of trees.

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

Communal activity means any activity carried out on land or in buildings where people gather to for meetings, social, cultural or, religious ceremonies and socialising including, but not limited to, movie theatres, night clubs, video arcades 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, but excludes such activities on reserve land and school sites, and any such use associated with any residential activity, education activity, day care activity, commercial activity, recreation activity and commercial recreation activity.

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.

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.

dBA means A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals.

Demolition means the destruction or partial destruction of a structure, object, place or setting.

Disposal of hazardous substances - Refer to Hazardous substance.

District means the Gore district.

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

Earthworks means earthmoving activities and includes:

- Contouring or recontouring of any land;
- Disturbance of land surfaces by moving, removing, placing or replacing soil or by excavation cutting or filling operations or tunnelling;
- Any heap, pile, or storage of materials that results from earthworks;
- but does not include soil cultivation.

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

Electricity transmission network means transmission lines and cables (aerial, underground and underwater), stations and sub-stations and other works used to connect injection points and exit points to convey electricity within and through the Gore District.

Environmental results anticipated means the intended result or measurable outcome expected on the environment, which occurs as a consequence of implementing a policy or method.

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

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 associated helicopter landing pads.

Exotic plant material means any plant that is not native to New Zealand and is introduced from some foreign country.

Factory farming means the use of buildings for the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.

Farm quarry means the excavation and stock piling of material from the ground for use without undertaking any extraction of minerals or other such processes, on the property on which it is extracted.

Fencing means any structure, intended to be a permanent division, screen or barrier, but shall not include a post and wire fence or a temporary fence such as an electric fence.

Floodway means that area bounded by the landward toe of a flood protection structure, or work, to the landward toe of the flood protection structure, or work, on the opposite side of the river or stream.

Glare means the discomfort or impairment of vision experienced when parts of the visual field are excessively bright in relation to the general surroundings or as a result of reflected sunlight.

Ground level ground level shall be taken as the level of the ground existing before excavation for buildings on the land has commenced.

Ground Mounted Structure means any utility building, container, shelter or cabinet placed or erected on the ground. This excludes any device attached to a pole, mast or other support structure, and any road, bridge or culvert and associated road signs, directional signs or traffic lights.

Hazardous substance means, unless expressly provided otherwise by regulations, any substance –

- (a) With one or more of the following intrinsic properties:
 - (i) Explosiveness;
 - (ii) Flammability;
 - (iii) A capacity to oxidise;
 - (iv) Corrosiveness;
 - (v) Toxicity (including chronic toxicity);
 - (vi) Ecotoxicity, with or without bioaccumulation.
- (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.

Disposal of hazardous substances means the depositing of hazardous substances other than for their use, or storage for later use, in appropriately designed facilities.

Healthcare activity means land and or buildings used for the provision of services relating to the physical and mental health of people, excluding the overnight accommodation of patients.

Height in relation to a structure, or any part of a structure, means the vertical distance measured from ground level to the highest point of the structure immediately above, excluding:

Chimneys, ornamental towers, turrets, or any other such projections that are no more than 1m² in area;

Radio and television aerials and other telecommunication antennas that are no more than 1m² in area on any side or 200mm in diameter;

provided that such structures do not project more than 1.5 metres above the maximum allowable height permitted by zone rules.

Home occupation means any business, profession, craft or hobby which is undertaken from a site used primarily as a residential unit by one or more persons living on that site and:

all aspects of the activity, including the storage of any materials or goods, dismantling repairing or processing is contained within the dwelling or any accessory building on the site;

involves no sales from the site other than by order, or provision of services on the site;

employs no more than one person residing elsewhere than on the site.

The activity does not include panel beating, spray painting, motor vehicle dismantling, fibre glassing, sheet metal work, bottle or scrap storage, rubbish collection or recycling, motor body building, fish processing or meat processing.

No noise associated with the home occupation activity shall be discernible from other sites on any Sunday, any public holiday, outside of the hours of 8:00 am – 5:00 pm Monday to Friday or 8:00 am – 1:00 pm Saturday.

Home stay means accommodation offered to a maximum of 4 paying guests in association with a residential activity where guests share use of the residential unit with the residents.

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.

Illuminance means a measure of the light falling onto a surface. The unit is the lux.

Indigenous vegetation means vegetation produced or naturally belonging to a particular area or region of New Zealand.

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

Intersection in relation to two or more intersecting or meeting roadways, or roadway and railway, means that area contained within the prolongation or connection of the lateral boundary lines of each roadway.

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

Land development means a land use activity associated with the preparation and excavation of land and the laying of and construction of stormwater, foul sewer, water, electricity, and gas mains, telephone and television cables, kerbing, channelling, footpaths, berms, carriageways, street lighting, street name plates and landscaping in association with the provision of roads, streets and utilities to provide access and services to land. Standards and processes applying to Land Development are contained in the Gore District Subdivision and Development Bylaw 2011.

Landfill - A site used for the deposition of solid waste onto or into land (a generic term which, depending upon circumstances, can include industrial or trade premises and production land).

Landholder includes landowners, occupiers and lessees.

Leq means the sound level averaged over a stated time period which has the same A-weighted sound energy as the time varying sound.

Lmax means the maximum A-frequency weighted sound level (dBA Lmax) obtained during a stated time period.

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.

Lux - see Illuminance.

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

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

Murihiku means approximately the Southland region.

Noise limit means a Leq or Lmax sound level in A-frequency weighted decibels that is not to be exceeded.

Noise sensitive activities means buildings or parts of buildings used for, or able to be used for the following purposes:

- Residential activity;
- Visitor accommodation;
- Residential care activity;
- Education activity;
- Hospital activity;
- Health care activity;
- Day care activity;
- Marae activity.

Notional boundary means a line 20 metres from the façade of a building containing a noise sensitive activity, or the legal boundary where this is closer to the building.

Original utility structure means for the purpose of Rule 7.9(7) a power pole, street light pole, traffic light pole, or structure like those kinds of poles, as it is before any of the following happens to it:

- an antenna is added to it; or
- it is modified to enable an antenna to be added to it, or
- it is replaced to enable an antenna to be added to the replacement.

Preservation in relation to a resource, means the maintenance, so far as is practical, of its intrinsic values.

Property means an area of land contained in a single Certificate of Title or one or more adjoining Certificates of Title, which is or are held by the same person, or by associated persons and used for a common purpose. Land that is traversed by a road, whether unformed or formed, or by a legal river bed, is deemed to be adjoining.

Quarrying - see Mineral extraction.

Recreational activity means the use of land and/or buildings for the primary purpose of recreation, excluding recreation ancillary to other activities including, but not limited to, residential activities, educational activities and communal activities. This includes, but is not limited to, clubrooms and storage buildings associated with recreational activities.

Region means the Southland region.

Relocation of a structure means the removal and re-siting of any structure from any site to a new site.

Replacement utility structure means for the purpose of Rule 7.9(7):

- an original utility structure that has an antenna added to it; and
- an original utility structure that - is modified to enable an antenna to be added to it; and
- has an antenna added to it; and
- a replacement of an original utility structure that - replaces the original utility structure to enable an antenna to be added to the replacement; and
- has an antenna added to it.

Residential activity means the use of land and buildings by a residential unit for domestic living purposes and includes ancillary entertainment and recreation activities.

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 any premises gazetted by the Minister of Corrections as a prison, corrective training institution or police jail.

Residential Zones, unless the context requires otherwise, means the Residential A Zone and Residential B Zone.

Residential unit means 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.

Road boundary - see Boundary.

Road reserve means a formed legal road and the land, if there is any, right next to it up to the legal boundary of adjacent land.

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.

RMA means the Resource Management Act 1991 and its amendments.

Runanga means local representative groups. A Maori equivalent of local government formed to protect and defend the rangatiratanga, the turangawaewae, and the cultural and social values of their members.

SEL sound exposure level in decibels, is the level of the time-integrated mean-square A-weighted sound pressure level for a stated time interval or event, with a reference time of 1 second.

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

- 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;
- Warrant of fitness testing;
- Car wash facilities;
- Other retail sales subsidiary to the main use of the site.

Showground activities means the use of land for public shows and displays, and includes fairs, circuses, conventions and animal related competitions. This also includes recreational activities, agricultural field days and communal activities.

Sign means any name, figure, image, character, outline, spectacle, emblem, monument, statue, display, delineation, announcement, poster, handbill, advertising device or appliance, or any other things of a similar nature, intended principally to attract attention, whether it is pasted on or fixed to any land or structure, or incorporated within the design of any structure, whether by painting or otherwise which is visible from a public space whether illuminated or not.

Site means any area of land comprised wholly of one Certificate of Title or any Allotment as defined by Section 218 of the RMA.

Site boundary - see Boundary.

Site coverage means the percentage of a site covered by buildings when viewed in plan. Site coverage does not include:

- (a) Driveways, paths, paved areas, fences and retaining walls.
- (b) Decking where the entire structure is less than 500 mm above ground.
- (c) Bay windows, eaves and associated spouting where the extent of projection from the building is 600 mm or less.

The following shall be excluded from the site area when calculating site coverage:

Land set aside to provide access to another site or residential unit;

In the case of a rear lot, that area designed solely to provide access to the rear.

Southland Regional Council is also known as "Environment Southland".

Soil means the heterogeneous aggregation of particles comprising either peat, clays, silts, sands, gravels, crushed and reoriented rock fragments, or a mixture of any of the above. The term excludes rock that is intact rock masses whether highly jointed or not.

Taonga means treasured possessions, includes both tangible and intangible treasures, for example, the Maori language.

Temporary Military Training Activity means a temporary activity undertaken for Defence Purposes in accordance with the Defence Act 1991.

The Council means the Gore District Council or any committee, sub-committee, commissioner, officer or person to whom the Council's powers, duties or discretions have lawfully been delegated to pursuant to the provisions of the RMA.

Utilities means the systems, services, structures and networks associated with:

- the supply and distribution of electricity;
- water supply;
- drainage;
- street lighting and lighting of public land;
- the receiving and sending of communications;
- navigation aids;
- data recording and monitoring systems, including but not restricted to meteorological facilities;
- roading and street furniture within legal roads;
- sewage collection, treatment and disposal.

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, bed and breakfasts and camping grounds, but does not include home stay.

Woodlot forestry means the use of land for the planting of trees which at a later date are to be harvested, up to a maximum of 10% of the property area, and the tending and harvesting of those trees.

Yard means a part of a site adjacent to a boundary which is required by this Plan to be unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by this Plan.

Front Yard means a yard between a road boundary and a line parallel thereto extending across the full width of the site.

Other Yard means a yard between an internal boundary and a line parallel thereto extending the length of that boundary, but not including the portion of any front yard.

Definitions Applying to Rule 7.9(5) Electricity Transmission Activities 1

Abrasive blasting means wet abrasive blasting and dry abrasive blasting.

Act means the Resource Management Act 1991.

Base footprint means the footprint of a tower at the commencement of these regulations.

Base height means the height of a transmission line support structure at the commencement of these regulations.

Base position means the position of a pole at the commencement of these regulations.

Base width means the length of the longest side of a tower's base footprint.

Blasting means water blasting and abrasive blasting.

Circuit means conductors on a transmission line that together form a single electrical connection between 2 or more system nodes.

Conductor means wire or cable used for carrying electric current along a transmission line; and

includes any hardware and insulation associated with the wire or cable.

Dry abrasive blasting means using abrasive material in air and directing it at pressure to wear down or remove the coatings or corrosion on a structure's surface.

Earth-wire means a protective wire that provides a path to ground for electrical current from a fault or lightning strike; and

includes an earth-wire that contains optic fibres; and

includes any hardware associated with the wire.

Earthworks means the disturbance of the surface of land by activities including blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, re-compacting, excavating, cutting, and filling earth (or any other matter constituting the land, such as soil, clay, sand or rock).

Envelope for controlled activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 150% of the tower's base width and joining the sides (as shown in the second diagram in the Schedule).

Envelope for permitted activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 60% of the tower's base width and joining the sides (as shown in the first diagram in the Schedule).

Existing transmission line means a transmission line that was operational, or was able to be operated, at the commencement of these regulations; and

includes a transmission line described in paragraph (a) that is altered or relocated in accordance with these regulations; and

includes a transmission line that, in accordance with these regulations, replaces a transmission line described in paragraph (a).

Footprint means that outline of the land occupied by a tower, formed by drawing straight lines between the outermost edges of the outermost parts of the tower at ground level.

Height in relation to a transmission line support structure, means the height of the structure measured vertically from the ground level at the centre of the structure to the highest point of the structure (including conductors, but excluding telecommunication devices, earth peaks, and lightning rods).

Historic heritage area means an area that is protected by a rule because of its historic heritage; and

to avoid doubt, includes an area that is protected by a rule because it is a site of significance to Maori.

Land includes land covered by water and the air space above land; and the air space above land; and

the bed of a lake or river; and

the surface of water in a lake or river.

National grid means the network that transmits high-voltage electricity in New Zealand and that, at the commencement of these regulations, is owned and operated by Transpower New Zealand Limited, including -

transmission lines; and

electricity substations

Natural Area means an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna.

Normal operating conditions has the meaning given by regulations 10(9).

Occupied building means a building that is, or is intended to be, regularly occupied by 1 or more people.

Operation means the use of a transmission line to convey electricity.

Overland flow path means the path that water takes over land if there is flooding.

Pole means a structure that supports conductors as part of a transmission line and that -

- has no more than 3 vertical supports; and
- is not a steel-lattice structure; and
- includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations.

Sensitive land use includes the use of land for a childcare facility, school, residential building, or hospital.

Telecommunication cable means a wire or cable used for telecommunication; and

includes any hardware associated with the wire or cable.

Telecommunication device means a device (for example, an antenna) that -

- facilitates the operation of a transmission line; and
- receives or transmits telecommunication signals; and
- includes any hardware associated with the device; but
- does not include a telecommunication cable.

Temporary line deviation means the construction and use of a temporary section of transmission line to divert electricity transmission during the maintenance or upgrading of an existing section of transmission line.

Temporary structure means a non-permanent structure, and any associated lighting, erected only for a specific maintenance or upgrading task; but

does not include a transmission line that is part of a temporary line deviation.

Termination structure means a tower or pole used for the transition between an overhead and an underground transmission line.

Tower means a steel-lattice structure that supports conductors as part of a transmission line; and

includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations.

Transmission line means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid; and

includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but does not include an electricity substation.

Transmission line support structure means a tower or pole.

Undergrounding means replacing overhead transmission lines with underground transmission lines; and

includes altering, relocating, or replacing a tower or pole at 1 or both ends of the underground transmission lines so that the tower or pole becomes a termination structure.

Upgrading means increasing the carrying capacity, efficiency, security, or safety of a transmission line.

Water blasting means directing water at pressure to clean or wash a structure's surface.

Wet abrasive blasting means using abrasive material in water and directing it at pressure to wear down or remove the coatings or corrosion on a structure's surface.

Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined above has the meaning given by the Act.

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