

4. Definitions

Access

means that area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include:

- an access leg
- an access lot
- 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.

Accessory Building

means any detached building the use of which is incidental to the principal building, use or activity on the site, and in respect of a site used for residential activities includes:

- a sleep out
- garage or carport
- garden shed
- glasshouse
- swimming pool
- mast
- shed used solely as a storage area or
- other similar structure

Please note: any garage or car-port which is attached to or is part of any building shall be deemed to be an accessory building.

Act

means the Resource Management Act 1991.

Accessway

has the same meaning as defined in Section 315 of the Local Government Act 1974, which, at the notification date of this Plan, means:

any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development, [or on or after the 1st day of April 1988, the Minister of Lands] for the purpose of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service land, or reserve to another part of that same road, service land or reserve.

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.

Aircraft

has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan, means *any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth*, except that for the purpose of this Plan, this definition is confined to any motorised machine, but includes hot air balloons.

Allotment

has the same meaning as in Section 218 of the Resource Management Act 1991, except that for the purpose of this Plan, in the case of:

- land being subdivided, the word *allotment* shall be extended to include an area of land or volume of space the boundaries of which are separately shown on a plan submitted with an application for subdivision consent, including two or more areas, whether adjoining or not which are held, intended to be held, or required to be held together in a single certificate of title, and any balance area; and/or
- land being subdivided under the cross lease or company lease systems under the Unit Titles Act 1972, the word *allotment* shall be extended to have the same meaning as *site*.

Alluvial Land

means an area of land which is flat or gently sloping where the predominant slope is 5 degrees or less, including floodplains, valley floors, wetlands and terraces.

All Weather Surface

means a pavement which has been excavated to a sound subgrade, backfilled and compacted to properly designed drainage gradients with screened and graded aggregate, is dust free and is useable by motor vehicles under all weather conditions, and includes asphalt, concrete, paving, tiles and gobi blocks but excludes metalled, gravelled or limestone surfaces.

Amenity or Amenity Values

has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan, means:

those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Ancillary Residential Unit

means any residential building established on a site in the Rural zone which is incidental to the principal residential buildings, use or activity on the site and for which there is no anticipation of further subdivision of the site to allow the Ancillary Residential Unit to obtain a separate certificate of title.

Aquaculture

means land-based propagation, whether on land or waterbodies, cultivation or production of fresh water or marine fauna or flora for any end purpose, and includes associated processing and storage.

Aquaculture has the same meaning as marine farming and includes paua farming and abalone farming.

Archaeological Area

refer to the definition in section 15, page 151

Archaeological Site

refer to the definition in section 15, page 151

Associated Land Area

means the area of land surrounding a residential unit, which incorporates the residential unit and complies with the net site area as if it was a subdivided allotment, and doesn't overlap with the associated land area of any other residential unit.

Berm

means the area of grass and/or footpath within the legal road and adjoining the road carriageway.

Boundary

means any boundary of the net area of a site and includes any road boundary or internal boundary. Site boundary shall have the same meaning as boundary.

- Internal Boundary

means any boundary of the net 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.

Building

means any structure or part of a structure whether temporary or permanent, movable or immovable, but does not include:

- a. any scaffolding or falsework erected temporarily for maintenance or construction purposes
- b. fences, walls or retaining walls of 2m in height or less not used for any purpose. That if it used for anything other than as a fence, retaining wall or wall, the fence, retaining wall or wall is deemed a structure.
- c. structures less than 5m² in area and in addition less than 2m in height
- d. any utility building
- e. any utility support structure
- f. masts or poles, other than utility support structures, which are 7 metres or lower above ground level
- g. any vehicle, trailer, tent, caravan or boat whether fixed or movable unless such vehicle, trailer, tent, caravan or boat shall be used as a place of accommodation or, business.

Building Coverage

means that portion of the net area of a site, expressed as a percentage or area, which is covered by buildings or parts of buildings. Building coverage includes areas covered by garages and overhanging or cantilevered parts of buildings, but excludes areas covered by:

- a. access
- b. carports
- c. pergolas
- d. that part of eaves and/or spouting, fire aprons or bay or box windows projecting 600mm or less horizontally from any exterior wall
- e. uncovered terraces, decks or balconies which are not more than 1m above ground level
- f. uncovered swimming pools no higher than 1m above ground level
- g. fences, walls and retaining walls

Please note that while the above may not be considered as part of the total building coverage it is still subject to all other standards of the District Plan including but not limited to boundary set backs and recession plane standards.

Camping Ground

means an area of land set aside for authorised temporary accommodation provided by any means, including tent, cabin, motorhome and caravan. Camping grounds may or may not include ablution facilities and may or may not be managed, and include commercial and free-camping areas.

Carport

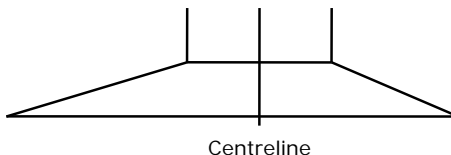
means a structure consisting of a flat roof supported on poles with no more than two sides enclosed.

Carriageway

means that portion of a road devoted particularly to the use of motor vehicles, inclusive of shoulders in a Rural Zone and from the face of kerb to face of kerb in a Residential, Comprehensive Living, Business or Settlement Zone.

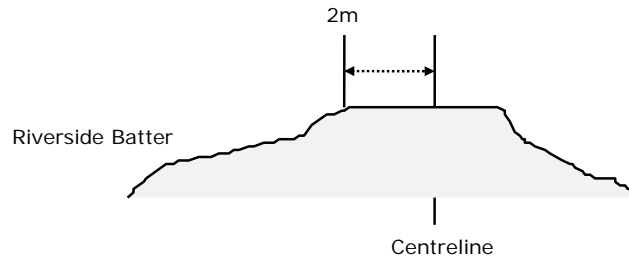
Centreline of a Conventional Stopbank

For a conventional stopbank, the centreline is mid-way at the top of the bank between the river side and landward side of the embankments.



Centreline of a Modified Stopbank

For a modified stopbank (i.e. one that has been modified for various reasons), the centre line is 2.0 metres landwards from the change of grade between the riverside batter and the contoured top of the bank.



Coastal Broadleaved Vegetation

means coastal vegetation where 75% or more of the vegetation comprises mahoe and fivefinger and elements of indicator tree species such as akeake, ngaio, and wharangi. This vegetation is found generally up to the first major ridgeline within 5km of the coast on hill country, and up to 15km from the coastline on plains.

Coastal Protection Work

means works, structures or planting for the protection of property and people from coastal erosion or inundation from the sea; and includes areas of vegetation maintained or planted adjacent to the foreshore, embankments, access tracks, rock work, anchored trees, wire rope, iron structures and other structures.

Commercial

means involving payment, exchange or other consideration.

Commercial Activity

means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, or for the primary purpose of the transport, storage, maintenance or repair of goods. Commercial activity excludes community activities, and home occupations but includes: shops, markets, showrooms, restaurants, takeaway food bars, government and local government offices, visitor accommodation, transport depots, warehouses, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. *Non-commercial activity* means any activity which is not a commercial activity.

Commercial Forestry

means the management of land for commercial wood production and includes harvesting and re-planting, but does not include the milling or processing of timber (other than through the use of a portable mill). This definition does not include protection or conservation forestry.

Community Sewerage System

means a reticulated sewerage disposal and treatment system servicing 10 or more individual residential units or any mix of commercial activities and 10 or more residential units.

Commercial Livestock

means livestock bred, reared and/or kept on a property either primarily or partly for the purpose of commercial gain, but excludes domestic livestock.

Community Activity

means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, research, culture and/or spiritual well-being, but excludes recreational activities. A community activity includes schools, hospitals, rest homes, doctors surgeries and other health professionals, churches, marae, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres.

Community Drinking Water Supply:

a publicly or privately owned drinking water supply which serves 25 or more people for at least 60 days per year.

Contaminated Sites

means a site at which hazardous substances have been released into the environment, usually over a period of time, such that the concentrations of these substances are above background levels and where assessment indicates the site possesses an immediate or long-term hazard to human health or the environment. Background levels refer to the ambient levels of a contaminant in the local area of the site under consideration.

Controlled Activity

refer to explanation on page 10

Conservation Forestry

means the management of areas of indigenous shrub and forest, including where necessary planting and replanting where the primary purpose is to preserve the vegetation for amenity and landscape values.

Council

means the Kaikoura District Council or any Committee, Sub-Committee, Commissioner or person to whom any of the Council's powers, duties or discretion under this Plan have been lawfully delegated pursuant to the provisions of the Act. District Council shall have the same meaning.

Coverage

refer building coverage.

Day Care Facility

means land and/or buildings used for the care during the day of people other than those residing on the site. This definition only applies to the car parking requirement rules.

dB(A)

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

Designation

has the same meaning as defined in Section 166 of the Resource Management Act 1991, except that for the purpose of this Plan, it includes an area of land designated by a requiring authority for a specific purpose. Requiring authority has the same meaning as defined in Section 166 of the Resource Management Act 1991 which at the date of notification of the Plan means a Minister of the Crown or, a local authority or, a network utility operator approved under section 167 of the Act.

Discretionary Activity

refer to explanation on page 10 (includes unrestricted and restricted discretionary activities).

District

means the Kaikoura District.

Domestic Livestock

means:

Not more than 2 sows and their progeny up to weaner stage or not more than 5 weaned pigs; and not more than 12 adult poultry in a Residential or Settlement Zone or not more than 50 adult poultry in a Rural Zone; bred, reared and/or kept on a property; and

Any number of livestock bred, reared and/or kept on a property for family consumption, or as pets, or for hobby purposes and from which little or no financial gain is derived.

Domestic Water Supply

means any potable water supply, including a well and piped intake, used for human drinking water.

Earthworks

means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks and tracks, but excludes the cultivation of land. Excavation for the purpose of land drainage is included within the definition of earthworks.

Educational Facility

means land and/or buildings used for the provisions of regular instruction or training and includes their ancillary administrative, cultural and commercial facilities. Also refer to the definition *community activity*.

Elderly Persons Housing Unit

means one of a group of residential units developed or used for the accommodation of elderly persons, and where the group is held under either one title or unit titles under the Unit Titles Act with a body corporate and which, is encumbered by a bond or other appropriate legal instrument which ensures that the use of the unit is confined to elderly persons.

Environment

has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan, is defined as including:

- a.** ecosystems and their constituent parts including people and communities;
- b.** all natural and physical resources;
amenity values;
- c.** the aesthetic and cultural conditions which affect the matters in (a) (b) and (c), or which are affected by those matters.

Erection of a Building

in relation to a subdivision means the completion of all framing, firewalls, fire ceilings and fire floors, and the affixing of all roof materials.

Exotic

in relation to trees and plants means species not indigenous to the Kaikoura District.

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 excavations (whether surface or sub-surface that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence).

Farming Activity

means the use of land and buildings for the primary purpose of the production of vegetative matter including agriculture, viticulture and horticulture and/or commercial livestock, but excludes intensive farming, aquaculture and any residential activity.

Financial Contribution

has the same meaning as defined in Section 108 of the Resource Management Act 1991, which at the notification date of this Plan, means:

- a. money or;
- b. land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise or;
- c. any combination of money or land.

Flood Protection Works

means the undertaking of any work or the construction of any structure, which is necessary for the mitigation, avoidance or prevention of flood hazard risk.

Formed Road

means a road with a carriageway constructed to an all-weather standard with a minimum carriageway width of 3m, and includes roads which have metalled surfaces.

Frontage

means the road boundary of any site.

Full-Time Equivalent Person

means the engagement of a person or persons in an activity on a site for an average of 30 hours per week.

Garage

is included within the meaning of Residential Unit, and means a building or part of a building principally used for housing motor vehicles and other ancillary miscellaneous items owned by persons living on the site.

Gravel Extraction

means the extraction of gravel, including road metal.

Gross Floor Area (GFA)

means the sum of the gross area of the several 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.

Ground Level

means the original ground level which follows the natural contour of the land, prior to any filling or excavation of the land except:

- for land for which subdivision consent has been obtained after the notification of this Plan ground level shall mean the actual finished ground level when all works associated with the subdivision of the land were completed and a Section 224c certificate has issued; and excludes any excavation or fill associated with building activity.

For land on Moa Point South Bay as identified in Appendix R:

Provided that ground level shall mean the contour levels as specified in the plan included in Appendix R in relation to those properties identified in the location plan included in Appendix R, but not otherwise.

Ground Slope

means the slope of the ground measured across the above ground level.

Habitable Building

means any building which provides overnight accommodation for people.

Handcrafts

means goods produced by hand, by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose. The person producing such goods must design the goods and have direct, complete and variable control over the production of every stage of the product.

Hardsurfacing

in relation to any site means any part of that site which is impermeable and includes:

- a.** concrete, bitumen or similar driveways, paths or other areas paved with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; or hardfill driveways that effectively put a physical barrier on the surface of any part of a site;
- b.** any area used for parking, manoeuvring, access or loading of motor vehicles.

But excludes the following:

- a.** paths of less than 1m in width;
- b.** shade houses, glasshouses and tunnel houses not having solid floors.

Hazardous Substance

means any substance with one or more of the following intrinsic characteristics:

- a.
 - i. Explosiveness
 - ii. Flammability
 - iii. A capacity to oxidise
 - iv. Corrosiveness
 - v. Toxicity (both acute and chronic)
 - vi. Eco-toxicity, 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 to this definition.

Hazardous substances include asbestos.

Hazardous Wastes

means solid or liquid wastes which have properties that could pose dangers to human health, property of the environment if they are not properly treated, stored, transported, disposed of or otherwise properly managed. Without limiting this definition, a waste is considered hazardous if it is ignitable, corrosive, reactive, toxic or radioactive; and includes Health Care, Clinical and related wastes, with the exception of general and recyclable wastes as defined in AS 3816: 1998 *Health Care Waste Management*.

Health Care Facility (Medical)

means land and/or buildings used for the provision of services relating to the physical and mental health of people and animals and includes:

- a. hospitals and/or ancillary gymnasiums and/or pools which are part of a hospital service and treatment programme;
- b. care facilities for the elderly and/or the disabled which include medical facilities and may incorporate on-site accommodation;
- c. based facilities for the provision of off-site health services;
- d. accessory buildings and activities

but excludes facilities used for the promotion of physical fitness or beauty such as gymnasium and/or pools, weight control clinics or beauty clinics. Also refer to the definition *community activity*.

Heavy Vehicle

means a motor vehicle (other than a motor car) that is not used, kept or available for the carriage of passengers for hire or reward. The gross laden weight of which exceeds 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires.

Height

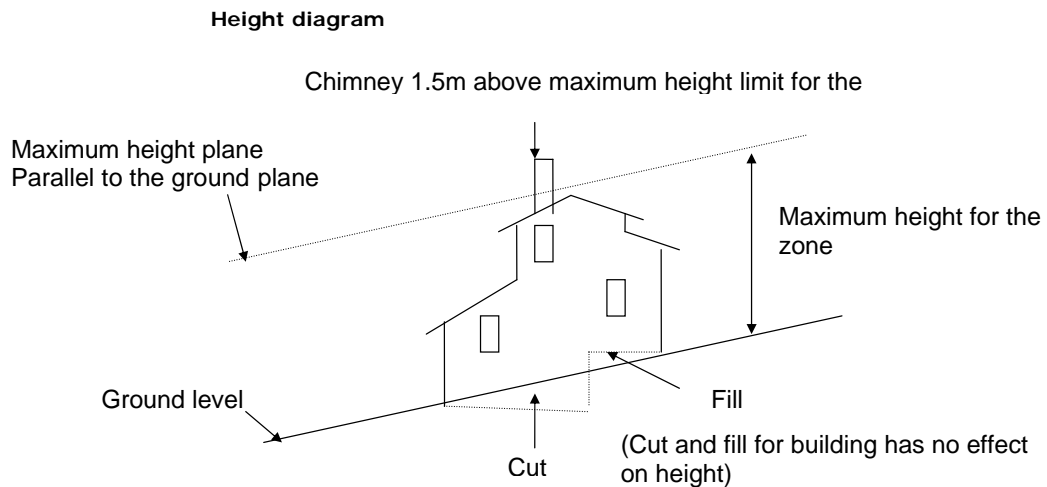
means the vertical distance between ground level at any point and the highest part of the building or structure immediately above that point (refer to the definition for *Ground Level*).

For the purpose of calculating height in all zones, account shall be taken of parapets, but not of:

- aerials, antennas and satellite dishes associated with residential dwellings or for domestic use or;
- chimneys or finials;

provided that the maximum height normally permitted in each zone is not exceeded by more than 1.5m.

Refer to diagram next page



Heritage Item

means any historic building listed in Appendix C, any protected tree listed in Appendix D, or any archaeological site, waahi tapu, or historic area listed in Appendix E.

High Traffic Generating Activities

means any activity that generates more than 100 vehicle movements per day (VPD) and includes the following:

- a. service stations and;
- b. retail activities (or groups of retail activities using common vehicle crossings containing a total gross floor area of more than 400m²).

Home Occupation

means the use of a site for an occupation, business, trade or profession which is secondary and incidental to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, and which employs no more than one person who does not reside on the site. This definition excludes visitor accommodation. Where an activity described above employs more than one person who does not reside on-site, or where it is undertaken by a person not living permanently on the site, it shall be deemed to be a commercial activity or industrial activity as appropriate.

Hospital

means any building in which two or more persons are accommodated for the purposes of receiving any medical treatment. Also refer to the definition *community activity*.

Hotel

means any building and associated land where accommodation is provided and which is the subject of a liquor licence, and may include restaurants, bars, accommodation, solarium, conference and other ancillary facilities associated therewith as part of an integrated complex. Hotel is also included in the definition of visitor accommodation.

Indigenous Forest

means an area of naturally occurring vegetation in which:

- a. the cover of trees and other woody plants in the canopy is greater than 50% and;
- b. tree cover exceeds that of any other single growth form and;
- c. at least 50% of the canopy cover comprises species indigenous to the Kaikoura district area and at least 30% of those species are trees.

For the purpose of this definition, *trees* are woody plants, including treeferns, manuka and kanuka, 6 metres or more tall.

Indigenous Vegetation

means any area where the cover of naturally occurring plants native to Kaikoura district area exceeds that of exotic plants; or, if native plants are structurally dominant over exotic plants, the cover of native plants is 30% or more of the area.

Industrial Activity

means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods.

Intensive Farming

means the use of land and buildings for the primary purpose of the production of vegetative matter, commercial livestock and/or, animal produce, where the predominant productive processes are not dependent on the soil characteristics of the site on which it is situated. Processes may involve: livestock (such as poultry, pigs, rabbits, fitches and opossums), production of compost from mushroom by-products or fish by-products; and feedlots for commercial livestock such as cattle. It excludes aquaculture, glasshouses, horticulture and those activities where production requires pasture or ground cover to be maintained. Intensive farm has the same meaning.

Internal Boundary

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

Lake

means any naturally occurring body of fresh water which is entirely or almost entirely surrounded by land.

Landscaping

means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual

amenity, and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.

Leq

means the value of the A-frequency weighted sound pressure level of a continuous steady sound that, within a measurement sample time (t), has the same mean square sound pressure as a sound under investigation whose level varies with time.

Lmax

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

Licensed Premises

means any premises or business for which a liquor licence has been granted pursuant to the Sale of Liquor Act 1989 or any subsequent amendment to or replacement of that Act.

Lifestyle Living Area

means the area shown as Lifestyle Living Area on Appendix O, which does not exceed 3.5 hectares in total area.

Limestone Substrates

means any area of limestone rock or substrates derived from adjacent limestone rock.

Line

means

- a. any line or wire used or intended to be used as aerial support for a pipe, such as a water pipe, or;
- b. any line or wire or a conductor of any kind used or intended to be used for conveying electricity including electric fence lines and any insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for enclosing, surrounding, or protecting such line, wire or conductor; and also includes any part of a line, but excludes utility support structures or;
- c. any Telecommunications Line, being a wire or wires of a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunications and includes any part of any line and any insulator, casing, minor fixture, tunnel or other equipment for enclosing, surrounding or protecting any such wire or conductor, except for utility support structures.

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.

Lot

shall have the same meaning as allotment.

Manoeuvre Area

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

Meteorological Activities

means the establishment, operation, maintenance and upgrade of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links associated with such activities.

Mineral

means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water and includes all metallic minerals, non metallic minerals, fuel minerals, precious stones, industrial rocks and building stones and gravel.

Mineral Extraction

means the use of land and buildings for the principal purpose of the extraction, winning, quarrying and/or associated processing of minerals; and includes associated excavation, blasting, crushing, screening, washing, blending, storing, deposition of overburden, treatment of waste water and rehabilitation of sites.

Mineral Prospecting

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

- a. geological, geochemical, and geophysical surveys; and
- b. the taking of samples; and
- c. aerial surveys.

Mobile Vendor

means a retail vendor selling food or beverages, or a tourist operator, who operates from a driveable or towable, trailer, van, or light truck.

Natural Hazard

means any atmospheric or earth or water related occurrence, the action of which affects or may adversely affect human life, property, or other aspects of the environment. Natural hazards include earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire caused by natural events, flooding and storms, and over-exposure to the sun.

Net Area

in relation to a site or lot, means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in any access to any site or lot, and/or any strip of land less than 6m in width.

Network Utility Operator

has the same meaning as defined in the Act, as at the date of notification of this Plan.

Noise Limit

means an Leq or L max sound level in A-frequency-weighted decibels that is not to be exceeded in any assessment period.

Non-Complying Activity

refer to explanation on page 10

Notional Boundary

means a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

Office

means any of the following:

- a. Administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted;
- b. Commercial offices such as banks, insurance agents, typing services, duplicating services and real estate agents, being places where trade (other than that involving the immediate exchange for goods or the display or production of goods) is transacted;
- c. Professional offices such as the offices of accountants, solicitors, architects, surveyors and engineers.

Also refer to the definition *commercial activity*.

Open Space

means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.

Outdoor Entertainment Event

refer to definition in section 23

Outdoor Living Space

means an area of land, other than a parking area, vehicle manoeuvring area or access way, which is not substantially occupied by buildings and which is provided for the exclusive use of the occupants of the residential unit or elderly persons housing unit to which the land is allocated. In the case of visitor accommodation units, outdoor living space need not be allocated to each unit, and may be aggregated.

Outdoor Recreational Activity

means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.

Outdoor Storage Area

means any area not enclosed by walls which is used principally for the storage of goods, produce, products or other materials.

Outline Development Plan

means the Plan(s) defining the areas in the Kaikoura Peninsula Tourism Zone and in the Ocean Ridge Comprehensive Living Zone within which specific activities may take place in accordance with the rules for those Zones and attached as Appendices O and P.

Overall Structure Plan

means a plan for a specified Residential Development, which includes the whole Lifestyle Living Area and identifies the layout of any proposed subdivision and buildings and includes the subdivision scheme plan, road layout, vehicles access, any stormwater facilities, reserve area/s, water and sewer lines and connections, and landscaping. The plan shall include building height, site coverage and design details for all buildings, and outline the location and scale of any buildings and earthworks in relation to the landform.

Parking Area

means that part of a site or buildings within which vehicle parking spaces required by this Plan or otherwise provided are accommodated, and includes all parking spaces, associated manoeuvre areas and required landscape areas.

Parking Space

means a space on a site or building available at any time for accommodating one stationary motor vehicle. Such parking space shall not be located on any access or outdoor living space and shall have vehicular access to a road or service lane.

Personal Care

means a commercial activity entity devoted to enhancing overall health or well-being through a variety of professional services that encourage the repair or renewal of mind, body and spirit offering a variety of professionally administered services to clients on a day-use basis and includes:

- a. Physical fitness such as gymnasiums
- b. Hairdressers, Beauty and Day Spa Clinics
- c. Doctors or Dentists Offices

But excludes Brothel (as defined in the Prostitution Reform Act 2003) Creche, Child Day Care Facilities and Health Care Facility (Medical) .

Place of Assembly

means any building or place used principally as the meeting place for any organisation, event, club, group or religion. Place of assembly includes churches, marae and halls, except for those associated with educational facilities.

Potable Water

means drinking water that does not contain any determinants that exceed the Maximum Acceptable Values (MAVs). given in the Drinking Water Standards for New Zealand 2000 or any subsequent replacement or amendment thereof. *Determinant* means a constituent or property of the water that is determined, or estimated, in a sample, for example: microbial determinant: total coliforms; chemical determinant: chloride; physical determinant: turbidity; and radiological determinant: radon.

Principal Building

means a building, buildings or part of a building accommodating the activity for which the site is primarily used.

Private Road

means any roadway, place, or arcade laid out or formed within a district on private land, whether before or after the commencement of this Part of this Act, by the owner thereof, but intended for the use of the public generally.

Private Way

means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part of this Act exists within any district.

Prohibited Activity

refer to explanation on page 10

Protection Forestry

means the planting, and maintaining and harvesting of trees for soil conservation or shelter.

Public Area

means those parts of a building normally available for use by the general public exclusive of any service or access areas of the building.

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.

Recession Plane

means an imaginary plane extending at an angle inwards towards the site, measured from points above the site boundary. The following features may intrude into a recession plane:

- a.** Chimneys, solar panels, ventilation shafts, roof water tanks, lift and stair shafts and spires, poles and masts, provided they do not exceed any relevant height limits specified in the District-Wide or Zone rules, and provided that their maximum dimension measured parallel to the boundary under consideration does not exceed 3m.
- b.** a gable or hip end may penetrate the recession lines in Residential, Ocean Ridge Comprehensive Living Zone and Settlement Zones where a single gable or hip end with a base of 7.5m or less (excluding eaves) is parallel to a boundary and a recession line strikes no lower than half way between the eaves and ridge line.

Where the land immediately adjoining the site boundary forms part of an access, the recession plane shall be calculated from the far side of the right-of-way or access strip.

Recreational Activity

means the use of land and/or buildings for the primary purpose of recreation and/or entertainment which is not commercial and includes the sale of food and beverage for consumption on the site,

provided it is ancillary to the recreational activity. Recreational activities includes sport clubs, art, craft and hobby clubs (i.e. painting, pottery, bridge, chess, photography clubs. and outdoor recreation pursuits) but excludes any recreational activity within the meaning of residential activity.

Recreational Boat Parking

means a parking area set aside exclusively for the parking of vehicles, boats and trailers used for non-commercial recreation.

Regional Council

means the Canterbury Regional Council, which is also known by its promotional name as Environment Canterbury.

Relocation

means in relation to a building, means the removal and re-siting of any building from any site to another site. This definition does not apply to a new building that is being built off-site for the express purpose of being located to the subject site.

Reserve

means any land set apart for any public purpose; for full definition see the Reserves Act 1977.

Residential Curtilage

means land within a Rural Zone used principally for residential activities, and includes the residential unit and accessory buildings, parking and manoeuvring areas for residential activities, and outdoor living space, but does not include gardens or landscaping.

Residential Unit

means a building used for a residential activity which consists of a single self-contained household unit, whether of one or more persons, and includes accessory buildings, apartments and time-share units. Where more than one kitchen and/or laundry facility is provided on the site, there shall be deemed to be more than one residential unit.

Residential Activity

means the use of land and buildings for permanent or long-term living accommodation where occupiers generally refer to the building as their house and permanent address. Residential activity includes:

- a. all associated accessory buildings
- b. associated recreational activities
- c. the keeping of domestic livestock
- d. supervised, emergency and refuge accommodation
- e. domestic rental accommodation and
- f. the non-commercial use of holiday homes.

Residential Site

means a site or allotment which contains one or more residential units.

Restaurant

means any land and/or buildings, or part of a building, in which meals are regularly supplied for sale to the general public for consumption on the premises, including such premises which a licence has been granted pursuant to the Sale of Liquor Act 1989.

Rest Home

means any premises managed principally for elderly persons where 3 or more such persons are in residence. Rest-home excludes hospitals and any premises where residents receive long-term nursing care. Also refer to the definition *community activity*.

Restricted Discretionary Activity

refer to explanation on page 10.

Retail Sales/Retail/Retailing

means the direct sale or hire to the public from any site and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities.

Reverse Sensitivity

means a situation:

- a. where an existing lawfully established activity has the potential to adversely affect a proposed or subsequent activity which is in the vicinity of, or adjacent to, the existing activity or;
- b. where a proposed activity restricts, or has the potential to restrict, the operation of a lawfully established existing activity.

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. Right of way is included in the definition of *private way*.

River

has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan means:

a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; 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.

River Bed

has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this plan means:

the space of land which the waters of the river [or stream] cover at its annual fullest flow without overtopping its banks, or the space of land which the waters of the lake cover at its highest level without exceeding its margins.

River Protection Work

means works, structures and plantings for the protection of property and people from floods; and includes areas of vegetation maintained or planted in the berm margins of flood fairways or lakes, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rock work, anchored trees, wire rope and other structures.

Road

has the same meaning as defined in the Local Government Act 1974, which at the notification date of this Plan means the whole of any land which is within a district, and which

- a.** Was a road or street or public highway prior to April 1st 1979, or for the purposes of this plan, was a state highway alignment created after April 1st 1979 or
- b.** Immediately before the inclusion of any area in the district was a public highway within that area; or
- c.** Was laid out by the council as a road or street after April 1st 1979; or
- d.** Is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- e.** Is vested in the council as a road to street pursuant to any other enactment;

Road includes -

- a.** Except where elsewhere provided in the Local Government Act 1974, any access way or service lane which, prior to April 1st 1979, was under the control of any council or which is laid out or constructed by or vested in any council as an access way or service lane or which was declared by the Minister of Works and Development as an access way or service land after April 1st 1979 or which was declared by the Minister of Lands as an access way or service land on or after the 1st day of April 1988.
- b.** Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof; -

but, except as provided in the Public Works Act 1981, or in any regulation under that Act does not include a motorway within the meaning of that Act.

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.

Rockland

means an area of land where the area of bedrock exceeds that of any one class of vegetation (forest, shrubland, grasslands etc). These are primarily steepland areas of bluffs and cliffs.

Separation Distance

means the distance between a building and the boundary of its site. Where any building is required to be separated from any site boundary, no part of that building shall be closer to the site boundary than the minimum distance specified. Where any road widening is required by this Plan, the separation distance shall be calculated from the proposed final site boundary.

Service Lane

means any lane laid out or constructed whether by the authority of the council or the Minister of Works and Development (or, on or after the 1st day of April 1988, the Minister of Lands) for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

Service Station

means any site where the predominant activity is the retail sales of motor vehicle fuels, including petrol, LPG, CNG, and diesel, by way of dispensing pump or bowser. Service station may also include any one or more of the following:

- a.** the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- b.** mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers);
- c.** warrant of fitness testing and/or certification;
- d.** the sale of other merchandise where this is an ancillary activity to the sale of motor vehicle fuels;
- e.** truck stops.

Setback

has the same meaning as *separation distance*.

Sign

means any sign or device of whatever nature for the purpose of specific identification of any site or building, for providing directions or information, or for promoting any goods, services or forthcoming events, and which is visible from any public place or thoroughfare. Such sign may consist of a specially constructed device, structure, erection or apparatus, or may be painted, written, printed, carved, embossed, inscribed, projected onto, placed or otherwise fixed to or upon any site, wall, hoarding, pole, fence, rock, stone, tree, stationary vehicle or structure or erection of any kind whatsoever.

Site

means an area of land shown on a plan with defined boundaries, and includes:

- 1.** an area of land which is:
 - a.** comprised in a single allotment or other legally defined parcel of land and held in a single certificate of title; or
 - b.** comprised in a single allotment or legally defined parcel of land 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 a. or b.; or
- 2.** an area of land which is comprised in two or more adjoining allotments or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or
- 3.** an area of land which is comprised in two or more adjoining certificates of title where such titles are:
 - a.** subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or

- b. held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- 4. 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
- 5. 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
- 6. in the case of strata titles, or where one or more residential unit is proposed to be erected above another residential unit, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.

In addition to the above:

- a. A site includes the access to the site.
- b. If any site is crossed by a zone boundary under this Plan, the site shall be assessed according to each zone as if it were divided by that zone boundary but shall be deemed to be one site.
- c. Where a site is situated partly within the Kaikoura District and partly in an adjoining District, then the part situated in the Kaikoura District shall be deemed to be one site.

Stopbank

means an embankment to prevent flooding. For the definition of stopbank centre, see *Centreline of Stopbank*.

Storage of Hazardous Substances

means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and emptying of the container. Storage does not include substances in use, or those used as a cooling or heating medium.

Telecommunication Facility

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 Activity

means any:

- a. sporting events, public meetings, galas, market days, temporary retail activities, festivals, entertainment events, or other events of a similar nature, (including any associated buildings) provided that the event does not exceed 14 consecutive days in duration;
- b. temporary storage of goods or materials;
- c. for the purpose of section 17 of this plan, this definition does not include temporary military training activities.

Temporary Building

means any buildings, scaffolding and falsework, builders' storage yards, builders' workshops and buildings or uses of similar character, where such activities are ancillary to a building or construction project (e.g. boat building).

Unrestricted Discretionary Activity

refer to explanation on page 10.

Use of Hazardous Substances

means the manufacturing, processing or handling of a substance or mixture of substances for a particular activity without necessarily changing the physical state or chemical structure of the substance. Use includes mixing, blending and packaging operations, but does not include the filling or drawing of substances from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products.

Utility

means:

- a.** utility buildings;
- b.** lines and necessary incidental structures and equipment for the generation, transmission and distribution of electricity, excluding solar panels where the electricity generated by the panels is not distributed beyond the same site on which the panels are located;
- c.** pipes and necessary incidental structures and equipment for transmitting and distributing gas;
- d.** storage facilities, pipes and structures and equipment necessary for the supply, drainage and treatment of water or sewage;
- e.** water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment;
- f.** structures, lines, facilities, plant, equipment and associated works for receiving and transmitting radio communications and telecommunications;
- g.** meteorological activities including structures, lines, facilities, plant equipment and associated works for monitoring, observation and transmission of information on weather and natural hazards;
- h.** structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards;
- i.** structures, facilities, plant and equipment necessary for navigation by water or air;
- j.** any area of land used principally for the disposal, storage, recovering, or separation of waste or recyclable material, including any associated buildings and on-site retail activities.

Utility Building

means a building, container, cabinet or other similar structure used or intended to be used principally for housing or protecting equipment associated with the operation, maintenance or functioning of a utility, except that this definition does not include structures associated with lines or utility support structures as defined in this Plan.

Utility Support Structure

means any mast, pole, tower or other structure for the express purpose of providing support or elevation for any line or antenna.

Vegetation Clearance

means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying or burning. Clearance of vegetation has the same meaning.

Vehicle Crossing

means the formed and constructed vehicle entry/exit from the carriageway of any road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing.

Vehicle Movements per Day (VPD)

means one single car trip to or from a site. Equivalent car movements are as follows:

- 1 car to and from a site = 2 VPD
- 1 truck to and from a site = 6 VPD
- 1 truck and trailer to and from a site = 10 VPD
- a single residential unit generates 10 VPD

Visitor Accommodation

means the use of land and/or buildings for short-term, commercial, living accommodation where the length of stay for any one visitor is not greater than 3 months at any one time. Visitor accommodation may include some centralised services or facilities, such as food preparation, dining, sanitary, conference, bar and recreation facilities and associated parking areas for the use of those living or working on the site. Visitor accommodation excludes residential activities.

Visitor accommodation unit means a single living unit used or intended to be used for visitor accommodation.

Visitor accommodation facility means a building or group of visitor accommodation units used or intended to be used principally for visitor accommodation.

Waste

means discarded materials, substances or objects which originate from domestic, business and industrial sources, including household wastes which are typically disposed of in municipal landfills, but not including hazardous wastes.

Waterbody

means any lake, river or wetland as defined in this section of the plan, and includes any other permanent or intermittent body of water including any stream, dam or pond.

Wetland

has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan 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*. For the purpose of this Plan, a wetland may be brackish, saline, or freshwater, and

include lakes, rivers, estuarine marshes and swamps, but does not include areas of exotic pasture where water ponds after rain.

Wetland Boundary

means the boundary of a natural wetland where indigenous wetland plants (i.e. indigenous plants such as sedges and rushes), adapted to living in wet conditions., give way to other species. The boundary of a tidal wetland is defined as the part of mean high water springs.

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