
PART 10 DEFINITIONS

In this Plan and in each document relating to this Plan, unless otherwise specified, the following meanings shall prevail:

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| Above Verandah Sign | A sign mounted on top of a street verandah, which is displayed at right angles to the road. |
| Access Strip | Has the same meaning as in Part 1 of the Act |
| Accessway | Has the same meaning as in Section 315 of the Local Government Act 1974. |
| Accessory | Ancillary and subservient to the primary use of land and/or buildings. |
| Accessory Building | On any site means a building that is not a Habitable Building, the use of which is incidental to that part of any other building or buildings on the site, and in relation to a site on which no building has been erected, is incidental to any permitted activity. |
| Act | The Resource Management Act 1991 and includes any amendments thereto. |
| Aerial Sign | A sign on, or attached to a balloon, blimp or dirigible. This will be tethered to the ground but free to move in the wind. |
| Agricultural Activity | Any land-based activity, the primary purpose of which is to produce livestock or vegetative matter and includes horticultural and pastoral farming but does not include forestry, or factory farming. |
| Allotment | Has the same meaning as in Section 218 of the Act. |
| Animated | Any moving part of a sign, not including balloons, banners, or flags. |
| Background Sound Level | The mean minimum sound level in the absence of any nuisance noise at the relevant place and time of measurement. When statistical analysis methods are used, the background noise level should be taken as that level which is equalled or exceeded 95 per cent of the observation time (L ₉₅). |

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| Below Verandah Sign | A sign mounted on the underside of a street verandah, which is displayed at right angles to the road. |
| Boundary Adjustment | A subdivision where the number of allotments, as a result of the subdivision, does not exceed the number of allotments previously existing and the area of each allotment is altered by less than one hectare. In determining lot numbers, esplanade reserves shall not be counted. |
| Building | <p>Any structure or part of structure, whether temporary or permanent, moveable or immovable but does not include:</p> <ul style="list-style-type: none">• Any scaffolding or falsework erected temporarily for maintenance or construction purposes.• Fences or walls of up to 2m height, not used for advertising or for any purpose other than a fence or wall.• Structures which are both less than 10m² in area, and less than 2m in height.• Masts, poles, radio and telephone aerials less than 6m above ground level. |
| Building Modification | Physical changes to a building or site other than routine or minor maintenance and restoration works such as patching, piecing-in, splicing, and replacing individual damaged or missing bricks, stones, timber sections, tiles or slates. |
| Coastal Environment | Land above the Mean High Water Spring mark extending up to the dominant ridge line or base of the terrace, and where coastal processes affect the landforms. |
| Coastal Marine Area | <p>The foreshore, seabed, and coastal water, and the air space above the water:</p> <ul style="list-style-type: none">• Of which the seaward boundary is the outer limits of the territorial sea;• Of which the landward boundary is the line of Mean High Water Springs, except where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of one kilometre upstream from the mouth of the river; or the point upstream that is calculated by multiplying the width of the river mouth by 5. |

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| Commercial Activity | Any use of land or buildings for the purposes of the sale of food, services and other commodities and merchandise or the provision of services or professional advice. |
| Commercial Livestock | The keeping and raising of poultry, pigs and other farm animals for the purpose of sale. |
| Community Facilities | Any building or facility or part thereof intended to be used principally by members of the local community for the assembly of people for recreation, entertainment, cultural instruction and deliberation (but does not include any entertainment facilities or restaurants). |
| Conical Surface | The surface which extends from the periphery of the horizontal surface, upwards and outwards at a slope of 2.5° (1:40) to its outer limits which are contained in a horizontal plane located 152 metres above the aerodrome elevation datum. Where the existing ground level penetrates or comes close to the conical surface then this surface may be adjusted in conformity with the ground so as to provide a vertical clearance of 11 metres above ground level. |
| Controlled Activity | An activity which: <ul style="list-style-type: none">• Is provided for as a controlled activity in this Plan; and• complies with standards and terms specified in the Plan for such activities; and• is assessed according to matters the Council has reserved control over in the Plan; and• Is allowed only if a resource consent is obtained in respect of that activity. |
| Council | The Buller District Council and any committee, sub-committee or person to whom the Council's powers, duties and discretion under the provisions of the Act or this Plan has been delegated pursuant to the provisions of the Act or the Local Government Act 1974. |
| Discretionary Activity | An activity which: <ul style="list-style-type: none">• Is provided for as a discretionary activity in this Plan; and• is allowed only if a resource consent is obtained in respect of that activity; and• may have standards and terms specified in this Plan; and |

- in respect of which the Council may restrict the exercise of its discretion to those matters specified in the Plan for that activity.

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| Dwelling | A building or part thereof designed and used principally as a self-contained residence. |
| Earthworks | Earth moving operations carried out by any means for development purposes and includes: <ul style="list-style-type: none">• The disturbance of land surfaces by moving, removing, placing or replacing soil or earth; or by excavation, cutting or filling operations.• Contouring, road, driveway and access construction. |
| Ecological District/Region | Levels used for the ecological classification of land. Currently New Zealand is divided into 269 ecological districts and 65 ecological regions according to geological, topographical, climatic and biological features and processes and human activities, which interrelate to produce a characteristic landscape and range of biological communities. |
| Electric Line | Any wire or means intended to be used for transmitting, distributing or otherwise conducting electricity and includes telephone lines. |
| Endemic | Refers to species of plants and animals which are unique to an area or animals which may migrate but breed only within the area. |
| Environment | Environment includes: <ul style="list-style-type: none">(a) Ecosystems and their constituent parts, including people and communities; and(b) all natural and physical resources; and(c) amenity values; and(d) the social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs a-c of this definition or which are affected by those matters. |
| Erection | In relation to any building, includes the re-erection or structural alteration of, or making of any addition to the building or the planning of a building on a site, or to the placing of the building from one position on the same or to any other site; and "erect" and "erected" have corresponding meanings. |

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| Exploration | 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. To explore has a corresponding meaning. |
| Factory Farming | Farming which is not dependent on the fertility of the soil on which it is located or which takes place substantially within buildings or other structures, for example, poultry farming, pig farming, rabbit farming, mushroom farming, pot grown nursery and glasshouses which have other than an earth floor. |
| Forestry | Activities involved in the management of forests including planting, maintenance, thinning and felling for extraction and utilisation of trees. |
| Frangible Sign Support | A type of sign foundation that allows a sign pole or other attached support structure to break away cleanly if struck by a motor vehicle, thereby reducing the force of impact to the occupants inside the vehicle. |
| Freestanding Sign | Any sign which is not attached to a building and is self-supported, being permanently fixed to the ground and frangible, not portable. |
| Front Yard | A yard between the street line, a line parallel to, and extending across the full width of the site. |
| Frontage | That portion of land which secures legal access to an allotment from an existing road or road to be vested or otherwise legalised and includes any right of way. |
| Gross Ground Floor Area | The total area of all ground floors contained within the exterior walls of any building excluding any private garage located within those exterior walls, except where there is living space above. It also includes the area beneath an internal canter leaver, but not open terrace. |
| Habitable Building | Any building or part thereof which provides overnight accommodation for people, whether or not it is self-contained. Habitable Buildings include but are not limited to: <ul style="list-style-type: none">• Dwellings |

- Granny flats
- Sleep-outs
- Units

Where each storey of a multi storey building or each part of a semi-detached or terraced building is capable of providing overnight accommodation for people independently of another storey or part, each such storey or part will be counted as one Habitable Building.

Hazardous Facilities

Includes all activities involving hazardous substances, sites where hazardous substances are stored or handled or which might be contaminated by hazardous substances, and all installations containing hazardous substances, including vehicles for their transport.

Hazardous Substances

Any substance which exceeds a threshold level of one or more of the following intrinsic hazardous properties:

- an explosive nature
- flammability
- an oxidising nature
- toxicity
- corrosiveness
- ecotoxicity with or without bioaccumulation
- evolving substances with one or more of the above properties on release into the environment.

Substances may also be defined as hazardous by regulation under the Hazardous Substances and New Organisms Act 1996.

Heavy Vehicle

A vehicle which has an unladen weight of 3.5 tonne or over.

Height

As applied to buildings shall be a vertical distance measured from the average original ground level along the foundation of a building facing any boundary of the site to:

- The highest point of the ridge where the roof slope exceeds 35°, or
- to the highest point of the parapet, or intersection of the wall and roof in the case of a flat or sloping roof less than 35° and other than a roof having a gable end, or
- in the case of a roof with a slope of less than 35° and having a gable end, the median level between the intersection of the walls and the roof and the highest points of the roof.

Provided that chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers and similar parts of a building may be excluded from the height calculations.

Horizontal Surface

The surface contained in a horizontal plane located 46 metres above the aerodrome elevation datum. Its outer limits are at a horizontal radius of 4,000 metres, measured from the periphery of the main strip. If the existing ground level penetrates or comes close to the horizontal surface, then the horizontal surface may be adjusted in the conformity with the ground so as to provide a vertical clearance of 11 metres above the ground level.

Illuminated Sign

A sign which involves any lighting, whether internally or externally lit.

Indigenous Vegetation Clearance

The felling, clearing and destroying of trees or any vegetation by cutting, crushing, draining, smothering, spraying or burning for any purpose including vehicle tracking, but excluding the clearance of indigenous vegetation forming an under storey within an exotic plantation forest.
Clearance of vegetation shall have the same meaning.

Industry

Any activity involving the production, processing, assembly, servicing, testing, repair and/or storage and warehousing of any materials, goods, products or vehicles and includes transportation facilities and freight depots.

Inflatable Sign

Any sign which is made of flexible material filled with air or gas and remains standing on the ground, not floating above ground level.

Intermittent

Any illuminated sign where the lighting is not static.

Kaitiakitanga

The exercise of guardianship, and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

Land Value

Shall be based on that figure determined by a registered public valuer and current at the time of subdivision approval and shall be supplied to the Council by the developer or applicant.

Main Street Palmerston Street, Westport, from Rintoul to Henley Streets and Broadway, Reefton, from Bridge to Sinnamon Streets.

Mean High Water Springs The average line of spring high tide.

Where the Mean High Water Springs crosses a river, Mean High Water Springs shall be defined as follows:

- For waterbodies listed in 'Table 1.1.1 Buller District' in 'Schedule 1: Cross River Boundaries' in the 'Regional Coastal Plan for the West Coast', Mean High Water Springs shall be the boundary listed in the Table.
- For all other waterbodies, it shall be the landward boundary of the Coastal Marine Area.

Meteorological Activities The establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.

Mining Any activity which involves the taking, winning, or extraction by whatever means, of 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, including quarrying. Mining also includes prospecting and exploration activities where these are not allowed as permitted, controlled or restricted discretionary activities in the District Plan. To mine has a corresponding meaning.

Natural Wetlands Are predominantly wetland and pakihi, shallow water and land/water margins which contain predominantly indigenous vegetation and/or are habitats for indigenous fauna. Wetlands may be brackish, fresh or saline and are characterised in their natural state by plants and animals that are adapted to living in wet conditions. Natural wetlands do not include areas of exotic pasture where water ponds after rain.

Network Utilities Are pipes, lines, buildings or similar involving the following:

- Transformers or lines for conveying electricity.
- Household, commercial and industrial connections to gas, water, drainage and sewer pipes.

- Telecommunication and radio communication facilities.
- Pipes for the distribution or transmission of petroleum or natural or manufactured gas, and necessary incidental equipment, including household connections and compressor stations.
- Pipes for the conveyance of irrigation water, or drainage water or sewerage, and necessary incidental equipment including household connections.
- Lighthouses, navigational aids and beacons.

Ngai Tahu; Ngai Tahu Whanui Collective of individuals who descend from the primary hapu of Waitaha, Ngati Mamoe, and Ngai Tahu, namely Kati Kuri, Kati Irakehu, Kati Huirapa, Ngai Tuahuriri, and Kai Te Ruahikihiki (as defined in Section 9 of the Ngai Tahu Claims Settlement Act 1998).

Ngai Tahu Takiwa Tribal area of Ngai Tahu (as defined in Section 5 of the Te Runanga o Ngai Tahu Act 1996).

Nohoanga Entitlement An entitlement granted by the Crown to Te Runanga o Ngai Tahu to temporarily occupy specified areas of Crown land for access to waterways for lawful fishing and gathering of other natural resources on a non-commercial basis.

Non-complying Activity An activity which contravenes a rule in the Plan and is allowed only if a resource consent is obtained in respect of that activity.

Non-sewered Area Any allotment which is not served by sewage pipes leading to a communal sewage treatment works.

Official Signs All regulatory traffic and official signs approved by the road controlling authority or provided for under any legislation and which are erected on a legal road or state highway. They are part of the normal road operations and traffic guidance and are made of standard design, colour, shape etc, and convey instructions of warning or advice as to road conditions, destinations, traffic control, and tourist and motorist services.

Pakihi Land that is dominated by a vegetation association of sedges, ferns, restiads, mosses and *Leptospermum scoparium*. *Baumea* spp., *Gleichenia dicarpa*,

Empodisma minus, *Sphagnum spp.*, with varying amounts of *Juncus gregiflorus*, are the main species.

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| Papatipu Runanga | Regional collective bodies of Ngai Tahu Whanui (as referred to in Section 9 of Te Runanga o Ngai Tahu Act 1996). |
| Permitted Activity | An activity that is allowed by the Plan without a resource consent if it complies in all respects with any conditions specified in the Plan. |
| Plan | This District Plan including all operative plan changes. |
| Portable Sign | Any sign which can be moved, and is typically taken out in the morning and removed at closing. This includes sandwich board signs. |
| Prospecting | Any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences involving any of the following: <ul style="list-style-type: none">• Geological, geochemical and geophysical surveys.• The taking of samples by hand or hand held methods.• Aerial surveys. |
| Public Conservation Land | Land managed by the Department of Conservation. |
| Public Purposes | For use of any of the following activities: <ul style="list-style-type: none">• Parks, playgrounds and recreation grounds.• Churches and buildings for religious purposes.• Libraries, museums and educational institutions.• Places of assembly and entertainment. |
| Radiocommunication Facility | Any transmitting/receiving devices such as aerials, dishes, antennae, cables, wires, and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings. |
| Real Estate Signs | Temporary signs advertising the sale of land or premises, located on the land to which the sign relates. |
| Rear Yard | 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 centre and a radius of 5 metres.

Recession Plane

A surface inclined towards the interior of a site or zone boundary or from points vertically above a site or zone boundary through which no part of a building may intrude, except the following:

- Chimneys, ventilation shafts, roof water tanks, lift and stair shafts and spires, poles and masts less than 9 metres above ground level, provided the maximum dimension thereof measured parallel to the boundary under consideration shall not exceed 3 metres.
- In the Residential Zone and Scenically Sensitive Residential Zone, where a single gable end with a base of 7.5 metres or less faces a boundary and a recession plane strikes no lower than half way between the eaves and ridge line, that gable end may penetrate the recession plane.

Regulatory Signs

Regulatory instructions which road users are required to obey, including directional, speed and warning signs.

Remote Sign

Any sign which is not located on the site to which it relates.

Reserve

Any land set apart for any public purpose, as defined in the Reserves Act 1977. There are different types of reserves administered by the Department of Conservation and the word 'reserves' in the District Plan can refer to these reserves.

Residential Activity

Any use of land where permanent accommodation in a dwelling, apartment or institutional home is the primary purpose, and no persons are employed other than for the purposes of caring for permanent residents.

Road Intersection

The intersection kerb-line, or when there is no kerb-line, the nearest intersection of the two carriageways.

Sign

Any item visible from a public place which has the purpose of providing a visual message, including directions, information, or to identify or attract attention to people, places, event, products, services, or goods, a site or building. This includes, but is not limited to, any mural, message, or notice painted on, affixed to, or otherwise incorporated with a building, structure, site, banner, flag,

bunting, poster, billboard, black board, sandwich board, model, poster, hoarding, sticker, placard, balloon, wind sock, blimp, or projection of lighting to create an advertising image.

This also includes all parts, portions, units and materials composing the same, together with the frame, background or structure and support or anchorage, any specially constructed device, whether painted, printed, written, carved, inscribed, endorsed or projected onto a place or otherwise fixed or attached to any wall, roof, fence, rock, stone, structure, canvas or stationary vehicle.

Sign does not include any advertising matter placed on or within a display window of a shop or business within the Commercial Zone.

Site

Any corner site, front site, rear site or through site that is:

- Comprised in a single certificate of title; or
- contained in a single allotment as an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council; or
- an area of land which is composed of two or more certificates of title where such titles are:-
 - (i) subject to a condition imposed under S75 of the Building Act or S643 of the Local Government Act 1974; or
 - (ii) held together in such a way that they cannot be dealt with separately without prior consent of the Council.

Except in the case of land subdivided under the Unit Titles Act 1972 or the cross-lease system, "site" shall be deemed to be the whole of the land subject to unit development or cross lease. In determining the area of rear sites any access strip shall not be included in the calculation for that site.

Site Coverage

(Which is expressed as a percentage) means that portion of a site which may be covered by buildings, but not including fences, terraces, decking or retaining walls.

Special Lot

Any land subdivided for the purpose of:

- Containing a network utility or special public purpose (e.g. reserves, electricity substations) which require only a small area of land.

- Creating an esplanade reserve or esplanade strip.

Statutory Acknowledgment An acknowledgment by the Crown of Ngai Tahu's particular cultural, spiritual, historical or traditional association with specified areas. Refer to Part 12 of the Ngai Tahu Claims Settlement Act 1988.

Street Includes road, avenue, cul-de-sac, parade, lane and means a prepared surface or route for the movement of motor vehicles and people.

Taiapure Fishery areas in New Zealand waters (being estuarine or littoral coastal waters) that have customarily been of special significance to any iwi or hapu either as a source of food or for spiritual or cultural reasons.

Take-Off, Climb-Approach Surface The surfaces rising at a specific gradient from the level of the lowest part of each of the main and subsidiary strip ends. Each take-off, climb-approach surface extends over a horizontal distance specified below and is symmetrically disposed about the extended centre line of the strip with its sides diverging uniformly outwards at a rate of 15% (8 degrees, 32') from the corners of each strip end:

- The take-off, climb-approach surfaces off the ends of the main strip rise at a gradient of 1.6% (1:62.5) for a horizontal distance of 18,000 metres.
- The take-off, climb-approach surface off each end of the two subsidiary strips rise at a gradient of 2.5% (1:40) over a horizontal distance of 3,000 metres.

Telecommunication Facilities Refers to the types of network communication systems including radio, telephone and television. Structures would include exchanges, booths, masts, towers, antenna/aerials, buildings, lines, wires, cables and any other facilities associated with the installation of network utility systems.

Telecommunication Line A wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for supporting,

enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

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| Temporary Activity | Any use of land or structure of short-term duration incidental to a construction project or private leisure; or for demolition, temporary storage, temporary homes, or sporting, festive or similar events. |
| Temporary Military Training Activity | An activity undertaken for Defence Purposes in accordance with the Defence Act 1990. The Defence Act also enables access to Defence Areas, which includes areas utilised for temporary military training activities to be restricted. |
| Temporary Signs | Any sign which is displayed for a specified period of time before being physically removed (excluding Election Hoardings Signs). |
| Te Runanga O Ngai Tahu | The governing body representing the 18 Papatipu Runanga of Ngai Tahu Whanui (as established by Section 6 of Te Runanga O Ngai Tahu Act 1996). |
| Tourist Related Activity | Any activity which primarily caters for, and provides a service to visitors to the District, and which relies on the natural and physical resources of the District as an attraction and integral part of the business activity. |
| Transitional Surfaces | Surfaces which extend towards and outwards from the side of each take-off, climb-approach surface rising at a gradient of 14.3° (1:7) to intercept the horizontal surface. Transitional surfaces also extend upwards and outwards from the sides of each strip at a gradient of 14.3° (1:7) to intercept the horizontal surface. |
| Trivision Signs | A mounted permanent sign panel containing a changing display with a rotating set of signs. |
| Verandah Fascia Sign | A sign located on the fascia of a street verandah. |
| Yard | A part of a site which is required by this Plan to be unoccupied and unobstructed by buildings except fences from the ground upwards, except as otherwise provided by this Plan. |