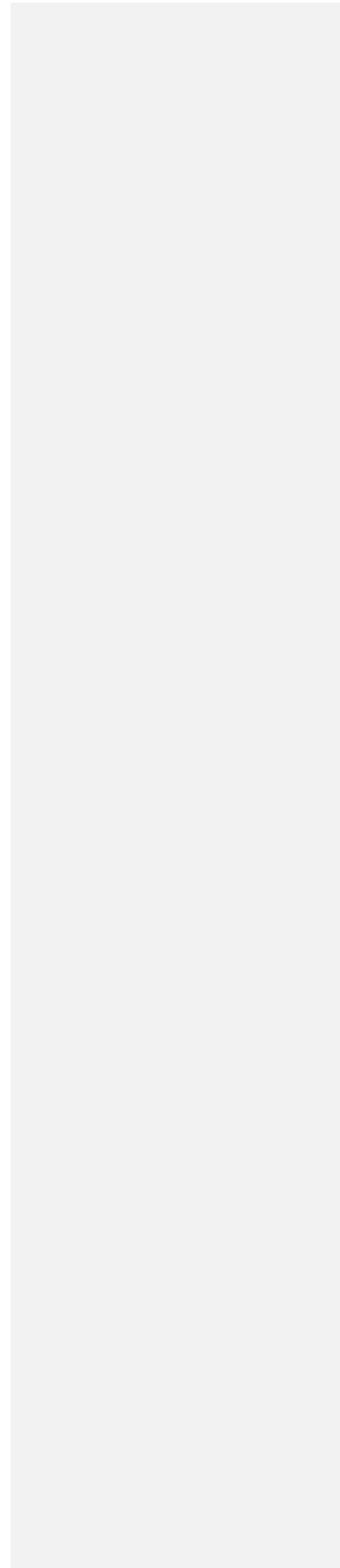


PART I

GLOSSARY



INTRODUCTION

- 1.0.1 In this Plan, the following terms have the meaning as described. Terms shown with an asterisk (*) have the meaning provided in the Interpretation section (s2) of the Resource Management Act 1991. In the case of any inconsistency with the meaning of words defined in the RMA, the statutory definition shall prevail.

GENERAL RULES OF INTERPRETATION

- 1.0.2 Any word, term or phrase defined in singular form includes plural and vice versa.
- 1.0.3 All lists of items (eg: place names, conditions, standards and terms, etc) and subparagraphs within paragraphs are to be read conjunctively, unless expressed as alternatives.
- 1.0.4 Headings do not affect the interpretation of this Plan.
- 1.0.5 Cross references are for the assistance of the Plan user and are not necessarily exhaustive.
- 1.0.6 Any abbreviation has the same meaning as the word, term or phrase that it abbreviates.

DEFINITIONS

- 1.1 **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 or steam or water or by a wheel. (Also refer to 'Dry abrasive blasting' and 'Wet abrasive blasting').
- 1.2 **Accelerated erosion**
means intensification of the natural rate of erosion of the land surface (including soil, regolith and bedrock), induced by human activity.
- 1.3 **Accretion**
means the gradual build-up of deposited material (sediment, gravel etc).
- 1.4 **Acid producing potential**
is a laboratory measure of the ability of a rock or soil mass to generate acid drainage.
- 1.5 **Act**
means the Resource Management Act 1991 including any amendments thereto.
- 1.6 **Advanced primary treatment**
in relation to treatment of sewage, means primary treatment with the addition of an effluent filter screen.
- 1.7 **Aerial discharge**
means the discharge of a substance from an aircraft.
- 1.8 **Aerosol**
means a system of particles consisting of water containing contaminants which may be carried in the atmosphere by the movement of air, with the aerodynamic diameter of the particles ranging from 0.05 to 50 microns.
- 1.9 **After reasonable mixing**
(a) in relation to flowing surface water bodies, means the mixing of contaminants in surface water at whichever of the following is the least:
(i) a distance 200 metres downstream of the point of discharge or
(ii) a distance equal to seven times the bed width of the surface water body, but which shall not be less than 50 metres or
(iii) the distance downstream at which mixing of contaminants has occurred across the full width of the surface water body, but which shall not be less than 50 metres

Comment [1]: Appeal by: Ngati Kahungunu Iwi Inc. (seeks new definitions of 'significant'; 'undesirable')

- (b) in relation to lakes, means the mixing of contaminants in lake water at a distance 15 metres from the point of discharge
- (c) in relation to groundwater bodies, means the mixing of contaminants in groundwater at whichever of the following is the least:
 - (i) a distance 100 metres from the point of discharge or
 - (ii) the boundary of the subject property.

Alternatively, for activities that are subject to resource consent process, 'reasonable mixing' may be determined on a case-by-case basis for the purposes of that specific resource consent.

- I.10 **Agrichemical**
means any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna, excluding fertiliser and pheromones.
- I.11 **Agrichemical spray drift**
means the airborne movement of agrichemicals, as droplets, vapour or solid particles, onto a non-target area.
- I.11A **Airshed**
means
 - a) the region of a regional council excluding any area specified in a notice under b)
 - b) a part of the region of a regional council specified by the Minister for the Environment by a notice in the Gazette to be a separate airshed.
 Maps of airsheds gazetted under b) are incorporated by reference in Schedule HC.
- I.12 **Allocatable volume**
means the volume of water flow available for out-of-stream use (eg. irrigation). It is the volume of the total river flow available over a set period (eg. the average daily flow or average seven day flow [or Summer 7-day Q95](#)) that may be abstracted from a river or stream without causing the minimum flow to occur so often as to cause a continuing change in the nature of the aquatic ecosystem.
- I.13 **Allotment ***
has the same meaning as set out in s218 of the RMA which is:
 - “(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 7A of the Land Transfer Act 1952; or
 - (c) any unit on a unit plan; or
 - (d) any parcel of land not subject to the Land Transfer Act 1952.”
- I.14 **Ambient air quality**
means the air quality beyond the boundary of the subject property and beyond any area of local air quality.
- I.15 **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.
- I.15A **Angle of repose (AOR)**
Means the maximum slope, measured in degrees from the horizontal, at which loose solid material will remain in place without sliding.
- I.16 **Animal effluent**
means animal excreta (excluding human waste) that is collected and managed by people, (including associated process water, contaminants, and sludges).
- I.17 **Animal remedy**
means any drug, medicine, remedy or therapeutic preparation, or any biochemical substances for:
 - (a) curing, diagnosing, treating, controlling or preventing any disease in animals; or
 - (b) destroying or preventing parasites on or in animals; or

Comment [2]: Appeal by:
Ngati Kahungunu Iwi Inc.

- (c) maintaining or improving the health, condition, productivity or appearance of any animals; or
- (d) capturing or immobilising any animal.

1.18 **Aquaculture activities ***

means the breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing or ongrowing involves the occupation of a coastal marine area; and:

- (a) includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but
- (b) does not include any activity specified above if the fish, aquatic life or seaweed-
 - (i) are not in the exclusive and continuous possession or control of the person undertaking the activity; or
 - (ii) cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed.

Comment [3]: Appeal by: Ngati Kahungunu Iwi Inc.

1.19 **Aquaculture management area ***

means a coastal marine area described as an aquaculture management area and included in a regional coastal plan or proposed regional coastal plan in accordance with s165C; and includes:

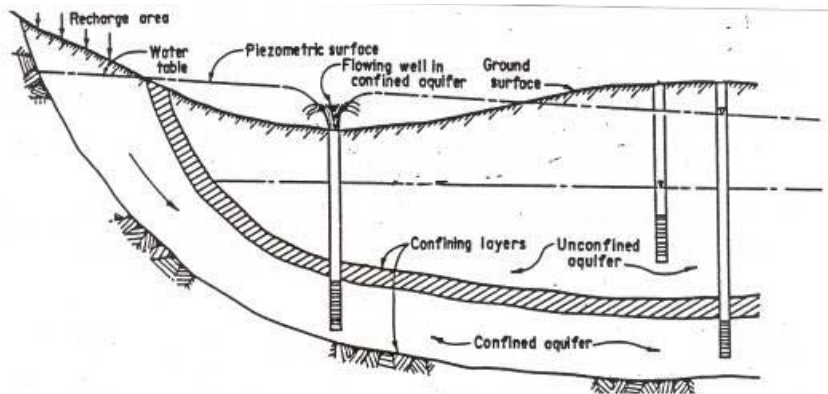
- (a) an interim aquaculture management area that becomes an aquaculture management area under s44 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; and
- (b) part of an aquaculture management area.

1.20 **Aquifer**

means a saturated permeable geologic unit that can transmit significant quantities of water at a rate which is useful for water supply under ordinary hydraulic gradients.

Related terms include:

- 'Aquiclude' means a saturated but poorly permeable formation that may transmit water to or from adjacent aquifers.
- 'Aquitard' means a geologic formation through which virtually no water moves.
- 'Confined Aquifer' means an aquifer which is confined between aquitards and therefore contains water under pressure.
- 'Unconfined Aquifer' means an aquifer which has its upper boundary at the Earth's surface.



Note: This diagram is explanatory only, not representative of any particular aquifer.

1.21 **Aquifer testing**

means taking and using groundwater at a constant rate not exceeding 3 consecutive days in any 28 day period to test attributes and characteristics of an aquifer and/or groundwater. Those characteristics may include transmissivity, storativity and chemical composition. It does not include any taking or use of groundwater to which a device is connected that may result in variability of water flow.

1.22 **Archaeological site**

has the same meaning as in s2 of the Historic Places Act 1993, which is: "any place in New Zealand that:

- (a) either:
 - (i) was associated with human activity that occurred before 1900; or
 - (ii) is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand."

- 1.23 **Artificial watercourse**
includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal *[also refer to definition of 'River' under the RMA].*
- 1.24 **Asphalt plant**
means any process for the blending or coating of road chip with any material based on tar or bitumen or asphalt and intended for road surfacing application.
- 1.25A **Awatoto Gravel Extraction Area**
means an area within the coastal marine area identified on the planning maps for the purposes of this Plan to manage the effects of extracting gravel and other sediment for commercial purposes by Winstone Aggregates.
- 1.25 **Bathymetry**
means the contours of the seafloor.
- 1.26 **Beach nourishment**
means the placement of sediment by artificial means on the foreshore, seabed or active beach area for the purposes of mitigating a coastal hazard or for maintaining shoreline location. Usually the imported material is of similar physical characteristics to the material already present. Beach nourishment is most commonly carried out as a coastal protection work. It is not a reclamation because its primary purpose is not to create new land; and does not include the dumping of waste or other material.
- 1.27 **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 the sea, the submarine areas covered by the internal waters and the territorial sea.
- 1.28 **Bed form**
means the topography or shape of the bed of a lake or river.
- 1.29 **Benefits and costs ***
includes benefits and costs of any kind, whether monetary or non-monetary.
- 1.30 **Benthic**
means seafloor.
- 1.31 **Benthos**
means organisms living on, or in the foreshore or seabed.
- 1.32 **Berm**
means that area of land located adjacent to the river bed that is periodically covered by flood waters that overtop the banks of the river.
- 1.33 **Best irrigation management practice**
means the optimum application of irrigation water to a crop in a manner that takes into account:
 - appropriate scheduling
 - rate of application
 - crop type
 - soil and site characteristics and
 - application method
to avoid wastage of water.

Comment [G14]: Amended by Consent Order dated 21 April 2011 re appeal by Winstone Aggregates.

- 1.34 Best practicable option ***
 in relation to a discharge of a 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.
- in relation to natural hazards, means the best method for preventing or mitigating the natural hazard having regard, among other things, to:
- (d) the nature of the natural process, or processes, contributing to the hazard and the sensitivity of the coastal environment to those processes; and
 - (e) the financial implications, and the effects on the environment, of that option when compared with other options;
 - (f) the current state of technical knowledge and the likelihood that the option can be successfully applied.
- 1.35 Biochemical oxygen demand (BOD)**
 is a measure of the amount of oxygen consumed during the decomposition of organic matter in water. BOD₅ has a corresponding meaning as a measure of oxygen consumed over a five day period.
- 1.36 Biodiversity**
 means the variability among indigenous living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species and of ecosystems.
- 1.37 Biosolids**
 means processed sludges from industrial activities (excluding human waste and agricultural effluents) that are suitable for reuse as soil conditioners or fertiliser substitutes.
- 1.38 Biota**
 means all living components of the environment, excluding humans.
- 1.39 Blackwater**
 means wastes discharged from the human body either direct to a vault toilet or through a water closet (flush toilet) and/or urinal.
- 1.40 Boat maintenance activity**
 includes cleaning, scraping, sanding, painting, antifouling or repair of any surface on a boat, and cleaning, dismantling, removing, repairing or replacing of any engine, part of an engine, propeller, propeller shaft, or other device or fitting which is part of or attached to a boat when in use.
- 1.41 Boat maintenance facility**
 means any boat grid, slipway, ramp or haul-out facility located within the coastal marine area, on adjoining land, or both, which is specifically designed for the purpose of carrying out boat maintenance activity.
- 1.42 Bore**
 means any pipe, cylinder or hole inserted into the ground that either:
- (a) is created for the purpose of accessing underground water, oil or gas; or
 - (b) penetrates a confined aquifer; or
 - (c) in any way causes the release of water from a confined aquifer; or
 - (d) is created for the purpose of exploring water, oil or gas resources
- but does not include a piezometer installed for monitoring purposes.
- 1.43 Buffer zone**
 means the distance between the boundary of an activity and an identified sensitive area.
- 1.44 Building**
 means any temporary or permanent moveable or immovable structure, including any structure used or intended to be used for:
- (a) occupation by people, animals, machinery or chattels
 - (b) a non-reticulated wastewater system for storage, treatment and/or disposal of wastewater
 - (c) a bore.

- 1.44A **Building work**
means work for, or in connection with, the alteration, construction, or placement of a building, and includes earthworks and other work on a site preparatory to or associated with the construction, alteration or placement of a building. For the avoidance of doubt and purposes of Rules in Chapter 27.6, it does not include internal or interior building work.
- 1.45 **Bund**
in relation to stored contaminants, means a constructed embankment or low wall designed to contain accidental spillage of a stored liquid.
- 1.46 **Catchment**
means the total area from which a single water body collects surface and subsurface runoff.
- 1.47 **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 associated.
- 1.48 **CHZ**
refer to Coastal Hazard Zone.
- 1.49 **Class AE(HB)**
in relation to coastal water quality means a classification applied to all coastal water in the Hawke's Bay Region to be managed for aquatic ecosystem purposes. It does not include coastal water classified as Class CR(HB). Class CR(HB) coastal waters are identified in Volume 2 of this Plan.
- 1.50 **Class CR(HB)**
in relation to coastal water quality means a classification applied to coastal water in the Hawke's Bay Region to be managed for contact recreation and aquatic ecosystem purposes. It does not include any coastal water classified as Class AE(HB). Class CR(HB) coastal waters are identified in Volume 2 of this Plan.
- 1.51 **Cleanfill**
means natural materials such as clay, soil, rock and such other materials as concrete, brick, old asphalt or demolition products that are free of:
(a) combustible or putrescible components apart from up to 10% by volume untreated timber in each load
(b) hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown and
(c) any products or materials derived from hazardous waste treatment, stabilisation or disposal processes.
- 1.52 **Closed landfill**
means any landfill that was no longer operating at the date of public notification of this Plan.
- 1.53 **Coastal environment**
means an environment in which the coast is a significant element or part, and includes:
(a) the coastal marine area;
(b) any areas identified as being affected by, or potentially affected by, coastal flooding or coastal erosion;
(c) any of the following:
(i) tidal waters and the land above mean high water springs;
(ii) dunes;
(iii) beaches;
(iv) areas of coastal vegetation and coastal associated fauna;
(v) coastal cliffs
(vi) salt marshes;
(vii) coastal wetlands, including estuaries; and
(viii) areas where activities occur or may occur which have a direct physical connection with, or impact on, the coast.

For the purposes of this Plan, the coastal environment comprises all of the coastal marine area of Hawke's Bay and the coastal margin. The inland boundary of the coastal margin and coastal environment is as shown on the planning maps in Volume 2 of this Plan.¹

¹ NOTE: The term 'Coastal Environment' is not defined in the RMA but is used in s6 of the RMA and in the NZCPS. It was defined under the Town and Country Planning Act 1977 as an environment in which the coast is a significant part or element. The Environment Court has held that the coastal environment is usually accepted as extending to the crest of the nearest skyline. In some cases, the coastal environment for the purposes of s6 and/or

- 1.54 **Coastal Hazard Zone 1 (CHZ1)**
means an area seaward of the CHZ1 boundary identified on the planning maps within which is land is assessed as being subject to storm erosion, short-term fluctuations and dune instability and includes rivermouth and stream mouth areas susceptible to both erosion and inundation due to additional hydraulic forcing of river or estuary systems. For the purposes of this Plan, it extends a distance of 200m seaward from its inland boundary.
- 1.55 **Coastal Hazard Zone 2 (CHZ2)**
means an area of land seaward of the CHZ2 boundary identified on the planning maps which is land assessed as being potentially at risk up to 2100 due to long term rates of coastal erosion and at some locations, may also include areas assessed as being potentially at risk of sea water inundation in a 1 in 50 year combined tide and storm surge event. It includes allowance for sea level rise, but does not include land within Coastal Hazard Zone 1 or Coastal Hazard Zone 3.
- 1.56 **Coastal Hazard Zone 3 (CHZ3)**
means an area of land assessed as being potentially at risk of sea water inundation in a 1 in 50 year combined tide and storm surge event, and includes allowance for sea level rise, but does not include land within Coastal Hazard Zone 1 or Coastal Hazard Zone 2.
- 1.57 **Coastal Margin**
means an area of the coastal environment identified for the purposes of this Plan to manage activities and the effects of activities occurring within the coastal environment. It does not include any part of the coastal marine area.
- 1.58 **Coastal marine area ***
means the foreshore, seabed, and coastal water, and the air space above the water:
(a) of which the seaward boundary is the outer limits of the territorial sea (as defined by s3 of the Territorial Sea and Exclusive Economic Zone Act 1977);
(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.
- 1.59 **Coastal protection structure**
means any structure(s) used to reduce risks posed by coastal erosion and/or inundation by the sea to human life, property or the environment and includes sea walls, groynes, rip-rap, bunds, breakwaters, revetments, gabions and reinforced fences.
- 1.60 **Coastal protection work**
means any works used to reduce risks posed by coastal erosion and/or inundation by the sea to human life, property, or the environment and includes coastal protection structures and beach nourishment.
- 1.61 **Coastal water ***
means seawater within the outer limits of the territorial sea and includes:
(a) seawater with a substantial fresh water component; and
(b) seawater in estuaries, fiords, inlets, harbours, or embayments.
- 1.62 **Commercial user**
in relation to agrichemicals, means any person, group or organisation using agrichemicals in the course of their business activities. It includes any local authority managing the use of agrichemicals in public places and amenity areas, roadside, waterways and on noxious weeds.
- 1.63 **Composting**
means the biological reduction of organic waste to a relatively stable product.
- 1.64 **Concretionary boulder**
means a boulder formed of sedimentary material cemented around a central core, or nucleus (eg: Moeraki boulders).
- 1.65 **Conglomerate**
means a heterogenous mixture of rock fragments cemented together.
- 1.66 **Conditions ***
in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

the NZCPS may extend inland of the coastal environment as shown on the planning maps. However, the provisions of this Plan only apply seaward of the line shown on the planning maps.

- 1.67 **Confined aquifer**
refer to 'Aquifer'.
- 1.68 **Consent authority ***
means the Minister of Conservation, a regional council, a territorial authority, or a local authority that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which a resource consent is required under the RMA.
- 1.69 **Conspicuous change**
refer to 'Discernable change.'
- 1.70 **Construction**
in relation to a building or structure, means fitting, assembly or erection of parts and includes relocation of a building or structure. Construct and constructing have corresponding meanings.
- 1.71 **Constructed wetland**
means an artificial wetland.
- 1.72 **Contaminant ***
includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:
(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.²
- 1.73 **Contaminated site**
means a site at which hazardous substances or organic waste 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 of the environment. Background levels refer to ambient levels of a contaminant in the local area of the site under consideration.
- 1.74 **Contractor**
means any person or organisation who by agreement with the owner, occupier or manager of any land, undertakes activities for hire or reward. It does not include an employee, owner, occupier or manager.
- 1.75 **Contravene ***
includes fail to comply with.
- 1.76 **Controlled activity ***
means an activity which:
(a) is provided for, as a controlled activity, by a rule in a plan or proposed plan; and
(b) complies with the standards and terms specified in a plan or proposed plan for such activities; and
(c) is assessed according to matters over which the consent authority has reserved control over in the plan or proposed plan; and
(d) is allowed only if a resource consent is obtained in respect of that activity.
- 1.77 **Crop**
means any vegetative crop (including a crop of trees) established by humans.
- 1.78 **Crossing**
means any bridge, ford or conduit, including pipe or culvert, in, on or over the bed of any river or lake.
- 1.79 **Cultivation**
means land tillage and other land disturbance activities for the purposes of establishing and growing a crop, or pasture establishment.

² NOTE: In *Re an application by Contact Energy Ltd (C116/2004)*, the Environment Court concluded in that 'deposit any substance' is different from 'discharge any contaminant'; 'deposit' is a limited subset of 'discharge'; 'substance' does not include 'contaminant' so that substances must be benign, and usually natural; and deposit involves action by the depositor because passive non-interference with effects can be addressed by imposing conditions on the active cause.

- 1.80 **Dam**
means any structure across the bed of a river or lake or artificial watercourse which impounds water.
- 1.81 **Dangerous**
refer to Schedule B of this Plan.
- 1.81A **Declamation**
means the removal of land adjacent to a water body or part of a water body which results in enlargement, in a horizontal dimension, of the water body (ie: antonym of reclamation).
- 1.82 **Deposit**
in relation to any substance, means reasonably directly and actively to place or empty a substance (not being a contaminant).³
- 1.83 **Deposition**
means the deposition of any substance, other than water or water-borne contaminants (discharge), or fill material (reclamation).
- 1.84 **Defence against water**
includes stopbanks and their foundations.
- 1.85 **Demolition**
in relation to a building or structure, means removal or dismantling. Demolish and demolishing have corresponding meanings.
- 1.86 **Designated mooring area**
means a mooring area where a structure has been put in place for the purpose of mooring a ship and a fee is payable to the owner of the structure for the use of the structure.
- 1.86A **Diesel**
means a refined petroleum distillate having a viscosity and distillation range intermediate between those of kerosene and light fuel oil, whether or not it contains additives, intended for use as fuel in internal combustion equipment and external combustion equipment, but excludes re-refined oil and used oil or waste oil. Diesel must have properties that conform to the limits specified in Schedule 3 of the Petroleum Products Specifications Regulations 1988, when tested by the methods specified in that Schedule.
- 1.87 **Diffuse source discharge**
means a discharge that does not have a particular point of origin or is not introduced into receiving waters from a specific outlet, but arises from a wide or diffuse area.
- 1.88 **Discernible change**
means a change in colour of more than five points on the Munsell scale or more than 20% change in clarity as measured by a 200mm black disc as per 'Water Quality Guidelines Number 2' published by the Ministry for the Environment. (For example, a change in water colour from blue to blue/green is 10 points on the Munsell Scale).
- 1.89 **Discharge ***
includes emit, deposit, and allow to escape.⁴
- 1.90 **Discretionary activity ***
means an activity:
(a) which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
(b) which is allowed only if a resource consent is obtained in respect of that activity; and
(c) which may have standards and terms specified in a plan or proposed plan; and
(d) in respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.

³ NOTE: In *Re an application by Contact Energy Ltd (C116/2004)*, the Environment Court concluded in that 'deposit any substance' is different from 'discharge any contaminant'; 'deposit' is a limited subset of 'discharge'; 'substance' does not include 'contaminant' so that substances must be benign, and usually natural; and deposit involves action by the depositor because passive non-interference with effects can be addressed by imposing conditions on the active cause.

⁴ NOTE: In *Re an application by Contact Energy Ltd (C116/2004)*, the Environment Court concluded in that 'deposit any substance' is different from 'discharge any contaminant'; 'deposit' is a limited subset of 'discharge'; 'substance' does not include 'contaminant' so that substances must be benign, and usually natural; and deposit involves action by the depositor because passive non-interference with effects can be addressed by imposing conditions on the active cause.

- 1.91 **District plan ***
means an operative plan approved by a territorial authority under the First Schedule of the RMA; and includes all operative changes to such a plan (whether arising from a review or otherwise).
- 1.92 **District rule ***
means a rule made as part of a district plan or proposed district plan in accordance with s76 and s77A of the RMA.
- 1.93 **Disturbance**
includes excavation, dredging, drilling and tunnelling.
- 1.94 **Diversion**
in relation to the diversion of water, means the process of redirecting the flow of water from its existing course to another by modification of its course.
- 1.95 **Domestic needs**
refer to 'Reasonable domestic needs.'
- 1.96 **Domestic purposes**
in relation to agrichemicals, means the use of agrichemicals by a person, group or organisation in a private capacity, who do not use agrichemicals in the course of their business activities.
- 1.97 **Domestic sewage**
refer to 'Sewage.'
- 1.98 **Domestic wastewater**
refer to 'Wastewater.'
- 1.99 **Drainage**
means the activity of lowering the water table to achieve productive land use to facilitate the stability of land or structures, or to achieve some other resource use activity, and 'to drain' and 'drained' have corresponding meanings. This generally involves the diversion of water. It does not include stormwater drainage.
- 1.100 **Drainage system**
Is the means by which water is drained.
- 1.101 **Drainage water**
means the water that drains from a drainage system as a result of drainage activity. It does not include stormwater.
- 1.102 **Dry abrasive blasting**
means abrasive blasting using materials to which no water has been added.
- 1.103 **Dumping ***
means:
(a) in relation to waste or other matter, its deliberate disposal; and
(b) in relation to a ship, an aircraft, or an offshore installation, its deliberate disposal or abandonment:-
but does not include the disposal of waste or other matter incidental to, or derived from, the normal operations of a ship, aircraft, or offshore installation, if those operations are prescribed as the normal operations of a ship, aircraft, or offshore installation, or if the purpose of those operations does not include the disposal, or the treatment or transportation for disposal, of that waste or other matter; and 'to dump' and 'dumped' have corresponding meanings.
- 1.103A **Dunnage**
means the temporary wooden props and matting used to secure a ship's cargo in position in a ship's hold.
- 1.104 **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).
- 1.105 **Dwellinghouse ***
means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited.

- I.106 **Earthworks**
means the disturbance of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting and filling operations. In relation to CHZ1, it does not include:
(a) non-mechanical domestic landscaping or gardening
(b) the clearance of grasses and forest thinning
(c) cultivation, grazing and harvesting of agricultural, horticultural and viticultural crops.
- I.107 **Ecosystem**
means a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.
- I.108 **Edge protection works**
means works established to provide protection to a river bank.
- I.109 **Effect ***
includes:
(a) any positive or adverse effect; and
(b) any temporary or permanent effect; and
(c) any past, present, or future effect; and
(d) any cumulative effect which arises over time or in combination with other effects- regardless of the scale, intensity, duration, or frequency of the effect, and also includes:
(e) any potential effect of high probability; and
(f) any potential effect of low probability which has a high potential impact.
- I.110 **Efficient**
means the use of a resource in a manner that maximises net benefits to the region. Net benefits are determined by subtracting total costs (including negative effects on the environment) from total benefits (including positive effects on the environment).
- I.111 **Efficient abstraction**
refer to 'efficient groundwater take.'
- I.112 **Efficient groundwater take**
means abstraction by a bore which penetrates the aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (ie: the bore depth is below the range of seasonable fluctuations in groundwater level), with the bore being adequately maintained, of sufficient diameter and screened to minimise drawdown, with a pump capable of drawing water from the base of the bore to the land surface.
- I.113 **Efflux**
means the velocity of gases leaving a chimney, pipe or other exhaust.
- I.114 **Endemic**
means only occurring within New Zealand.
- I.114A **Embayment**
means a part of the coastal marine area bounded by headlands in which the body of coastal water is subject to tidal action.
- I.115 **Energy**
means the capacity of a body or a system to do work.
- I.116 **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.
- I.117 **Erosion**
means the natural (geological) processes of the wearing away of the land surface (including soil, regolith or bedrock) by natural agents and the transport of the derived material. Erosion includes sheet, wind, creep, slump, flow, rill gully, tunnel gully, stream and coastal erosion.

- I.118 **Estuary**
refer to 'marine wetland'.
- I.119 **Excavate**
means to extract substrate by digging.
- I.120 **Exclusive occupation**
in relation to the coastal marine area, means to occupy a defined parcel or area to the exclusion of all other class of persons who are not expressly allowed to occupy that same parcel or area of the coastal marine area.
- I.121 **Existing fish passage**
includes the passage of fish that occurs in a given water body over the course of a year.
- I.121A **Existing industrial or trade premise**
means an industrial or trade premises in the Napier Airshed or Hastings Airshed that is operating subject to a resource consent for the discharge of PM₁₀ to air at 1 September 2013.
- I.122 **Existing systems**
for the purpose of this Plan, existing systems do not include systems that have been modified or replaced after public notification of this Plan.
- I.123 **Exotic plant**
means a plant which is not native to New Zealand. These may include introduced plants which are species not native to New Zealand, but have been brought in by accident or design.
- I.123A **External combustion**
means a fuel combustion process that is not internal combustion, but utilises a heat furnace primarily to generate *thermal* energy. External combustion typically involves fully aspirated burning of the fuel to heat another fluid such as water (for steam), other exchange liquids or gases, air directly, or any component or part of a process that requires thermal energy. Unlike internal combustion, mechanical energy from external combustion can only be generated indirectly, by the furnace heating a fluid within a closed circuit – typically utilising phase change of the heated fluid between liquid and gas to generate physical motion, such as via a steam turbine driven by a boiler/cooler circuit.
- I.124 **Fauna**
means all the animal life of a given place.
- I.125 **Feedlot**
means an area of land upon which animals are kept and fed for more than 15 days in any 30 day period, where the activity precludes the maintenance of pasture or ground cover.
- I.126 **Feedpad**
means an area of land to which animals are brought for supplementary feeding on a regular basis, where the activity precludes the maintenance of pasture or ground cover.
- I.127 **Fence**
means any structure intended to be a permanent division, screen or barrier.
- I.128 **Fertiliser**
means any substance which is described as or held out to be for, or suitable for sustaining or increasing growth, productivity, or quality of plants or animals through the application of the following essential nutrients to plants or soils whether in solid or fluid form:
(a) nitrogen, phosphorous, potassium, sulphur, magnesium, calcium, chlorine, sodium, as major nutrients or
(b) manganese, iron, copper, boron, cobalt, molybdenum, selenium, as minor nutrients or additives and any other product which is considered to meet identified soil or plant nutrient deficiencies and is applied with this principal objective.
- I.129 **Financial contribution**
means a contribution as described in s108(9) of the RMA, and as set out in Part G of this Plan.
- I.130 **Flood carrying capacity**
means the capacity of any channel to convey flood waters.
- I.131 **Flora**
means all the plant life of a given place.

- I.132 **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.
- I.133 **Fresh water ***
means all water except coastal water and geothermal water.
- I.133 **Freestanding Burner**
means an appliance designed to be installed as a solid fuel burner in all areas of a residential dwelling except in a concrete or masonry fireplace or recessed into a building structure or fitting.
- I.134 **Fuel burning equipment**
means any enclosed fireplace, stove, incinerator, boiler, furnace, turbine, or internal or external combustion engine, in which the combustion of fuel or waste is carried out in a manner whereby the oxygen content, temperature, turbulence and residence time can be controlled.
- I.135 **Functional need**
means the need for an activity to be located within the coastal marine area where it is not able to function above mean high water springs.
- I.136 **General Management Area**
means an area within the coastal marine area identified for the purposes of this Plan to manage activities and the effects of activities occurring within, or near, the coastal marine area. It includes all of the coastal marine area, but not any part of the coastal marine area identified as being within an Aquaculture Management Area, Harbour Management Area, Port Management Area or Significant Conservation Area.
- I.137 **Gravel**
~~in relation to a river, lake, stream or estuary,~~ means all rock and soil material ~~located in a river bed and~~ which is derived from catchment erosion processes and includes all technical categories of such material including shingle, sediment, silts and clays, and includes other generally accepted terms such as aggregates.
- I.138 **Greywater**
means the domestic wastes from baths, showers, basins, laundries and kitchens specifically excluding water closet and urinal wastes. Greywater does not normally contain human wastes unless laundry tubs or basins are used to rinse soiled clothing or babies' napkins.
- I.138A **Greater Region Airshed**
means an airshed covering those parts of the region which have not been specified by the Minister for the Environment in a notice in the Gazette to be a separate airshed.
- I.139 **Groundwater**
means water which is below the surface of the ground, or the bed of any lake or river, whether the water is flowing or not, and if it is flowing, whether it is in a defined channel or not.
- I.140 **Groundwater protection zone**
means an area of land in which land use and water use activities are to be managed to protect the underlying groundwater resource.
- I.141 **GROWSAFE Introductory Certificate**
means a certificate which is administered by the New Zealand Agrichemical Education Trust, and awarded for successful completion of the GROWSAFE Introductory Course.
- I.142 **Guideline**
means a numerical concentration or narrative statement recommended to support and maintain an identified environmental value or resource use.
- I.143 **Habitat**
means the place or type of site where an organism or population normally occurs.
- I.144 **Hand-held appliance**
in relation to agrichemicals, means a knapsack sprayer, a non-motorised handgun sprayer, a motorised knapsack sprayer, a hand-held sprayer, or a non-motorised applicator with a rate and volume of application no greater than these devices.

Comment [G16]: Amended by Consent Order dated 21 April 2011 re appeal by Winstone Aggregates.

- I.145 **Harbour Management Area**
means an area within the coastal marine area identified for the purposes of this Plan to manage activities and the effects of activities occurring within or near Napier's Inner Harbour. The area is identified on maps in Volume 2 of this Plan. The landward boundary of the Harbour Management Area is mean high water springs.
- I.146 **Hazard mitigation**
in relation to natural hazards, means lessening the risks posed by natural hazards to human welfare and physical infrastructure.
- I.146A **Hastings Airshed**
means an airshed specified by the Minister for the Environment by a notice in the Gazette over the Hastings urban area and surrounds for the purposes of managing local ambient air quality. The area covered by the Hastings Airshed is incorporated by reference in Schedule HC, and comprises Airzone 1 and Airzone 2.
- I.146B **Hastings Airshed Airzone 1**
means the area of the Hastings Airshed covered by Airzone 1 as shown in Schedule XIII.
- I.146C **Hastings Airshed Airzone 2**
means the area of the Hastings Airshed covered by Airzone 2 as shown in Schedule XIII.
- I.147 **Hazardous facility**
means activities involving hazardous and environmentally damaging substances and sites, including vehicles for their transport, at which these substances are used, stored, handled or disposed of. It does not include:
- (a) storage or use of hazardous consumer products for private domestic purposes
 - (b) retail outlets for the domestic usage sale of hazardous substances (for example: supermarkets, hardware shops, pharmacies and other similar outlets)
 - (c) facilities using genetically modified or new organisms
 - (d) land uses that are or may be hazardous but do not involve hazardous substances (for example: mineral extraction, high voltage transmission lines, radio masts, electrical substations and other similar uses)
 - (e) gas and oil pipelines
 - (f) fuel in motor vehicles, boats, and small engines such as weed eaters, lawnmowers and chainsaws, and trailer mounted refuelling equipment.
- I.148 **Hazardous substance ***
includes, but is not limited to, any substance defined in section 2 of the Hazardous Substance and New Organisms Act 1996 as a hazardous substance.
- I.149 **Hazardous waste**
means hazardous substances which are unwanted and/or economically unusable.
- I.150 **HBRC**
means the Hawke's Bay Regional Council.
- I.151A **Heavy fuel oil**
means the residual fuel oil remaining after light fuel oil and the lighter fractions have been removed from crude oil during the refining process. Heavy fuel oil is more dense and viscous and has a higher sulphur content than light fuel oil.
- I.151 **Historic heritage ***
- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - (i) archaeological
 - (ii) architectural
 - (iii) cultural
 - (iv) historic
 - (v) scientific
 - (vi) technological and
 - (b) includes:
 - (i) historic sites, structures, places, and areas and
 - (ii) archaeological sites
 - (iii) sites of significance to Maori, including wahi tapu and
 - (iv) surroundings associated with the natural and physical resources.

- I.152 **Historic place**
has the same meaning as in s2 of the Historic Places Act 1993, which is: "any land (including an archaeological site); or any building or structure (including part of a building or structure); or any combination of land and a building or structure that forms part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and includes anything that is in or fixed to such land."
- I.153 **Horticulture**
means the growing of vegetables, fruit, flowers, plants in nurseries, grapes, other orchard trees, ornamental trees, and forest tree nurseries for commercial purposes.
- I.154 **Hydraulic head**
means the sum of elevation head and pressure head at a given point (well) within an aquifer.
- I.155 **Impoundment**
means the impounding, whether permanent or temporary, of water within any part of the coastal marine area by means of the construction of a causeway, bund, seawall, other similar solid structure, or any combination thereof, but excluding the impounding of water within any area which is in the process of being reclaimed and within which the reclamation is authorised by a resource consent.
- I.156 **Incineration ***
in relation to waste or other matter, means its deliberate combustion or burning for the purpose of its thermal destruction; and 'to incinerate' and 'incinerated' have corresponding meanings.
- I.157 **Incinerator**
means a device that is capable of burning solid fuel and waste, but the combustion is not able to be controlled and is not totally enclosed.
- I.158 **Indigenous**
means occurring naturally in New Zealand or having arrived in New Zealand without human assistance.
- I.158A **Insert burner – no wetback**
means a solid fuel burning appliance designed to be installed in a fireplace or a suitably flued masonry enclosure, but not connected to the hot water supply system within a residential dwelling.
- I.158B **Insert burner – wetback**
means a solid fuel burning appliance designed to be installed in a fireplace or a suitably flued masonry enclosure and is connected to the hot water supply system within a residential dwelling.
- I.159 **Individual premises**
means any building (or buildings) and any areas of adjoining land in common ownership.
- I.160 **Individual's reasonable domestic needs**
refer to 'Reasonable domestic needs.'
- I.161 **Industrial or trade premises ***
means:
(a) any premises used for any industrial or trade purposes; or
(b) any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or
(c) any other premises from which a contaminant is discharged in connection with any industrial or trade process– but does not include any production land.
- I.162 **Industrial or trade process ***
includes every part of a process from the receipt of raw material to the dispatch or use in another process or disposal of any product or waste material, and any intervening storage of the raw material, partly processed matter, or product.
- I.163 **Industrial refuse**
does not include clean concrete rubble.
- I.164 **Instream values**
means those uses or values of rivers and streams that are derived from within the river system itself and include amenity values, cultural and spiritual values of tangata whenua, and values associated with freshwater ecology and recreational, scenic, aesthetic and educational uses.

- I.165 **Instantaneous flow**
refers to the rate of river flow at the time of measurement.
- I.166 **Intake structure**
means the device by which water is taken from a water body.
- I.167 **Intensive pig farming**
means pig farming carried out predominantly within buildings or fenced outdoor areas where the stocking density precludes the maintenance of pasture or ground cover, and involving the keeping, breeding or rearing of more than five pigs that have been weaned, or more than two sows.
- I.167A **Internal combustion**
means a fuel combustion process within an engine in which *mechanical* energy is produced by the explosion of a fuel-and-air mixture within the engine (either within cylinders in the case of engines powered by fuels like petrol or diesel, or within gas turbines in the case of jet engines). While the primary purpose of an internal combustion process is to convert the energy from combustion of the fuel directly into mechanical energy, note that a significant proportion of the energy is also converted to waste heat.
- I.168 **Intertidal area**
means an area covered by the rise and fall of the tide.
- I.169 **Intertidal platform**
means a gently sloping rocky outcrop with varying width and topography that makes up part of the foreshore.
- I.170 **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.
- I.171 **Iwi authority ***
means the authority which represents an Iwi and which is recognised by that Iwi as having authority to do so.
- I.172 **Iwi management plan**
means a relevant planning document recognised by an Iwi authority affected by this Plan, to which local authorities shall have regard. An Iwi management plan may include a combination of management plans prepared by Hapu.
- I.173 **Kaitiaki**
means a person or entity responsible for the exercise of Kaitiakitanga; a kaitiaki may be spiritual or physical and may assume many different forms.
- I.174 **Kaitiakitanga**
means the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself; it recognises the origins of Taonga Tuku Iho and the rights of future generations.
- I.175 **Lake**
means a body of fresh water which is entirely or nearly surrounded by land.
- I.175A **Kerosene**
means a highly refined fuel, also known as paraffin oil, used whenever a pure, low contamination liquid fuel is required, as in certain types of lamps, and domestic heating devices and industrial fuel burning equipment. Kerosene fuels are a clear, colourless hydrocarbon liquid and are characterised by low volatility and moderately high flash points which make them difficult to ignite and burn cleanly without preheating.
- I.175B **kW (kilowatt)**
means a measure of power (the rate at which work is being done) where 1 KW = 10³ (1000) Joules per second.
- I.176 **Land ***
includes land covered by water and the air space above land.
- I.177 **Land based discharge**
means the discharge of a substance from a device or other structure in contact with land at the time of the discharge.
- I.178 **Land fill**
means a waste disposal site of any size used for the controlled deposit of predominantly solid wastes onto or into land.

- I.179 **Land holder**
includes land owner, lessee and occupier.
- I.180 **Land use capability**
refers to the assessed capability of an area of land to sustain a range of land use activities.
- I.181 **Lawfully established**
refers to a structure, use, or activity established lawfully either before or after this Plan was publicly notified, and:
(a) either:
 (i) was as a permitted activity or otherwise could have been lawfully carried on without a resource consent under this Plan or an earlier regional plan and
 (ii) the effects are the same or similar in character, intensity, and scale to the effects that existed before this Plan was publicly notified and
 (iii) the activity has not been discontinued for a continuous period of more than 6 months since the Plan was publicly notified or
(b) was granted a resource consent and that resource consent has not lapsed or expired.
- I.182 **Leachate**
means a liquid contaminant resulting from the liquid being exuded from or percolated through predominantly solid matter.
- I.183 **Litter**
means any refuse, rubbish, animal remains (excluding fresh fish and parts thereof), glass, metal, garbage, debris or other like thing, but does not include sewage or oil.
- I.183A **Light fuel oil**
means residual oil of grade No. 5 or less (as described in USEPA Chapter 1 of the Compilation of Air Pollutant Emission Factors, AP-42, (January 1995) Fifth Edition, Volume I: Stationary Point and Area Sources), and contains less than 2% sulphur by weight. This does not include distillate oils such as kerosene and diesel.
- I.183B **Liquefied petroleum gas (LPG)**
means butane, propane or a mixture of the two.
- I.184 **Local air quality**
means the air quality outside buildings or structures affected by a variety of sources causing a cumulative effect within a relatively small area. It does not mean indoor air or individual source discharges.
- I.185 **Local authority ***
means a regional council or territorial authority.
- I.186 **Maimai**
means a structure to be used for the purpose of game bird shooting.
- I.187 **Maintenance**
in relation to a structure, means to keep in existing order, to prevent loss or deterioration, or to restore to working order. It does not include extending, replacing, removing or demolishing a structure, or any substantive change to the form, orientation or outline of the structure.
- I.188 **Maintenance dredging**
means any dredging of the seabed necessary to maintain water depths to dredging levels previously approved by a resource consent, for the safe and convenient navigation of ships in navigation channels and at berthing and mooring facilities.
- I.189 **Manufacture**
for the purposes of this Plan, manufacture excludes sites which deal solely with the handling, storage and mixing of goods.
- I.190 **Management agency**
means any body having functions, powers and duties under the RMA or having functions, powers or duties transferred to it under the RMA.

- I.191 **Management area**
means part of the coastal environment identified for the purposes of this Plan to manage activities and the effects of activities occurring within the coastal environment. Management areas are identified on maps in Volume 2 of this Plan and include:
(a) Aquaculture Management Area
(b) Coastal Margin
(c) General Management Area
(d) Harbour Management Area
(e) Port Management Area and
(f) Significant Conservation Area.
- I.192 **Marine wetland**
means any wetland with indigenous plants and animals living under the influence of periodic or occasional salt intrusion.
- I.193A **Matauranga Maori**
means a body of knowledge, comprehension or understanding of everything visible or invisible that exists across the universe.
- I.193B **Mauri**
means the indefinable essence described as the 'life-force'.
- I.193 **MCI – Macro invertebrate community index**
is an index of the proportion of sensitive to tolerant species (in relation to the quality of a water body), among the community of benthic invertebrates that can be seen with the naked eye.
- I.194 **Mean high water springs (MHWS)**
means the average line of spring high tide. MHWS can be calculated as the average of the levels of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days), when the range of the tide is greatest (NZ Nautical Almanac).
- I.195A **Mean sea level (MSL)**
Means the average level of the sea surface over a long period or the average level which would exist in the absence of tides (NZ Nautical Almanac).
- I.195 **Mineral**
has the same meaning as in s2 of the Crown Minerals Act 1991, which is: "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."
- I.196 **Minimum flow**
means a critical flow set to ensure sufficient water is left in a river to maintain the life-supporting capacity of aquatic ecosystems and/or other identified values, during low flow conditions.
- I.197A **Minor structures or works on private land**
means fences, gardens, trees, garden structures, barbecues, outdoor entertaining areas (such as seating, steps, pergolas etc) clotheslines, letterboxes and paving areas, and other such small-scale structures and works. No such structures shall be designed, used or constructed as a coastal protection structure. It does not include:
(a) uncovered decks exceeding 30m² in floor area
(b) building work exceeding 20m² in floor area.
For the avoidance of doubt, minor structures or works on private land include:
(c) uncovered decks no greater than 30m² in floor area
(d) temporary storage stack of goods or materials
(e) any mast, pole, pylon, sign or similar structure.
- I.197B **Modified NESAQ compliant burner:**
means a small scale solid fuel burner that meets the requirements of Part C Schedule HB after modification, and is specifically included on an approved modified burner list⁵.

⁵ A list of approved modified burners (i.e those burning appliances that have been modified to comply with the NESAQ) is available from the Hawke's Bay Regional Council on request.

- I.197 **Mooring**
means any weight or article placed in or on the foreshore or seabed for the purpose of securing a vessel, ship, raft, aircraft or floating structure: and includes any wire, chain, rope, buoy or other device attached or connected to such weight or article, but does not include an anchor which is normally removed with a vessel, ship, raft, aircraft or floating structure when it leaves a site or anchorage. A mooring may be a swing mooring which is placed on the seabed and allows the vessel to swing freely around it with the movement of tides and currents, or a pole mooring which is embedded in the seabed and to which the vessel is fixed in place at both bow and stern of the vessel.
- I.198 **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 s310 of the RMA upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative.
- I.199 **National Policy Statement ***
means a statement issued under s52 of the RMA.
- I.199A **Multi-fuel burner**
means a small scale fuel burner designed to burn more than one type of solid fuel.
- I.199B **MW (megawatt)**
means a measure of power (the rate at which work is being done) where 1 MW = 10⁶ (1 million) Joules per second, or 1000 KW.
- I.199C **Napier Airshed**
means an airshed specified by the Minister for the Environment by a notice in the Gazette over the Napier urban area and surrounds for the purposes of managing local ambient air quality. The area covered by the Napier Airshed is incorporated by reference in Schedule HC, and comprises Airzone 1 and Airzone 2.
- I.199D **Napier Airshed Airzone 1**
means the area of the Napier Airshed covered by Airzone 1 incorporated by reference in Schedule XIII.
- I.199E **Napier Airshed Airzone 2**
means the area of the Napier Airshed covered by Airzone 2 incorporated by reference in Schedule XIII.
- I.199F **National Ambient Air Quality Standard**
means a standard specified under the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004.
- I.200 **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.
- I.200A **Natural gas**
means a mixture of naturally occurring hydrocarbons that are gaseous under normal conditions of temperature and pressure, comprising methane and small amounts of ethane, propane and other gases.
- I.201 **Natural character**
means those qualities and features in the coastal environment which have been brought into being by nature.
- I.202 **Natural hazard ***
means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.
- I.203 **Natural temperature**
means the temperature which occurs naturally when the water is not influenced by known discharges or activities which may cause an increase or decrease in the temperature of the water.
- I.204 **Navigation aid**
includes any buoy, beacon, light, marker, sign, fog signal apparatus or radio device erected, moored or placed in the CMA in aid of navigation.

- I.205 **Network utility operator ***
has the meaning set out in s166 of the RMA and 'network utility operation' has a corresponding meaning.
- I.205A **NESAQ**
refer to National Ambient Air Quality Standard.
- I.205B **NESAQ compliant burner**
means a small scale solid fuel burner that meets the requirements in Schedule HB, and is specifically stated on an approved burner list.⁶
- I.206 **New Zealand Coastal Policy Statement (NZCPS) ***
means a statement issued under s57 of the RMA.
- I.207 **Noise ***
includes vibration.
- I.208 **Non-complying activity**
means an activity:
(a) which is provided for as a non-complying activity, by a rule in a plan or proposed plan and
(b) which is allowed only if a resource consent is obtained in respect of that activity and
(c) for which the consent authority may grant a resource consent with or without conditions or decline the resource consent.
- I.209 **Non-hazardous by-products**
means by-products from industrial processes that are not hazardous substances and are not contaminated by hazardous substances.
- I.210 **Non-reticulated wastewater system**
means a system for the collection, treatment and disposal of wastewater within the property boundaries of the wastewaters' origin. Treatment systems include basic septic tank units; alternative septic tank units; dry vault units (eg: pit privies); wet vault (eg: septic closet) systems for blackwater with separate greywater disposal (eg: sullage tanks); aerated wastewater treatment systems; sand media and alternative filters; and wetlands. Disposal systems include soakage trenches and beds; modified trench and bed systems relying in full or in part on evapo-transpiration; subsurface and surface irrigation systems; absorption wells/infiltration pits; and above ground treatment/disposal (fill and mound) systems.
- I.211 **Non-point source discharge**
refer to 'diffuse source discharge.'
- I.212 **Non-point source stormwater**
means rainfall that runs off land, or structures, including roading networks, in a diffuse manner for which no specific drainage channels or pipes have been constructed.
- I.213 **Noxious**
refer to Schedule B of this Plan.
- I.214 **Objectionable**
refer to Schedule B of this Plan.
- I.215 **Occupy ***
in relation to the coastal marine area, means the activity of occupying any part of the coastal marine area:
(a) where the occupation is reasonably necessary for another activity and
(b) where it is to the exclusion of all or any class of persons who are not expressly allowed to occupy that part of the coastal marine area by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent and
(c) for a period of time and in a way that, but for a rule in the regional coastal plan and in any relevant proposed regional coastal plan or the holding of a resource consent under the RMA, a lease or licence to occupy that part of the coastal marine area would be necessary to give effect to the exclusion of other persons, whether in a physical or legal sense.
It includes 'exclusive occupation.'

⁶ A list of approved burners (ie: those burning appliances that comply with the NESAQ) is available from the Hawke's Bay Regional Council on request.

- 1.216 **Offensive**
refer to Schedule B of this Plan.
- 1.217 **On-site wastewater disposal system**
refer to 'non-reticulated wastewater system.'
- 1.218 **Open coastal water ***
means coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments.
- 1.219 **Operative ***
in relation to a policy statement or plan, or a provision of a policy statement or plan, means that the policy statement, plan, or provision has become operative in terms of clause 20 of the First Schedule of the RMA and has not ceased to be operative.
- 1.219A **Open fire**
means a fireplace or similar device installed in, or attached to, any building which is capable of burning solid fuel, but where the combustion is not totally enclosed.
- 1.220 **Organic material**
means putrescible material of plant, animal or microbial origin but does not include cleanfill.
- 1.221 **Outfall structure**
means a structure that is constructed and used solely for the discharge of water and/or contaminants into the coastal marine area, and includes a stormwater pipe, sewerage discharge pipe and any associated structures that protect the outfall structure from tides or currents or secure or anchor the structure to land.
- 1.221A **Outdoor burning**
means the combustion of any material in the open air, other than in purpose-built fuel burning equipment designed to control the combustion process. Outdoor burning includes the use of any fire, or bonfire or burning in drums and backyard rubbish incinerators, but does not include the burning of fuels in hangi and barbeques for food cooking purposes.⁷
- 1.222 **Parade Gravel Extraction [SiteArea](#)**
means an area of land from which gravel is extracted for purposes of the Westshore Beach Renourishment Scheme.
- 1.222A **Particulate matter**
means solid and aerosol matter that exists in the atmosphere. For the purposes of this Plan, it includes smoke, deposited particulates, suspended particulates, respirable particulates and visibility-reducing particulates. Particles range in size from 100 microns down to aggregation of molecules. Particulate matter that is less than 10 microns in aerodynamic diameter is referred to as PM₁₀.
- 1.223 **Passive recreational activity**
means any activity that is carried out for recreational purposes and which does not involve the use of motorised vehicles.
- 1.224 **Permitted activity ***
means an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in s108 or s220 of the RMA) specified in the plan.
- 1.224A **Pellet burner**
means any small-scale solid fuel burning appliance that burns only wood pellets fuel pellets of compressed wood sawdust, and where the pellets and air are mechanically delivered to an enclosed combustion chamber at a controlled rate. 'Pellet burner' and 'pellet fire' have the same meaning.
- 1.225 **Piezometer**
means an observation well designed to measure the elevation of the water table or hydraulic head of groundwater at a particular level. The well is normally quite narrow and allows groundwater to enter only at a particular depth, rather than through its length.
- 1.226 **Pilots chemical rating**
means a rating which is administered by the Civil Aviation Authority, and is awarded to pilots involved in the aerial application of agrichemicals.

Comment [G17]: Amended by Consent Order dated 21 April 2011 re appeal by Winstone Aggregates.

Comment [BR8]: Appeal on Variation 2 by Solid Energy

⁷ NOTE: The NESAO contains clauses prohibiting the burning of certain materials in the open and overrides rules contained elsewhere in this Plan.

- I.227 **Pipeline**
means a pipeline constructed or used to convey any matter or substance; and includes all necessary incidental equipment, including compressor stations. Pipe has a corresponding meaning.
- I.228 **Point of discharge**
means the location in a system that the drainage system operator ceases to control the discharge to the environment.
- I.228A **PM₁₀**
means particulate matter that is less than 10 microns in aerodynamic diameter (ie: less than 0.01mm diameter).
- I.229 **Point source discharge**
means a discharge that has been collected and controlled in some manner, such as a discharge that has been pumped through a pipe.
- I.230 **Point source stormwater**
means rainfall that runs off land and is collected or diverted through specifically constructed drainage channels or pipes.
- I.231 **Port Management Area**
means an area within the coastal marine area identified for the purposes of this Plan to manage activities and the effects of activities occurring within and near the Port of Napier. The area is identified on maps in Volume 2 of this Plan. The landward boundary of the Port Management Area is mean high water springs.
- I.232 **Port noise**
has the same meaning as in New Zealand Standard NZS6809:1999 (Port Noise Management and Land Use Planning) which is "noise generated within a port, and includes noise from handling of cargo and passengers; operation of machinery and equipment; ships at berth; maintenance, repair, storage and administration activities; and vehicle/rail activity only when it relates to port activities and is inside the port. Noise from vessels not at berth is excluded, as is noise associated with construction of permanent port facilities."
- I.233A **Port operator**
means Port of Napier Limited or its successor.
- I.233 **Precautionary approach**
means a cautious approach involving decision-making that recognises the relative lack of knowledge about the environment or part thereof, where:
(a) there is insufficient knowledge to predict the effects of an activity or natural process or
(b) there is reason to believe that the activity or natural process will have significant adverse effects or
(c) it is not practicable to require a consent applicant to gather sufficient information prior to granting a consent to be able to predict the impact of the effects of the activity or natural process.
- I.234 **Preservation**
in relation to a resource, means the maintenance, so far as is practicable, of its existing values.
- I.235 **Primary production**
means the use and development of land for the production of primary products including agricultural, horticultural, pastoral and forestry products.
- I.236 **Primary treatment**
in relation to treatment of sewage, means the settlement or separation of sludge, scum and other settleable solids (eg: a single or double chamber septic tank).
- I.237 **Private land**
means land which is not public land.
- I.238 **Production cropping**
means planting, growing and harvesting crops on production land.
- I.239 **Production land ***
(a) means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural and forestry products)
(b) does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals- and 'production' has a corresponding meaning.

- 1.240 **Productive aquifer**
means an aquifer:
(a) that has a quantity and flow of water such that it can be used for water supply purposes and
(b) where the benefits of utilisation outweigh the costs (especially where the aquifer has existing contamination).
also refer to 'aquifer'.
- 1.241 **Prohibited activity**
means any activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by s105(2)(b) of the Historic Places Act 1993.
- 1.242 **Property**
means land in one or more allotments as contained in a single certificate of title, and also includes all adjacent land that is in the same ownership.
- 1.243 **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 of the RMA 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.
- 1.244 **Protection**
in relation to a resource means its maintenance so far as is practicable, in its current state; but may include:
(a) its restoration to a former state
(b) its augmentation, enhancement or expansion.
- 1.245 **Public land**
means land to which the public has free access at the time an activity is undertaken in accordance with a rule in this Plan.
- 1.246 **RAP (Recommended Area for Protection)**
means place identified in a Department of Conservation 'Ecological District Natural Area Survey' as a priority for protection because it contains the best example(s) of its type or class of natural ecosystem and/or landscape in an ecological district.
- 1.247 **Reasonable domestic needs**
refers to needs associated with occupation of a dwellinghouse. 'Domestic uses' and 'Domestic purposes' have corresponding meanings. Also refer to definition of 'Dwellinghouse.'
In relation to the taking and use of water for an individual's reasonable domestic needs, as a guideline this should involve the taking and use of up to 15m³ over any seven day period per dwellinghouse.
- 1.248 **Reasonable mixing**
refer to 'After reasonable mixing.'
- 1.249 **Reclamation**
means the permanent infilling of a water body or part of a water body with sand, rock, quarry material, concrete, or other similar material, for any purpose, and includes any embankment or causeway, but does not include any structure above water where that structure is supported by piles, beach renourishment or any deposition of material or infilling that is not permanent.
- 1.250 **Regional coastal plan ***
means an operative plan approved by the Minister of Conservation under the First Schedule of the RMA and includes all operative changes to such a plan (whether arising from a review or otherwise).
- 1.251 **Regional council ***
means a regional council within the meaning of the Local Government Act 2002.
- 1.252 **Regional plan ***
means an operative plan (including a regional coastal plan) approved by a regional council or the Minister of Conservation under the First Schedule of the RMA; and includes all operative changes to such a plan (whether arising from a review or otherwise).

- 1.253 **Regional policy statement ***
means an operative regional policy statement approved by a regional council under the First Schedule of the RMA; and includes all operative changes to such a policy statement (whether arising from a review or otherwise).
- 1.254 **Regional rule ***
means a rule made as part of a regional plan or proposed regional plan in accordance with s68 and s77A of the RMA.
- 1.255 **Registered chemical applicator**
means any person who is, for the time being, recognised as a Registered Chemical Applicator in accordance with the scheme of registration conducted by the New Zealand Agrichemical Education Trust.
- 1.256 **Registered historic place**
means any historic place registered under Part II of the Historic Places Act 1993.
- 1.257 **Regulation**
means regulations made under the RMA.
- 1.258 **Relocation**
in relation to a building or structure, means moving the building or structure to or from another property. For the purposes of this Plan, it does not include moving a building or structure within the same property where its new position is further inland from CHZ1 or CHZ2 than the existing position. Relocate and relocating have corresponding meanings.
- 1.259 **Removal**
in relation to a building or structure, means taking away the building or structure as a whole, or in parts after demolition or dismantling. Remove and removing have corresponding meanings.
- 1.260 **Repair**
means to restore or mend to good condition after damage or wear and includes the reconstruction or alteration of any part of a structure, providing that:
(a) the repair does not result in any increase in the area of land occupied by the structure and
(b) the repair does not change the character, scale, and intensity of any effects of the structure on the environment (except to reduce any adverse effects or to increase positive effects)
but does not include extending, replacing, removing, or demolishing the entire structure.
- 1.261 **Replacement**
in relation to a building or structure, means putting back in place of, or taking the place of, or substitution. Replace and replacing have corresponding meanings.
- 1.262 **Residential property**
means a property that contains at least one permanent dwellinghouse, and which is used primarily for domestic purposes. For the purposes of this Plan this refers to non-sewered properties.
- 1.263 **Resource consent ***
has the meaning set out in s87 of the RMA; and includes all conditions to which the consent is subject.
- 1.264 **Restricted coastal activity ***
means any discretionary activity or non-complying activity:
(a) which in accordance with s68 of the RMA, is stated by a regional coastal plan to be a restricted coastal activity and
(b) for which the Minister of Conservation is the consent authority.
- 1.265 **Restricted discretionary activity**
means an activity which:
(a) is provided for as a restricted discretionary activity by a rule in a plan or proposed plan; and
(b) complies with the standards, terms and conditions (if any) specified in a plan or proposed plan for such activities; and
(c) is assessed according to matters over which the consent authority has restricted discretion over in the plan or proposed plan; and
(d) is allowed only if a resource consent is obtained in respect of that activity.
- 1.266 **Reticulated system, or reticulation**
is the means by which water, stormwater, sewage or any water-borne contaminant is collected and delivered prior to discharge.

- 1.267 **Reticulated wastewater system**
means a system for the collection, conveyance, treatment and disposal of wastewater that is owned and operated by a network utility operator. It includes sewers; trunk mains; pumping stations; milliscreening facilities; and other facilities for the collection, treatment and disposal of wastewater, but does not include an on-site wastewater disposal system or a non-reticulated wastewater system.
- 1.268 **Riparian management**
means the activities and practices that can be applied to the riparian margin in order to improve the natural characteristics and functioning of the whole riparian zone (which includes the waterway itself as well as the riparian margins).
- 1.269 **Riparian margin**
means a strip of land of varying width adjacent to a waterway and which contributes or may contribute to the maintenance and enhancement of the natural function, quality and character of the waterway and its margins.
- 1.270 **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).
- 1.271 **River bed**
refer to 'bed.'
- 1.272 **RMA**
means the Resource Management Act 1991 including any amendments thereto.
- 1.273 **Road ***
has the same meaning as in s315 of the Local Government Act 1974; and includes a motorway as defined in s2(1) of the Transit New Zealand Act 1989.
- 1.274 **Run off**
means water moving over the ground surface.
- 1.275 **Seabed**
means any land in the coastal marine area, excluding the foreshore.
- 1.276 **Secondary treatment**
in relation to treatment of sewage, means treatment of settled overflow from primary treatment, or advanced primary treatment by aerobic biological or physical biological processes.
- 1.277 **Sediment**
includes particulate soils and organic matter.
- 1.278 **Septage**
means the contents of a non-reticulated wastewater system, removed during desludging operations, including scum, sludge and tank liquid.
- 1.279 **Sewage**
means any wastewater, including faecal matter, urine, household and commercial wastewater, that contains human waste.
- 1.280 **Sewage from land**
means sewage generated by activities on land. It does not include sewage generated from activities in the coastal marine area.
- 1.281 **Sewerage**
means the pipes and infrastructure through which wastewater flows.
- 1.282A **Shingle**
refer to 'Gravel.'

- 1.282 **Ship**
has the same meaning as in s2 of the Maritime Transport Act 1994 which is: "every description of a boat or craft used in navigation, whether or not it has any means of propulsion, and includes:
(a) a barge, lighter or other like vessel
(b) a hovercraft or other thin deriving full or partial support in the atmosphere from the reaction of air against the surface of water over which it operates and
(c) a submarine or other submersible."
- 1.283 **Significant Conservation Area**
means an area within the coastal marine area identified for the purposes of this Plan to manage activities and the effects of activities within areas having significant conservation values, particularly cultural, ecological, historic, or wildlife values. The areas are identified on the maps in Volume 2 of this Plan. Where a Significant Conservation Area adjoins the Coastal Margin, the landward boundary of those Significant Conservation Areas is mean high water springs.⁸
- 1.284 **Smoke**
means any product of combustion, complete or incomplete, other than water vapour, which is, or could be, visible in daylight or artificial light.
- 1.284A **Small scale fuel burner**
means any fuel burning equipment which burns solid fuel, diesel, oil or other liquid fuels for cooking, space or water heating or other purposes, where the net heat output from the combustion is not greater than 70 kilowatts (kW) for any gaseous or liquefied gaseous fuel, or not greater than 40 kW for any other fuel.
- 1.284B **Small scale pellet burner**
refer to 'Pellet Burner.'
- 1.284C **Small scale solid fuel burner**
means fuel burning equipment with a heat generation of up to 40 kilowatts (kW), in which solid fuel is burnt for heating or cooking, and is primarily used in dwellinghouses. It includes (but is not limited to) appliances for interior space heating in buildings, such as wood burners, pellet burners, pot belly and domestic ranges and stoves, water heaters or central heating units, multi-fuel burners, and similar appliances, but excludes small-scale devices used for smoking food. For the purposes of this Plan, a small-scale solid fuel burner does not include an incinerator or an open fire.
- 1.285A **SOE**
means State of the Environment monitoring and reporting.
- 1.285 **Soil conditioning purposes**
means the application of organic material to improve the structure and quality of the soil.
- 1.286 **Soil disturbance**
means the disturbance of soil by any means including blading, contouring, ripping, discing, root raking, moving, ploughing, removing, cutting and blasting. It does not include:
(a) the normal maintenance of legally established structures, roads, tracks, railway lines and river beds
(aa) the clearance of grasses and forest thinning
(b) non-motorised soil disturbance activities
(c) thrusting, boring, trenching, or mole ploughing associated with cable or pipe laying or a network utility operation
(d) Soil disturbance undertaken by a mine or quarry operation which either had a valid mining license at 15 April 2000, or is lawfully established
(e) cultivation, grazing and harvesting of agricultural, horticultural and viticultural crops
(f) foundations works for structures and
(g) construction and maintenance of fences and drains.
- 1.287 **Soil health**
means:
(a) physical parameters including soil structure and porosity
(b) biological parameters including soil organic matter and earthworms and
(c) chemical parameters including contaminants but excluding soil chemical properties generally accepted as measurements of soil fertility.

⁸ Refer to HBRC Report Number [xxxx] for further description of, and values associated with, Significant Conservation Areas.

- 1.288 **Solid waste**
means primarily solid contaminants for which disposal by discharge into the environment is intended.
- 1.288A **Solid fuel**
means a solid substance that releases useable energy when burnt (e.g. wood, manufactured fuel pellets, coal and its derivatives).
- 1.289 **Solid waste management**
means all means for addressing issues relating to the creation, minimisation, reuse, recycling, treatment, disposal or containment of solid waste.
- 1.290 **Space ***
in relation to the coastal marine area, means any part of the foreshore, seabed, and coastal water, and the air space above the water.
- 1.291 **Spray**
in relation to agrichemicals, means the discharge into the air of agrichemicals whether in liquid, emulsified, mist, granular, powdered, pelletised or any other physical form or forms, and 'spraying' has a corresponding meaning.
- 1.292 **Stock feed**
means organic material that can be consumed by farmed animals.
- 1.292A **Stack**
refer to 'Chimney.'
- 1.293 **Stormwater**
means surface water runoff (and any contaminants contained therein) from land or the external surface of any structure which is discharged to a water body or land as a result of rainfall, excluding the discharge of any contaminant from any industrial or trade process.
- 1.294 **Stream management zone**
means the reaches of a river and/or its tributaries governed by a single minimum flow site.
- 1.295 **Structure ***
means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.
- 1.296 **Subject property**
means the legally defined property, whether private land or public land, within which the subject activity occurs and includes all land that is under common ownership.
- 1.297 **Substance**
in relation to depositing a substance, means a benign, usually natural substance, but does not include a contaminant.
- 1.298 **Subtidal area**
means an area seaward of the area covered by the rise and fall of the tide.
- 1.299A **Summer 7-day Q95**
means the amount of water in a surface water body available for 95% of the time on average over the months November to April.
- 1.299 **Surface water**
means water which is above the surface of the ground, whether flowing or not, including rivers, lakes, artificial watercourses and wetlands.
- 1.300 **Suspended solids**
means particulate matter carried in suspension within water.
- 1.301 **Sustainable management ***
means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:
(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

- I.302 **Taking**
in relation to the taking of water, is the process of extracting the water for any purpose and for any period of time.
- I.303 **Tangata whenua ***
in relation to a particular area, means the Iwi, or Hapu, that holds mana whenua over that area.
- I.304 **Taonga**
means treasure, property; prized and protected as sacred possessions of the relevant hapu which exercises kaitiaki over it.
- I.305 **Target area**
in relation to the use of agrichemicals, means the physical target of the agrichemical application. 'Non-target area' has the opposite meaning.
- I.306 **Tauranga waka ***
means canoe (waka) landing sites.
- I.307 **Temporary activity**
in relation to the use of land within CHZ1, CHZ2 and/or CHZ3, means the use of land that lasts for a duration of no longer than 7 days and does not recur for at least another 28 days.
- I.308 **Territorial authority ***
means a territorial authority within the meaning of the Local Government Act 2002.
- I.309A **Total clump weight**
means the total mass of weights used to anchor or moor a structure to the seabed. It does not include mooring lines.
- I.309 **Transfer station**
means an industrial or trade premises which receives solid waste for the purpose of sorting and/or aggregating prior to being transported to a disposal facility.
- I.309A **Thermal efficiency**
means the ratio of useable heat energy output to energy input.
- I.310 **Treaty of Waitangi ***
has the same meaning as the word 'Treaty' as defined in s2 of the Treaty of Waitangi Act 1975.
- I.311 **Unconfined aquifer**
refer to 'Aquifer.'
- I.312A **Upgrading**
in relation to a structure, means changing or altering a structure so that the effects resulting from the structure are of a different scale or nature from those existing before the changes or alterations were made. It does not include maintenance or repair.
- I.312 **Use**
in relation to water, means the use of water but not the processes of extraction, damming, diversion or discharge. Uses of water include human consumption, irrigation of a crop (excluding the taking of water for irrigation), and recreational uses of a water body.

in relation to land, has the same meaning as set out in s9(4) of the RMA, which is:
"(a) any use, erection, reconstruction, placement, alteration, extension, removal or demolition of any structure or part of any structure in, on, under, or over the land; or
(b) any excavation, drilling, tunnelling, or other disturbance of the land; or
(c) any destruction of, damage to, or disturbance of, the habitats of plants or animals in, on, or under the land; or
(d) any deposit of any substance in, on, or under the land; or
(da) Any entry on to, or passing across, the surface of water in any lake or river;
(e) Any other use of land-
and *may use* has a corresponding meaning."
- I.313 **Vegetation**
means any vegetation, exotic or indigenous.

- 1.314 **Vegetation clearance**
means the cutting, burning, clearing or destruction (including destruction by spraying) of trees, shrubs or plants. It does not include:
- (a) the normal maintenance of legally established structures, roads, tracks, railway lines and river beds
 - (aa) the normal maintenance of parks and reserves and domestic gardening and landscaping activities
 - (b) the clearance of grasses and forest thinning
 - (c) the clearance of isolated or scattered regrowth on productive pasture
 - (d) the clearance of any indigenous vegetation understorey beneath plantation forests
 - (e) the clearance of noxious weeds covered by the Regional Plant Pest Management Strategy prepared under the Biosecurity Act 1993
 - (f) cultivation, grazing and harvesting of agricultural, horticultural and viticultural crops.
- 1.315 **Ventilation**
includes both natural ventilation and artificial ventilation (including air conditioning units, extraction vents, mechanical fans, hoods and ducts) for the purpose of controlling temperature or providing air movement within a workplace.
- 1.315A **Vegetative matter**
means any tree branches, roots, leaves, grass cuttings, seed pods, stalks and stubble (stems), prunings, wood and similar organic plant material.
- 1.316 **Vessel**
has the same meaning as set out in the Harbours Act 1950, which is: "a ship, boat, hovercraft, or any other description of a vessel used or designed to be used in navigation."
- 1.317 **Waste**
means any contaminant, discharged into the environment, which is unwanted or economically unusable at the time of discharge. (This definition excludes cleanfill).
- 1.318 **Waste or other matter ***
means materials and substances of any kind, form, or description.
- 1.319 **Waste oil**
means a petroleum or synthetically derived oil which has been used or contaminated during storage, handling or use.
- 1.320 **Wastewater**
means all water or other liquid including waste matter in solution or suspension from any source which is to be discharged into a wastewater system. Wastewater includes sewage, greywater and blackwater.
- 1.320A **Waste oil**
means oil that has been utilised for a process (typically lubrication, either in internal combustion engines or moving parts to minimise component wear) that results in contaminants building up in the oil. Contaminants may include heavy metal particles, combustion by-products, fuel and used additives. Note: while some 'purification' processes may result in the removal of a number of these contaminants, the oil even though described as 'processed waste oil' is still defined to be waste oil because the removal is often only partial.
- 1.321 **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.
- 1.322 **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.
- 1.323 **Water conservation order ***
has the meaning set out in s200 of the RMA, and refers to a status applied to a water body which has significant environmental, or recreational values.
- 1.324 **Water harvesting ***
means the taking of water from rivers and streams during high flows and storing it to provide water for use in the dry season.

- 1.325 **Water table**
means the layer of unconfined water. Also refer to 'Aquifer.'
- 1.326 **Westshore Beach Renourishment Scheme**
means beach renourishment works at Westshore undertaken by, or on behalf of, HBRC and Napier City Council.
- 1.327 **Wet abrasive blasting**
means abrasive blasting to which water has been added.
- 1.328 **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. It does not include wet pasture; artificial wetlands used for wastewater or stormwater treatment; farm dams and detention dams; land drainage canals and drains; reservoirs for firefighting, domestic or municipal water supply; temporary ponded rainfall; or artificial wetlands created for beautification purposes.
- 1.329 **Wood**
includes logs, sawn timber, bark, shavings, sawdust and wood chips.
- 1.330 **Wood burner**
means a small-scale solid fuel burner that burns wood, but does not include:
(a) an open fire; or
(b) a multi-fuel burner, a pellet burner, or a coal burner; or
(c) wood fired cooker.

1.330A Wood pellets

means individual pellets of between 6 mm and 8 mm in diameter and a maximum length of 38 mm made from wood shavings or sawdust bonded together by the wood's natural resins through the process of pelletisation. Wood pellets made using wood, wood shavings or sawdust that has been treated with preservatives or impregnated with chemicals (except for negligible amounts of antisapstain where the concentration of copper in any one wood pellet does not exceed 3 mg/kg, and the concentration of chlorine does not exceed 10 mg/kg) are excluded from this definition.

- 1.330B **Wood fired cooker**
means a wood fuelled cooking appliance containing an oven of not less than 20 L capacity and a hot plate and is specifically included on an approved wood fired cooker list⁹. A 'wood fired cooker' does not include a pot belly, chip heater or a wood burner.

Comment [BR9]: Appeal on Variation 2 by Solid Energy

⁹ A list of approved wood fired cookers (i.e. those appliances that comply with the definition of 'wood fired cooker') is available from the Hawke's Bay Regional Council on request.