

SECTION 18 - DEFINITIONS

Interpretation of Definitions

- (1) 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.
- (2) Any definitions used in this plan that are taken from statutes other than the Resource Management Act 1991 shall retain the meaning as expressed in this plan regardless of any change to the source statute.
- (3) Any word or words expressed in the singular in any definition shall be deemed to include the plural where such a word or words is used in this plan and vice versa.
- (4) All provisions contained in Section 18 have status as rules.

In this District Plan, unless the context otherwise requires:

- ‘the Act’** means the Resource Management Act 1991.
- ‘Accessory building’** in relation to any site within an urban area means an ancillary detached building or structure (and includes a carport or garage and excludes a wall [other than a retaining wall] or fence of a height not exceeding 2 metres above the supporting ground) if:
- (a) The use of the accessory building is clearly incidental to the existing or future use of the land, and
 - (b) The accessory building is located on the same site as the principal building.
- An accessory building includes a freestanding garage or carport, but not a garage or carport which is structurally part of or attached to the principal building on a site.
- ‘Access lot or Access strip’** in relation to a rear site or allotment means an area of land whether part of the site or not extending from the street frontage to the buildable portion of that site, of a minimum specified width for the permanent and legal use of that site for ingress and egress.
- ‘Advance warning 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.
- ‘Aerial’ or ‘Antenna’** means the part of a radiocommunication, broadcasting or telecommunication facility used or intended for transmission or reception, including an amateur radio aerial and the aerial mounting or mountings but not any mast or supporting structure or dish antenna as defined.
- ‘Ahi kaa’** means continued occupation according to traditional law of Maori tenure (literally, keeping the fires burning).
- ‘Airport’** means an airport or any airfield.
- ‘Allotment’** shall have the same meaning as that contained in section 218(2) of the Resource Management Act 1991.
- ‘Amenity planting’** shall include trees or shrubs designed to achieve substantial screening of a site, equipment, or activity.

‘Comprehensive Residential Development’	in the Wooing Tree Overlay Area, a Comprehensive Residential Development means a comprehensively planned and designed collection of five or more residential buildings where the land use and subdivision consents are submitted and assessed together.
‘Conservation’	means the preservation and protection of natural and historical resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations.
‘Contaminant’	shall have the same meaning as that contained in section 2 of the Resource Management Act 1991.
‘Council’	means the Central Otago District Council or any committee, subcommittee, or person to whom the Council’s powers, duties, and discretions under the Act have lawfully been delegated.
‘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.
‘dBA’	means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals (see NZS 6801 : 1991 clause 2.1 definitions of frequency, sound pressure level, reference sound pressure, decibel, weighting and sound level).
‘dBC’	means the sound pressure level obtained when using a sound level meter having its frequency response C – weighted.
‘Development’	<p>means development or redevelopment of a site and includes:</p> <ul style="list-style-type: none"> (i) Constructing, erecting, or altering any building, fixed plant, or machinery, or other works. (ii) 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. (iii) The grading or levelling of land or the removal of rocks, stone, sand, or soil from land. (iv) The removal or destruction of vegetation. (v) The inundation of land and associated natural and physical resources. (vi) The arresting and elimination of erosion or flooding. (vii) The construction of any road or airport or other transport facility. (viii) The construction of any transmission line, pipeline, telecommunication and broadcasting site, or other utility. <p>Where it is proposed to carry out the development in stages, the total construction, erection, alteration or work involved shall generally constitute one development for the purposes of this plan.</p>
‘Discretionary (restricted) activity’	means a discretionary activity as defined in section 2 of the Resource Management Act 1991 in respect of which Council has restricted the exercise of its discretion to certain matters specified in this plan.
‘Dish antenna’	means any dish or panel, excluding an aerial or aeriels, that receives or transmits radiocommunication or telecommunication signals. This includes the dish antenna mounting but not any mast or supporting structure.
‘District’	means the Central Otago District.
‘Dwelling’	means one detached self-contained building used or capable of being 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 unit.

‘Earthworks’	means any modification to the shape of the ground surface by movement or removal or deposit of ground material (including gravel, rock and soil) and includes excavation, infilling and construction of any road, track, or drainage channel but does not include cultivation, the planting of crops or manual digging activity associated with any temporary military training activity.
‘Ecosystem’	means a community of organisms interacting with each other and the environment in which they live.
‘Emergency service activities’	means those facilities and activities of authorities which are responsible for the safety and welfare of people and property in the community and includes fire stations, ambulance stations, police stations, community policing centres and community police offices.
‘Esplanade provision’	means either an esplanade reserve or esplanade strip as defined in section 2 of the Act.
‘Excavation’	means the removal of any ground material including soil, gravel or rock from any point of any site.
‘External Appearance’	in relation to buildings in the Wooing Tree Overlay Area, means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls.
‘Facade’	means that part of a building facing onto any road or public place.
‘Family flat’	means an independent and self-contained 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 floor area of a building (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 requirements it excludes the floor space within a building allocated to car parking or vehicular access to car parking.
‘Ground disturbance’	means the disturbance of soil and includes cultivation, deep ripping, rootraking, blading, and compaction.
‘Growing degree days (GDD)’	is calculated by adding all the degrees above 10 degrees centigrade for all the days that the mean daily temperature exceeds 10 degrees centigrade in the growing season. GDD is suitable for delineating areas for appropriate crops; eg, commercial production of grapes requires at least 900 GDD whereas commercial apricot production requires 800 GDD.
‘Hardstanding’	<p>in relation to any site means any part of that site which is covered by hard material and includes:</p> <ul style="list-style-type: none"> • Concrete, bitumen, metalled or similar driveways that effectively put a physical barrier on the surface of any part of a site. • Any area used for parking, manoeuvring, access or loading of motor vehicles and aircraft. • Any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks. <p><u>provided</u> that this does not include footpaths or roads.</p>
‘Hazardous facility’	means any site where a hazardous substance is stored or handled or which is contaminated by a hazardous substance and any installations containing a hazardous substance, but excludes the incidental use and storage of hazardous substances in minimal or domestic-scale quantities.

‘L ₁₀ ’ or ‘L10’	means the L10 exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded ten percent of the total measurement time. See NZS 6801:1991 clause 2.2 definition of exceedance level.
‘Lux’	means a measure of light falling onto a surface, expressed as 1 lumen per square metre.
‘Loading space’	means a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded.
‘Local Product’	in the Business Resource Area (2) in the Wooing Tree Overlay Area means grown or produced in the Cromwell Ward. Includes local designers, artists, and producers; and manufacturing of local product is not limited to the local area.
‘Mahika kai/mahinga kai’	means places where food is produced or procured.
‘Mana’	means authority, prestige, influence.
‘Mana whenua’	means customary authority or rangatiratanga exercised by an iwi or hapu in an identified area.
‘Manoeuvring 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 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.
‘Method of implementation’	means a specific means of action that can be taken to achieve the objectives and policies of the District Plan.
‘Mokihī’	means a raft made of a bundle of rushes or stalks of flax.
‘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.
‘Natural ground level’	means the ground level on a site immediately before the commencement of any work or activity which involves any earthworks.
‘Net 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.
‘Network utility’	shall 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 navigation and survey aids and beacons, irrigation works and meteorological activities and ‘utility’ shall have the same meaning.
‘Nohoanga’	see Kaikia nohoaka/Kaingā nohoanga
‘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 Activity as defined.
‘Notional boundary’	means a line 20 metres from part of any living accommodation or the legal boundary

where this is closer to the living accommodation.

'Objective'	means a statement identifying an end position the Council seeks to achieve.
'On-site production'	in the Business Resource Area (2) in the Wooing Tree Overlay Area means goods produced or manufactured in the same premises as the retail shop. This may or may not include areas visible/accessible to the public as part of the retail experience. Examples may include (but are not limited to) beer brewing, wine making, wood/stone carving, jewellery making, weaving, cheese making, cake making, ice cream making, chocolate or confectionary making, coffee roasting, pottery making, candle making, leather work, or glass making.
'Open space'	means any land or space which is not occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.
'Pa whawhai'	means a fortified site.
'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.
'Place of public or private 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, public halls, theatres, community centre, or marae buildings but excludes temporary activities.
'Planning maps'	means the District Planning Maps contained in Volume 2 of this Plan.
'Policy'	means a statement outlining the Council's position in relation to a matter.
'Power generation facility'	means a facility, operation or activity whose principal purpose is to generate energy, and includes hydro electric, thermal and geothermal power stations, wind turbines and other power generation technology but excluding devices such as solar panels for the sole use of a domestic activity.
'Principal building'	means the major or dominant building on the site and in the case of a residential activity is a residential building such as a dwelling.
'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. Areas that are traversed by a road, whether unformed or formed are deemed to be adjoining.
'Raahui'	means the temporary closure of an area to achieve protection and restoration of a resource.
'Radio-communication'	shall have the same meaning as in section 2(1) of the Telecommunication Act 1987 as follows: <ul style="list-style-type: none"> • any transmission, emission, or reception of signs, signals, writing, images, sounds, or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 3,000 gigahertz, propagated in space without artificial guide. <p><u>[Note:</u> this definition is consistent with the definitions contained in the</p>

Telecommunications Act 1987 at the date of public notification of the Plan]

'Rakatirataka/ rangatiratanga'	means chieftainship, decision making rights, authority.
'Rear allotment'	means an allotment to the rear of another allotment and that relies on an access strip, access allotment or right of way to achieve access to a road.
'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.
'Refuse management'	means the transportation, transfer, resource recovery, recycling, storage, treatment and disposal of wastes, including management systems to ensure that environmental effects are avoided, remedied or mitigated.
'Registered building platform'	means a building platform identified on a plan of subdivision, and registered on Council's files as the "registered building platform" for that property.
'Region'	means the Otago Region unless otherwise stated.
'Regional council'	means the Otago Regional Council unless otherwise stated.
'Regional Product'	in the Business Resource Area (2) in the Wooing Tree Overlay Area means grown or produced in the Otago Region, and particularly in the Central Otago and Queenstown Lakes Districts. Includes regional designers, artists, and producers; and manufacturing of regional product is not limited to the region.
'Removal of topsoil'	means removal of topsoil from the site.
'Requirement'	means a proposed designation.
'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. It includes accessory buildings, sleepouts, leisure activities associated with needs generated principally from living on the site; home occupation as defined; and homestay 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.
'Retail activity'	means the sale, offering for sale, or exposure for sale of goods to the public.
'Reviewable land'	shall have the same meaning as that contained in section 2 of the Crown Pastoral Land Act 1998.
'Right of way'	means a legal right to cross over or "pass and repass" over land owned by another.
'Riparian margins'	means the strips of land adjacent to water bodies (ie streams, rivers, lakes and wetlands) which includes berms (or stream banks) and floodways. Riparian margins constitute the link or buffer between the dry land and aquatic ecosystems. The width of the riparian margin can vary from a few metres to tens of metres depending on topography, bedrock and soil characteristics, water level fluctuations, surface flows, and adjoining land use.
'Riparian vegetation'	means the vegetation within the riparian margin.

'Temporary military training activities'	means an activity undertaken for defence purposes as provided for by the Defence Act 1990 and shall; <ul style="list-style-type: none"> (a) Require that the written consent of the owner of the property is obtained; (b) Be limited to a period not exceeding 31 days; (c) Not include the construction of permanent structures; (d) Not include earthworks or excavation by mechanical means or of a permanent nature, unless provided for elsewhere in this or any other plan; (e) Not include live firing or artillery, dropping of high explosive bombs, firing of air to ground high explosive rockets or machine cannon gunnery from strike aircraft; and (f) Comply with civil aviation regulations. 						
'Timataka/timatanga'	is the Maori creation tradition.						
'Tipuna/tupuna'	means ancestor.						
'Topsoil'	means the topmost layer of the undisturbed soil profile.						
'Tourist Focus'	in the Business Resource Area (2) in the Wooing Tree Overlay Area means a business selling goods or services targeted primarily at tourists/visitors. These may include products that reflect local, regional or New Zealand character or culture.						
'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 other vehicle.						
'Transmission network'	means the national grid in its entirety. The national grid consists of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and substations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.						
'Travellers accommodation'	means land and buildings used for the accommodation of travellers on a daily tariff and includes ancillary facilities and includes camping grounds (excluding at 'Travellers accommodation' listed in Schedule 19.3.4) but does not include homestays.						
'Tuna'	means eel.						
'Underlying resource area'	means the Resource Area which would apply to land if the existing designation was removed.						
'Unrenewable occupation licence'	shall have the same meaning as that contained in section 2 of the Crown Pastoral Land Act 1998.						
'Urban area'	means the Residential, Business, Industrial and Rural Settlement Resource Areas.						
'Urban Design'	in relation to the layout of buildings in the Wooing Tree Overlay Area, means the matters contained in the New Zealand Design Protocol (2005) – or any amendments thereto.						
'Utility'	see definition of 'Network utility' on page 18:7.						
'Vegetation'	includes trees, shrubs, plants, or grasses.						
'Vehicle movement equivalents'	means the car movement equivalent defined as follows - <table border="0" style="margin-left: 40px;"> <tr> <td>1 car to and from the site</td> <td>= 2 vehicle movement equivalents</td> </tr> <tr> <td>1 truck/bus to and from the site</td> <td>= 6 vehicle movement equivalents</td> </tr> <tr> <td>1 truck and trailer to and from the site</td> <td>= 10 vehicle movement equivalents</td> </tr> </table>	1 car to and from the site	= 2 vehicle movement equivalents	1 truck/bus to and from the site	= 6 vehicle movement equivalents	1 truck and trailer to and from the site	= 10 vehicle movement equivalents
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1 truck and trailer to and from the site	= 10 vehicle movement equivalents						

Provided that, in the absence of site specific information, a dwelling is deemed to generate 8 vehicle equivalent movements per day.

- ‘Waahi taoka/taonga’** means treasured place, or place where treasured resources can be found.
- ‘Water race’** means the main supply races of an irrigation scheme but excluding water races that form part of the internal irrigation network on a property.
- ‘Whakapapa’** means descent, genealogy.
- ‘Yard’** means a part of a site which is required by this plan to be unoccupied and unobstructed by buildings from the ground upwards provided that the eave of any building may project over any minimum yard by not more than 0.6 metres or 25% of the minimum yard, whichever is greater, and provided that an uncovered deck less than 1 metre in height may project over any minimum yard, and except as otherwise provided by this plan includes the following:
- ‘Front yard’** means a yard between the legal road boundary and a line parallel thereto and extending across the full width of the site. Provided that in the case of a site fronting a road that is proposed to be deviated or widened, the proposed legal boundary 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 parallel to each side boundary of the site extending from the front to the rear yard.
Provided that the identification of such yards on sites of irregular shape shall be determined by the Council.
- ‘Wooring Tree Overlay Area / Wooring Tree Overlay’** means the land bounded by Shortcut Road and State Highways 6 and 8B at Cromwell that is legally described as Section 3 SO 461514.