

## CHAPTER 2: MEANINGS OF WORDS

### 2.1 INTRODUCTION

This chapter defines the words used in this Plan. Words and meanings defined in the Resource Management Act are adopted and are repeated in Section 2.2 in *italics type*, for the convenience of the reader. The words shown in **bold type** in Section 2.2 have the special meanings indicated throughout this Plan, unless the context requires otherwise.

Cross-references are not exhaustive, but are included occasionally for the assistance of readers.

Headings and subheadings of Plan provisions do not affect the interpretation of the Plan.

Singular expressions include the plural, and plural expressions include the singular.

### 2.2 DEFINED WORDS

**10-year drought** – means a drought where low rainfall, river flows or soil moisture conditions (depending on which of these bases is chosen for calculation) can be expected to occur on average once every 10 years; in any year there is a 10 percent probability that a 10-year drought may occur.

#### A

**Abrasive blasting** – means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air, steam, or water, or by a wheel, but does not include grinding by hand-operated machinery.

**Abrasive blasting enclosure** – means an enclosure into which people enter to carry out abrasive blasting. It is constructed in such a manner that dust is not emitted into the atmosphere, it is ventilated by a powered extraction system and is fitted with appropriate dust control equipment.

**Access** – means a practical permanent vehicular and pedestrian access from a formed road to a site over either:

- (a) land that is included within the site; or
- (b) other land pursuant to an easement of right-of-way running with the land and appurtenant to the site.

*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).

**Accessway** – means a corridor with a path for mobility scooters, pedestrians and cyclists linking between road to road or road to public places.

C69 6/19  
Op 6/20

**Accessory building** – means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleepout, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure.

**Act** – means the Resource Management Act 1991.

**Additive species** – means species for which material is added to the water column, or directly to stock, including feed.

RCP  
Op 10/11

**Adjoining land** – includes land that is separated from any other land only by a title boundary, road, drain, water race, river, or stream.

**Aerial** – means an antenna or similar communication device formed by a rod, wire, dish or other structure by which radio, telephone or electromagnetic signals are transmitted, received or broadcast from. It includes any support structure and guy wires. An aerial may include a single mast or pole supporting several antennae. Where the wire or other antenna is supported between two or more poles, each pole is considered to be an aerial.

**Aerial display** – means any display of advertising material on or attached to a balloon, blimp or similar device that is tethered to the ground but otherwise free to move, and includes searchlights and laser light displays.

**Affiliated to** - in relation to the Waimea Community Dam, means the exercise of a permit to take and use water is linked to the release of a sufficient quantity of water from the Waimea Community Dam and is demonstrated by the provision by the holder of the permit of either:

C54 9/15  
Op 9/16

(a) a water supply agreement;

or

(b) any other agreement such that the requirements of an applicable water permit held by the person to take and use water can be satisfied with respect to releases of water from the Dam;

and **affiliated permit** and **affiliation** have corresponding meanings.

**All weather standard** – in relation to any road, means construction of the carriageway by excavation to a sound subgrade, backfilling and compaction to an adequate drainage gradient with graded aggregate, resulting in a carriageway that is usable by motor vehicles under all weather conditions.

**Allocation limit** – means the maximum quantity that is able to be allocated in water permits and abstracted during November to April, expressed in litres per second and calculated as the sum of weekly maximum water permit allocations for a river, aquifer or management zone. For the Moutere Groundwater zones, allocation limits based on annual recharge of the aquifers are also the maximum quantity that is able to be allocated in water permits and abstracted during each year, expressed in cubic metres per year, and is calculated as the sum of maximum water permit allocations for each groundwater zone. Both limits must be complied with.

C12 7/08  
Op 8/14

**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 this 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 I of the Companies Amendment Act 1964; or

(c) any unit on a unit plan; or

(d) any parcel of land not subject to the Land Transfer Act 1952.

The balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

**Ambient air quality** – means the air outside buildings or structures and does not refer to indoor air, to air in the workplace, or air that is enclosed or sheltered in a way that makes it untypical of the air in the surrounding area.

**Amenity planting** – means plants ranging from grass to trees, in an area of ground that is set aside and maintained to nurture those plants. The area may include ornamental features, and may be less than the full extent of tree canopy, drip line, or root spread.

C10 10/07  
Op 4/13

*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.

**Animated sign** – means a sign that moves, has a message that moves, gives the effect of a moving display or has a moving attachment aimed at drawing attention to the sign, but does not include small, loosely attached discs which give a rippling effect when moved by the wind.

**Annual Exceedance Probability or AEP** - means the probability that an occurrence or event, including any natural hazard, that is greater than a given size, happens within a period of a year.

C66 10/17  
Op 12/18

**Appleby Gravel Zone** - means the surface waters and groundwater in alluvial gravels comprising the Appleby Gravel Unconfined Aquifer at depths up to 15 metres within the area shown on the planning maps as Appleby Gravel Zone and subject to all applicable rules.

C45 4/13  
Op 9/15

**Appropriately competent person** - in relation to any specification of a professional or technical area of competence for a person, means that by virtue of the combination of professional or technical qualifications and experience held, the person has a level of competence recognized by Council under an independently audited process, to be sufficient for the purpose specified.

C21 8/10  
Op 1/15

**Aquaculture** – means any:

- (a) physical modification or disturbance of the foreshore or seabed; or
- (b) placement of any structure in, on, or over foreshore or seabed, or in the water column; or
- (c) occupation of foreshore, seabed, water column, or water surface; or
- (d) introduction or planting of any exotic plant;

for any of the activities of enhancement, breeding, hatching, cultivating, rearing, or ongrowing of fish, shellfish, aquatic life or seaweed for harvest; where the purpose of that activity is marine farming or the catching or holding of spat; and whether the activity is investigative, experimental, or commercial in nature.

RCP  
Op 10/11

**Aquaculture activities** – means marine farming or spat catching or both.

**Aquaculture Exclusion Area** – means all parts of the coastal marine area of the District except:

- (a) the following subzones within the Aquaculture Management Areas (AMAs) shown on the planning maps:

- AMA 1: subzones (a) – (d);
- AMA 2: subzones (a) – (q);
- AMA 3: subzones (a) – (l); and

- (b) the Wainui Bay mussel farming sites as shown on the planning maps.

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Op 10/11  
C61 3/16  
Op 12/19

**Aquaculture Management Area (AMA)** – means that area shown on the planning maps and identified as an Aquaculture Management Area, and subject to all applicable rules of this Plan.

RCP  
Op 10/11

**Aquifer** – means an underground water-bearing formation, yielding economic quantities of water.

**Aquifer Contamination Risk Area** – means that area where there is:

- (a) alluvium (i.e. sand and gravel material transported and deposited by a river) deposited during the Quaternary Period on river terraces and floodplains; or
- (b) coastal sands or gravels deposited during the Quaternary Period through coastal processes; or
- (c) karst terrain;

and where underlying groundwater is unconfined or connected to an aquifer, a surface water body or coastal water.

**Archaeological site** – means any place in New Zealand that:

C16 9/09  
Op 8/12

- (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.

**Artificial shelter** – means a structure used to protect crops or enhance growth, including shade cloth and greenhouses.

C60 1/16  
Op 5/19

**Artificial watercourse** - means a constructed watercourse that contains no natural portion from its confluence with a river or stream to its headwaters and includes any:

C17 2/10  
Op 4/13

- (a) irrigation canal;
- (b) water supply race;
- (c) canal for the supply of water for electricity power generation;
- (d) roadside drain (or water table or culvert) that is constructed alongside or under roads used by vehicles and has as its primary function the drainage of surface water from the road;
- (e) farm drainage canal.

## B

**Base quantity (B)** – means the amount (mass in tonnes or cubic metres measured at 101.3 kilopascals and 20 degrees Centigrade for compressed gases) of any hazardous substance that has been assessed as generating no significant off-site effects on a notional heavy industrial site before site and substance specific consideration have been taken into account.

**Bed** – means:

- (a) *In relation to any river:*
  - (i) *for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks;*
  - (ii) *in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and*
- (b) *In relation to any lake, except a lake controlled by artificial means:*
  - (i) *for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin;*
  - (ii) *in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and*
- (c) *In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and*
- (d) *In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.*

**Benefits and costs** – includes benefits and costs of any kind, whether monetary or non-monetary.

**Berm land** – means land located between the bank of a river and a stopbank on the same side of the river, and includes the land between the western Peach Island stopbank and West Bank Road.

**Best practicable option** – in relation to a discharge of contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to: (a) *the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*

(b) *the financial implications, and the effects on the environment, of that option when compared with other options; and*

(c) *the current state of technical knowledge and the likelihood that the option can be successfully applied.*

**Biological corridor** – means a natural area that serves as a conduit for the movement of indigenous plants and animals, between two or more natural areas.

**Blading** – means any method of land disturbance over a more or less continuous area undertaken by the use of a blade mounted on a tractor or bulldozer.

**Boat** – refer to definition of ‘Ship’.

**Bona fide use** only applies to water permits that have been exercised in the five years prior to permit expiry. The *bona fide* quantity of water that will be granted to an applicant for a water permit must reflect actual and reasonable past use and:

C54 9/15  
Op 9/16

(a) Except as provided in (d), the bona fide use quantity will be determined by data provided through water meter returns, taking into account any reduction in use caused by water rationing requirements imposed by the Council;

C45 4/13  
Op 9/15

(b) Except as provided in (d), for irrigation the Council will also take into account:

(i) the area being irrigated;

(ii) the existence and availability of plant and equipment required to irrigate the area up to rates specified in Figure 31.1D;

(iii) the amount of rainfall that occurred during past irrigation seasons and whether that reflected exceptionally dry or wet periods, and the impact that had on normal irrigation water demand;

(iv) any actual or proposed changes in crop type;

(v) any likely future change in crop water demand resulting from the maturing of young crops;

(vi) variations in water demand resulting from crop rotations;

(c) For community water supplies, the Council will also take into account any growth in the area serviced, or changes in nature or pattern of water use;

C54 9/15  
Op 9/16

(d) In zones where the total amount allocated exceeds the water allocation limit or target, bona fide use will be as specified in the applicable rule.

**Bore** – means any pipe, cylinder, or hole inserted or drilled into the ground to access or investigate any natural resource, including water, oil or minerals, and including geological and geotechnical investigations; and includes a well or an infiltration gallery.

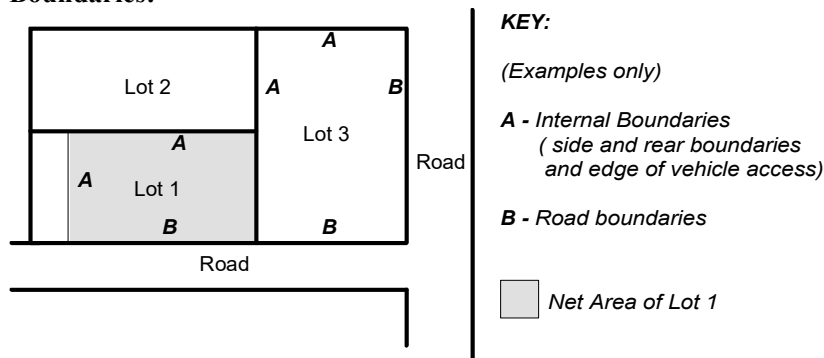
**Bore field** – means two or more bores within a circle with a diameter of up to 300 metres, in the same water management zone for which the taking of water is subject to the same water permit.

C13 12/08  
Op 8/14

**Bore log** – means a record of the rock and soil encountered in a bore hole from the surface to the bottom, including description of the water-bearing nature of strata encountered, including results and any lithological tests, flow tests, and water quality tests of water taken from the bore.

**Boundary** – means any boundary of the net area of a site and includes any road boundary, side or internal boundary.

**Boundaries:**



**Boundary adjustment** – means a subdivision of existing sites that does not result in any additional sites and adjusts the common boundary between two or more sites. In relation to boundary adjustments, sites are those that have been created by a previous subdivision consent or equivalent approval.

C60 1/16  
Op 5/19

**Brightwater Development Area** – means the area between State Highway 6, Pitfure Stream and Lord Rutherford Road as shown on the planning maps.

C75 9/22  
Op 10/23

**Building** – means any structure (as defined in the Act) or part of a structure whether temporary or permanent, movable or immovable, including accessory buildings but does not include:

- (a) coastal protection structures C22 2/11 Op 1/15
- (b) any scaffolding or falsework erected temporarily for maintenance or construction purposes;
- (c) fences, walls or retaining walls of up to 1.8 metres in height, not used for advertising or for any purpose other than as a fence or wall;
- (d) structures that are both less than five square metres in area and less than 1.2 metres in height, except where such structures are for the purposes of damming, diverting, taking, or using water;
- (e) free-standing masts, towers, pylons, poles, radio and television aerials (excluding dish antennae for receiving satellite television), less than 10 metres above mean ground level;
- (f) fan blades of any tower-mounted frost protection device; C14 5/09 Op 8/12
- (g) any vehicle, trailer, tent, caravan or boat whether fixed or movable, unless it is used as a place of long term accommodation (for two calendar months or more in any year), business or storage;
- (h) overhead lines;
- (i) in relation to any building setback requirement, any eaves, spouting, or bay windows projecting 1 metre or less from any exterior wall.

**Building coverage** – means the portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, but excludes:

- (a) eaves, spouting or bay windows projecting one metre or less from any exterior wall;
- (b) uncovered terraces, decks or swimming pools;
- (c) pergolas or satellite dishes;
- (d) fences, walls or retaining walls.

**Building Location Area** – means an area within an allotment identified as approved on an approved subdivision plan and within which all buildings are to be located.

C31 8/10  
Op 1/15

## C

**Cable hauling** – means any method of removing logs or trees that uses winches and cables to convey logs or trees to a field tower, on or over the surface of the ground.

**Carriageway** – means that portion of a road devoted particularly to the use of motor vehicles; from the face of kerb to face of kerb in an urban situation, and includes the shoulders where there is no kerb.

**Central Business Zone** – means that area of land displayed on the planning maps of this Plan and identified as Central Business Zone and subject to all applicable rules.

**Central Plains Zone** – means the surface waters and Motueka Gravel Aquifer within the area shown on the planning map as Central Plains Zone and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone. C13 12/08  
Op 8/14

**Character** – means particular distinctive qualities or traits.

**Chimney** – means any structure designed for venting the airborne products of combustion upwards and above the ceiling height of the topmost floor of the building to which it is attached, and **stack** has a similar meaning.

**Coastal environment** – includes the coastal marine area, land above the coastal margin that is affected by coastal processes, resources and issues, and all associated plants, animals, and structures.

**Coastal Marine Area** – means the foreshore, seabed, and coastal water, and the air space above the water: RCP  
Op 10/11

- (a) of which the seaward boundary is the outer limits of the territorial sea;
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:
  - (i) one kilometre upstream from the mouth of the river; or
  - (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

**Coastal permit** – means a consent to do something in a coastal marine area that otherwise would contravene any of sections 12, 14, 15, 15A and 15B of the Act.

**Coastal protection structure** - means a seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure or modification to the seabed, foreshore or land adjacent to the coast that has a purpose or effect of protecting land from a coastal hazard, including seawater inundation or erosion. D 3/12  
Op 1/15

**Coastal water** – means seawater within the outer limits of the territorial sea and includes: RCP  
Op 10/11

- (a) seawater with a substantial fresh water component; and
- (b) seawater in estuaries, fiords, inlets, harbours, or embayments.

**Commercial** – means involving the payment of fees for hire or reward.

**Commercial activity** – means the use of land and buildings for the primary purpose of display, offering, provision or the sale or hire of goods, equipment or services. A commercial activity includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, tourist accommodation, the sale of liquor and associated parking areas, but excludes community activities and home occupations. C60 1/16  
Op 5/19

**Commercial operations** – in relation to Mooring Areas means the use of a craft for commercial activities, but does not include activities that are auxiliary to commercial activities undertaken inside of the Mooring Area, e.g., cleaning and maintenance. C72 6/20  
(D 10/21)  
Op 7/22

**Commercial Zone** – means that area of land displayed on the planning maps of this Plan and identified as Commercial Zone and subject to all applicable rules.

**Community activity** – means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture or spiritual well-being, but excludes recreational and temporary military training activities. A community activity includes schools, preschools, day-care facilities, hospitals, doctors' surgeries and other health professionals, churches, halls, libraries, community centres, stations (including police and fire stations), courthouses, and probation and detention centres.

C60 1/16  
Op 5/19

**Community water supply** – means a reticulated water supply of potable water to a number of water users primarily for domestic household supply and may include industrial and commercial uses.

**Compact density development** – means residential development in the Richmond South, Richmond West, Brightwater, Wakefield, and Mapua Special development areas and the Motueka West Compact Density Residential Area that is two or more dwellings on any site, and where the buildings and open space, parking, storage, and amenity values, including privacy and outlook, have been planned and designed comprehensively.

C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C66 10/17 Op 12/18  
C75, 9/22  
Op 10/23  
C76, 9/22

**Comprehensive residential development** – means a comprehensively planned and designed collection of three or more dwellings on one site.

**Conditions** – in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

**Consent status index** – means numerical values of any total quantity ratio that are used to determine the consent status of a hazardous facility.

**Conservation Zone** – means that area of land displayed on the planning maps of this Plan and identified as Conservation Zone and subject to all applicable rules.

**Construction** - in relation to the Waimea Community Dam, means the commencement of site works, including earthworks, in the exercise of resource consent RM140553 to enable the construction of the Dam to proceed.

C54 9/15  
Op 9/16

**Consumptive use** – means any use of fresh water that alters the flows and or levels in a water body on either a temporary or permanent basis, but excludes any use that:

C13 12/08  
Op 8/14

- (a) substantially returns fresh water to the same water body at or about the same location; and
- (b) does not affect the spatial or temporal availability, or the physical, chemical or biological quality of the fresh water.

For the purposes of allocation limits and specified rationing provisions in the rules, the term 'consumptive use' does not apply to water used in hydro-electric power generation or water diversions which substantially return the water used to the same water body.

C13 12/08  
Op 8/14

For avoidance of doubt, non-consumptive use is water use that does not meet these specifications for consumptive use.

C54 9/15  
Op 9/16

**Contaminant** – includes any substance (including gases, 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** – means a site at which hazardous substances occur at concentrations above background levels and where assessment indicates it poses or is likely to pose an immediate or long-term hazard to human health or to the environment.

**Contractor** – in relation to discharge of pesticides, means any person who, by agreement with the owner, occupier, or manager of any land, applies or causes to be applied any pesticide for hire or reward, but does not include any employee, owner, occupier, or manager of or in relation to the land to which the pesticide is to be applied.

**Controlled Activity** – means *an activity for which a resource consent is required for the activity and:-*

- (a) *the consent authority must grant a resource consent except if-*
  - (i) *section 106 applies; or*
  - (ii) *section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 applies; and*
- (b) *the consent authority's power to impose conditions on the resource consent is restricted to the matters over which control is reserved (whether in its plan or proposed plan, a national environment standard, or otherwise; and*
- (c) *the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan. [RMA 1991 s.87A(2)]*

**Cooperative living** – means the use of land and buildings, including three or more dwellings, where a legal arrangement exists for the collective ownership or use of the land and buildings.

C60 1/16  
Op 5/19

**Correction factor** – means an adjustment applied where the sound climate has a special audible characteristic (tonal or impulsive) and where the L10 performance standard is reduced arithmetically by 5 dBA for comparison with the measured L10 level of the sound climate.

**Council** – means the Tasman District Council.

**Craft** – refer to definition of 'Ship'.

RCP  
Op 10/11

**Cultural heritage precinct** – means an area of land containing a high incidence of individually recorded cultural heritage sites which may overlap, and a high likelihood of previously undiscovered material being encountered between listed sites due to known historical occupation, and which is listed in Schedule 16.13C.

C16 9/09  
Op 8/12

**Cultural Heritage Site** – means historic heritage that is:

- (a) an archaeological site as defined by the Heritage New Zealand Pouhere Taonga Act 2014; or
- (b) an archaeological site that is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand, although the site was associated with human activity that occurred after 1900; or
- (c) a wahi tapu or wahi tapu area as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

C16 9/09  
Op 8/12

**Cut-off** – means a constructed collection or diversion channel for the purpose of carrying surface run-off water away from bare ground and towards stable areas or into rivers.

## D

**Dam** - means a structure that dams water including a weir, and includes the associated parts of the dam such as any embankment, spillway, associated pipes, and the area covered by the impounded water at the highest level.

C17 2/10  
Op 4/13

**Damage** – in relation to soil, means any physical, biological, or chemical change that may adversely affect the productive value or physical stability of soil.

**Day care facility** – means land or buildings used for the care during the day of dependent persons, other than those residing on the site.

**dBA** – means the A-frequency-weighted sound pressure level in decibels relative to a reference sound level of 20 micropascals, as described in NZS 6801:1991, Clause 2.1, definitions of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting and sound level.

**Debris** – means coarse or large fragments of disturbed rock or soil and may include organic matter.

**Delta Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning map as Delta Zone and including the coastal margin and subject to all applicable rules.

**Designation** – means a provision made in a district plan to give effect to a requirement made by a requiring authority under section 168, section 168A or clause 4 of the First Schedule.

**Discharge** – includes emit, deposit, and allow to escape.

**Discharge permit** – means a consent to do something (other than in a coastal marine area) that otherwise would contravene section 15 of the Act.

**Discretionary activity** – means an activity for which a resource consent is required for the activity and-

- (a) the consent authority may decline the consent or grant the consent with or without conditions; and
- (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

**Disposal field** – in relation to domestic wastewater, means the design land application area plus the reserve area set aside for future land application in case of partial or total failure of the design area.

**District** – means the Tasman District or the Tasman Region.

**District rule** – means a rule made as part of a district plan or proposed district plan in accordance with section 76.

**Domestic quantity** – in relation to hazardous substances, means the amount of hazardous substance that is stored in a package designed for domestic use.

**Domestic wastewater** – means any wastewater from a residential activity and includes wastewater from toilets, greywater, a mixture of wastewater from toilets and greywater, and wastewater of similar character from other premises.

**Domestic water supply** – means the water usage of an individual home or household, including the needs of domesticated animals and of a household vegetable garden where the production of the garden is for that household's personal consumption.

**Drainage water** – means any fresh water that as a result of percolation through the ground is collected by any drainage channel before discharge.

**Dry abrasive blasting** – means abrasive blasting using materials to which no water has been added.

**Dust** – means all solid particulate matter that is suspended in the air, or has settled after being airborne. By way of example, “dust” may be derived from sand, cement, fertiliser, coal, soil, paint, ash, animal products, or wood.

**Dwelling** – means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where “single self-contained housekeeping unit” means a single integrated set of sleeping, ablution, and cooking facilities under a continuous roof and fully enclosed walls). A **minor dwelling** is a dwelling that is up to 80 square metres in area excluding any garage. Where any garage is attached to the minor dwelling the total area of the building is no more than 120 square metres.

C60 1/16  
Op 5/19

## E

**Earthworks** – means any modification to the shape of the ground surface by movement or removal of soil and includes excavation, infilling, recontouring, and construction of any road, track, embankment, or drainage channel.

**Eastern Hills Zone** - means the surface waters and groundwater in shallow alluvial gravels within the area shown on the planning maps as the Eastern Hills Zone and subject to all applicable rules.

C45 4/13  
Op 9/15

**Educational facility** – means any land or buildings, or both, used for the provision of regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes their ancillary administrative, cultural, recreational and commercial facilities and activities.

**Elderly persons housing** – means two or more dwellings used for the accommodation of elderly persons.

**End-hauling** – means a technique of track, road or landing construction that requires the transport of spoil to a disposal area away from the site of construction in circumstances where disposal by sidecasting is not appropriate.

**Environment** – includes:

- (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.*

**Equivalent Car Movements (ECMs) per day** (averaged over three months) – is defined as follows:

C70 8/19  
Op 12/20

- (a) One car to and from the property = two equivalent car movements.
- (b) One truck to and from the property = six equivalent car movements.
- (c) One truck and trailer to and from the property = ten equivalent car movements.

**Esplanade reserve** – means a reserve within the meaning of the Reserve 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 one of the following purposes:*
  - (i) *to contribute to the protection of conservation values by, in particular:*
    - *maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or*
    - *maintaining or enhancing water quality; or*
    - *maintaining or enhancing aquatic habitats; or*

- *protecting the natural values associated with the esplanade reserve or esplanade strip; or*
  - *mitigating natural hazards; or*
- (ii) *to enable public access to or along any sea, river, or lake; or*
- (iii) *to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.*

**Esplanade strip** – means a strip of land created by the registration of an instrument in accordance with section 232 for one or more of the purposes given for an esplanade reserve.

**Event** – means any use of land or buildings that is of a non-repetitive, transient or intermittent nature of limited duration, and includes sporting events, galas, market days, carnivals, shows, festivals, concerts and similar events.

C60 1/16  
Op 5/19

**Exercised** – in relation to a resource consent, means used in accordance with the conditions of a consent.

**Existing forest** – in relation to the groundwater recharge protection area, means any area of plantation forest existing or planted as at 25 May 1996, and includes any area of indigenous forest.

**Extractive species** – means species which extract food that occurs naturally in the water column (e.g. plankton) or seabed.

RCP  
Op 10/11

## F

**Farm drainage canal (or ditch)** - means an artificial watercourse that:

C17 2/10  
Op 4/13

- (a) is entirely constructed for rural land drainage purposes, with no part being a natural or modified watercourse or river; and
- (b) does not incorporate naturally occurring bodies of surface freshwater.

A farm drainage canal is usually constructed to enhance production from farm land by improving land drainage.

**Fault Rupture Risk Area** – means the area encompassing active fault systems in the District and shown on the planning maps as Fault Rupture Risk Area and subject to all applicable rules.

C21 8/10  
Op 1/15

**Fertiliser** – means a substance which is described as or held out to be for sustaining or increasing the growth, productivity or quality of plants or animals through application of essential nutrients to plants or the soil, but it does not include materials discharged or applied as part of a waste treatment or disposal process.

**Field crop** – in relation to allocation of water for irrigation, means a crop or plants grown outdoors where the soil is in situ.

**Fill** – means soil or debris removed from the ground and deposited in another position.

**Fire Ban Area** – means that area of land displayed on the planning maps of this Plan and identified as Fire Ban Area and subject to all applicable rules.

**Fire Sensitive Area** – means that area of land displayed on the planning maps of this Plan and identified as Fire Sensitive Area and subject to all applicable rules.

**Flood Flow Path** - means the course or route taken by floodwater in not only a natural channel or watercourse, but also that taken by surface water flow resulting from the exceedance of primary watercourse or pipe network capacity or failure during periods of intense or prolonged rainfall. Such a course or route will be determined by local topography, including features on the land such as solid fences, buildings, or raised garden beds; and may be naturally occurring (e.g., river berm) or be specifically formed for the purpose of avoiding or limiting flood hazard on, or floodwater damage to, adjacent land or development.

C57 11/15  
Op 12/18

**Flood plain** – means any land surface which is likely to be subject to flooding from an adjacent river or stream and includes the surface of alluvial fans.

**Flowpath** – means the path that is taken by water during a rainfall event.

C5 3/06 Op 10/10

**Formed legal road** – means a road located in legal road reserve, with a carriageway not less than 3.5 metres wide and constructed to an all-weather standard.

C69 6/19  
Op 6/20

**Ford** - means a structure that is permanently or frequently overtopped by water within the bed of a river and that provides a hard surface for the purpose of enabling people, livestock or vehicles to cross the river and does not mean a crossing for vehicles where there is no structure. **Ford** includes a structure like “Baigent Bridge” that is designed to be overtopped.

C17 2/10  
Op 4/13

***Foreshore** – means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.*

RCP  
Op 10/11

**Free-standing sign** – means a sign that is not mounted on a wall or building, and may be either permanently fixed to the ground by way of a support structure, or removable.

***Fresh water** – means all water except coastal water and geothermal water.*

**Frontage** – means any boundary of a site that abuts a legal road, other than an access way or service lane, or abuts a road designation.

**Frost protection device** – means any machinery, equipment, or technique, whether fixed or portable (other than aircraft while airborne), that is used to protect crops from frost damage.

C14 5/09  
Op 8/12

**Full-time equivalent persons** – means the employment of a person or persons for an average total of six hours per day assessed over any 14-day period.

**Fully exercised** – in relation to any water permit to take water, means that the quantity of water specified on the permit was and continues to be used; and in relation to takes for irrigation of field crops, means that the land area specified on the permit is irrigated at rates up to those specified in Figure 31.1D.

**Fumigation** – means the enclosed use of toxic or poisonous gaseous substances for the purposes of pest or disease control or management.

## G

**Garage** – means a building or part of a building principally used for housing motor vehicles and other ancillary items owned by persons living on the site.

**Glen Rae Zone** - means the surface waters and groundwater in alluvial gravels within the area shown on the planning maps as Glen Rae Zone and subject to all applicable rules.

C52 1/15  
Op 7/17

**Golden Hills Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Golden Hills Zone and subject to all applicable rules.

**Greenhouse** – includes shadehouses, glasshouses, and buildings covered in translucent material, plastic, or glass and which are used for growing plants.

**Greywater** – means the wastewater from baths, showers, basins, laundries and kitchens.

**Greenway** - means the land within the Richmond South Development Area and the Richmond West Development Area identified on the planning maps as indicative reserve, that accommodates the area's primary open stormwater network function, in addition to open space and amenity values. C5 3/06  
Op 10/10  
C10 10/07  
Op 3/14

**Gross floor area** – means the sum of the gross area of all floors of buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.

**Gross leasable floor area (GLFA)** - means the sum of any floor areas (within the external walls of buildings) designed for tenant occupancy and exclusive use, including both freehold and leased areas. It includes any stock storage or preparation areas whether exclusive or not but excludes the following areas where these are common and not designed for rental: lift wells and stair wells including landing areas, corridors and halls, building service rooms, required parking areas. C10 10/07  
Op 3/14

**Ground level** – means the natural ground level, or where that has been altered by subdivision, means the actual finished ground level when all works associated with the subdivision of the land are completed, and excludes any excavation or filling associated with the building activity.

**Groundwater** – means water occupying openings, cavities, or spaces in soils or rocks under the ground.

**Growsafe agrichemical rating** – means a rating that is administered by the New Zealand Agrichemical Education Trust and is awarded to pilots after successful completion of the Growsafe training course for pilots carrying out aerial application of pesticides.

**Growsafe standard certificate** – means a certificate that is administered by the New Zealand Agrichemical Education Trust, and is awarded following successful completion of the Growsafe Standard training course.

## H

**Habitable building** – means any building that is intended to be, or is capable of being: C31 8/10  
Op 1/15

- (a) routinely occupied; or
- (b) used as a dwelling.

**Hau Plains Zone** – means that part of the Motueka Gravel Aquifer to depths of less than 20 metres within the area shown on the planning maps as the Hau Plains Zone, including the coastal margin but not including surface waters such as Powley Creek, and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone. C13 12/08  
Op 8/14

**Hazardous facility** – means any activity on a site involving the use, storage, or disposal of any hazardous substance, and includes any installation or vehicle parked on the site that may contain any hazardous substance. Hazardous facility does not include:

- (a) the use or storage of any hazardous substance in domestic quantities; or
- (b) fuel in any motor vehicle, boat or small engine; or
- (c) gas and oil pipeline; or
- (d) trade waste sewer; or
- (e) any storage of milk in a farm dairy and any detergents or cleansers used and stored in that farm dairy; or

- (f) mobile tankers used for the transport of petrol, fuel oil or diesel; or
- (g) the temporary storage of up to 5,000 litres of petrol, fuel oil or diesel.

**Hazardous sub-facility** – means any hazardous facility that is separated by more than 30 metres from any other hazardous facility on the same site.

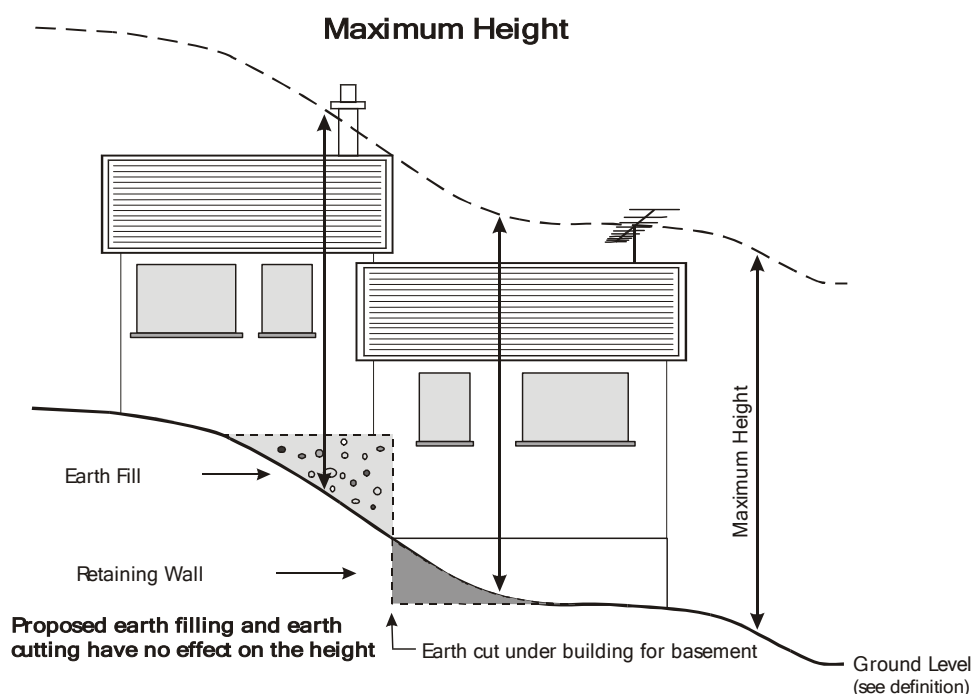
**Hazardous substance** – means:

- (a) any substance with one or more of the following intrinsic properties:
  - (i) explosiveness;
  - (ii) flammability;
  - (iii) a capacity to oxidise;
  - (iv) corrosiveness;
  - (v) toxicity (both acute and chronic);
  - (vi) ecotoxicity (adverse toxic effects on ecosystems or ecological communities, harmful to living organisms or ecosystems, with or without bioaccumulation (accumulation of a substance within the tissues of living organisms)); or
- (b) any substance which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition; or
- (c) a radioactive substance except when contained in smoke detectors.

**Height** – in relation to a building, means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height, account is taken of parapets, but not of:

- (a) radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres;
- (b) chimneys (not exceeding 1.1 metres in any direction); or finials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5 metres.
- (c) solar panels, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 0.25 metres.

C73 12/20  
Op 6/23







**High productive value** – in relation to land, means land which has a combination of at least two of the following features, one of which must be (a):

C60 1/16  
Op 5/19

- (a) a climate with sufficient sunshine that supports sufficient soil temperature;
- (b) a slope of up to 15 degrees;
- (c) imperfectly-drained to well-drained soils;
- (d) soil with a potential rooting depth of more than 0.8 metres and adequate available moisture;
- (e) soil with no major fertility requirements that could not be practicably remedied;
- (f) water available for irrigation;

where that combination is to such a degree that it makes the land capable of producing crops at a high rate or across a wide range.

NOTE: This meaning is adapted from “Classification System for Productive Land in the Tasman District”, Agriculture New Zealand, December 1994 and is equivalent to land under classes A, B, and C.

**Home occupation** – means the use of a site for an occupation, business, trade or profession which is secondary and incidental to the use of that site for a residential activity and which is undertaken by persons living permanently on the site, and includes visitor accommodation.

**Hope and Eastern Hills zones** - means the surface waters and groundwater in alluvial gravels comprising the Stoke fan gravel and Hope minor confined and unconfined gravels and normally at depths up to 15 metres within the area shown on the planning maps as Hope and Eastern Hills zones and subject to all applicable rules.

C45 4/13  
Op 9/15

## I - J

**Impervious surface** – means any man-made or modified land surface that prevents or significantly reduces the infiltration of water into the soil or any naturally occurring ground surface during a rainfall event, and includes buildings, concrete, asphalt, and sealed pavers.

C7 7/07  
Op 10/10

**Impulse noise** – means transient sound having a high peak level of very short duration, less than 50 milliseconds.

**Indigenous** – means found naturally in an area, and not introduced by people.

**Indigenous forest** – means any area of naturally occurring woody vegetation that:

- (a) has a canopy predominantly formed by trees over 6 metres high; and
- (b) has more than 80 percent closure of the canopy; and
- (c) at least 70 percent of the canopy cover is comprised of species indigenous to the District;

but for the avoidance of doubt, does not include planted indigenous forest as defined in the Forests Act 1949.

**Indigenous vegetation** – means any area of naturally occurring vegetation where the cover of indigenous plants is the same as or greater than exotic plants but excludes any indigenous vegetation which grows beneath plantation forestry.

**Industrial activity** – means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, storage, maintenance, or repair of goods, but does not include home occupations.

**Industrial Zone** – means that area of land displayed on the planning maps of this Plan and identified as Industrial Zone and subject to all applicable rules, and includes Light Industrial Zone and Heavy Industrial Zone.

**Infiltration gallery** – means a horizontal conduit for improving access to groundwater by intercepting water. They are normally installed adjacent to a river or lake but can also be used to improve bore yields when an aquifer is too thin or has poor yield.

**Inshore coastal water** means –

- (a) the water in the coastal marine area south of a line drawn south-east from the Farewell Spit lighthouse; and
- (b) the water in the Big River estuary and Whanganui Inlet, being areas 1 and 2 of Schedule 25D, and the water in the Anaweka River estuary;

as shown on the planning maps.

RCP  
Op 10/11

**Integrated Transport Assessment** – Integrated transport assessments consider the proposed impact of a development on the transport network and the effectiveness of any potential mitigation measures to address adverse impacts. The Integrated Transport Assessment should include a review of relevant planning documents and infrastructure plans, needs to consider all modes of transport and should incorporate methods of reducing reliance on private cars..

C80 12/23

**Intensive development** – means medium density residential housing development in the Richmond Intensive Development Area, where there is one or more dwellings on any site.

C66 10/17  
Op 12/18

**Intensive livestock farming** – means the intensive keeping of livestock, either in a building or on a permanent feedlot.

**Internal boundary** – means any boundary of the net area of a site other than a road boundary and includes a side boundary.

**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.*

**Irrigable Land** – for the purposes of Schedules 31D and 31E means land with soils with suitable depth, structure, drainage and water-holding capacity for growing irrigated crops where the slope does not exceed 7 degrees on south-east to south-west facing slopes and 15 degrees on all other slope aspects at elevations of no more than 300 metres above sea level. Land zoned and used for urban use, titles less than 1 hectare in area and land between any stopbank and riverbank or estuary are not included as irrigable land.

C13 12/08  
Op 8/14

**Iwi authority** – *means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.*

## K

**Kaitiakitanga** – means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

**Karst** – means a naturally occurring landform that is formed by the dissolution by fresh water of rock containing calcium carbonate, calcium-magnesium carbonate, or magnesium carbonate (such as limestone, marble, dolomite, or magnesite), and having one or more of the following features:

- (a) sinkholes;
- (b) fissured or fluted rock outcrops;
- (c) areas of discontinuous surface drainage that includes stream sinks or resurgence;
- (d) underground caves.

**Kaupapa** – means a philosophical basis or principle for any aspect of tikanga Māori.

**King Edward Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as King Edward Zone and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone.

C13 12/08  
Op 8/14

## L

**L<sub>10</sub>** – means the L<sub>10</sub> exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded, 10 percent of the total measurement time as described in NZS 6801:1991, Clause 2.2, definition of exceedance level. Total measurement time is a minimum time of 10 minutes.

**L<sub>eq</sub>** – means the Equivalent Continuous A-weighted Sound Pressure level (Equivalent Noise level) (dBA L<sub>eq</sub>) and is the value of the steady continuous A-weighted sound pressure level that, within a measurement period of at least 10 minutes, has the same mean square root sound pressure as the sound under consideration whose level varies with time, as described in NZS 6801:1991, Clause 2.1, definition of L<sub>eq</sub>.

C10 10/07  
Op 3/14

**L<sub>max</sub>** – means the maximum A-frequency-weighted sound level (dBA L<sub>max</sub>), during a stated time period, as described in NZS 6801:1991, Clause 2.1, definition of maximum sound level.

**Lake** – means a body of fresh water which is entirely or nearly surrounded by land but does not include any artificial pond or water supply impoundment less than one hectare in area.

C17 2/10  
Op 4/13

**Land** – includes land covered by water and the air space above land.

**Land disturbance** – means the destruction or removal of vegetation, soil disturbance, or earthworks.

**Land fragmentation** – means any increase over time in the number of separately developed properties in any area, through successive land subdivision to form new land parcels and associated land development activities such as buildings and roads.

**Land use consent** – means a consent to do something that otherwise would contravene section 9 or section 13 of the Act.

**Landing** – means an area constructed for the purpose of log assembly or log making.

**Line** – means a wire or a conductor of any other kind (including fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing images, sounds, or intelligence of any nature by means of any electromagnetic system; or for the transmission or distribution of electricity; and includes any pole, insulator, casting, 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.

**Listed cultural heritage site** - means a cultural heritage site that is listed in Schedule 16.13C and shown on the planning maps. C16 9/09  
Op 8/12

**Local road** – means a legal road owned by the Council. C60 1/16 Op 5/19

**Low impact building design** – means the design of a building or structure to minimise the visual impact of the building or structure within the landscape, adverse effects on the productive potential of the land, and the effects of servicing the building or structure in terms of access, water supply, energy efficiency, and stormwater and wastewater management. C8 7/07  
Op 10/10  
C60 1/16  
Op 5/19

**Low impact design** - means the use of subdivision and land development design solutions including servicing, roading and allotment layouts that reduce the impact of any development on natural resources and processes. In particular, Low Impact Design approaches to stormwater management can be used to protect, incorporate or mimic natural drainage conditions of any site or area in the management of stormwater. This includes the retention and use of existing catchment drainage characteristics, minimisation of impervious surface cover, the enhancement of natural eco-systems, and maintenance of vegetation in the planning and management of development within catchments. C7 7/07  
Op 10/10  
C60 1/16  
Op 5/19

**Lower Confined Aquifer (LCA) Zone** – means the groundwater in alluvial gravels comprising the Lower Confined Aquifer at approximate depths of 24 metres near Clover Road to 40 metres at Queen Street, within the area shown on the planning maps as Lower Confined Aquifer (LCA) Zone and subject to all applicable rules. The seaward extent of the aquifer is not currently known. C45 4/13  
Op 9/15

**Lowland alluvial site** – means a site below an altitude of 600 metres of alluvial origin on flat or gently sloping land where the predominant slope is five degrees or less, including floodplains, valley floors, and terraces.

## M

**Mahinga kai** – means areas from which food is procured.

**Maintenance** – means the protective care of a place to maintain or enhance values associated with it. C16 9/09  
Op 8/12

**Mana** – means spiritual power, prestige, authority; anything to do with the status and standing of an individual or group.

**Mana whenua** – means customary authority exercised by an iwi or hapu in an identified area.

**Māori perpetual lease land** – means land exceeding 1 hectare, the freehold of which is included in the:

C13 12/08  
Op 8/14

- (a) Nelson Section of Parts A and B of Schedule 3 to the Maori Reserved Land Amendment Act 1977 and was subject as at 1 January 1998 to a lease with a perpetual right of renewal; or
- (b) First Schedule of the Ngati Rarua-Atiawa Iwi Trust Empowering Act and was subject as at 1 October 1993 to a lease with perpetual rights of renewal or a lease exceeding a term of 10 years.

For the purpose of clarification it is recorded that the lands referred to in Schedule 3 of the Maori Reserved Land Amendment Act 1997 include lands owned by Rore Lands Ltd and The Proprietors of Wakatu.

**Marahau Zone** – means the surface waters and groundwater in the coastal sands within the area shown on the planning maps as the Marahau Zone and subject to all applicable rules.

**Marine farming** –

RCP  
Op 10/11

- (a) means breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest; and
- (b) includes any operation in support of, or in preparation for, marine farming; but
- (c) does not include any of the things in paragraph (a) –
  - (i) if the fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit; or
  - (ii) if the fish, aquatic life, or seaweed cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed.

**Mātaitai** – means food resources from the sea and **Mahinga Mātaitai** means the areas from which these resources are gathered.

**Mauri** - means a special power that makes it possible for everything to move and live in accordance with the conditions and limits of its existence. Everything has mauri, including people, fish, animals, birds, forest, land, seas and rivers; the mauri is that characteristic which permits these living things to exist within their own realm and sphere.

C17 2/10  
Op 4/13

**Mean high water springs** – in relation to its location, means the position or line of mean high water spring tides wherever that position or line happens to be from time to time, irrespective of any representation of mean high water springs on any plan, map or other instrument.

RCP  
Op 10/11

**Medium density development** - means residential development with a dwelling density between 20 – 30 dwellings per hectare on sites averaging between 200 – 300 square metres in extent, including Compact Density, Comprehensive and Intensive housing development.

C66 10/17  
Op 12/18

**Mineral** – means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

**Minimum flow** – means the flow regime that is required as set out in the policies and rules of this Plan, as a minimum, to maintain or provide for the specified uses and values identified for that river, but which, during severe droughts may be further reduced through a combination of reduced water flows and water abstraction.

**Minimum Root Protection Zone** - means the minimum land area around the base of the tree that is required to safeguard the health and stability of a tree. This zone is determined by multiplying the diameter of the stem by the appropriate multiplier in the following table:

C20 8/10  
Op 8/12

Tree Age	Tree Vigour	Protected Root Zone radius (m)
Young trees (where the age of tree is less than 20% of life expectancy)	Good vigour	6 × DBH
	Poor vigour	9 × DBH
Mature trees (where the age of tree is between 20% and 80% of life expectancy)	Good vigour	9 × DBH
	Poor vigour	12 × DBH
Over-mature trees (where the age of tree is greater than 80% of life expectancy)	Good vigour	12 × DBH
	Poor vigour	15 × DBH
NOTE: DBH means Diameter at Breast Height, that is, 1.4 metres from ground level.		

**Minor repair** – in relation to any heritage building or structure, means the making good of decayed or damaged material by patching, piecing-in, splicing and including replacement of minor components that are damaged beyond repair or are missing.

**Mixed Business Zone** – means that area of land displayed on the planning maps of this Plan and identified as Mixed Business Zone and subject to all applicable rules.

C10 10/07  
Op 3/14

**Mixed domestic waste** – means household and residential waste and garden wastes other than paper and cardboard.

**Modified watercourse** - means a river or stream that may have been subject to works or modifications for a variety of purposes and is or has one or more of the following features:

C17 2/10  
Op 4/13

- (a) part of a river, stream or creek that has been channelled or diverted;
- (b) part of a wetland or swamp through which water has been channelled or diverted to flow either permanently or intermittently and which connects with other naturally occurring bodies of water;
- (c) a watercourse that has a natural headwater of either a channel or spring and generally follows the path of a historic river or stream or defined drainage channel that functions naturally by providing a connection between surface water and groundwater, and is capable of providing habitat for flora and fauna.

**Mooring Area** – means that area shown on the planning maps and identified as a Mooring Area and subject to all applicable rules of this Plan.

C72 6/20  
(D 10/21)  
Op 7/22

**Motueka gravel aquifer** – means the alluvial water-bearing formation called the Motueka Gravel that overlies Moutere Gravel or Separation Point Granite.

**Motueka West Compact Density Residential Areas** – means the areas of land south of Whakarewa Street and west of Kerei Street as shown on the planning maps as Compact Density Residential Zone, where compact density development is provided for.

C80 12/23

**Motueka West Development Area** – means the area west of High Street, Motueka as shown on the planning maps.

C43 4/13  
Op 1/15

**Motupiko Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Motupiko Zone and subject to all applicable rules.

C52 1/15  
Op 7/17

**Moutere Coastal Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Coastal Groundwater Zone and subject to all applicable rules, but excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. The seaward extent of the aquifer is not currently known.

C12 7/08  
Op 8/14

**Moutere Eastern Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Eastern Groundwater Zone and subject to all applicable rules, but

C12 7/08  
Op 8/14

excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. C12 7/08  
Op 8/14

**Moutere gravel catchments** – means catchments where the underlying geology is predominantly Moutere Gravel.

**Moutere Southern Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Southern Groundwater Zone and subject to all applicable rules, but excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. C12 7/08  
Op 8/14

**Moutere Surface Water Zone** – means the surface waters and the water in the shallow valley gravels within the area shown on the planning maps as the Moutere Surface Water Zone and subject to all applicable rules.

**Moutere Western Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Western Groundwater Zone and subject to all applicable rules, but excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. The seaward extent of the aquifer is not currently known. C12 7/08  
Op 8/14

**Mouth**, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either—

- (a) As agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or
- (b) As declared by the Environment Court under section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative,—And once so agreed and set or declared shall not be changed in accordance with Schedule 1 or otherwise varied, altered, questioned or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree.

**Mussel spat** - means any stage of the lifecycle of Green-lipped mussel (*Perna canaliculus*) less than 40 millimetres in length. RCP  
Op 10/11

**Mussel spat catching** - means spat catching that is limited to the obtaining or retention of mussel spat and the harvesting thereof from aquaculture structures.

**Mussel spat holding** – means the retention of Green-lipped mussel (*Perna canaliculus*) spat between 40 to 60 millimetres in length, on spat-catching structures. C61 3/16  
Op 12/19

## N

**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 character** – includes:

- (a) landform, including natural features and patterns;
- (b) natural processes that create and modify landform;
- (c) indigenous plant and animal species present;
- (d) natural sounds;
- (e) natural water quality;
- (f) absence, or unobtrusiveness, of use and development;
- (g) expansive open space, especially where there is knowledge that undeveloped space is in public ownership; and, in particular, the sea.

**Natural hazard** – means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, wildfire, or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.

C60 1/16  
Op 5/19

**Naturally occurring** – in relation to wetlands, means not specifically created by someone as a wetland, and includes wetlands formed by natural processes of reversion and sedimentation.

**Net area** – means the total area of a site or allotment, less:

- (a) any area of the site subject to a designation for a road;
- (b) any area of the site subject to a right-of-way in favour of another site;
- (c) in the case of a rear site, the area contained in the access to the site (being an area between the road frontage and the internal boundary);
- (d) any part of the site that is seaward of the line of mean high water spring tides.

(NOTE: Refer to diagram after “boundary”)

**Network utility** – means:

- (a) a pipeline for gas, petroleum, or geothermal energy; or
- (b) a network for distribution of electricity, water (including irrigation), telecommunication or radiocommunication, drainage, or wastewater, or a road or railway line (including any lighting, signalling or other equipment related to the safe use of the road or railway); or
- (c) an airport or approach control service within the meaning of the Civil Aviation Act 1990;
- (d) street lighting; or
- (e) a network for the measurement, collection and distribution of meteorological information.

**New Zealand Coastal Policy Statement** – means the New Zealand Coastal Policy Statement 2010 issued by notice in the Gazette on 4 November 2010.

**Noise** – means unwanted sound and includes those parameters such as pitch, intensity, duration, repetitiveness, regularity, frequency and vibration, which, along with the measurable level of sound, affect people’s reaction to sound but does not include the sound of warning devices or other equipment being used by emergency services or in an emergency.

**Non-Complying Activity** – means an activity for which a resource consent is required for the activity and the consent authority may-

- (a) decline the consent; or
- (b) grant the consent, with or without conditions, but only if the consent authority is satisfied that the requirements of section 104D are met and the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

**Non-consumptive use** – means any use of fresh water that substantially returns water to the same water body at or about the same location; and does not affect the spatial or temporal availability, or the physical, chemical or biological quality for uses of the water resource.

C54 9/15  
Op 9/16

**Notional boundary** – in relation to noise, means:

- (a) a line 20 metres from the facade of any rural dwelling that is most exposed to the noise source; or
- (b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than (a).



**NTP** – means the scientific basis for correcting the volume of gases or other physical properties of a gas to a standard temperature of zero degrees and one standard atmosphere pressure.

**NTU** – means Nephelometric Turbidity Unit.

C17 2/10  
Op 4/13

## O

**Odour** – means the human perception of one or more chemical compounds in the air we breathe and for the purposes of this Plan includes the odorous contaminants that create an odour.

The sensory perception of odour has four main dimensions:

- (a) odour threshold or detection – the concentration of odour necessary for detection by a certain percentage of the population (normally 50 percent)
- (b) odour intensity – the perceived strength of an odour, which normally increases exponentially with the concentration of an odourant
- (c) odour character – what it smells like
- (d) hedonic tone – judgement of the relative pleasantness of the odour, which is influenced by individual experience, frequency or occurrence, odour character, odour intensity and duration, and location of the odour.

**Offal** – means all or part of the carcass of an animal or fish either when cut off when cutting up the carcass for food or being disposed of as a result of disease or injury, but does not include waste being disposed of from any industrial or trade activity.

**Offal pit** – means a covered hole or covered pit that is used for the disposal of dead animals or offal. It does not include the occasional burial of dead animals or offal.

***Open coastal water** – means coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments; and in this District means the water in the coastal marine area to the north and west of a line drawn south-east from the Farewell Spit lighthouse; but excluding the water in the Big River estuary and Whanganui Inlet, being areas 1 and 2 in Schedule 25D, and excluding the water in the Anaweka River estuary; as shown on the planning maps.*

RCP  
Op 10/11

**Open Space Zone** – means that area of land displayed on the planning maps of this Plan and identified as Open Space Zone and subject to all applicable rules.

**Outdoor burning** – means the open combustion of any material in the open air, and includes any fire or bonfire or burning of material in a drum or incinerator where there is no (chimney) stack nor provision to control air flow to the fire.

**Outdoor fireplace** – means any device including a brazier used outdoors to provide light, or heat, or ambience for outdoor entertainment through the combustion of gaseous, liquid or solid fuel excluding domestic, garden or industrial waste

**Outdoor living space** – means an area of open space required by this Plan to be provided for the exclusive use of the occupants of the dwelling to which the space is allocated. Outdoor living space includes the area occupied by a swimming pool, or accessory building of less than eight square metres, but excludes space occupied by buildings, access, or parking space.

**Outdoor storage** – means land used for the purpose of storing vehicles, equipment, machinery, natural and processed products, outside a fully enclosed building for periods in excess of four weeks in any one year.

## P

**Papakaianga development** – means the use and occupancy of multiple-owned allotments by the Māori landowners and involving the development of the land for residential units and other buildings and uses necessary to enable the owners to live on their land.

**Papakaianga Zone** – means that area of land displayed on the planning maps of this Plan and identified as Papakaianga Zone and subject to all applicable rules.

**Parking space** – means a space on a site available at any time for accommodating one stationary motor vehicle that has vehicular access to a road or service lane and is not located on any access or outdoor living space, and includes a parking space in a garage or other building.

**Particulates** – include smoke, deposited particulates, suspended particulates, respirable particulates and visibility-reducing particulates. Particles range in size from 100 microns down to aggregations of molecules.

**Performance monitoring indicator** – means information obtained by monitoring to help indicate the effectiveness of the Plan’s objectives, policies and methods.

**Permitted activity** – means *an activity for which a resource consent is not required for the activity if it complies with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.*

**Pervious surface** – means any natural or modified land surface that allows for the infiltration of water into the ground. C7 7/07  
Op 10/10

**Pesticide** – means any substance that is used to eradicate, modify, or control flora or fauna that:

- (a) is a hazardous substance under the Hazardous Substances and New Organisms Act 1996 having any of the following intrinsic properties:
    - (i) toxicity (including chronic toxicity);
    - (ii) ecotoxicity (with or without bioaccumulation); or
  - (b) on contact with air or water generates a substance which has any of these properties;
- and includes herbicides and fungicides but excludes any fertiliser or animal remedy.

**Plan** – means the Tasman Resource Management Plan, and includes the text, all of the planning maps, and any amendments to the Plan.

**Planning map** – means any of the planning maps contained in this Plan.

**Plant and animal production** – means the use of land and buildings primarily for or associated with the production, preparation and packing (but not processing) of plant or animal products produced on the site. C60 1/16  
Op 5/19

**Plantation forestry** – means the planting, management, harvesting and replanting of trees, where the stocking density of any plantation is 150 or more stems per hectare, provided that replanting is carried out within two years of harvest. **Plantation Forest** has a corresponding meaning.

**Predominant slope** – means the most common natural slope of any area of land subject to any land disturbance, measured in degrees from horizontal.

**Primary flowpath** – means the path taken by water during a rainfall event that can be accommodated within the drainage network, which may include pipes and open drains. C7 7/07  
Op 10/10

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

**Productive value** – in relation to land, means the inherent ability of the land to produce plant or animal biomass arising from its natural and physical features, and includes measures of productivity and versatility.

C60 1/16  
Op 5/19

**Productivity** – in relation to land, means the inherent ability to produce any type of plant or animal biomass over a given period and area.

C60 1/16  
Op 5/19

**Prohibited activity** – means *an activity* for which—

- (a) *no application for a resource consent may be made for the activity; and*
- (b) *the consent authority must not grant a consent for it.*

**Proposed plan** – means *a proposed plan, or variation to a proposed plan, or change to a plan that has been notified under clause 5 of the First Schedule but has not become operative in terms of clause 20 of the First Schedule; but does not include a proposed plan or change originally requested by a person other than a local authority or a Minister of the Crown, unless the proposed plan or change is adopted and notified by the local authority under clause 25(2)(a) of the First Schedule.*

**Property** – means land held by a person in one or more adjacent certificates of title, and includes land that is traversed by a road, whether unformed or formed.

**Pump test** – means a test conducted on a bore to:

- determine the hydraulic characteristics of aquifers or water bearing layers;
- provide information on the yield and drawdown of the bore;
- enable determination of the discharge/drawdown ratio of the bore;
- provide information for selecting pump type and estimating pumping cost.

A pump test is the pumping from a bore while the discharge rate and water levels in the pumped bore and nearby observation bores are continuously measured. For artesian aquifers, a pump test also includes an artesian free-flow test where artesian flow is released from a bore with the discharge and the water pressure/level in the free-flowing bore and nearby observation bores are continuously measured.

## Q

**Quantity ratio (Q)** – means the ratio of the proposed quantity of a hazardous substance over the applicable base quantity.

**Quarrying** – means any land disturbance required for the extraction of any mineral including any rock, gravel or sand, and includes any on-site storage or processing of any mineral extracted on the site and any ancillary building including caretaker’s accommodation, but does not include:

C60 1/16  
Op 5/19

- (a) prospecting or exploration as defined in the Crown Minerals Act 1991 where no earthworks using machinery are carried out; or
- (b) construction or alteration of a bore.

## R

**Radiocommunication facility** – means any transmitting or receiving device such as an aerial, dish, antenna, cable, line, wire, and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.

**Rainy Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Rainy Zone and subject to all applicable rules.

C52 1/15  
Op 7/17

**Rangatira** – means a very respectful term referring to a person in the warmest way.

**Rationing** – means restrictions on water use imposed during periods of water shortage, and includes rostering or staged reductions in water use.

**Recontouring** – means any earthworks that result in the reshaping, raising, or lowering of the surface of a more or less continuous area of ground.

**Recreation Zone** – means that area of land displayed on the planning maps of this Plan and identified as Recreation Zone and subject to all applicable rules.

**Recreational activity** – means the use of land and buildings for the primary purpose of recreation or entertainment by the members of more than one household unit.

**Redwood Zone** - means the surface waters and groundwater in shallow alluvial gravels within the area shown on the planning maps as the Redwood Zone and subject to all applicable rules. C45 4/13  
Op 9/15

**Regional rule** – means a rule made as part of a regional plan or proposed regional plan in accordance with section 68.

**Relocatable** – means not intended for permanent location on any site and readily capable of removal for relocation to another site.

**Relocated building** – means any second-hand building which is transported whole, or in parts and relocated from its original site to its final destination site, but excludes a new pre-fabricated building which is delivered in whole or in parts to a site, for erection on that site. This definition includes removal of a building off a site (but excludes demolition) and shifting a building within a site. C73 12/20  
Op 6/23

**Relocation** – in relation to a building, means the removal and resiting of any building from any site to a new site.

**Reservoir Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Reservoir Zone and subject to all applicable rules.

**Residential Zone** – means that area of land displayed on the planning maps of this Plan and identified as Residential Zone and subject to all applicable rules, and includes the Compact Density Residential Zone. C80 12/23

**Residential activity** – means the use of land and buildings by people for the purpose of living accommodation, including: C60 1/16  
Op 5/19

- (a) the use of a dwelling, including any secondary self-contained housekeeping unit and all associated accessory buildings,
  - (b) leisure activities,
  - (c) the keeping of domestic livestock, and
  - (d) emergency and refuge accommodation,
- but does not include workers' accommodation.

**Resource consent** – means any land use consent, subdivision consent, coastal permit, water permit, or discharge permit, and includes all conditions to which the consent is subject.

**Restricted Discretionary activity** – means an activity for which a resource consent is required for the activity and-

- (a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and
- (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

**Retail sales** – means the direct sale or hire to the public from any site or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment. **Retail activity** has a corresponding meaning.

**Reverse sensitivity** – means the risk to an existing activity that may generate adverse effects of receiving complaints or other expressions of sensitivity from any new activity locating nearby. C60 1/16  
Op 5/19

**Richmond Airshed** - means that area of land specified by the Minister for the Environment by notice in the Gazette to be a separate airshed and subject to applicable rules.

**Richmond East Development Area** - means the area to the east of Richmond as shown on the planning maps. C20 8/10  
Op 8/12

**Richmond South Development Area** - means the area to the south of Richmond as shown on the planning maps. C5 3/06  
Op 10/10

**Richmond West Development Area** – means the area to the west of Richmond as shown on the planning maps. C10 10/07  
Op 3/14

**Riparian** – means immediately adjacent to any river, lake, or wetland.

**Risk analysis** – means the systematic use of available information to determine the likelihood of specified events and the magnitude of their likely consequences.

**Risk assessment** – means the overall process of risk identification, risk analysis and risk evaluation.

*River* – means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

**Riwaka Zone** – means the Riwaka River, its tributaries and groundwaters in alluvial gravels within the area shown on the planning maps as Riwaka Zone and subject to all applicable rules.

**Road** – has the same meaning as in section 315 of the Local Government Act 1974 and includes a motorway as defined in section 2(1) of the Government Roading Powers Act 1989. C69 6/19  
Op 6/20

**Road boundary** – means any boundary of a site that abuts a legal road, other than an access way or service lane, or abuts a road designation. **Frontage** or **road frontage** have the same meaning as **road boundary**.

**Road network** - means state highways; arterial, principal, collector, sub-collector and local roads; residential lanes; shopping streets — and the intersections between them — further defined in the planning maps and as follows: C69 6/19  
Op 6/20

- (a) State highway – means a road constructed and managed by the New Zealand Transport Agency and which has a vital role in the strategic road network linking Nelson and Tasman to other areas of the country.
- (b) Arterial road – means a road that is constructed and managed to minimise its local access function and typically joins centres of population within regions and neighbouring regions and provides links to the higher order State Highway network.
- (c) Principal road – means a road constructed and managed to connect and augment the higher order transport system.
- (d) Collector road – means a road that is constructed and managed to distribute traffic between and within local areas and forms a link between higher order (principal and arterial) roads and lower order (sub-collector and local) roads.
- (e) Sub-collector road – means a road that is constructed and managed to distribute traffic at a neighbourhood level, intermediate of collector roads and local roads.

- (f) Local road – means a road that is constructed and managed for the primary function of providing direct access to properties fronting the road and along which only traffic having an origin or destination there will travel.
- (g) Residential lane – means a road that is a public road providing access for between seven (7) and twenty (20) residential units.
- (h) Shopping street – means a road that is constructed and managed to serve a range of functions within commercial areas of town centres, including pedestrian and on-road parking supply, amenity, local traffic circulation and servicing.
- (i) Service lane – means “service lane” as defined in Section 315 of the Local Government Act 1974.

**Roller crushing** – means the damage or destruction of vegetation by movement of a roller either Attached by cables to a stationary machine or fixed to a moving machine.

**Root raking** – means any method of land disturbance undertaken by the use of a rake mounted on a tractor or other machine for the purpose of separating living and rooted vegetation from the soil.

**Rostering** – means water users whose takes, particularly irrigation takes, affect surface water flows collectively, or adjust timing or rates of takes, so that they are not all abstracting water at the same time in order to reduce peak instantaneous take and maintain a higher river flow.

**Rule** – means a district rule or regional rule.

**Rural 1 Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural 1 Zone and subject to all applicable rules and includes the Rural 1 Closed and Rural 1 Coastal zones.

**Rural 2 Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural 2 Zone and subject to all applicable rules.

**Rural 3 Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural 3 Zone and subject to all applicable rules.

**Rural area** – means land within any Rural 1, Rural 2, Rural 3, Rural Residential, Rural Industrial, or Conservation Zone, or within any Tourist Services, Open Space, or Recreation Zone adjoining any of the above zones, and where any site may also fall as an urban area then the site is deemed to be in an urban area only.

C9 7/07  
Op 10/10

**Rural character** - means the character of the land as shown by the predominance of rural productive activities and includes:

- (a) a high ratio of open space to built features;
- (b) large areas of pasture, crops, forestry and land used for a productive end;
- (c) built structures usually associated with productive rural land uses, including artificial shelter and crop support structures;
- (d) low population density;
- (e) residential activity usually directly associated with a productive land use;
- (f) social and economic activity associated with productive land use;
- (g) noises, smells and other effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes.

C60 1/16  
Op 5/19

**Rural Industrial Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural Industrial Zone and subject to all applicable rules.

**Rural industrial activity** - means the use of land and buildings for an industrial activity that depends on produce harvested from plant and animal production, or the sea, or any other land-derived product, including any sawmill, timber treatment plant, abattoir, stockyard, packhouse, cold storage, rural contractor's depot, and the processing of minerals and quarry products.

C60 1/16  
Op 5/19

**Rural residential** – means the use of a rural site primarily for residential purposes, with any farming or other rural activity being ancillary.

**Rural residential character** – means the character of the land as shown by the predominance of low density residential activity in a rural area at locations that may be close to rural production activities and includes:

C60 1/16  
Op 5/19

- (a) the proportion of open space to buildings maintains a sense of openness, with opportunity for rural outlook
- (b) allotment sizes that are large enough to allow for small scale farming or other plant and animal production activities, ancillary to residential use;
- (c) buildings associated with residential and ancillary plant and animal production activities.

**Rural Residential Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural Residential Zone and subject to all applicable rules, and includes Rural Residential Closed Zone.

**Rural selling place** – means any land, building or part of a building that is used for the sale of farm or garden produce or the products of any home occupation produced or made on the site on which the rural selling place is situated.

## S

**Scallop spat** - means any stage of the lifecycle of Scallop (*Pecten novaezealandiae*) less than 50 millimetres in length.

RCP  
Op 10/11

**Scallop spat catching** - means spat catching that is limited to the obtaining or retention of scallop spat and harvesting thereof from aquaculture structures.

**Seawater intrusion** – means the entry of saltwater from the sea into a freshwater aquifer.

**Secondary containment** - in relation to hazardous substances, means a containment system whereby leakage from the primary tank is contained within an outer containment layer such as a double skin tank, pit liner, or HDPE liner.

**Secondary flowpath** – means the path or paths taken by water during a rainfall event that is beyond the extent of the primary flowpath, when the capacity of the drainage network forming the primary flowpath is exceeded.

C7 7/07  
Op 10/10

**Service station** – means a site where one or more of the following activities takes place:

- (a) the sale of motor vehicle fuels, including petrol, LPG, CNG, and diesel;
- (b) the sale of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- (c) mechanical repair and servicing of motors (includes motor cycles, caravans, boat motors, trailers);

- (d) warrant of fitness testing;
- (e) the sale of other merchandise where this is an ancillary activity to the sale of motor fuel and vehicle accessories;
- (f) truck stops;
- (g) the mechanical washing of motor vehicles.

**Setback** – means the distance between a building and the boundary of its site or other specified feature, such as mean high water springs.

**Shelter belt** – means a line or area of vegetation, which at maturity, will be 3 metres or more in height and which is established to provide shelter from weather for stock or for other agricultural or horticultural purposes, and includes a spray belt.

C60 1/16  
Op 5/19

**Ship** – means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes a jetski; a windsurfer or kayak; a barge, lighter, or other like vessel; a hovercraft; and a submarine or other submersible.

RCP  
Op 10/11

**Side boundary** – means any boundary of a site generally at right angles to a road boundary.

**Sidcasting** – means a technique of road, track or landing construction that requires the placing of spoil immediately to the side of the site of construction.

**Sign** – means any poster, placard, handbill, writing, picture, painting, engraving, carving, illuminated sign, aerial display, hoarding, billboard, flag or other device erected or displayed for the purpose of attracting the attention of passers-by and includes the frame, support structure and anchorage, but does not include:

- (a) road marking or traffic signs erected on roads by controlling authorities under the Traffic Regulations 1976;
- (b) signs on shop windows;
- (c) advertising on motor vehicles with a current registration and warrant of fitness, except where the vehicle acts as a stationary support structure for commercial advertising.

Signs may be double sided.

**Sign area** (also referred to as **display area**) — in relation to a multiple-sided sign, sign area is the area when viewed from any one direction, providing that the total area of all faces of a sign do not exceed twice that permitted in the relevant signage rules.

C68 7/18  
Op 5/19

**Significant Natural Area** – means an area of indigenous vegetation or indigenous fauna habitat that has been assessed as significant according to the ecological criteria in Schedule 10C, and listed in Schedule 18.1A.

**Sinkhole** – means a surface depression that is open to the ground below or is closed, and formed by the dissolving of calcium carbonate rock near the ground surface, or by the collapse of underlying caves. A sinkhole may provide drainage to fissures or caves below.

**Site** – means:

- (a) an area of land which is the smaller land area of either:
  - (i) the land comprised in a single allotment in a single record of title; or
  - (ii) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title could be issued without further consent of the Council; or
- (b) an area of land comprising two or more adjoining lots held together in one record of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or



- (c) an area of land comprising two or more adjoining lots held in two or more records of title where such titles are:
- (i) subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or
  - (ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council;

except that:

- (d) in the case of land subdivided under the cross lease or company lease systems (other than strata titles), site means an area of land containing:
  - (i) a building for residential or business purposes, and any accessory building, and any land exclusively restricted to the user of either building; or
  - (ii) a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes; and
- (e) in the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site means an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units; and
- (f) in the case of strata titles, site means the underlying record of title of the entire land containing the strata titles, immediately prior to subdivision.

**Site coverage** – means the proportion of a site that is covered by buildings, decks and paving, including concrete, asphalt, brick, stone and precast concrete slabs. C59 11/15  
Op 3/16

**Site-to-site transfer** – in relation to water permits, means the transfer of the point of take to another point in the same or another water management zone.

**Slash raking** – means the removal of vegetation by use of a rake for the purpose of sweeping cut vegetation across the surface of the soil.

**Sleepout** – means a detached bedroom (with or without ablution facilities) occupied exclusively as part of the principal dwelling on the site and containing no kitchen or cooking facilities.

**Small scale** – in relation to community activities, means the number of vehicle movements to and from a site does not exceed 30 on any one day.

**Small-scale solid fuel-burning appliance** – means any appliance having a net heat output of up to 40 kilowatts using solid fuels, and includes any open fire, pot belly and domestic range or stove, woodburner, pellet fire, multi-fuel (coal/wood and waste burning system), and any similar appliance.

**Soil** – means earth material at or below the surface of the ground in any undisturbed situation, that:

- (a) may have value for biomass production; and
- (b) is sufficiently weak to form sediment through the action of wind or water;

and includes any weathered or disaggregated rock.

**Soil disturbance** – means the disturbance of soil other than by modification of the shape of the ground surface and includes cultivation, deep ripping, moleploughing, rootraking, blading, and compaction by vehicles or stocking, and excludes earthworks.

**Spat** - means the larval or juvenile stages of an animal's lifecycle which settle from a motile or drifting phase onto natural or man-made substrates. For the purposes of this Plan, the definition of 'spat' also includes the spores or gametes of seaweeds. RCP  
Op 10/11

**Special Domestic Wastewater Disposal Area (SDWDA)** – means that area of land displayed on the planning maps and identified as Special Domestic Wastewater Disposal Area and subject to all applicable rules.

**Spray belt** – means a line of vegetation which at maturity is:

- (a) a minimum of one metre thick; and
- (b) a minimum of six metres high; and
- (c) a mixture of species, including one or more evergreen species; and
- (d) semi-permeable with a porosity of no more than 50 percent; and
- (e) more than one row of plantings.

NOTE: The spray belt will need to be higher than the height at which a pesticide discharge occurs, and where this is more than 6 metres, other Plan rules that regulate the height of spray belts and shelter belts will also apply.

**Stack** – refer to definition of ‘Chimney’.

**Standard density development** - means residential development that is not compact density development, comprehensive residential development or intensive development. C66 10/17  
Op 12/18

**Step-in plan** – means a break in the continuity of an exterior wall of any building or block or line of dwellings, whether of one or more storeys, by stepping back the wall or walls a minimum specified distance measured at right angles to the long axis of the building or block or line of dwellings.

**Stopbank** – means a constructed embankment intended to keep floodwater away from naturally flood-prone land.

**Storage** – in relation to any **hazardous substance**, means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and emptying of the container. Storage does not include substances in use or oil used as a heating or cooling medium in enclosed systems.

**Stormwater** – means any fresh water that, as a result of rainfall:

- (a) runs off land or the external surface of any structure; and
- (b) may contain a contaminant as a result of this process; and
- (c) is collected so as to concentrate the flow at some point before discharge.

**Stormwater interceptor treatment device** – means a device that conveys stormwater through a treatment system in such a way that contaminants such as floating debris, oil and other hydrocarbons, and sediment that may otherwise be discharged in the stormwater are substantially retained by the device. C10 10/07  
Op 3/14

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

**Studio** – means a detached room for art, craft or hobbies occupied exclusively as part of the principal dwelling on the site and containing no kitchen, cooking or sleeping facilities and that is no more than 36 square metres in area.

**Subdivision consent** – means a consent to do something that otherwise would contravene section 11 of the Act.

**Substantial take-up** – in relation to any deferred zone in the Richmond West Development Area identified on the planning maps and in the rules, means that 65 percent of the area of land comprising individual sites that is zoned for development in a defined location has been issued with building consents for site development that have been given effect to. C10  
Op 4/13

**Substation** – means those parts of works or electrical installations, being a building, structure, or enclosure, incorporating fittings that are used for the purpose of the control of the transformation, transmission, or distribution of electricity.

**Subzone** - means an area within an Aquaculture Management Area, shown on the planning maps and identified by an alphabetical symbol.

RCP  
Op 10/11

**Supermarket** – means a retail outlet with a gross floor area greater than 500 square metres, used for the sale of a wide variety of goods.

**Surface take** – in relation to taking water, means takes from a dam or reservoir or the bed of a river and includes water taken from under the river gravels and water taken from any infiltration gallery within 10 metres of the river bank.

**Sustainable bore yield** - means where the water level in a pumped bore does not adversely affect the pumping rates in neighbouring bores. It is dependent on the static water level, lowering of the water level due to pumping in the bore, lowering of the surrounding water table due to interference as a result of pumping from the bore itself and neighbouring bores and aquifer recharge. These factors are, in turn, dependent on bore depth, bore construction and aquifer hydraulic characteristics. The sustainable bore yield may vary between bores and aquifers and depend on location in the aquifer.

C45 4/13  
Op 9/15

**Swamp Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Swamp Zone and subject to all applicable rules.

## T

**Tadmor subzone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Tadmor Subzone and subject to all applicable rules.

*Tangata whenua* – in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

**Tangata whenua iwi** - in relation to Part III of this Plan, means the iwi holding mana over the lands (whenua) and coastal waters (moana) of western Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua and includes Ngati Tama Ki Te Tau Ihu, Te Atiawa Ki Te Tau Ihu and Ngati Rarua Ki Te Tau Ihu.

**Taonga** – means the treasures as the sacred possessions of the tangata whenua. Taonga are prized and protected and not limited to things that can be seen or touched.

**Tapawera Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Tapawera Zone and subject to all applicable rules.

C52 1/15  
Op 7/17

**Telecommunication facility** – means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

**Telecommunication link** – means any line, radio frequency, or other medium used for telecommunication.

**Te Matu Zone** – means the surface waters and Motueka Gravel Aquifer within the area shown on the planning map as Te Matu Zone and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone.

C13 12/08  
Op 8/14

*[Definition of 'Temporary Activity' is deleted]*

C60 1/16  
Op 5/19

**Temporary Military Training Activity** - means a temporary military activity undertaken for defence purposes. The term 'defence' is as described in Section 5 of the Defence Act 1990.

**Tenancy** - means any occupancy for a retail activity that is created by freehold, leasehold, license, or any other arrangement to occupy.

C10 10/07  
Op 3/14

**Tikanga Maori** – means Maori customary values and practices.

**Topsoil** – means the topmost layer of the undisturbed soil profile.

**Total quantity ratio** – means the total value of all the quantity ratios for each effect type for individual hazardous substances proposed to be used or stored in a hazardous facility.

**Tourist accommodation** – Tourist accommodation has the same meaning as visitor accommodation but also includes some centralised services or facilities, such as food preparation, dining, sanitary, conference, recreation, and bar facilities, and associated parking areas for the use of those living on and visiting the site.

**Tourist Services Zone** – means that area of land displayed on the planning maps of this Plan and identified as Tourist Services Zone and subject to all applicable rules.

**Toxicity** – means the inherent potential or capacity of a material to cause adverse effects on a living organism.

**Track** – means any constructed pathway or trail where the formation construction is at least to a standard that is capable of carrying a crawler or wheel tractor, or other vehicle, and includes any road.

**Trade supplier** – means a business engaged in sales to businesses and institutional customers and includes a proportion of sales to the general public, and consists of suppliers of goods in one or more of the following categories:

C10 10/07  
Op 3/14

- (a) Automotive and marine suppliers
- (b) Building suppliers
- (c) Catering equipment suppliers
- (d) Farming and agricultural suppliers
- (e) Garden and patio suppliers
- (f) Hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items)
- (g) Industrial clothing and safety equipment suppliers
- (h) Office furniture, equipment and systems suppliers.

**Traffic sign** – means any sign that is erected or authorised by or on behalf of the road controlling authority for the purpose of road marking, traffic control, or enforcement.

**Treaty values** associated with aquaculture activities include:

RCP  
Op 10/11

- (a) pollution and degradation of kaimoana beds;
- (b) degradation of customary fisheries ecosystems;
- (c) imposition and lifting of tapu rahui;
- (d) access to customary coastal resources.

## U - V

**Umukuri Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Umukuri Zone and subject to all applicable rules.

**Unaffiliated or not affiliated**, in relation to the Waimea Community Dam, means where a permit holder does not hold a water supply agreement or any other agreement linked to water release from the dam.

C54 9/15  
Op 9/16

**Unmodified flow** - means a river flow which would have occurred in the absence of any flow to or from a storage dam or reservoir. It will be calculated by the Council and is based on the measured flow of the river and adjusted according to:

C54 9/15  
Op 9/16

- (a) any contribution from an augmentation dam or reservoir; or
- (b) effects of damming or storage by the dam or reservoir.

**Upgrading** – in relation to lines, means an increase in the carrying capacity, or security, of the line (e.g., such as adding additional circuits, reconductoring with heavier conductors, longer insulators, or the addition of earthwires) utilising the existing support structures or structures of a similar scale and character. A change in voltage will only be included when there is no physical change to the line, e.g., where a line has been constructed to operate at a certain voltage but has been operating at a lesser voltage.

**Upper Confined Aquifer (UCA) Zone** – means the groundwater in alluvial gravels comprising the Upper Confined Aquifer at approximate depths of 18 metres near Aniseed Valley Road to 32 metres near State Highway 60, within the area shown on the planning maps as Upper Confined Aquifer (UCA) Zone and subject to all applicable rules.

C45 4/13  
Op 9/15

**Upper Motueka Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Upper Motueka Zone and subject to all applicable rules.

**Urban area** – means any site within any Residential, Commercial, Central Business, Mixed Business, Industrial, or Papakainga Zone, or within any Tourist Services, Open Space, or Recreation Zone adjoining any of the above zones.

**Urban Design Guide (Part II, Appendix 2)** – means the subdivision and development design guide' in urban areas such as the Richmond South, Richmond West, Brightwater, [Wakefield](#), and Mapua development areas that forms Appendix 2 of Part II of the Plan and that, for the avoidance of doubt, forms part of the Plan.

C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C75 9/22  
Op 10/23  
C76 9/22

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

**User** – refer to definition of 'Water User'.

**Utility service line** – means any pipe, cable, line, drain, channel, race or other linear facility for utility purposes.

**Vegetation** – includes trees, shrubs, plants, or grasses.

**Vehicle crossing** – means the formed and constructed area providing vehicular entry and exit between the carriageway of any road and the road boundary of any site, and extending into the site so that a vehicle can be driven clear of the road reserve; and includes any associated culvert, bridge, or kerbing.

**Vehicle trip** – means a single journey to or from a particular site by a person or persons in a motor vehicle.

**Versatility** – in relation to land, means the range of types of plant or animal biomass that may be produced over a given area.

**Vessel** – refer to definition of ‘Ship’.

RCP Op 10/11

**Visitor accommodation** – means the use of land and buildings for short-term commercial or recreational living accommodation, where the length of stay for any one visitor is not greater than three months at any one time.

**Void volume** - means the volume within a stormwater device that can effectively be filled with water.

C66 10/17  
Op 12/18

## W - Z

**Wāhi tapu** – means a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense.

C16 9/09  
Op 8/12

**Wāhi Tapu Area** - means an area of land that contains one or more wāhi tapu.

**Wai-iti Dam Service Zone** - means the surface water and groundwater in alluvial gravels within the area shown on the planning maps as Wai-iti Dam Service Zone and subject to all applicable rules.

**Wai-iti Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Wai-iti Zone and subject to all applicable rules.

**Waimea Community Dam** - means the structure that is the subject of resource consents RM140556 and RM140557 to dam and discharge into the Lee River.

C54 9/15  
Op 9/16

*[Meaning for ‘Waimea Community Dam Limited’ deleted]*

**Waimea Community Dam Operator** – means the person who exercises the resource consent to operate releases of water from the dam subject to Resource Consent RM 140557.

**Waimea Deep Moutere Aquifer Zone** - means the groundwater in the Moutere Gravel formation beneath the alluvial aquifers within the area shown on the planning maps as Waimea Deep Moutere Aquifer Zone and subject to all applicable rules.

C45 4/13  
Op 9/15

**Waimea Islands Zone** – means the surface and groundwater in alluvial gravels and coastal sands within the area shown on the planning maps as the Waimea Islands Zone and subject to all applicable rules.

**Waimea Plains Zones** - means the Appleby Gravels, Reservoir, Waimea West, Golden Hills, Delta, Hope and Eastern Hills, Upper Catchments and Upper and Lower Confined Aquifer Zones.

C54 9/15  
Op 9/16

**Waimea West Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Waimea West Zone and subject to all applicable rules.

**Waiting list** – in relation to the taking and use of water, means any written list of registrations established and maintained by Council that are:

C12 7/08  
Op 8/14

- (a) lodged on the list in priority-in-time order; and
- (b) accompanied by information on need for and amount of water taking and use; and
- (c) made by persons seeking to have authorised water takes in Water Management Zones where allocation limits specified in the Plan have been reached.

A waiting list establishes a priority order for authorised access to water by a water permit, when it becomes available following the notification of increased allocation limits in the Plan, or following the relinquishing, expiry, reduction or lapsing of existing permits. C12 7/08  
Op 8/14

**Wairua** - means the spiritual value or essence, soul, quintessence - spirit of a person or thing which exists beyond death. C17 2/10  
Op 4/13

**Wakefield Development Area** - means the area between Pitfure Road, Edward Street, and Higgins Road, as shown on the planning maps. C76 9/22

**Wangapeka subzone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Wangapeka Subzone and subject to all applicable rules.

**Waste oil** – means any oil that has been used in machinery but not including oil that has been re-refined to be resold.

**Wastewater Management Area** – means that area of land displayed on the planning maps as Wastewater Management Area and subject to all applicable rules.

**Water** –

- (a) means water in all its physical forms whether flowing or not and whether over or under the ground;
- (b) includes fresh water, coastal water and geothermal water;
- (c) does not include water in any form while in any pipe, tank, or cistern.

**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.

**Water Management Area** – means any area of land displayed on the planning maps of this Plan and identified as a water management area and subject to all applicable rules, and includes the Motueka/Riwaka Plains Water Management Area and the Waimea Water Management Area.

**Water Management Zone** – means a defined part of water resource displayed on the planning maps in this Plan and subject to all applicable rules.

**Water meter** in relation to the provisions of Part V, means a device or system that: C35 3/12  
Op 4/13

- (a) takes continuous measurements;
- (b) keeps records
  - (i) in cubic metres
  - (ii) specifying “zero” when no water is taken
  - (iii) in an auditable format
  - (iv) that must be able to be combined to cover each water year of the permit;
- (c) measures the volume of water taken
  - (i) to within +/- 5 percent of the actual volume taken for water taken from a full pipe, or
  - (ii) to within +/- 10 percent of the actual volume taken for water taken by another method (including an open channel or partially full pipe);
- (d) for takes greater than 5 litres per second is able to provide data in a form suitable for electronic storage, except that for meters existing as at 31 March 2012, manually recorded and reported data is accepted;
- (e) is suited to the qualities of the water it is measuring (such as temperature, algae content and sediment content);
- (f) is sealed and is as tamper-proof as practicable;
- (g) is installed either:
  - (i) at the location from which the water is taken;
  - or
  - (ii) at the location specified by any approval granted in writing by the Council;

and

(iii) by a person who is appropriately accredited to install water meters.

- (h) For takes greater than 5 litres per second, has been verified as accurate by a person who is appropriately accredited<sup>1</sup> to verify the accuracy of water meters.

Verification is required in the first year of the water permit and thereafter at any time in the five-year period ending when that water year ends.

<sup>1</sup> ‘Appropriately accredited’ in relation to installation and verification of water meters is accreditation under the Water Measurement & Reporting Industry Accreditation Programme (Irrigation NZ; February 2011) or a similar programme that provides both training and auditing.

- (i) For takes less than 5 litres per second, has been verified as accurate by or on behalf of the consent holder in the first year that the meter is required and thereafter where the duration is at least five years, once midway during the remaining duration of the permit.

Verification must be by a repeatable method that provides three volume results. The results must be signed as accurate by the person carrying out the measurements.

NOTE: ‘Continuous measurement’ means that flow is **measured** continuously but not necessarily **recorded** continuously.

**Water permit** – means a consent to do something (other than in the coastal marine area) that otherwise would contravene section 14 of the Act.

**Water supply agreement** - means a contract for the release of a specified amount of water from the Waimea Community Dam.

C54 9/15  
Op 9/16

**Water user** or **user** – in relation to water, means any person using water for any purpose.

**Weir** – means a structure that impedes or alters the flow of water or bed material in a river but enables flows over the top of the structure without control. A weir acts to build up the water level behind it but it does not provide significant water storage or opportunity for water harvesting.

C35 3/12  
Op 4/13

**Wet abrasive blasting** – means abrasive blasting using materials to which water has been applied.

**Wetland** – 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.

**Wildlife habitat** – means the physical setting in which naturally occurring or introduced animals live in a wild state.

**Wood** – includes logs, sawn timber, bark, shavings, sawdust and wood chips.

**Wood pellets** – means solid fuel used in pellet-burning appliances that is made of wood that has not been treated with preservatives or impregnated with chemicals (except for negligible amounts of anti-sapstain) and that complies with the following standards:

Average moisture content (as delivered):	4% – 8% of the wet mass
Bulk density:	No less than 640kg/m <sup>3</sup>
Ash content:	No more than 0.5% by oven dry weight
Gross calorific value:	18 – 21 MJ/kg
Pellet size:	No more than 10mm diameter by 38mm long
Fines:	No more than 1% by weight passing through a 3mm mesh screen

**Workers’ accommodation** – means a collection of buildings that:

- (a) provides the functional requirements of one or more self-contained housekeeping units; and
- (b) locates in separate buildings, sleeping facilities from sanitary and eating facilities; and
- (c) is used for the residential accommodation of persons employed.



