

3 Definitions

** Terms marked with an asterisk are terms defined in the Resource Management Act 1991 (the Act) and are recorded here for convenience. They are not part of this Plan and may change if the Act is changed.*

- Access Allotment** - means any allotment which provides the legal access or part of the legal access to one or more allotments held in the same ownership or by tenancy-in-common in the same ownership.
- Access Leg** - means a strip of land that provides access between the street frontage and a rear site.
[Inserted by Plan Change 10, 18/1/11]
- Access Strip *** - means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in the First Schedule to that Act).
- Access Way** - means any passage way, laid out or constructed for the purposes 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 railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service land, or reserve.
- Accessory Building** - means a building the use of which is incidental to that of any other building or buildings permitted on the same site or in relation to a site, but does not include a building used to accommodate a residential unit.
- Accidental Discovery Protocol** - means a process to be followed if archaeological material is discovered during earthworks. When the chance of an archaeological site disturbance is considered to be low, commitment to an Accidental Discovery Protocol may be sufficient to minimise potential adverse effects on archaeology. However, if the chance of such disturbance is considered to be medium to high, the area subject to earthworks should be archaeologically assessed before the work begins.
[Inserted by Plan Change 11, 11/10/10]

Acoustic Certificate*[Inserted by C41/2004, 6/4/04]*

- means a certificate signed by an acoustic engineer approved for the purpose by the Port Noise Liaison Committee certifying Acoustic Treatment of a residential property and specifying a Certified Level of Port Noise.

Acoustic Certificate Register*[Inserted by C41/2004, 6/4/04]*

- means a register held by the Port Operator that contains a list of all properties that have an Acoustic Certificate, the date of the certificate and the Certified Level of Port Noise for that property.

Acoustic Treatment*[Inserted by C41/2004, 6/4/04]*

- means acoustical treatment of a residential property that achieves an indoor design level of 40 dBA L_{dn} (5 day) within any kitchen, dining area, living room, study or bedroom, either with ventilating windows open or with mechanical ventilation installed and operating, when Port Noise is at or below the Certified Level of Port Noise and shall include the cost of testing and obtaining an Acoustic Certificate.

Act, the

- means the Resource Management Act 1991 and includes any amendments.

Activity

- Unless the definition or description of an activity, or condition attaching to an activity or resource consent states otherwise, any activity specified as permitted, controlled, discretionary (restricted or unrestricted) is deemed to include all of the matters contained in the definition of "Use" in section 9(4) of the Act.

Aerials

- means the part of a radio communication facility or telecommunication facility used or intended for transmission or reception, including the aerial mountings and amateur radio aerials but not any supporting mast or similar structure and excluding any antenna dish.

Agenda 21

- means the published outcomes of the United Nations Conference on Environment and Development, held in Rio De Janeiro, Brazil, between 3-14 June 1992.

Ahi kaa

- means continued occupation according to traditional law of Maori land tenure.

Airborne Sound Insulation

[Inserted by Plan Change 2:
19/12/05]

- expresses the degree to which sound travelling through the air is reduced when transmitted through the external building envelope. A range of single-figure-ratings expressed in dB are used depending on the nature of the noise source and these ratings take into account the frequency dependence of the insulation in relation to specific types of noise source. In this plan the rating ($D_{2m, nT,W} + C_{tr}$) obtained by any of the methods prescribed in ISO Standards 140-5 and 717-1 is used for specifying appropriate insulation requirements to protect against noise from the external environment. The standards identified above are fully described below:

ISO 140-5:1998 Acoustics – *Measurement of Sound Insulation in Buildings and of Building Elements, Part 5: Field Measurements of Airborne Sound Insulation of Facade Elements and Facades.*

AS/NZ ISO 717.1:2004 Acoustics – *Rating of sound insulation in buildings and of building elements; Part 1: Airborne sound insulation*

Aircraft *

- 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.

Air Noise Boundary

- means the line shown on District Plan Maps 54 and 71 and referred to in Rules 6.5.1(i) and 6.5.3(iii).

Airport *

- means any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft.

Airport Activity [Inserted by Plan - means:
Change 3, 1/9/08]

- (i) Aircraft operations, domestic and international jet aircraft traffic, rotary wing and fixed wing aircraft operations, general aviation, aircraft servicing, fuel storage;
- (ii) Activities associated with and necessary for the functioning of an aerodrome including runways, taxiways, and aprons, buildings and infrastructure, navigational aids and lighting, carparking, offices, signage and cafeteria;
- (iii) Training activities and facilities associated with the aeronautical industry.

Airport Commercial Activity - means:

- [Inserted by Plan Change 3, 1/9/08]
- (i) Commercial activities solely accessible by the public within the terminal building.
 - (ii) Commercial Activities located outside the terminal building related to airport operations and needs of the travelling public including: food and beverage; airline, travel agency and entertainment services; banking or postal services; cleaning services; footwear and clothing repair services; health and beauty services; offices and conference facilities.

Airport Outer Control - means the line shown on District Plan Maps 6, 54 and 71 and referred to in Rule 6.5.3(iii).

Allotment *

- means:
 - (a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:
 - (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under the Act; or
 - (b) any parcel of land or building or part of a building that is shown or identified separately:
 - (i) on a survey plan; or
 - (ii) on a licence within the meaning of Part VIIA of the Land Transfer Act 1952; or
 - (c) any unit on a unit plan; or
 - (d) any parcel of land not subject to the Land Transfer Act 1952.

Amenity Open Space

- means that part of a site required to be unobstructed other than by landscape planting and set aside for the exclusive use of the household unit to which it relates.

Amenity Planting

- means the planting of vegetation for the primary purpose of enhancing the shelter, privacy or visual quality of a site. Amenity planting must be accessory to an existing activity permitted on the site.

Amenity Values *

- 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.

Antenna Dish

- means a radio communication or telecommunication apparatus used for transmission or reception including the antenna mounting but not any support mast or similar structure and includes any satellite dish or microwave dish.

Anticipated Results	Environmental -	means the intended result or outcome on the environment as a consequence of implementing the policies and methods.
Archaeological Site <i>[Inserted by Plan Change 11, 11/10/10]</i>	-	means any place in New Zealand that— (a) Either— (i) Was associated with human activity that occurred before 1900; or (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand. Archaeological sites may be of any cultural origin, including but not limited to Maori, European/Pakeha and Chinese. All archaeological sites are protected by the Historic Places Act 1993. An archaeological authority from the New Zealand Historic Places Trust will be required to modify, damage or destroy any archaeological site.
Area of Conservation Management Plan <i>[Amended by Consent Order 4/5/04]</i>	Significant Value	means a management plan developed in accordance with Method 16.4.5 of this District Plan. Copies of all such management plans are available at the Council offices.
Bank	-	means, for the purposes of defining esplanade reserves or strips, the edge of the bed of the river.
Bed <i>[Inserted by Variation 9A, 2/3/04]</i>	-	means the space of land which the waters of a water body cover at its fullest flow without overtopping the banks.
Buffer Planting	-	means existing or planted vegetation located along the banks of water bodies to act as a barrier to sediment or nutrients flowing from land to water.
Building	-	means any structure, whether temporary or permanent, moveable or immovable, but does not include any fence or retaining wall which does not require a building consent under the Building Act 1991.
Building Painted as a Sign	-	means a building, the architectural detailing of which has become subservient to a painted design on its surface which expresses or advertises a corporate or product identity.
Bush	-	means a group of trees and shrubs in the Urban Landscape Conservation Areas comprising an area of 20 m ² or greater (measured from stems at ground level) and featuring continuous canopy cover. (Note: This definition does not apply to any plant listed in any Regional Pest Plant Management Strategy applying to the district of Dunedin City.)

- Campus Constituent Institution** - means the University of Otago or the Otago Polytechnic or the Dunedin College of Education.
- Campus Educational and Research Activity** - means an activity operated by a Campus Constituent Institution for the purpose of educating or giving instruction, and associated research.
[Amended by Plan Change 8, 30/3/09]
- Campus Joint Venture Industry** - means the use of land or buildings for the purpose of undertaking industrial activity by joint venture partnerships where at least one partner is a Campus Constituent Institution with a substantial interest in that venture.
- Campus Open Space** - means an area of space that is open or accessible to the public, and is not occupied by a carpark.
[Inserted by Plan Change 8, 30/3/09]
- Campus Service Activity** - means the use of land or buildings for the purpose of providing administrative or technical support for one or more Campus Constituent Institutions, or for supporting the health and welfare of that community.
[Amended by Plan Change 8, 30/3/09]
- Carriageway** - means the formed section of pavement between kerb and channel on kerbed roads, or between the outer edge-line of unsealed shoulders on unkerbed roads, constructed for the carriage of vehicles.
[Inserted by Plan Change 10, 18/1/11]
- Car Park** - means a space on a site available at any time for accommodating one stationary motor vehicle.
- Car Parking Area** - means that part of a site within which vehicle parking spaces are provided as required by this Plan or other regulations, and includes all car parks, manoeuvring areas and landscaped areas required in relation to car parking areas.
- Certified Level of Port Noise** - means the maximum level of Port Noise that a residential property subject to an Acoustic Certificate for Acoustic Treatment can receive, provided that the Certified Level of Port Noise for any property is set at least 3 dB above the L_{dn} contour level for that property shown on the Port Noise Contour Map at the date the certificate was issued.
[Inserted by C41/2004, 6/4/04]

- Character** - means the combination of traits and qualities, including buildings, the spaces between buildings, structures, trees, landforms and other elements of the natural topography, which makes one place distinct from another.
- Childcare Facility** - means any place or premises used for the care, education and welfare of six or more children under the age of seven years, by the day or for part of the day, or for any period of less than eight consecutive days and includes any childcare centre within the meaning of the Education (Early Childhood Centres) Regulations 1998; any free kindergarten recognised by the Minister of Education; any nursery play centre recognised by the Director of Education; and any plunket rooms, but excludes any school.
- City, the** - means the area contained within the local government boundary of Dunedin City as determined in NZ Gaz, 1989, No 99, pages 2408-2429.
- Cleaner Production** - means the conceptual and procedural approach to production that demands that all phases of the lifecycle of a product or of a process should be addressed with the objective of prevention or minimisation of short and long-term risks to humans and to the environment.
- Closure Management Plan** - means a document setting out:
 (a) the sequence and timing of ceasing to use a site, or parts of a site for a particular activity;
 (b) landscaping and other works which will be carried out to minimise any adverse effects of the site following closure;
 (c) details of any monitoring that will be undertaken.
- Coastal Habitat** - means a 100 m wide strip of land immediately inland from MHWS.
[Inserted by Consent Order 4/5/04]
- Coastal Landscape Preservation Areas** - means areas adjacent or near to the coast which have significant impact on coastal views due to high levels of visibility or the presence of significant 'natural' landscape features and characteristics or both, and which are defined on the District Plan maps.
- Collector Roads** - means roads which are locally preferred routes between or within areas of population or activity.

Commercial Activity	- means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or service and includes any Commercial Office or restaurant, and excludes service stations.
Commercial Office	- means an administrative or professional office but does not include banks, betting shops or premises where goods are bought or sold.
Commercial Port	- means an area of land used to unload and load ships for export and import purposes, storage facilities and other such port-related operations.
Commercial Residential Activity [Amended by C207/2000: 18/12/00]	- means a building or group of buildings used for the accommodation of people and which are or can be let on a daily tariff, including boarding houses for 6 guests or more, and home stays for 6 guests or more.
Commercial Residential – Harbourside Activity [Inserted by Plan Change 7, 29/05/2012]	- in the Harbourside Zone means land or buildings which are occupied as a residence on a temporary basis (periods of up to three months continuous occupation during any 12 month period) and includes, backpackers accommodation, homestay facilities for more than five people, motels, hotels, tourist lodges, holiday flats, tourist cabins, motor inns, and accessory buildings or ancillary activities on the same site. This definition includes property held in common ownership where ownership by each owner is limited in duration to less than three months during any twelve-month period.
Community Police Offices	- means the use of buildings in which Police staff or other people acting on behalf of New Zealand Police carry out community policing activities, but does not include Police Stations.
Community Support Activity	- means the use of land and buildings or collection of buildings which are used for the primary purpose of supporting the health, welfare, safety, education, culture and spiritual well being of the community including childcare facilities and community police offices but excludes hospitals, recreational activities, facilities which have or require a liquor licence or which provide restaurant facilities.
Conference and Meeting Activity [Inserted by Plan Change 8, 30/3/09]	- means, in relation to the Stadium Zone, the use of land and buildings for facilitating a gathering of people, and shall exclude exhibitions and spectator events.
Construction Noise	- means any noise generated by construction work.
Construction Sign	- means a sign erected on a demolition or construction site or on a site where building alterations or maintenance is being undertaken. Construction signs shall include only the details of the project and the names of the parties connected with it.

Construction Work

- means any work in connection with the construction, erection, installation, carrying out repair, maintenance, cleaning, painting, renewal, alteration, dismantling or demolition of:
 - (a) any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground;
 - (b) any road, motorway, harbour works, railway, cableway, tramway, canal or aerodrome;
 - (c) any drainage, irrigation or river control work;
 - (d) any electricity, water, gas, telephone or telegraph reticulation;
 - (e) any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;
 - (f) any scaffolding;
 and includes any work in connection with any excavation, site preparation or preparatory work carried out for the purpose of any construction work; and also includes use of any plant, tools, gear or materials for the purpose of any construction work

Consultation

- means the communication of a genuine invitation to give advice and a genuine consideration of that advice.

Contaminant *

- includes any substance (including gas, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:
 - (a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
 - (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Contaminated Site

[Inserted by Plan Change 7, 29/05/2012]

- means a site at which hazardous substances occur at concentrations above background levels (ambient levels of a contaminant in the local area of the site under consideration) and where assessment indicates it poses, or is likely to pose, an immediate or long-term hazard to human health or the environment.

Contravene *

- includes fail to comply with.

Controlled Activity *

- means an activity which:
 - (a) is provided for, as a controlled activity, by a rule in a plan or proposed plan; and
 - (b) complies with standards and terms specified in a plan or proposed plan for such activities; and
 - (c) is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and
 - (d) is allowed only if a resource consent is obtained in respect of that activity.

Cultural Site [Inserted by Plan Change 11, 11/10/10]	- means any waahi tapu or waahi taoka or any place that contains koiwi tangata. Cultural sites may also be archaeological sites as defined in this Plan.
Curtilage	- means the yard spaces attached to a dwelling house, especially on a farm, but not forming part of the farm itself.
Day Time	- means the period between the hours of 7.00 am and 9.00 pm, except that where any shoulder period applies daytime is between 8.00 am and 6.00 pm. (See also the definition of 'Shoulder Period'.)
dBA	- means A-frequency weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals and which aims to simulate typical human auditory response. See NZS 6801:1991 clause 2.1 definitions of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting and sound level.
Designation *	- means a provision made in a district plan to give effect to a requirement made by a requiring authority under section 168 or section 168A or clause 4 of the First Schedule of the Act.
Directional or Instructional Sign	- means road signs to provide direction, information and traffic safety instructions and signs which provide direction or instruction to guide persons to facilities intended to serve the public, including those identifying rest rooms, public telephones, public walkways and public entrances.
Discharge *	- includes emit, deposit and allow to escape.
Discretionary Activity *	- means an activity: <ol style="list-style-type: none"> which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and which is allowed only if a resource consent is obtained in respect of that activity; and which may have standards and terms specified in a plan or proposed plan; and in respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.
Discretionary Activity (Restricted)	- means a discretionary activity in respect of which Council has restricted the exercise of its discretion to those matters specified in the District Plan.
Discretionary Activity (Unrestricted)	- means a discretionary activity in respect of which Council has not restricted the exercise of its discretion.
District Roads	- means roads which serve as links of strategic district importance within or between districts.

Earthworks [Amended by Plan Change 11, 11/10/10]	<ul style="list-style-type: none"> - means any activity that: <ul style="list-style-type: none"> a) involves: the removal of rock and/or soil; excavation; and/or the deposition of fill, and b) disturbs the land or alters the land contour.
Ecological District	<ul style="list-style-type: none"> - means a land unit that is ecologically homogenous or possesses a simple or repeating sequence of ecosystems. (Source: Simpson, P (1982) <i>Ecological regions and districts of New Zealand: a natural subdivision</i>. Biological Resources Centre). The boundaries of ecological districts do not necessarily coincide with local authority administrative boundaries.
Ecological Region	<ul style="list-style-type: none"> - means an aggregation of related ecological districts.
Educational Establishment	<ul style="list-style-type: none"> - means the buildings used by an institution for educating or giving instruction.
Effect *	<ul style="list-style-type: none"> - Section 3 of the Act defines the term “effect” as including: <ul style="list-style-type: none"> (a) any positive or adverse effect; and (b) any temporary or permanent effect; and (c) any past, present, or future effect; and (d) any cumulative effect which arises over time or in combination with other effects – <p>regardless of the scale, intensity, duration or frequency of the effect, and also includes:</p> <ul style="list-style-type: none"> (e) any potential effect of high probability; and (f) any potential effect of low probability which has a high potential impact.
Election Sign	<ul style="list-style-type: none"> - means any sign erected for a general or local body election.
Emergency Service Activity	<ul style="list-style-type: none"> - means land and buildings used by those authorities responsible for the safety and welfare of the people and property in the community, and includes fire stations and ambulance stations, but excludes police stations.
Environment *	<ul style="list-style-type: none"> - 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) to (c) of this definition or which are affected by those matters.

- Environment Court** - means the Environment Court referred to in Section 247 of the Act and “Court” is a reference to the Environment Court.
- Erosion** - means the processes of the wearing away of the land surface by natural agents and the transport of the material that results and includes deep seated subsidence and slippage of slopes.
- Esplanade Reserve *** - means a reserve within the meaning of the Reserves Act 1977:
- (a) which is either:
 - (i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
 - (ii) a reserve vested in the Crown or a regional council under section 237D; and
 - (b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.
- Esplanade Strip *** - means a strip of land created by the registration of an instrument in accordance with Section 232 for a purpose or purposes set out in section 229.
- Excessive Noise *** - means, as defined in section 326 of the Act:
- (1) any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any:
 - (a) aircraft being operated during, or immediately before or after, flight;
 - (b) vehicle being driven on a road (within the meaning of section 2(1) of the Transport Act 1998); or
 - (c) Train, other than when being tested (when stationary), maintained, loaded or unloaded.
 - (2) Without limiting subsection (1), the term “excessive noise”-
 - (a) includes noise that exceeds a standard for noise prescribed by national environmental standards; and
 - (b) may include noise emitted by-
 - (i) a musical instrument; or
 - (ii) an electrical appliance; or
 - (iii) a machine, however powered; or
 - (iv) a person or group of persons; or
 - (v) an explosion or vibration.
- Exhibition and Spectator Event - Activity** - means, in relation to the Stadium Zone, the use of land and/or buildings for events which, by their nature, generate a significant number of spectators or participants. Exhibition and spectator event activities include, but are not limited to, those activities where a spectacle occurs, sporting and recreational activities, concerts, and trade fairs, and do not include the use of the facilities for conference, or meeting activities.
- [Inserted by Plan Change 8, 30/3/09]*

- Facade** - means that part of a building facing on to any street or public place.
- Facility Management Plan** - means a document setting out:
- (a) the manner in which an activity is to be carried out on the site, including timing of stages and use of different parts of the site, where relevant;
 - (b) the management practices which are to be used in carrying out activities on the site;
 - (c) techniques that will be adopted to minimise any adverse effects that may arise, including hours of operation, machinery to be used, landscaping, etc.
- Factory Farming** - means:
- [Amended by Variation 9A, 2/3/04]*
- (a) the use of land or buildings for intensive production of livestock or vegetable matter which is not predominantly dependent on the fertility of soils on the site and which may involve the special housing of animals or plants or a high concentration of waste per unit area; and
 - (b) the use of land or buildings for the boarding of animals.
- Farming Activity** - means the use of land and buildings for the primary purpose of the production of vegetative matter or commercial livestock but excludes factory farming and forestry activity, and includes on-farm extraction of aggregate for the sole purpose of constructing and maintaining access within that farm.
- (Note: ‘Soil Conservation Planting’, ‘Pest Plant Control Planting’, ‘Amenity Planting’ and ‘Shelterbelt’ as defined in this section do not constitute forestry activities. They are an element of farming activities).”
- Floor Area** - means the sum of the gross floor area of all the buildings on the site measured from the exterior faces of the exterior walls or from the centre line of walls separating two buildings, but excluding those floors or parts of floors below the natural ground line and those floors or parts of floors devoted to parking functions and “Gross Floor Area” shall have a corresponding meaning.
- Formed Road Corridor** - means the carriageway and any adjoining pedestrian or cycle path(s).
- [Inserted by Plan Change 10, 18/1/11]*

- Forestry Activity** - means the use of land and buildings for the primary purpose of growing trees for timber production and includes the following component activities:
- (a) preparation of land for tree planting;
 - (b) planting a commercial crop of trees;
 - (c) tending of trees;
 - (d) harvesting of trees; and
 - (e) replanting of trees,
- but excludes the milling and processing of trees.
- Free-Standing Sign** - means a sign which is mounted on a freestanding supporting structure and not supported by any building.
- Fundamental Element** - means one of a number of components, which together comprise the basic structure of the City and help to determine its overall townscape character.
- Gross Floor Area** *[Inserted by - Plan Change 17, 2 September 2013]* - for the purposes of Rule 28.5.2 (iii) Transportation Requirements – means the sum of the gross floor area of all buildings containing Private Hospital Activities. Gross floor area shall be calculated by measuring from the exterior faces of the exterior walls, or from the centreline of the walls separating two buildings. Marinoto House, accessory buildings, and buildings, or those parts of buildings, used for parking purposes, shall be excluded from the calculation.
- Ground Disturbance**
[Deleted by Plan Change 11, 11/10/10]
- Ground Level** - means the ground level as at 1 July 2010.
[Amended by Plan Change 11, 11/10/10]
- Habitable Room** - means (in this Plan in relation to residential density, parking and amenity space requirements) any room in a residential unit that is greater than 4.5m² in floor area and capable of providing privacy for sleeping purposes. It does not include an entrance, passageway, toilet, bathroom, separate kitchen, laundry, a garage or one functional communal living area per unit. Where a room is used both as a communal living area and for sleeping purposes it shall be considered to be a habitable room for the purposes of this definition.
[Amended by Consent Order: 1/6/04]
- Hapu** - means subtribe, extended whanau.

Hard Surface

[Amended by Plan Change 10, 18/1/11]

- means a surface that withstands traffic movement without the need for frequent maintenance. Hard surfaces may be permeable or impermeable to water. Examples of hard surfaces include: laneways; permeable, pervious or porous paving; concrete; asphalt; paving stones; and chip seal. Hard surfaces do not include compacted gravel or earth/dirt tracks.

Hazardous Facility Screening Procedure (HFSP)

[Removed by Plan Change 13, 2 September 2013]

Hazardous Sub-Facility

[Inserted by Plan Change 13, 2 September 2013]

- means any hazardous facility within the Campus, Port 1 and 2, Airport and Industrial 1 zones and forestry and timber treatment activities in the Rural zone, which is separated from any other hazardous facility on the same site where –

- (i) If located external to a building, the Gazetted* or Regulated Controls* for “High Intensity Land Use” and “Low Intensity Land Use” apply, and the location is such that the “Controlled Zones” or Tabled Separation Distances of each facility do not overlap; or
- (ii) If permitted to be located inside a building by the Gazetted* or Regulated Controls*, or referenced Standards pursuant to HSNO, then each facility shall be located in a separate fire cell.

* New Zealand Gazette Notice 26 March 2004 - Issue No. 35 and Hazardous Substances (Classes 1-5 Controls) Regulations 2001 and HSNO (Classes 6, 8 and 9 Controls) Regulations 2001.

Hazardous Substance

[Amended by Plan Change 13, 2 September 2013]

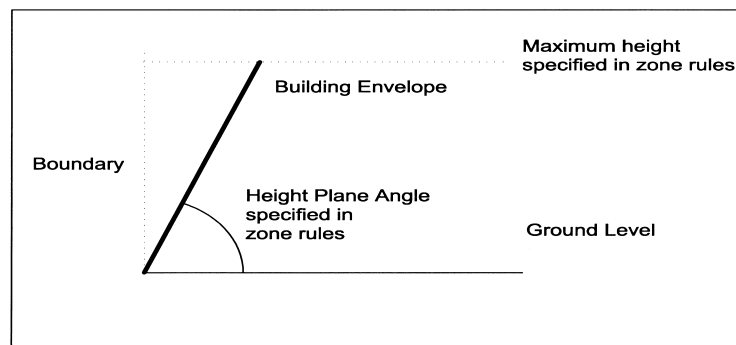
- means
 - (i) any substance, or waste generated by the use of hazardous substances, with one or more of the following intrinsic properties which meets the Hazardous Substance (Minimum Degrees of Hazard) Regulations:
 - (a) explosiveness
 - (b) flammability
 - (c) a capability to oxidise
 - (d) corrosiveness
 - (e) toxicity (including chronic toxicity)
 - (f) ecotoxicity, with or without bio-accumulation; or
 - (ii) 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 or waste, generated by the use of hazardous substances, with any one or more of the properties specified in paragraph (i) of this definition.

Hazardous Substance Location as defined by Hazardous Substance (Classes 1 to 5) Regulations 2001.
[Inserted by Plan Change 13, 2 September 2013]

Height - means the vertical distance measured from any point on the ground level to the point directly above it.

Height Plane Envelope - means an envelope created by forming a plane, originating on the boundary line at ground level, or in a manner specified in the zone rules, which inclines at an angle to the horizontal specified in the zone rules for height plane envelope and up to the maximum height specified in the zone rules. All buildings erected on site must be contained within this envelope provided that the following structures or parts thereof may protrude through this height plane envelope:

- chimneys
- television and radio aerials.
- receiving dishes not exceeding 1 m in diameter.



Heritage Protection Authority * - means:

- (a) any Minister of the Crown including:
 - (i) the Minister of Conservation acting either on his or her own motion or on the recommendation of the New Zealand Conservation Authority, a local conservation board, the New Zealand Fish and Game Council, or a Fish and Game Council; and
 - (ii) the Minister of Maori Affairs acting either on his or her own motion or on the recommendation of an iwi authority;
- (b) a local authority acting either on its own motion or on the recommendation of an iwi authority;
- (c) the New Zealand Historic Places Trust in so far as it exercises its functions under the Historic Places Act 1993;
- (d) a body corporate that is approved as a heritage protection authority under section 188 of the Act.

High Class Soils

- means soils that are capable of being used intensively to produce a wide variety of plants including horticultural crops. This requires good soil and other resource features, including land and climatic factors, soil physical factors, soil water factors and soil chemical factors that in combination are capable of producing a wide range of crops.

Hoarding

- means any land, building wall, fence, structure or erection upon or against which any advertisement, placard, sign or inscription is displayed which is used to advertise anything not sold or provided on the premises where such sign is situated, or advertises an event to take place in some other location.

Home Occupation

[Amended by Plan Change 7,
29/05/2012]

- means an occupation, craft or profession whether carried out as a commercial business or not, which:
 - (a) is carried on by a member or members of the residential unit on the site and which employs no other person, provided that within the Mixed Use Character Area of the Harbourside Zone up to three people may be employed; and
 - (b) is accessory and secondary to the residential activity on the site.

Home Stay

- means the use of a dwelling for short term living accommodation for up to five persons on a commercial fee paying basis and who share use of the dwelling with person(s) who permanently occupy the dwelling as their permanent residential address.

Indigenous

- in relation to a species of flora or fauna means a species that occurs naturally in New Zealand or arrived in New Zealand without human assistance.

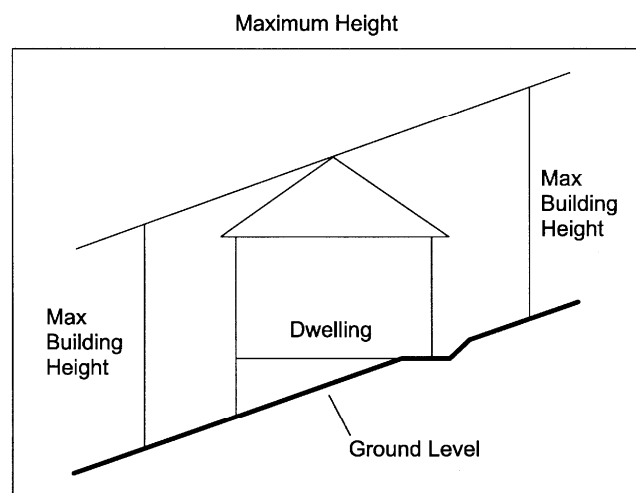
Indigenous Habitat Management Plan <i>[Inserted by Consent Order 4/5/04]</i>	- means a management plan developed in accordance with Method 16.4.5 of this District Plan. Copies of all such management plans are available at the Council offices.
Indigenous Vegetation <i>[Inserted by Consent Order 4/5/04]</i>	- means plant communities dominated by species that are native to New Zealand.
Industrial Activity	- means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storage of goods, and includes offices and staff facilities which are ancillary to the primary activity on the site.
Industrial Tourist Activity	- means the use of land and buildings for the purpose of interpretation and demonstration in association with and complementary to an industrial activity.
Infrastructure	- means those built structures necessary for operating and supplying essential utilities and services to the community including, but not limited to, telecommunications, natural or manufactured fuel, electricity, water, drainage, sewerage, road and railway lines, airports.
Intrinsic Values *	- in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including: (a) their biological and genetic diversity; and (b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.
Issue	- means a statement which identifies a matter of resource management significance to the City which requires recognition, or a matter of concern which requires attention or resolution.
Iwi	- means Tribe.
Iwi Management Plan	- means a plan which provides iwi with the vehicle to express their resource management needs and expectations, and how authorities may help achieve these needs and forming a basis on which consultation can occur.
Kai Moana	- means seafood.
Kai Tahu	- means descendants of Tahu, the tribe.
Kaitiaki	- means guardians.

Kaitiakitanga *	- means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.
Koiwi Tangata	- means unidentified Maori remains.
kV	- means kilovolts.
Landfill	- means a waste disposal site used for the controlled deposit of solid wastes onto or into the land.
Landscape	- means the cumulative effects of physical and cultural processes.
Landscape Building Platform <i>[Inserted by Consent Order 1/5/02]</i>	- means a building platform which has been identified through an assessment of landscape effects and has been registered on the title by way of consent notice.
Landscape Character	- means the nature and quality of a landscape.
Landscape Conservation Areas	- means areas which have particular impact on landscape quality due to high levels of visibility from major public viewing location or the presence of particular landscape character and values, and which are defined on the District Plan maps.
Landscape Elements	- means individual objects or items within a landscape.
Landscape Management Area	- means an identified management area which is defined in terms of its particular landscape character.
Landscaping	- means the treatment given to an area of land required by this plan to be landscaped.
Laneways <i>[Inserted by Plan Change 10, 18/1/11]</i>	- means two strips of permanent material, such as concrete or asphalt, for driving on.
Large Scale Retail Activity	- means retail outlets that have a minimum gross retail floor area of 1,500 m ² devoted to selling directly to the public, where the goods are on display, excluding offices, storerooms, preparation areas, toilet and staff facilities, service and delivery areas and which are operated as a single retail unit within a single building; and excluding individual shops, food courts or other pedestrian mall areas containing smaller retail sales areas or shops.

- Ldn**
[Amended by C41/2004, 6/4/04]
- means the “Day-Night Average Sound Level” as defined in NZS 6801:1999 and is the night-weighted sound exposure level in A-frequency weighted decibels.
- Licensed Premises**
- means any land or buildings licensed under the Sale of Liquor Act 1989.
- Limited Access Road**
[Inserted by Plan Change 10, 18/1/11]
- means any road declared to be a Limited Access Road under section 88 of the Government Rounding Powers Act 1989, section 346A of the Local Government Act 1974, or the corresponding provision of any former enactment.
- Line**
- means a wire or wires or a conductor of any other kind including a cable or fibre optic cable used or intended to be used for telecommunication, the conveyance of electricity, the transmission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any receiver, and 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.
- Lmax**
- means the maximum A-frequency weighted sound level (dBA L max) during a stated time period. See NZS 6801:1991 clause 2.1 definition of maximum sound level.
- Local Road**
[Inserted by Plan Change 10, 18/1/11]
- means a road whose main purpose is to provide access to adjoining properties.
- Lux**
- means a measure of light falling onto a surface, expressed as 1 lumen per square metre.
- L10**
- means the L10 exceedance level, in A-frequency weighted decibels, which is equalled or exceeded in 10 percent of the total measurement time. See NZS 6801:1991 clause 2.2 definition of exceedance level.
- Maataitai ***
- means food resources from the sea.
- Mahika Kai**
- means places where food is procured or produced.
- Mahinga Mataitai**
- means places where sea food has been traditionally gathered.
- Maimai**
- means a temporary structure used as a hide for the purpose of sighting and shooting wild game.

- Maintenance** - means carrying out any work to preserve an existing structure in such a way that the scale or nature of the structure is not altered, but does not include upgrading.
- Maintenance of Tracks** - means the grading of, and/or the placement of metal or other surfacing material on, existing tracks, including vehicle, cycle, horse-riding and walking tracks. Does not include excavation to widen existing tracks or to cut additional tracks.
[Inserted by Plan Change 11, 11/10/10]
- Mana** - means authority or influence or prestige.
- Manawhenua** - means an iwi or hapu who exercise customary authority in an identified area.
- Maori Land** - has the meaning “Maori Freehold Land” as defined in Te Ture Whenua Maori Act 1993.

- Marae** - means a courtyard or meeting place of the Tangata whenua.
- Marae Related Activities** - means the complex including meeting house, dining hall, educational facilities and ablution facilities associated with the marae.
- Masts** - means any mast, pole, tower or similar structure designed to carry aerials or antenna dishes or otherwise to facilitate radio communication or telecommunication.
- Mauri** - means life force.
- Maximum Height** - means the highest height at any point of a structure excluding: chimneys, ventilation shafts and equipment, spires, skylights, aerials, flag poles, lightning rods, masts and purely decorative features not exceeding 1 m² in area and not extending greater than 2 m above the maximum height for the zone.



- Mean High Water Springs** - means the average line of spring high tide.
- Mechanical Ventilation**
[Inserted by C41/2004, 6/4/04] - means either:
 (i) A mechanical system or mechanical ventilation systems capable of:
 - providing at least 15 air changes of outdoor air per hour in the principal living room of each building and 5 air changes of outdoor air per hour in the other habitable rooms of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable rooms that need to be ajar to provide air relief paths;

- enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (± 0.1) of outdoor air per hour in all habitable rooms;
- limiting internal air pressure to not more than 30 Pascals above the ambient air pressure;
- being individually switched on and off by the building occupants, in the case of each system; and
- creating no more than L_{eq} 40 dBA in the principal living room, no more than L_{eq} 30 dBA in the other habitable rooms and no more than L_{eq} 40 dBA in the hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

or:

(ii) Air conditioning plus mechanical outdoor air ventilation capable of:

- providing internal temperatures in habitable rooms not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmosphere Research (“NIWA”) (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the habitable rooms closed;
- providing 0.5 air changes (± 0.1) of outdoor air per hour in all habitable rooms;
- each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and
- creating no more than L_{eq} 40 dBA in the principal living room, no more than L_{eq} 30 dBA in the other habitable rooms, and no more than L_{eq} 40 dBA in the hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

and

- a mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

Medical Facility (for the - means any Medical Centre, Dental Clinic, Rest Home, Hospital, purpose of Table 17.1 only) Surgery, and Veterinarian Clinic.

[Inserted by Plan Change 13, 2
September 2013]

Meteorological Facilities - means facilities and installations or equipment to measure, collect and distribute meteorological information.

Method of Implementation - means a specific means of action that can be taken to achieve the objectives and policies of the District Plan.

- Mineral 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.
- Mineral Prospecting** - means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes geological, geochemical and geophysical surveys, the taking of samples by hand or hand-held equipment and aerial surveys.
- Mining Activity** - means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation and associated processing of minerals and excludes on-farm extraction of aggregate for the sole purpose of constructing and maintaining access within that farm.
- Multi-Level Dwellings**
[Inserted by Plan Change 4, 3/03/08] - means residential units which share a substantial length of common wall and comprise 2 or more floor levels, or residential units which possess a floor / ceiling boundary (i.e. one residential unit is on top of another).
- Mural** - means an area of a wall painted, or otherwise permanently decorated as a pictorial work of art, not including product names or logos.
- Natural and Physical Resources*** - includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.
- Natural Environment** - means fauna, flora, soil, and water and other aspects of the environment that have developed through natural processes.
- Natural Hazard *** - means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.
- Navigational Aids** - means any permanent or temporary structure constructed and operated for the purpose of facilitating navigation by aircraft or shipping.

Night Time	- means the period between the hours of 9.00 pm on any night and 7.00 am the following day and includes 24 hours on Sundays and statutory holidays.
Noise *	- includes vibration.
Noise Affected Property (plural is “Noise Affected Properties”) <i>[Inserted by C41/2004, 6/4/04]</i>	- means a property used for residential purposes situated in the Residential 1 zone at Port Chalmers (including Careys Bay) and shown on the Port Noise Contour Map as receiving levels of Port Noise at or above 55dBA L _{dn} but excludes: - properties that have received Acoustic Treatment in accordance with Rule 21.5.2 and Appendix 21.B and are receiving Port Noise at or below the Certified Level of Port Noise.
Noise Areas	- means areas delineated on District Plan Maps 62 to 70 to which Rules 21.5.1 and 21.5.2 apply.
Non-Complying Activity *	- means an activity which: (a) is provided for, as a non-complying activity, by a rule in a plan or proposed plan; or (b) contravenes a rule in a plan or proposed plan – and is allowed only if a resource consent is obtained in respect of the activity.
Non-Tracked Hazardous Substances <i>[Inserted by Plan Change 13, 2 September 2013]</i>	- as defined by Hazardous Substances (Tracking) Regulations 2001.
Notional Boundary	- means the line 50 m from the facade of any dwelling, except that, if the dwelling is located closer than 50 m to the site boundary the notional boundary is the site boundary.
Objective	- means a statement identifying an end position the Council seeks to achieve.
Organised Motorised Recreational Activities <i>[Inserted by Variation 9A, 2/3/04]</i>	- means the organised use of land for motorised sports or recreation involving motor vehicles.
Outdoor Service Area <i>[Inserted by Variation 12: 7/5/03]</i>	- means an unobstructed area specifically provided on a site for the storage of rubbish (including recyclable materials) or the provision of other facilities such as clotheslines.
Outstanding Landscape	- means a landscape assessed as being of such high quality as to be of national or regional importance.
Outstanding Landscape Areas	- means landscapes of strongly defined character and dramatic scenery, which are defined on the District Plan maps.

Pa	- means village or fortified village.
Papakaika	- means settlement.
Papakaika Housing	- means residential units on Maori land held in multiple ownership under the jurisdiction of the Maori Land Court.
Passenger Transport	- means <ul style="list-style-type: none"> (a) any passenger service within the meaning of section 2(1) of the Transport Services Licensing Act 1989; and (b) any harbour ferry service, passenger rail service, cable car, hovercraft, monorail, tramway, or other form of public transport (other than air transport) that is available to the public generally.
Pastoral Intensification	- means activities which have the effect of increasing the productivity of an established pastoral farming system through human intervention, including oversowing, topdressing, raising stocking rates above existing levels, changing stock types, burning vegetation cover, drainage or reclamation.
Permitted Activity *	- means an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in section 108 or 220) specified in the plan.
Pest Plant Control Planting	- means the planting of trees for the primary purpose of suppressing growth of pest plants.
Police Station	- means the use of land and buildings to carry out the full range of Police activities, including administrative functions, interviewing witnesses, victims and suspects, operation of a public counter, base for foot and car patrols, arms and baton training, processing and retention of prisoners, Criminal Investigation Branch activities, dog handling, vehicle maintenance and recruiting.
Policy	- means a statement outlining the Council's position in relation to a matter. It can take two forms: <ul style="list-style-type: none"> (i) a Policy of Principle - identifying matters that the Council will seek to achieve in the administration of the District Plan. (ii) a Policy of Process - specifying actions that will be taken.
Port Activities	- means the loading or unloading of ships for export or import purposes, including storage facilities and other related activities for the operation of the port area.

Port Noise*[Inserted by C41/2004, 6/4/04]*

- means:
 - (a) Noise generated within the Port 1 Zone; and
 - (b) Noise emanating from ships at berth in the coastal marine area; and
 - (c) Noise associated with the handling of cargo whether in the Port 1 Zone or the coastal marine area, and includes:
 - (d) Noise from trains, trucks, machinery whether in the Port 1 zone or the coastal marine area; and
 - (e) Noise from administrative, repair, storage and maintenance activities;
 - but excludes,
 - (f) Noise from ships not at berth;
 - (g) Noise associated with construction of permanent port facilities; and
 - (h) Noise from an emergency situation.

Port Noise Boundary

- means the line shown on District Plan Maps 65 and 70 and referred to in Rule 21.5.2.

Port Noise Contour Map*[Inserted by C41/2004, 6/4/04]*

- means a noise contour map showing Port Noise L_{dn} (5 day) levels based on a current busy 5 day operating scenario to provide for the identification of Noise Affected Properties.

Port Operator*[Inserted by C41/2004, 6/4/04]*

- means Port Otago Limited or its successor in title as owner of the land in the Port 1 Zone.

Port Outer Control Boundary

- means the line shown on District Plan Maps 65 and 70 and referred to in Rules 8.7.2(xi) and 9.7.2(ix).

Potentially Contaminated Site*[Inserted by Plan Change 7, 29/05/2012]*

- means a site that is currently used, or has been previously used, by land uses that are identified in Schedule A: Hazardous Activities and Industries List (HAIL) of the Ministry for the Environment Contaminated Land Management Guidelines (January 2004).

Precinct

- means an identified area, defined on a District Plan Map, within which the combination of the buildings and the spaces defined by them has a resultant character or appearance which allows the area to be recognised as an entity or place, and to a lesser or greater degree has qualities which suggest visual unity between its various parts.

Primary Produce

- means agricultural, pastoral, horticultural and forestry products.

Primary Production

- means the unprocessed product of any form of farming, including forestry, aquaculture, viticulture, horticulture and the collection or harvesting of wildlife.

- Private Hospital Activity** - means land and buildings and their use within the Major Facilities (Mercy Hospital) zone for the primary purpose of providing for the health of the community, and includes:
- [Inserted by Plan Change 17, 2 September 2013]*
- medical assessment, treatment, rehabilitation and care services for patients;
 - dispensaries;
 - out-patient departments and clinics;
 - aged care excluding independent living facilities;
 - residential activities (excluding home occupation);
 - closely associated, non-medical, support activities such as:
 - community support activities (including educational and chapel activities);
 - administration services, laundries, kitchens, cafeterias, gift shops, refreshment facilities, generators, storage facilities, workshops, staff rooms, ancillary infrastructure, accessory buildings, and carparking.
- Private Road *** - means any roadway, place, or arcade laid out (or formed) within a district on private land, 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. A Private Way includes a Right of Way, Access Allotment, Common Land, and Common Property.
- Production Land *** - means:
- (a) any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products).
 - (b) does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals, and “production” has a corresponding meaning.
- Prohibited Activity *** - means an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by section 105(2)(b) of the Historic Places Act 1993.
- Public Open Space** - means space between buildings which is open or accessible to the public and is maintained at the expense of the community.
- Public Work *** - has the same meaning as in the Public Works Act 1981, and

includes any existing or proposed public reserve within the meaning of the Reserves Act 1977 and any national park purposes under the National Parks Act 1980.

- Radiocommunication** - means any transmission, emission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by electromagnetic waves or frequencies between 9 kilohertz and 3000 gigahertz, propagated in space without artificial guide.
- Rangatiratanga** - means chieftainship or authority.
- Recreational Activity** - means the use of land for recreation purposes.
- Regional Roads** - means roads which serve as links of strategic importance between regions or within regions and between districts.
- Relocatable** - means any building which is able to be moved off-site in its entirety, either whole or in parts, and which, following relocation, is suitable for that purpose for which it was being used immediately prior to relocation.
- Requiring Authority *** - means:
 (a) a Minister of the Crown; or
 (b) a local authority; or
 (c) a network utility operator approved as a requiring authority under section 167 of the Act.
- Residential Activity**
[Amended by Variation 6: 18/10/00] - means the use of land and buildings by a residential unit for the purpose of permanent living accommodation and includes rest homes, emergency housing, refuge centres, halfway houses, retirement villages and papakaika housing if these are in the form of residential units.
 Residential Activity also includes
 (a) home occupation;
 (b) childcare facility for up to and including 5 children;
 (c) home stay or boarding house for up to and including 5 guests
 - provided that these are secondary to the permanent living accommodation.
- Residential Character** - means the features present in residential neighbourhoods which create a pleasant and harmonious residential atmosphere, including residential activities, buildings, families, domestic animals, landscaping, and local streets.
- Residential Unit**
[Amended by Variation 6: 18/10/00] - means a building or part of a building which is self contained at least in respect of sleeping, cooking, dining, bathing and toilet facilities, where one or more persons live together whether related or not, but excludes units where staff provide for more than 18 residents. Staff living on the site are not included in this limit.

- Resource Consent *** - has the meaning set out in Section 87 of the Act; and includes all conditions to which the consent is subject.
- Restaurant Activity**
[Inserted by Plan Change 1:18/7/05] - means the use of land and buildings where food is prepared and sold to the public primarily for consumption on the premises and may include incidental sale of liquor and drinks. Cafes, tearooms and coffee bars are included. Part of the trade of the premises may be derived from the sale of food for consumption off the premises.
- Retail Activity** - means the direct sale or hire of goods to the public from any site, showroom, building or part of a building.
- Retaining Wall Supporting a Cut** - means a retaining wall that supports a cut. May include: a wall whose sole purpose is to support a cut; or a wall that has drainage aggregate backfill placed behind it to aid drainage; and/or a wall that has other backfill placed behind it to fill gaps, provided that the main purpose of the wall is to support a cut.
[Inserted by Plan Change 11, 11/10/10]
- Retaining Wall Supporting Fill** - means a retaining wall that supports fill. May include a wall whose sole purpose is to support fill, or a wall supporting both fill and a cut, where the main purpose of the wall is to support fill.
[Inserted by Plan Change 11, 11/10/10]
- Right of Way** - means an easement of vehicular right of way as defined in section 126 of the Property Law Act 1952.
- Road *** - means the whole of any land which is within a district, and which:
[Amended by Plan Change 10, 18/1/11]
- a. Was a road or street or public highway prior to 1 April 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 1 April 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 or street pursuant to any other enactment;
- Road includes:
- a. Any access way or service lane which: was under the control of any council prior to 1 April 1979; or was laid out or constructed by or vested in any council as an access way or service lane after 1 April 1979; or was declared by the Minister of Works and Development as an access way or service lane after 1 April 1979; or was declared by the Minister of Lands as an access way or service lane on or after 1 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 or the Government Roadway Powers Act 1989.

- Road Reserve**
[Inserted by Plan Change 10, 18/1/11]
- means an area of land held by the Council or the Crown, with the express purpose of being used for, or having the potential to be used for, roading or access purposes.
- Road Sign**
[Inserted by Plan Change 10, 18/1/11]
- means any sign required for one of the following purposes:
 - a) 'regulatory' (including speed limit and parking signs), that is, it instructs road users by requiring or prohibiting specified actions in using a road;
 - b) 'warning', that is, it informs road users of hazards or of other features requiring a safe response on or near a road;
 - c) 'advisory', that is, it provides road users with information or guidance (including information about destinations, routes, amenities, distances, street name signs and place names).
- Runanga**
- means local representative groups or community system of organisation of the Tangata Whenua.
- Rural Processing Activity**
[Inserted by Consent Order 18/02/05]
- means the use of land and buildings (including offices and staff facilities) for the purpose of the subsequent processing of animals or plants or the produce of animals or plants grown on the site.
- Rural Retail Sales Activity**
- means the use of land and buildings for the sale of produce, direct to the public, from the property on which it was grown or handicrafts and other goods produced as a result of a home occupation operation on the same site.
- Rural Tourist Activity**
- means the use of land and buildings for the purpose of attracting visitors, provided that the activity is complementary to a permitted activity of the Rural Zone or a natural feature of the rural area.
- Service Activity**
- means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods, the hire of commercial and industrial equipment and machinery, and includes offices and staff facilities which are accessory to the primary activity on the site.
- Service Station**
- means the use of land and buildings where the dominant activity is the retail sale of motor vehicle fuels and may also include any one or more of the following:
 - the sale of tyres, batteries, kerosene and other accessories normally associated with motor vehicles, including the hire of trailers, and
 - the mechanical repair and servicing of motor vehicles, including boats, and
 - car wash facilities, and
 - the sale of other merchandisewhere this is ancillary to the dominant activity on the site.

Shelterbelt	- means a stand of trees of not greater than three trees in depth, which have been planted to achieve the principal purpose of protection of land, crops, livestock or buildings from the effects of wind.
Shelter Planting	- means trees over 2 m in height at maturity, planted primarily for shelter purposes.
Shoulder Period	- means the period between 7.00 am and 8.00 am and 6.00 pm and 9.00 pm, Monday to Friday, and 6.00 pm and 9.00 pm Saturday.
Sign	- means any name, figure, image, character, outline, spectacle, display, delineation, announcement, poster, handbill, advertising device or appliance, or any other things of a similar advertising nature, intended principally to attract attention, whether it is placed on or affixed to any land or building, or incorporated within the design of any building whether by painting or otherwise which is visible from a public space, and includes a building painted as a sign (see separate definition of “Building Painted as a Sign”).
Sign Area	- means the entire area within a notional perimeter enclosing the extreme limits of lettering, framework, emblem or logo, together with any material or colour forming an integral part of the sign or used to differentiate such a sign from the background against which it is placed.
Significant Public Open Space	- means public open space which is of particular importance to the community in terms of its size, location, civic function and historical associations.
Significant Wildlife	- means those indigenous species that are endangered or rare, of local, regional, or national importance, significant or unique to Dunedin or New Zealand, or important to Manawhenua.
Site	<p>- means an area of land held in one Certificate of Title, which may be sold or otherwise disposed of separately without reference to the Council, provided that a site may contain one or more Certificates of Title where a restriction has been registered on the Title preventing sale or lease of any parcel.</p> <p>Front Site - means a site which has a width of at least 10 m measured at the road frontage, provided that where a site has diverging boundaries, the road frontage will be measured 9 m back from and parallel to the frontage, provided further that any part of the site used for rights of way easements, access allotments, or any access to another site is excluded from the calculation of the road frontage.</p> <p>Rear Site - means a site which generally lies to the rear of another site and is accessed by way of:</p> <p>(a) a strip of land; or</p> <p>(b) a right of way or rights of way; or</p>

(c) an access allotment;

and includes those sites which do not meet the requirements for a front site.

Corner Site - means a front site which has two or more contiguous road frontages and the internal angle between the two frontages is not greater than 135°.

Through Site – means a front site which has two non contiguous road frontages each greater than 10 m in width.

Site Coverage

[Amended by Variation 6: 18/10/00]

- means the percentage of a site covered by buildings when viewed in plan. Overhangs or eaves of up to 600 mm in width that are at least 2.5 m above the ground, driveways, paths, paved areas, structures under 2.5 m² in area, fences and retaining walls are excluded from site coverage. Land set aside to provide access to another site or residential unit shall be excluded from the site area when calculating site coverage.

**Site Management and Emergency -
Response Plans**

means documents which provide information on measures to avoid, remedy or mitigate adverse effects that may arise during the operation, or in the event of failure, of facilities producing, storing, using or transporting hazardous substances.

Soil Conservation Planting

- means the planting of trees for the primary purpose of minimising erosion of land.

Special Allotment

- means an allotment created for the purpose of an access allotment, infrastructure of a network utility, recreation reserve or road reserve.

Strategic Roads

- means all State Highways and motorways which form part of a network of roads of national strategic importance.

Street Frontage

- means any boundary of a site that directly adjoins a road or public place.

Street Furniture

[Inserted by Plan Change 10, 18/1/11]

- means any structure that is necessary to the functioning of the road or that caters to the needs of road users, and includes but is not limited to structures such as bus shelters, taxi shelters, information fixtures for bus passengers, cycle parking facilities, litter bins, drinking fountains, public seating and public art. Street furniture does not include public toilets.

Structure *

- means any building, equipment, device, or other facility made by people which is fixed to land; and includes any raft.

Submission *

- means a written submission and, in relation to the preparation or change of a policy statement or plan, includes any submission made under clause 8 of the First Schedule of the Act in support of or in opposition to an original submission.

Taiapure	- means a local fishery declared under the Maori Fisheries Act 1989, Part IIIA.
Tandem Parking <i>[Inserted by Plan Change 10, 18/1/11]</i>	- means the arrangement of two parking spaces such that it is necessary to pass through one space to gain vehicular access to the other.
Tangata Whenua *	- in relation to a particular area, means the iwi, or hapu, that holds Manawhenua over that area.
Taoka	- means treasure.
Technological Hazard	- means any hazard which is caused directly or indirectly by human activities or emanates from a human-made source.
Telecommunication	- means the conveyance from one device to another of any sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not.
Temporary Sign	- means a sign which is displayed for only a period of time before being physically removed, excluding a changing display mounted on a permanent sign panel.
Territorial Local Authority	- means a city council, a district council, but not a regional council.
Texture	- means the overall surface effect of landscape elements, including smooth pastures, rugged outcrops, and rolling bush clad hills.
Tor	- means irregular masses of rock perched on hilltops, plateau edges or valley side-slopes.
Tourist and Entertainment Activity <i>[Inserted by Plan Change 7, 29/05/2012]</i>	- in the Harbourside Zone means the use of land and buildings for recreation and entertainment, including museums, theatres, art galleries, cinemas, events, ferry terminal building, visitor information centres, interpretation centres and conference facilities, including ancillary services such as booking offices and changing rooms.
Tracked Hazardous Substances <i>[Inserted by Plan Change 13, 2 September 2013]</i>	- as defined by Hazardous Substances (Tracking) Regulations 2001.
Transit Depot <i>[Inserted by Plan Change 13, 2 September 2013]</i>	- as defined by Hazardous Substances (Classes 1 to 5) Regulations 2001.
Treaty of Waitangi (Te Tiriti o Waitangi) *	- has the same meaning as the word “Treaty” as defined in section 2 of the Treaty of Waitangi Act 1975.

Unit *	- has the same meaning as in section 2 of the Unit Titles Act 1972, and includes a future development unit as defined in section 2 of the Unit Titles Amendment Act 1979.
	-
Upgrading	- means changing or altering a structure so that the effects resulting from the structure are of a different scale or nature from those existing before the changes or alterations were made, excluding maintenance.
Urban/Rural Fence	- means a boundary between the Urban Zones and the Rural Zones.
Urban Landscape Conservation Areas	- means those areas addressed in the Townscape Section and identified on the District Plan Maps which provide a landscape setting for the urban areas.
Urban Service Infrastructure	- means infrastructure constructed for the purpose of servicing urban land, including roads, and reticulated water supply and foul and stormwater drainage systems.
Urban Zones	- means the Residential, Industry, Port, Campus and Activity Zones.
Urupa	- means a Maori burial site.
Utilities	- means the systems, services and networks associated with: <ul style="list-style-type: none"> • the supply of electricity; • community water supply and drainage; • the transmission and distribution of natural or manufactured gas; • telecommunications and radiocommunications; • navigational aids; • meteorological facilities; • river flow recording facilities.
Vegetation	- means trees, shrubs, plants or grasses, excluding pest plants.
Vegetation Clearance Modification	or - means any activity which has the effect of the destruction, alteration or loss of essential character, community structure or ecological functioning of the vegetation, and includes cutting, overplanting, crushing, uprooting, removal, oversowing and topdressing.
Vehicle Access [Amended by Plan Change 10, 18/1/11]	- means that area of land over which a site or lot obtains vehicular access to and/or from a road, and includes the vehicle crossing. In addition to the vehicle crossing, the vehicle access may also include an access leg, a private way, common land as defined on a cross-lease or company-lease, or common property as defined in section 2 of the Unit Titles Act 1972.

Vehicle Crossing*[Inserted by Plan Change 10, 18/1/11]*

- means that area of land between the carriageway and the portion of the site boundary across which vehicle entry and/or exit to and/or from the site is obtained. Includes any culvert, bridge or kerbing. Vehicle crossings are controlled by the Council's vehicle entrance specifications and the Local Government Act 1974 as well as by rules in the District Plan. Vehicle crossings may form part of a vehicle access.

Volume of Excavation and Fill*[Inserted by Plan Change 11, 11/10/10]*

- means
 - (a) the volume of any material excavated from the site, plus the volume of any material sourced outside the site that is deposited as fill within the site. Material excavated from within a site and then deposited as fill within the same site shall only be counted once. For example, 60m³ of material excavated from a site and placed elsewhere within the same site = 60m³ volume in total, not 120m³.
 - and
 - (b) the volume as measured in place, i.e. the volume of material excavated from the site shall be measured as the solid volume in the ground prior to excavation, and the volume of fill material sourced from outside the site shall be measured as the volume in place after compaction.

Waahi Taoka

- means sites, places or objects that are highly prized by the Tangata whenua.

Waahi Tapu

- means places sacred to the Tangata whenua.

Warehouse

- means any building or part of a building or land where materials, articles or goods are stored pending sale or use elsewhere and includes only those offices which are necessary for, or incidental to, and form part of the principal use as a warehouse.

Water Body *

- means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

WERI

- means the "Wetlands of Ecological and Representative Importance" inventory. The WERI assessment criteria and wetlands inventory were established by the former Biological Resources Centre. The Department of Conservation now maintains the WERI inventory.

Wetland*[Amended by Consent Order 4/5/04]*

- 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. Vegetation is dominated by plants such as sedges (Cyperaceae), rushes (Juncaeeae), restionads (Restionaceae), raupo (*Typha orientalis*), flax (*Phorium tenax*), Sphagnum moss species or other wetland herbs, which emerge from permanent standing water or occupy permanently saturated soil: including riparian and littoral vegetation.

For the purpose of this definition, wetland does not include the following:

- Land sown with exotic grasses containing sparsely distributed wetland plants
- Oxidation ponds
- Constructed wetlands used for wastewater or stormwater treatment
- Constructed farm dams and detention dams
- Land Drainage canals
- Farm drains and irrigation canals
- Constructed reservoirs

Whakapapa

- means genealogy or family tree.

Whanau

- means family.

Whitebait Stand

- means a temporary structure used in conjunction with catching whitebait.

Wilding Trees

means self sown exotic trees usually occurring in remote areas and whose source of seed is from shelter trees or shelter belts, landscape, or commercial or private woodlots.

Yard

- means that part of a site that adjoins a property boundary and is unoccupied and unobstructed by buildings above ground level other than a fence or retaining wall, except as otherwise provided by rules of this Plan, parallel to each boundary of the site concerned and the dimension specified in this Plan is the minimum dimension.
Front Yard means a yard adjoining any road boundary of the site.
Other Yard means any yard other than a front yard.