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meanings of words

MW.i Introduction

This Chapter defines the meaning of the words used in this Plan and in the Resource Management Act 1991, unless the context otherwise requires. Where a word is followed by an asterisk (*), the definition that follows is the meaning provided in the interpretation section of the Act and is repeated here to assist readers. In the case of any inconsistency, the statutory definition prevails.

MW.ii General rules of interpretation

- a) Any term which is not defined in this section has been used in its common meaning as defined in the Concise Oxford Dictionary (11th ed.).
- b) Lists of items (for example, conditions, standards and terms in rules) and subparagraphs within paragraphs are to be read conjunctively, where they are not otherwise specified.
- c) Singular includes plural and vice versa.
- d) Headings do not affect the interpretation of this Plan.
- e) Cross references are for the assistance of readers and are not necessarily exhaustive.

MW.iii Definitions

Abstraction of water	taking of water from a water body for use or consumption.
Access	means a practical permanent vehicular and pedestrian access from a formed road onto a site, either directly, or over another site subject to a registered easement of right of way appurtenant to the site.
Accessory building	means a building, the use of which is incidental to that of any other building or buildings on the site, and in relation to a site on which no building has been erected, is incidental to any permitted activity on the site. On a residential site, a sleeping room detached from its residential unit is not an accessory building.
Accessway	includes a footpath, walkway or cycleway and each of these terms and their design requirements are further defined in the Nelson Tasman Land Development Manual 2019 (NTLDM).
Acoustic Certificate	means a certificate signed by a qualified acoustic engineer certifying an Acoustic treatment of a residential unit and specifying a certified level of port noise within a residential unit.

Acoustic Certificate Register

means the register kept by the Port Operator that contains a list of all sites that have an Acoustic Certificate, the date of the certificate and the certified level of port noise for that site.

Acoustic treatment

Acoustic treatment means acoustic treatment of a residential unit to achieve an indoor design level of 40 dBA L_{dn} within all habitable spaces, either with ventilating windows open or with mechanical ventilation installed and operating, when port noise is at or below the certified level of port noise and shall include the cost of testing and obtaining an Acoustic Certificate; except in the following circumstances when the above indoor design level does not need to be achieved:

- a) the property owner seeks a form of or level of acoustic treatment or mitigation that results in a different indoor design level, or,
- b) it is impracticable to achieve the specified indoor design level due to the desirability of maintaining heritage features of a building, and instead the indoor design level of the habitable spaces will be reduced as far as practicable, or,
- c) it is impracticable to achieve the specified indoor design level in habitable spaces at a cost of 50% of the value of the property (excluding land value), and instead the indoor design level in habitable spaces will be reduced as far as practicable while not exceeding the cost of 50% of the value of the property (excluding land value).

Act*

means the Resource Management Act 1991.

Aerial

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

Aerial display

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

Aggregate

includes clays, silts, sands, gravels, cobbles and boulders.

Agrichemicals

means any substance, whether inorganic or organic, human-made or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related land use activity, to eradicate, modify or control flora and fauna.

Allotment*

has the meaning in the Act and includes the balance of any land from which any allotment is being, or has been subdivided.

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.

Aquaculture

means any:

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

for any of the purposes of enhancement, breeding, hatching, cultivating, rearing, or on-growing of fish, shellfish, aquatic life or seaweed for harvest; whether any such purpose includes aquaculture or the taking or holding of spat,

or is investigative, experimental, or commercial in nature, but excludes any scallop enhancement programme being carried out pursuant to the Fisheries Act 1996.

Aquifer

means any water saturated permeable body of rock, sediment or soil capable of transmitting and yielding significant quantities of water that can be drawn by wells, or flow to the ground surface to form springs and/or wetlands.

Bed*

in relation to any river -

- a) 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, and
- b) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.

Bedroom

in relation to a residential unit, includes any room capable of being used as a bedroom, whether within the principal residential unit or in an accessory building, with a floor area greater than 4 m², but excludes any:

- a) dining room, kitchen, bathroom, toilet, laundry, or internal parking space such as a garage, or
- b) lounge, family room or living room, within the principal residential unit, or
- c) conservatory or sunroom not exceeding 10 m² where the walls and roof are at least 75% glazing, and where the conservatory or sunroom is not used or converted for sleeping accommodation.

Berthing structure

means a structure intended for, or used for the berthing of vessels, and includes a wharf, jetty or dolphin.

Best practicable option*

in relation to a discharge of a contaminant or an emission of noise, means the best method of 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.

Billboard sites

means sites administered by the Nelson City Council available for the purpose of electioneering and public event advertising, including Miyazu Park (to the south of the main cemetery gates, Queen Elizabeth II Drive) and Bishopdale (west side of Waimea Road to the south of Ulster Street).

Biodiversity Corridor

means a vegetated corridor of a minimum width of 20m that allows for the flow of indigenous organisms and biological resources along the corridor, for biological processes within the corridor, and connectivity between areas of ecological value.

Bore or well	any structure advanced into the ground for the purpose of taking groundwater. Investigative drill holes are excluded from this definition.
Boundary	<p>means any boundary of a site and includes any road boundary. Site boundary has the same meaning as boundary.</p> <p>Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving more than four actual or potential residential units. Where a designation is shown on the Planning Maps, the road boundary, for the purposes of this Plan, is the proposed new road boundary as set out in Appendix 24 (designations).</p> <p>In the case of:</p> <ul style="list-style-type: none"> a) land subdivided under the cross lease or company lease system or the Unit Titles Act 1972 (other than strata titles), the boundaries are the boundaries of the areas or units held in the exclusive possession of any person, and b) strata titles under the Unit Titles Act 1972, the boundaries are the boundaries of the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision, and c) multiple residential units built on one certificate of title without subdivision, e.g. rental units, the boundaries are to be nominated boundaries shown on the site plan submitted with the resource or building consent. The boundaries must define a site sufficient to comply with the requirements of the Plan or a resource consent.
Building	<p>any structure, whether temporary or permanent, moveable or immovable, except for:</p> <ul style="list-style-type: none"> a) any scaffolding or falsework erected temporarily for maintenance or construction purposes, or b) uncovered swimming pools not higher than 1m above natural ground level, or c) fences and walls up to 2m in height, or d) masts, poles, clotheslines, and chimneys less than 1m wide and less than 3m in height above the point of attachment.
Building coverage	<p>means the percentage of the net area of a site which is covered by buildings, including overhanging or cantilevered parts of buildings. For a site in the Residential Zone it includes any area for required off-street car parking spaces which is not covered by buildings. The following are not included in building coverage:</p> <ul style="list-style-type: none"> a) pergolas and similar unroofed structures b) underground buildings where the rooftop is landscaped to be part of the section, including being developed into a courtyard or terrace area, or c) that part of eaves or bay or box windows projecting 600mm or less horizontally from any exterior wall, or d) outdoor swimming pools, decks or terraces which are not roofed over, or e) fences, walls and retaining walls, or f) for any residential activity any parking spaces after the second parking space (refer Appendix 10, Table 10.3.1 - carparking and queuing space requirements).
Building work	means work for or in connection with the construction, alteration or demolition of a building, and includes site work.

Certified level of port noise

means the maximum level of port noise that a residential unit subject to an Acoustic Certificate for acoustic treatment can receive, provided that the certified level of port noise for any residential unit is set 3dBA L_{dn} above the noise contour level for that site shown on the port noise contour map in the Port Noise Management Plan at the date the Certificate was issued.

Classified roads

means roads with a hierarchical classification of Arterial, Principal and Collector. Refer to chapter 4 'Transport' of the Nelson Tasman Land Development Manual 2019 (NTLDM).

Cleanfill material

solid material such as rock, clay, or soil, or inert building materials such as concrete or brick, but excluding any material which may be combustible, putrescible, degradable, leachable, or hazardous.

Coastal Environment

This is an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but inter-related, parts:

- a) the Coastal Marine Area, which extends from mean high water springs to the outer limits of the territorial sea (12 nautical mile limit)
- b) the active coastal zone
- c) the land backdrop

The coastal environment includes at least the coastal marine area, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore (whether above or

below mean high water springs), dunes, beaches, areas of coastal vegetation and coastal associated animals, areas

subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands including estuaries.

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

Coastal 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.

Commercial activity

means the use of land, buildings and/or the surface of water bodies for the display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial, and administrative offices, service stations,

motor vehicle sales, short term living accommodation, the sale of liquor and parking areas associated with the above; but excludes recreational, community, and service activities and home occupations.

Communication device

includes any aerial, navigational aid or beacon, meteorological equipment, or similar device.

Community activity

as it relates to the Ngawhatu Residential Area (Schedule E), means the use of land and buildings for the primary purpose of public health, welfare care, education, cultural and spiritual wellbeing, but excludes recreational activities. Community activities may include land and buildings used for churches, halls, libraries, community centres, health centres, schools (including preschools), and emergency service facilities (including fire, police and ambulance stations).

Comprehensive housing development

means three or more residential units, designed and planned in an integrated manner, where all required resource and subdivision consents are submitted together, along with sketch plans of the proposed development. The land on which the proposed residential units are to be sited must form a separate, contiguous area.

Conditions*

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

Construction

in the case of a building or structure, includes the relocation of a building or structure.

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 on to or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air on to or into which it is discharged.

CPTED

Crime Prevention Through Environmental Design.

Crossing

in relation to vehicle and stock crossings (verb), means a single trip across a waterway (not a return trip).

Crown cleaning

in relation to trees, means the removal of dead, dying, diseased, crowded, weakly attached, low vigour branches and water sprouts from a tree crown.

Crown thinning

in relation to trees, includes crown cleaning and means the selective removal of branches to increase light penetration and air movement through the crown where:

- a) no more than one-third of live foliage is to be removed, and
- b) after pruning at least half of the foliage is on the branches in the lower two-thirds of the tree, and
- c) half of the foliage on laterals on the inner two-thirds of a branch is retained

provided that such removal shall not be used successively to incrementally reduce the size of the tree, or to remove the tree.

Culvert

means a pipe or covered channel that conveys water.

D_{2m,nT}+C_{tr}

is a measure of facade sound insulation. It is the difference in decibels between the outdoor sound level measured 2 metres from the facade (including the effect of sound reflection from the facade) and the spatial average sound level inside the receiving room. See ISO140-5 (Acoustics - Measurement of sound insulation in buildings and of building elements - Part 5: Field measurements of airborne sound insulation of facade elements and facades; and ISO 717-1:2013

Acoustics - rating of sound insulation in buildings and building elements - Part 1: Airborne sound insulation).

Dam	means any structure which impounds water, including weirs.
dBA	means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801:1991 clause 2.1 definition of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level.
Defensible space	<p>in relation to fire safety, means an area maintained as a fire break or planted in low-flammability species to protect a structure from fire in surrounding vegetation or to protect vegetation from a fire in a structure. The area shall be at least the following dimensions:</p> <ul style="list-style-type: none">a) on flat land and slopes up to 10° - 25m from the structure, orb) on slopes greater than 10° - 10m up hill, 15m each side, 30m down hill, from the structure, orc) an area less than those described in a) or b) above if approved in writing by the Principal Rural Fire Officer. <p>Low flammability species include some broad leaf, evergreen native species including but not limited to the following:-</p> <ul style="list-style-type: none">a) <i>Fuchsia excorticata</i> (Kotukutuka)b) <i>Pseudopanax crassifolius</i> (Horeke/Lancewood)c) <i>Pseudopanax arboreus</i> (Five finger)d) <i>Coprosma robusta</i> (Karamu)e) <i>Coprosma grandifolia</i> (Raurekau/Kanono)f) <i>Geniostoma ligustrifolium</i> (Hangehange)g) <i>Coprosma australis</i> (Raurekau)h) <i>Coprosma repens</i> (Taupata) <p>along with fuel reduced conditions where fine fuel such as grasses, gorse, bracken, dead or fallen material, twigs and branches are maintained below a maximum height of 100mm.</p>
Design Statement	is a requirement of Appendix 14 and is a statement that explains the design principles and concepts that have informed the subdivision or development design, and how urban design and sustainability issues have been dealt with.
Discharge*	includes emit, deposit, and allow to escape.
District	means the Nelson District and Region as defined under the Local Government Act, including the Coastal Marine Area.
Disturbance	in relation to rules in the Coastal Marine Area, includes excavation, dredging, drilling and tunnelling. In relation to any river or lake bed means the alteration, re-distribution, or disturbance of the bed material by any means including vehicles, machinery, drilling, tunnelling, and reclamation, excavation or extraction, but does not include disturbance by hand tools.
Diversion	means the redirection of water from its original flow path, and returning the water back to its original flow path at a different point with no abstraction taking place.
Earthworks	means any modification to the shape of the land surface, including removal of soil, excavation, infilling, re-contouring and construction of any road, track, landing or drainage channel (refer definition of 'Landfill').
Eco-sourced	means plants which are grown from seeds or propagules collected from naturally-occurring vegetation in a locality close to where they are replanted.

Ecosystem	means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
Educational facility	land or buildings used, or activities necessary for, the provision of regular instruction or training including the use of ancillary administrative, cultural, recreational and commercial facilities.
Effect*	<p>includes:</p> <ul style="list-style-type: none"> a) any positive or adverse effect, and b) any temporary or permanent effect, and c) any past, present or future effect, and d) any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration, or frequency of the effect, <p>and also includes:</p> <ul style="list-style-type: none"> e) any potential effect of high probability, and any potential effect of low probability which has a high potential impact.
Effluent disposal field	means a structure either above or below ground for disposal by infiltration, evaporation or transpiration of predominantly liquid effluent, derived from toilets, sewage and silage water, or from intensive livestock farming operations, including piggeries and cowsheds.
Environment*	<p>includes:</p> <ul style="list-style-type: none"> a) ecosystems and their constituent parts, including people and communities, and b) all natural and physical resources, and c) amenity values, and d) the social, economic, aesthetic and cultural conditions which affect the matters stated in a) to c) of this definition or which are affected by those matters.
Estuary	<p>means the wide tidal mouth of a river. The physical landward extent of each estuary is defined by the boundary</p> <p>of the Coastal Marine Area, as agreed between the Minister of Conservation and the Nelson City Council in August 1991. The seaward boundary is defined on Map No. A1.3 of the Planning Maps comprising Volume 4 of the Nelson Resource Management Plan.</p>
Environmental results anticipated	means the intended results or outcomes on the environment as a consequence of implementing the policy or policies and methods of implementation. The term provides a means of assessing the success of the objectives, policies and methods.
Environmentally damaging substance	see <i>Hazardous substance</i>
Erection	in the case of a building or structure, includes the relocation of a building or structure.
Erosion	means the process of wearing away of the land surface by natural agents and the transport of the rock debris that results.

Estimated value	in relation to any building work means estimated aggregate of the values, determined in accordance with Section 10 of the Goods and Services Act 1985, of all goods and services to be supplied for that building work.
Exotic plants	for the purpose of the Freshwater Plan Change means plants which are not indigenous to New Zealand, but excludes pest plants.
Experienced	in terms of this Plan means, in relation to an engineer or other professional person, a person who is acknowledged as experienced and competent in that particular field by their peers, and carries professional indemnity insurance adequate to the advice or assessment they are giving.
Fence	includes a hedge. (See also the definition of ‘building’.)
Fertiliser	means any substance which is held out by its manufacturer, distributor, or vendor to be, or is in fact suitable for, sustaining or increasing the growth, productivity, or quality of plants by its application to those plants or the soil in which they grow or will grow; and includes a substance imported, manufactured, or being manufactured, with the intention that it be so held out.
Firebreak	means a natural or artificial physical barrier (commonly a strip of land cleared of all vegetation) against the spread of fire from or onto any area of continuous flammable material.
Flow regime	specified water flow levels in a river which relate to rules controlling takes from a river (as shown in Appendix 28.2).
Flow variability	means how much the water flow varies over a given period of time, often annually.
Ford structures	means an artificial, permanent and shallow place in a river or stream designed to be crossed by people, vehicles or livestock.
Foreshore*	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.
Forested catchment	for the purposes of rule FWr.5, means 80 percent of the catchment is managed for forestry purposes.
Forestry slash	means branches and other woody debris associated with forest harvesting that are not removed from the site. When a tree is felled it is limbed and the branches etc comprise the slash.
Fresh water*	all water except coastal water and geothermal water. Note: In the Nelson City Council area the boundary between the freshwater environment and the Coastal Marine Area has been established through a legal agreement between Nelson City Council and the Minister of Conservation. This is shown in Appendix 25 of the Nelson Resource Management Plan.
Front site	see <i>Site-front</i>
Front yard	means the area of a site within the Residential Zone which is located within 4m of a road boundary. (See also the definition for Boundary - Road Boundary.)

Garage	means a building used for the housing or care of vehicles, and includes a carport.
Generally accord	For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown within the development area and with linkages to each other or adjoining areas as shown in the Structure Plan except for the indicative education facility in Marsden Valley Schedule I (Clause I.6). It is not intended that the positions are exact or can be identified by scaling from the Structure Plan; it is intended that any connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecologically sensitive habitats such as streams where providing for Biodiversity Corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, costing considerations, and impact on other land uses. The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur or be able to occur in the future.
Geotextile fabric	A woven or non-woven, impermeable or semi-impermeable material generally made of synthetic products such as polypropylene and used in a variety of engineering, stormwater management, and erosion and sedimentation control applications.
Greenspace	are areas of open or vegetated space which are residentially zoned, and are shown on Structure Plans. Roading, servicing, walkways and cycleway connections are permitted to cross ‘greenspace’ provided all other relevant Plan provisions are satisfied.
Ground level	<p>means the original ground level or finished ground level for earthworks, where:</p> <ul style="list-style-type: none"> a) ‘original ground level’ means the level of the ground that existed before any excavation for new buildings or structures on the land is undertaken, and b) ‘finished ground level’ accords with the ground level dictated by i), ii) or iii) below, where infilling must be undertaken to the level required to deal with the hazard, but before any excavation or infilling for new buildings or structures on the land is undertaken: <ul style="list-style-type: none"> i) a rule in a plan relating to low-lying sites, or ii) a resource consent granted in relation to flooding or inundation, or iii) a resource consent granted for a subdivision. <p>Where there is a retaining wall or other engineering structure at the boundary of the site required to achieve b) above, the finished ground level (for the purposes of defining daylight angles) will be the level of the site immediately behind the structure intended to ensure the stability of the site at the finished level.</p>

Groundwater	means water beneath the land surface.
Gross floor area	the sum of the total floor area of all floors of all buildings. It shall be measured from the exterior faces of exterior walls or from the centre line of walls separating two buildings. For the purpose of car parking, gross floor area shall exclude off-street parking and loading areas required by the Plan and contained within the building. See also Site .
Habitable space	means the interior parts of a building used for any residential activity but excluding any bathroom, laundry, water closet, pantry, walk-in-wardrobe, corridor, hallway, lobby, clothes drying room, garage, carport or other space of a specialised nature occupied neither frequently nor for extended periods.
Habitat	the place or type of site where an organism or population naturally occurs.
Hand clearance	in relation to vegetation, means removal or destruction of vegetation using only hand held tools, including chainsaws, scrubsaws, or knapsacks, or other hand held spraying equipment.
Hazardous substance	means any substance with <ul style="list-style-type: none"> a) one or more of the following intrinsic properties: <ul style="list-style-type: none"> i). Explosiveness ii). Flammability iii). A capacity to oxidise iv). Corrosiveness v). Toxicity (both acute and chronic) vi). Ecotoxicity, with or without bioaccumulation, or b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a) of this definition, and c) includes environmentally damaging substances.
Health facility	any land or buildings (excluding hospitals) used for the provision of services by practitioners relating to the physical and mental health of people, but excludes: medical insurance brokers, medical testing laboratories, and facilities for the promotion of physical fitness or beauty such as gymnasiums, beauticians and weight control clinics.
Heavy vehicle	a motor vehicle exceeding 3500kg gross laden weight (refer Heavy Motor Vehicle regulations 1974).
Hedge	means a row of shrubs or bushes capable of developing to a height of over 1m, having branches or leaves that inter-leave so as to form a visual or physical barrier.
Height	in relation to a structure means either: <ul style="list-style-type: none"> a) the vertical distance between any part of the structure and ground level immediately below that part of the structure, or b) the vertical distance between the highest part of the structure and mean ground level (which is the average level of the ground around the external foundations of the structure) <p>Note:</p> <ul style="list-style-type: none"> i). The options cannot be used in combination on any one structure. ii). This definition does not apply to buildings in the Wakefield Quay Precinct where they are subject to Rule A (building

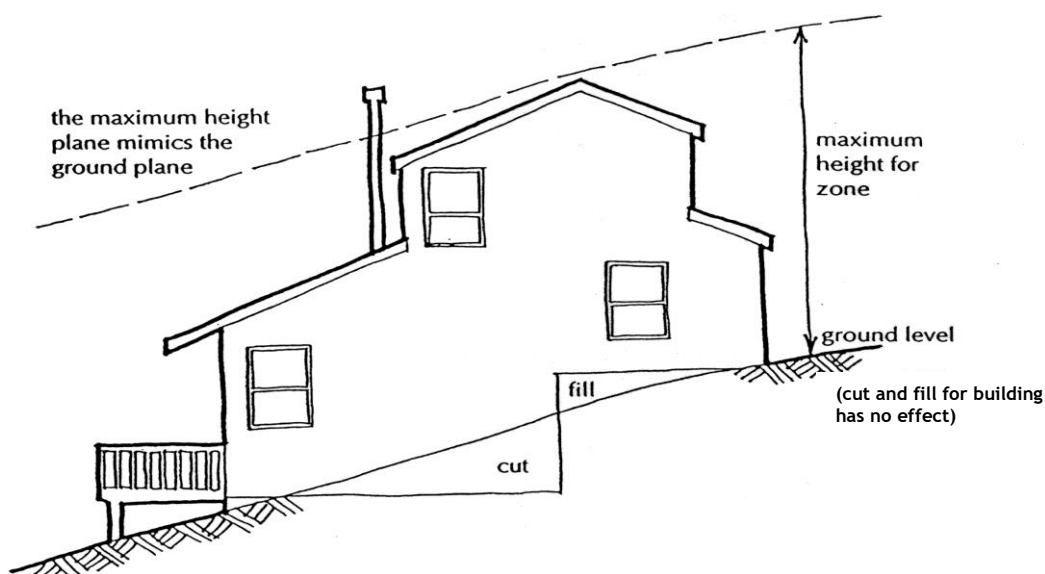
height) of Appendix 23 (design guide and rules for Wakefield Quay).

- iii). In determining the height of any building, no account shall be taken of chimneys (not exceeding 1m in width) or finials, provided these do not exceed the maximum height for the zone by more than 2m. For any chimney or other structure discharging an emission to the air, the provisions of the Nelson Air Quality Plan are specific in respect of structure height and determinant over the provisions of this Plan, except in respect of height controls in relation to the airport (as shown in Planning Maps A3.1 and A3.2) where the provisions of this Plan still apply.
- iv). in determining the height of any building, no account shall be taken of solar panels up to a total of 7m² in size and not exceeding 0.5m above the maximum permitted height for the zone.
- v). See diagrams in definition of 'Height measurement'. See also definition of 'Ground level'.

Height measurement Note: these definitions do not apply to buildings in the Wakefield Quay Precinct where they are subject to AP 23.4.1 (building height rule) of Appendix 23 (design guide and rules for Wakefield Quay).

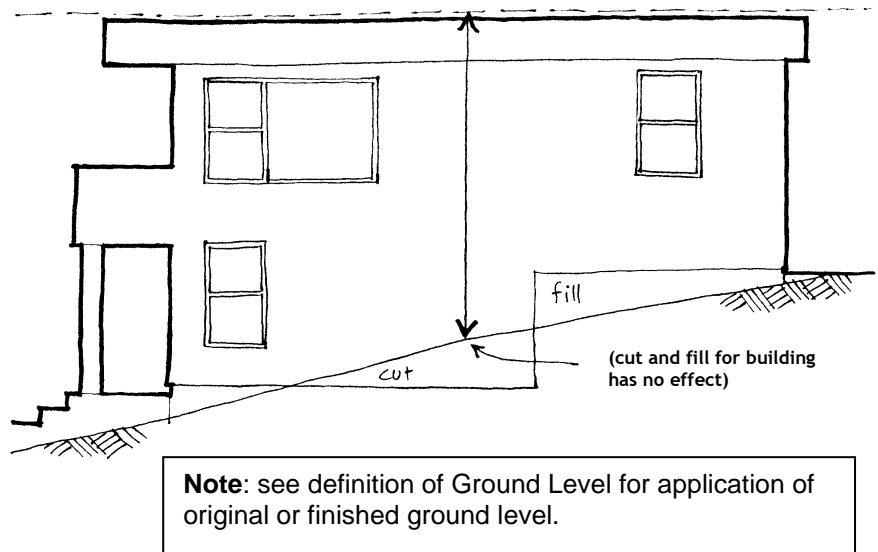
The two methods of height measurement are shown below i.e. Rolling Ground level Method and Average Ground Level Method.

a) Rolling Ground Level Method



Note: see definition of Ground Level for application of original or finished ground level.

b) Average Ground Level Method



Height is measured from a level which is the average original ground level determined from points around the foundations. Building plans should show in plan view the points used in calculating mean ground level.

Heritage overlay

means an overlay identifying heritage buildings, objects, places, heritage and landscape trees, archaeological sites and overlays, heritage precincts, and Wakefield Quay precinct.

Heritage tree

means a tree indicated in Appendix 2 as a heritage tree.

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) sites of significance to Maori, including wahi tapu; and
 - iii) surroundings associated with the natural and physical resources.

Home occupation

means a business or similar activity carried out on a residentially zoned site, the activity being ancillary to the residential purposes of the site.

Indigenous forest

means an area of naturally occurring woody vegetation that:

- a) has a canopy predominantly formed by trees over 6m high, and
- b) has more than 80% closure of the canopy, and
- c) comprises plant species indigenous to the District.

Indigenous vegetation	means an area of naturally occurring vegetation where the area covered by plant species indigenous to the District is the same as or greater than the area covered by other plants.
Industrial activity	means the processing, manufacturing, fabricating, packing or storage of goods and other ancillary activities, and for the purposes of this plan, includes servicing and repair activities.
Inorganic waste	means waste which is not composed of plant or animal products.
Instream values	means the natural values of a water body, including the ecological values, and the cultural, spiritual, amenity and recreation values of Tangata Whenua and the wider community.
Integrated catchment management plan	<p>in relation to a discharge from the public sewerage system to freshwater bodies, the integrated catchment management plan will detail runoff pattern for a number of storm events (eg 5 and 50 year return events). It will detail the capacity of both natural and constructed waterways to handle such events and areas of inundation arising from such events.</p> <p>It will also outline the measures taken to prevent runoff from entering the sewerage system.</p>
Intensive commercial livestock farming	means the keeping of livestock, either in a building or in open site conditions, where the regular feed source for the livestock is substantially provided other than from grazing the site concerned or at a density which precludes the maintenance of pasture or vegetative ground cover, and excludes areas such as loafing pads, used for a maximum period of 6 months in any calendar year.
Issue	means a matter of concern to a community regarding activities affecting the natural and physical resources and the environment of the district.
Iwi authority*	the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
Kaitiakitanga*	the exercise of guardianship; and in relation to a resource, includes the ethic of guardianship and stewardship based on the nature of the resource itself.
Kitchen	means a room or area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).
L10	means the L10 exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded, ten percent of the total measurement time. See NZS 6801:1991 clause 2.2 definition of exceedance level.
Land*	includes land covered by water and the air space above land.
Landfill	a waste disposal site used for the controlled deposit of solid materials onto or into land.
Landscape Tree	means a tree indicated in Appendix 2 as a landscape tree.
Landscaping	means the provision of planted areas, which may include ancillary lawn, rocks, paved areas (with no ability for vehicle access), or amenity features. Landscaping area, landscape strip, landscaped or any variation to these terms, have the same meaning.

Launching structure	means any structure intended for the purposes of launching vessels.
Lawfully established	for the purpose of the Freshwater Plan Change means as provided for by permitted activity rules or resource consent.
L_{dn}	means the “Day Night Average Sound Level” as defined in NZS6801:1999.
L_{eq}	L _{eq} , in decibels, is the value of the steady continuous A-weighted sound pressure level that, within the relevant measurement time interval, has the same mean square sound pressure as the sound under consideration, the level of which varies over time.
LID	means Low Impact Design. An alternative stormwater management system that utilises natural drainage features in the landscape such as infiltration, filtering, storing, detaining and evapotranspiration rather than piped systems.
Liquor	any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honeymead, stout, cider and sherry) containing 1.15% or more alcohol by volume.
Living area	in relation to a residential unit, means any lounge, living room, family room, dining room or kitchen, but excludes any bedroom, study or similar room.
L_{max}	means the maximum A-frequency-weighted sound level (dBA L _{max}) as described in NZS 6801:1991, clause 2.1. The L _{max} units referred to in this Plan relate solely to night-time (10 pm to 7 am Monday to Friday, and 10 pm to 9 am Saturdays, Sundays and public holidays).
Loading space	an on site marked space where vehicles load or unload goods or people.
Local Tree	means a tree indicated in Appendix 2 (Heritage Trees) as a local tree.
LTP	means Long Term Plan.
Maintenance	<p>in relation to State Highways, roads, tracks, firebreaks and landings, means soil disturbance and vegetation clearance necessary to maintain the facility in good operational order. State Highway maintenance works include minor realignment, shape corrections and vegetation clearance with road reserves</p> <p>In relation to network utilities other than roads, means repair necessary to maintain the facility in good operational order and shall include vegetation clearance under overhead lines and minor realignment of such lines, and in respect of overhead lines may include the replacement of a conductor with a larger size conductor but does not include the replacement of towers, pylons, or insulators with larger size towers, pylons, or insulators.</p> <p>For the avoidance of doubt, the meaning of “maintenance” does not include the armouring of structures or banks with rock or other permanent material but it does include clearance of gravel in or directly below or above culverts and bridges.</p>

Maintenance dredging	means any dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of vessels, in navigation channels and at berthing and mooring facilities, including marina facilities.
Maintenance of a structure	<p>means activities which:</p> <ul style="list-style-type: none"> a) are for the purpose of keeping a structure in good repair. b) do not result in any increase in the area of land, foreshore, or seabed occupied by the structure. c) do not change the character, scale and intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects).
Mean high water springs	(MHWS) means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days) where the range of tides is the greatest.
Mechanical ventilation	means a mechanical system or mechanical ventilation systems as described in Appendix 19.2.ii.
Median flow	means the flow (level) at the mid point of an ordered range of flows. Median flow can be determined by ordering the range of flow levels over a period of time (generally a year). The median flow will be the flow level at the mid point of that range of flow levels.
Method of implementation	means a specific action, procedure, programme or technique adopted to carry out a policy.
Minimum flow	means a river flow below which continued takes from a river are considered to have adverse effects. Refer to Appendices 28.2 and 28.3 for more detail.
Minor upgrading	<p>means an increase in the carrying capacity, efficiency or security of electricity lines utilising the existing support structure or poles, or structures of a similar scale and character, and including:</p> <ul style="list-style-type: none"> a) The addition of conductors; b) The reconductoring of the line with higher capacity conductors; c) The resagging of conductors; d) The addition of longer or more efficient insulators; e) The addition of earthwires (which may contain telecommunication lines), earthpeaks and lightning rods. <p>Minor upgrading does not include a change in the voltage of a line unless the line was constructed to operate at a higher voltage but has been operating at a reduced voltage and there will be no physical change to the line. Any increase in the power carrying capacity of any line must not result in the magnetic fields generated by the transmission lines exceeding International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for 24 hour public exposure (100 microtesla).</p>

Mooring	means an anchor block on the seabed for the purpose of securing a recreational vessel by way of rope or cable.						
Moving display	means a display in which any parts of the sign or its message involves movement or apparent movement aimed at drawing attention to the sign.						
Natural and physical resources*	includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.						
Natural 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.						
Natural hazard overlay	means one or more of the following Overlays shown on the Planning Maps: Fault Hazard Overlay, Grampians Slope Risk Overlay, Tahunanui Slump Core Slope Risk Overlay, Tahunanui Slump Fringe Slope Risk Overlay, Flood Path Overlay, Flood Overlay, Inundation Overlay.						
Navigation aid	includes: <ul style="list-style-type: none"> a) any lightship and any floating or other light exhibited for the guidance of ships and aircraft, or b) any type of fog signal not carried on a ship, or c) all marks and signs in aid of marine and aircraft navigation, or d) any electronic, radio, or other aid to aircraft navigation and marine navigation not carried on board any ship, and e) any associated building works. 						
NCC datum	means Nelson City Council Standard Datum. <table> <tr> <th>Relationship of Datums</th><th>Mean Sea level</th></tr> <tr> <td>To NCC Datum</td><td>12.055</td></tr> <tr> <td>To DOSLI Datum</td><td>0.000</td></tr> </table>	Relationship of Datums	Mean Sea level	To NCC Datum	12.055	To DOSLI Datum	0.000
Relationship of Datums	Mean Sea level						
To NCC Datum	12.055						
To DOSLI Datum	0.000						
Net area	means the total area of a site excluding any part that is: <ul style="list-style-type: none"> a) subject to any designation (see Appendix 24), or b) containing a right of way serving other sites, or c) in relation to rear sites, part of any access to the site that is less than 6m in width. 						
Network utility	a network for any of the following activities: <ul style="list-style-type: none"> a) Telecommunication and radio communication as defined in Section 2(1) of the Telecommunications Act 1987 and includes any Telecommunication Facility, Radiocommunication Facility and Telecommunication Line, or b) cable television, or c) the transformation, transmission or distribution of electricity, or d) the distribution of water for supply, including irrigation, or 						

- e) drainage or sewerage reticulation, or
- f) construction, operation and maintenance of roads and railways, including any lighting, signalling or other equipment relating to the safe use of the road or railway, or
- g) operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990, or
- h) undertaking a project or work described as a “network utility operation” by regulations made under the Resource Management Act 1991, or
- i) lighthouses, meteorological facilities, navigation aids and beacons, or
- j) pipes for the distribution or transmission of petroleum, or natural or manufactured gas, or
- k) street lighting

and includes:

- l) all structures and incidental facilities such as lines support structures, pipes, pumping stations, aerials and similar structures which directly form part of the network, and
- m) the operation, maintenance and upgrading of the network utility, and
- n) private connections to the network utility.

Network utility buildings, small, unstaffed

means a building (which is not or does not contain a substation) which is directly part of a network utility, and it and any equipment it holds is unstaffed, and the building does not exceed 20m² in ground floor area and does not exceed 5m in height.

For the purpose of this meaning the above height limitation does not apply to aerials, masts and poles.

Noise*

means unwanted sound and includes vibration. The sound of warning devices being used by emergency services or in an emergency situation is not included in the definition of noise for the purpose of this Plan.

Noise-affected property

means a site used for residential purposes that is situated in the Residential Zone adjacent to Port Nelson and identified on the Port Noise Contour Map as receiving levels of port noise at or above 55 dBA L_{dn} but excludes:

properties that have received acoustic treatment in accordance with rule INr.40.1 and Appendix 29.B (Noise Mitigation Plan) and are receiving port noise at or below the certified level of port noise.

Noise-Generating Activity

is an activity that takes place at a site or building located in the Inner City Zone, involving:

- the assembly of people within a building for a commercial activity involving the playing of amplified sound (from a sound system with greater than 100W output) between the hours of:
 - 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am where the activity is located within the Inner City Zone - City Centre; and
 - 10:00pm and 7:00am seven days a week where the activity is located within the Inner City Zone - City Fringe;

or:

- the assembly of people in an outdoor area (i.e. an area that is outside of the main part of the building such as garden bars, outdoor dining and smoking areas) associated with a commercial activity between the hours of:
 - 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am where the activity is located within the Inner City Zone - City Centre; and
 - 10:00pm and 7:00am seven days a week where the activity is located within the Inner City Zone - City Fringe.

For the avoidance of doubt, temporary events occurring no more than once per year in any one site or building are excluded from this definition.

Note: Noise from these events is still required to take account of Section 16 and 327 of the RMA, and Appendix 13 of this Plan.

Non-point source discharge

means discharge of contaminants onto or into land, air, or water from a widespread or diffuse source rather than from a specific outlet or a particular point of origin.

Notional boundary

means a line 20m from the façade of any rural dwelling which is most affected by the noise source, or the legal boundary where this is closer to the dwelling.

NRMP

means Nelson Resource Management Plan.

Obsolete structure

means any structure which is not required for its original use, or which has not been used as intended for a continuous period of two years or more, and for which no future use is anticipated.

Occupy

means to occupy land or any part of the coastal marine area necessary for the activity:

- a) to the exclusion of other persons who do not have a right of occupation to the space by a resource consent or under a rule in a regional coastal plan, and
- b) for a period of time and in a way that, but for the rule in the regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary.

and "occupation" has a corresponding meaning.

On-site wastewater management system

means any system that treats and then discharges wastewater within the property boundaries. Systems range from a basic septic tank system followed by dispersal in sub-service trenches or a mound. Higher quality treatment systems consist of active aeration or a multi-chamber septic tank, followed by a sand filter system.

Original size

for the purpose of a rule authorising maintenance means, in the case of a structure that is authorised by a coastal permit (including a coastal permit under Section 384), the maximum dimensions specified in that coastal permit. Where no maximum dimensions are specified in that coastal permit, the original size will be that supplied with the consent application.

Organic waste

means waste which is composed of plant or animal products.

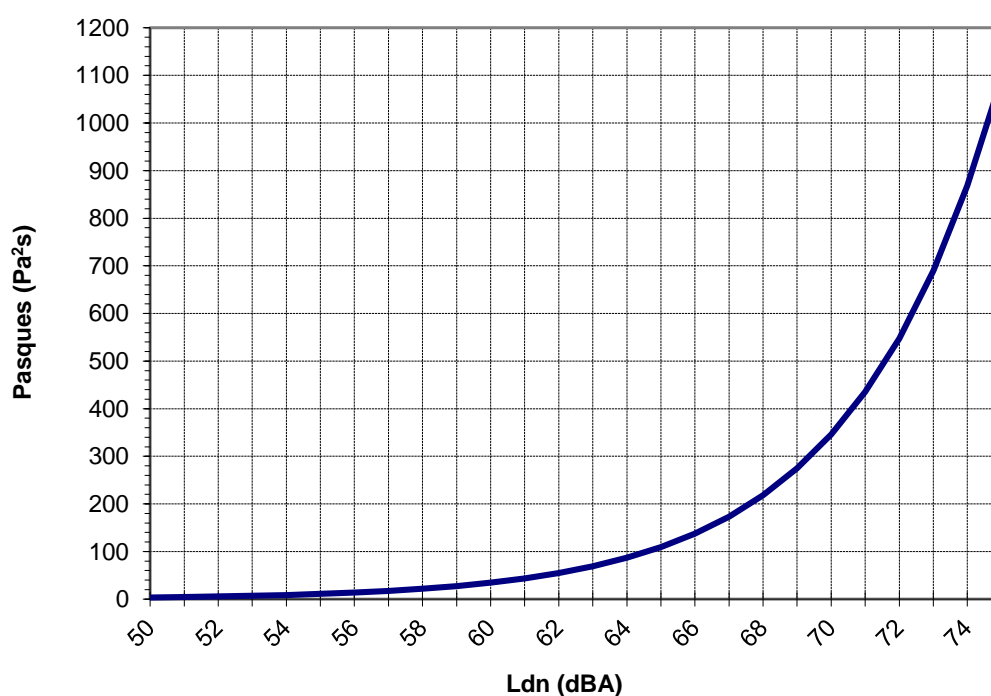
Outdoor Living Court

an area of open space for the exclusive use of the occupants of a residential unit. No outdoor living court may be occupied by any building which is enclosed, or has an overhead clearance of less than 2m, other than an accessory building of less than 8m².

Outfall structure	where referred to in a regional rule, excludes any culvert other than culverts on streams that are piped as part of an urban stormwater system and which have no significant diadromous fish populations.
Overlay	an area of land or sea shown on the Planning Maps, where special resource management considerations apply, described in this Plan.
Papakainga	means the use and occupancy of multiple-owned land involving the development of the land for residential units and other buildings and uses necessary to enable the owners to live on their land.
Parking space	an on site marked space where vehicles can park.
Pasques	Unit of measurement of environmental noise exposure in A-frequency weighted pascal squared seconds, as defined in NZS 6805:1992 Airport Noise Management & Land Use Planning. Sound exposure shall be night weighted in accordance with NZS 6805:1992. Environmental noise exposure measured as Ldn (dBA units) shall be converted to pasques using the equation.

$$\text{Pasques} = [3.456 \times 10^{-5}] \times [10^{L_{dn}/10}]$$

This equation provides the following relationship between Pasques and Ldn:



Pest plants	plants listed in the Tasman-Nelson Regional Pest Management Strategy.
Pipeline	means a pipeline constructed or used to convey any matter or substance; and includes all machinery, tanks and fittings connected to the pipeline.
Plantation forestry	means a forest deliberately established for commercial purposes, being - <ul style="list-style-type: none"> (a) At least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and (b) Includes all associated forestry infrastructure; but (c) Does not include - <ul style="list-style-type: none"> (i) A shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or (ii) Forest species in urban areas; or (iii) Nurseries and seed orchards; or (iv) Trees grown for fruit or nuts; or (v) Long-term ecological restoration planting of forest species; or (vi) Willows and poplars space planted for soil conservation purposes

Point source discharge	means a discharge of contaminants onto or into land, air, or water from a specific and identifiable outlet or location e.g. a drain or pipe.
Polytechnic	means Nelson Polytechnic or any similar successor education organisation, whether of the same or different name.
Pond	for the purpose of the Freshwater Plan Change means a small body of still water constructed by hollowing or embanking. It does not include wetlands (separately defined) or naturally formed ponds.
Port Industrial Area	means the land and water space zoned industrial and delineated in pink on Maps 6R, 9R and 10R of Volume 4 of the Nelson Resource Management Plan.
Port Noise	<p>means noise generated within the Port Industrial Area and includes:</p> <ul style="list-style-type: none"> i) Noise emanating from ships and boats at berth; and ii) Noise associated with the handling of cargo; and iii) Noise from trucks and machinery; and iv) Noise from administrative, repair, storage and maintenance activities <p>but excludes:</p> <ul style="list-style-type: none"> i) Noise from ships and boats not at berth; ii) Noise associated with construction of permanent Port Industrial Area facilities; iii) Noise from an emergency situation; iv) Noise from vehicles on public roads.
Port noise contour map	means the noise contour map referred to in Appendix 29.A.1.i) and contained in the Port Noise Management plan showing port noise L_{dn} levels based on a busy 5 day operating scenario to provide for the identification of noise affected properties.
Port Operational Area	the operational area under the day-to-day control of the entity which manages the Port of Nelson. This operational area is limited to land used for activities, essential to the functioning of the port, and includes land used for the loading and offloading of goods, and the temporary storage of goods to be loaded or which have been unloaded, together with parking, office, staff, and maintenance facilities necessary for the foregoing activities. It also includes that part of the coastal marine area included in Port Nelson Ltd's (or its successors) coastal permit. For the avoidance of doubt, this definition excludes areas leased by Port Nelson Ltd to other entities.
Port Operator	means Port Nelson Limited or its successors.
Predominant slope	means the slope which is most common over the area. Slope can be calculated as a ratio of "rise over run" in which run is the horizontal distance and rise is the vertical distance. For the purpose of the soil disturbance rule in this Plan, the calculation of predominant slope should be applied to the slope area where the soil disturbance and any erosion control is to occur.
Primary contact recreation	means swimming, water skiing, and other direct water-contact activities.
Private car parking area	this means any privately provided area where car parking is available to be used on a casual, rental or leased basis; with or without a fee, by members of

	the public or provided as staff or visitor parking for a particular business or activity.
Property plan	<p>means a document prepared jointly by a landowner and the Council which provides for integrated management of the particular property specified in the rural area, and contains the following elements:-</p> <ul style="list-style-type: none"> a) adequate resource information, and b) adequate description of the activities proposed, and c) an assessment of the likely impact of the proposed activities on the natural and cultural values contained within the property, and d) specifies resource consents for undertaking particular activities, and e) specifies any conditions to be observed when exercising any part of the resource consents, and f) specifies the period of the consents, and g) specifies under what circumstances or where additional conditions or consents will be required. <p>Other matters which a property plan might contain include:</p> <ul style="list-style-type: none"> a) a commitment to active management and/or protection of significant features. This could include fencing of sites, pest control, covenants to be created, public access provisions, and b) a cost sharing commitment for any active management, for example a contribution to fencing costs or giving rates relief, and c) a statement of any additional development rights which are conferred on the property in return for active protection of significant features. In the example of the fencing and protection of a bush remnant, this may include consent to an additional subdivision lot or to the construction of an additional dwelling/house.
Public safety	means any risk to life, limb, or property such that without remedial action there is a high probability of loss of life, injury, or serious damage to property.
Radiocommunication facility	means any transmitting/receiving devices such as an aerial, dish, antenna, cable, line, wire, and associated equipment/ apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
Raft*	means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation.
Rear site	see <i>Site - rear</i>
Reasonable domestic water use	means the water usage of an individual home or household including the needs of domesticated animals and of a household garden. Once trigger flow is reached (as shown in Appendix 28.2), reasonable domestic use includes water for watering a household vegetable garden where the production of the garden is for that household's domestic consumption but does not include water for flower gardens or lawns.
Reasonable mixing	see Appendix 28.7 (reasonable mixing zone)

Replacement	means replacement of a structure of the same scale, character and same or similar dimensions and located in the same or similar position.
Residential activity	<p>means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address; and includes accessory buildings and leisure activities.</p> <p>For the purpose of this definition, residential activity (irrespective of the length of stay) shall include:</p> <ul style="list-style-type: none"> a) accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident as described above, or b) emergency and refuge accommodation, or c) accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly), but not places where residents are subject to detention.
Residential unit	means a single self-contained household unit, used principally for residential activities, whether by one or more persons, including accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit.
Restaurant	includes cafes, tearooms, and any other premises which sells food and beverages to be consumed on the premises.
Restoration	in relation to a heritage item, means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of additions unsympathetic to the style of the building. As it applies in the freshwater rule FWr.1 restoration means returning a river or lake to a more natural state, for example restoring a piped section of a water body to natural river bed.
Retail activities	any land, building or part of building on or in which goods are displayed, sold, or offered for sale or hire direct to the public.
Retail services	any land, building or part of building on or in which personal or household services, or private business or professional services are offered to the public.
Revegetation	means the establishment of trees, plants or grasses to achieve coverage of soil surfaces.
Ring road	that portion of Collingwood, Halifax, and Rutherford Streets, and Selwyn Place, which more or less forms a square around the City Centre on the planning maps.

Riparian margin	means the area of land adjacent to any wetland, river, lake or coastal marine area where direct interaction occurs between land and water systems. The riparian margin contributes to the natural functioning, character and quality of the water body or area, and the land margin, and associated ecosystems.
Riparian overlay	means an overlay identifying river and coastal margins with conservation, access, or natural hazard values, and where esplanade reserves or strips may be required by Council at the time of subdivision.
River*	<p>means a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal). For the purpose of this definition, 'intermittently' means a river or stream that is dry at certain times and has one or more of the following characteristics:</p> <ol style="list-style-type: none"> it is mapped as riparian overlay in the Nelson Resource Management Plan maps or listed as conservation priority 1 or 2 in Table 6.1; or has natural stable pools having a depth at their deepest point of not less than 150mm and a surface area of not less than 2m² present throughout the period commencing 1 February and ending 30 April of any year.
Road*	has the same meaning as in section 315 of the Local Government Act 1974 and includes a motorway as defined in section 2(1) of the Government Roading Powers Act 1989.
Road boundary	see <i>Boundary</i>
Root protection zone	means the minimum area required to ensure a tree's health and stability is safeguarded, as calculated using the following table:

Tree age	Tree vigour	Root protection zone radius (m)
Young trees (where the age of tree is less than 20% of life expectancy)	Good vigour	6 x DBH*
	Poor vigour	9 x DBH
Mature trees (where the age of tree is between 20% and 80% of life expectancy)	Good vigour	9 x DBH
	Poor vigour	12 x DBH
Over mature trees (where the age of tree is greater than 80% of life expectancy)	Good vigour	12 x DBH
	Poor vigour	15 x DBH

*DBH means Diameter at Breast Height which in NZ is diameter at 1.4m high (the diameter of the stem 1.4m above ground level).

Secondary contact recreation	means water-based recreation where there is high likelihood of unintended body contact with water e.g. boating, fishing and kayaking.
Sedimentation	means the deposition of soil, silt or vegetation debris on the surface of land, or on the bed of any river, water body or Coastal Marine Area.
Services	means network utilities.

Service station	<p>means any undertaking where the dominant activity is retail sales or motor vehicle fuels dispensed at pumps or other vehicle control points (including petrol, LPG, CNG and Diesel) and may also include any one or more of the following:</p> <ol style="list-style-type: none"> a) retail sales of kerosene, alcohol based fuels, lubricating oils, tyres and batteries, vehicle spare parts and other accessories normally associated with motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment, and b) the repair and servicing of motor vehicles (including warrant of fitness testing) and domestic garden equipment, and c) car wash facilities or other drive through vehicle service or inspection facility, and d) the ancillary sale of other good for the convenience and comfort of persons called at the service station for the services described in this definition but excludes panel beating, chassis straightening, body building, spray painting, and heavy engineering such as engine reboring and crankshaft grinding.
Set back	means the distance between a structure and the boundary of its site, or other feature specified in the Plan.
Sewage	means the wastewater which flows through the sewerage pipes - and has the same meaning as wastewater.
Sewerage	means the pipes and system pumps that transport sewage.
Short term living accommodation	means land and buildings for transient residential accommodation for a person, family or group of persons under a single tariff where the occupiers will not generally refer to it as their home or permanent address. It may include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference and recreation facilities for the use of only those living on the site. It includes hotels, motels, camping grounds and tourist cabins, studios and apartments. Accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident is excluded (see definition of Residential Activity).
Sign	has the meaning given in Appendix 20 (signs and outdoor advertising).
Sign area	in relation to a multiple-sided sign, sign area is the area when viewed from any one direction, providing that the total area of all faces of a sign shall not exceed twice that permitted in the relevant rules.
Sign height	means that measurement from the ground surface to the topmost point of the sign.
Site	<p>means:</p> <ol style="list-style-type: none"> a) an area of land which is: <ol style="list-style-type: none"> i). comprised in a single allotment, or other legally defined parcel of land and held in a single certificate of title, or ii). comprised in a single allotment or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council <p>Being in any case the smaller of land area i) or ii), or</p> b) an area of land which is comprised of two or more adjoining legally defined parcels of land held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council, or

- c) an area of land which is comprised of two or more adjoining certificates of title where such titles are:
 - i). subject to a condition imposed under section 75 of the Building Act 2004 or section 643 of the Local Government Act 1974, or
 - ii). held together in such a way that they cannot be dealt with separately without the prior consent of the Council, and
- d) In the case of land subdivided under the cross lease or company lease systems (other than strata titles), site shall mean an area of land containing:
 - i). a building or buildings for residential or business purposes with any accessory building, plus any land exclusively restricted to the users of that building, or
 - ii). a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes, and
- e) in the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units, and
- f) in the case of strata titles, site shall mean the underlying certificate of titles, immediately prior to subdivision, and
- g) in the case of an activity (e.g. Polytechnic, Port Nelson) that occupies more than one adjoining allotment, whether held in single legal title or multiple titles, site for the purpose of compliance with parking, noise and other rules shall be the total area of land occupied exclusively by that activity.

Site coverage

means the same as building coverage.

Site - front

a site having one or more frontages to a road, or to a common vehicle access serving more than four actual or potential residential units.

Site - net area

see *Net area*

Site - rear

a site which is situated generally to the rear of another site, both sites having access to the same road or vehicle access.

Site work

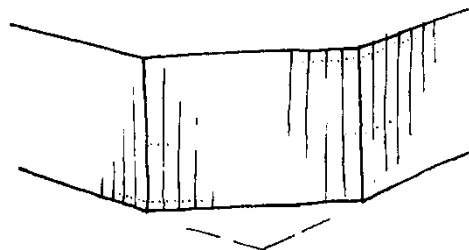
means work on a building site, including earthworks, preparatory to or associated with the construction, alteration, demolition or removal of a building.

Small unstaffed network utility building

See Network Utility building, small, unstaffed.

Snipe

means a corner set back at a road intersection, within which no structures are permitted, in order to improve traffic visibility.



Soil disturbance	means disturbance of soil other than by modification to the shape of the land surface and includes cultivation, deep ripping, root raking, blading and compaction.
Standards and terms	statements of the measurements, times, rates or other information that area used in a rule to classify an activity as controlled or discretionary.
Stock	means farm animals.
Stock effluent	means <ul style="list-style-type: none"> a) wastewater and/or sludge from dairy sheds, piggeries or feedlots, or b) sludge from agricultural wastewater treatment ponds, or c) poultry farm litter or wastewater.
Stock fence	means fences for the purpose of containing livestock, including suspended flood gates.
Stoke centre	means that area on the western side of Main Road Stoke, zoned Suburban Commercial, and having frontage to one or more of the following: Songer Street, Neale Avenue, Putaitai Street, Main Road Stoke, Strawbridge Square, the Fire Station Carpark, or Lichfield Street.
Storage	in relation to hazardous substances, means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and empty-ing of the container. Storage does not include substances in use, or those used as a cooling or heating medium.
Stormwater	runoff water (excluding water in a river) that is diverted through channels or pipes for discharge into the Coastal Marine Area or into a water body.
Stormwater discharge	means rainwater discharges to a water body which have been collected in channels and pipes.
Stormwater drain	means a drain which collects rain water off roofs, roads and hard standing surfaces and discharges it to a river, stream or into the sea.
Streetscape	means all that space or area that stretches from building to building and is the land that incorporates the road as well as the land between the buildings and the road boundary on each side of the road. It creates neighbourhood character and a shared public realm.
Structure*	any building, equipment, device or other facility made by people and which is fixed to land, and includes any raft. For the purposes of structures in the beds of rivers and lakes, “structures” includes dams and bank protection structures fixed to the bed.
Structure Plan	is a mapped framework to guide the development or redevelopment of a particular area by defining future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development, often across land in multiple ownership except that in the event that the indicative education facility in Marsden Valley Schedule I is not developed, then the lack of an education facility means the subdivision design is still generally in accord with the Marsden Valley structure plan. See AD11.4A ‘Structure Plans’ for further information.
Subdivision*	has the meaning given in the Act.
Substation	those parts of works or electrical installations, being a building, structure or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity, but excluding electricity distribution substations occupying less than 36m ² .
Surface water	as it applies in freshwater rule ‘take, use, or diversion of surface water,’ surface water means freshwater in rivers, lakes and wetlands.

Sustainable Management*

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, and
- 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.

Take (of water)

means the extraction of water for a specific use.

Tangata whenua*

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

Telecommunication facility

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

Telecommunication line

means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

Temporary military training activity

means a temporary activity undertaken for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

Territorial sea*

the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.

Tikanga Maori*

Maori customary values and practices.

Treaty of Waitangi

(Te Tiriti o Waitangi*) has the same meaning as the word 'Treaty' as defined in section 2 of the Treaty of Waitangi Act 1975.

Trigger flow

means a river flow 10% above the 'minimum flow' level at which continued takes from a river are considered to have adverse effects.

Once trigger flow for a river (as defined in Appendix 28.2) is reached all takes must cease, except those for

- i) domestic, stock water, or fire fighting purposes, and
- ii) water permits, where a water conservation plan has been approved by the Council.

For more detail see Appendix 28.3.ii.

Unclassified roads

means roads with a hierarchical classification of Sub-Collector, Local Roads and Residential Lanes. Refer to chapter 4 'Transport' of the Nelson Tasman Land Development Manual 2019 (NTLDM).

Upgrade	as it applies in freshwater rule FWr.4 it means an increase in the carrying capacity, efficiency or security of existing structures, or structures of a similar scale and character.
Urban activity	means any activity undertaken on land within: <ul style="list-style-type: none"> a) the Residential, Inner City, Suburban Commercial, Open Space and Recreation, or Industrial Zones, and: b) the foreshore of the Coastal Marine Area and any structure attached to the land and extending into or over the Coastal Marine Area, and c) any area subject to a notified variation or plan change to the Nelson Resource Management Plan (NRMP) that re-zones the land as Residential, Inner City, Suburban Commercial, Open Space and Recreation, or Industrial Zone, and d) any rural land which is being or has been subdivided since the notification of the Plan for any residential purpose where the area of the site is less than 0.5 hectares.
Urban design	means the design of buildings, places and networks that make up our towns and cities, and the ways people use them. It ranges in scale from a metropolitan region, city or town down to a street, public space or even a single building. Urban design is concerned not just with appearances and built form but with the environmental, economic, social and cultural consequences of design. It is an approach that draws together many different sectors and professions, and it includes both the process of decision-making and the outcomes of design.
Urban streams	means the parts of a stream within the urban area (excludes Rural and Conservation zoned land). These include: Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook, Oldham Creek and Todd Valley Stream.
Urban zone	means one or more of the Residential Zone, Inner City Zone, Suburban Commercial Zone, Industrial Zone or any part of the Open Space and Recreation Zone that is surrounded by one of these zones.
Use	in relation to hazardous substances, means the manufacturing, processing or handling of a substance or mixture of substances for a particular activity without necessarily changing the physical state or chemical structure of the substance. Use includes mixing, blending and packaging operations, but does not include the filling or drawing of substances from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products (including diesel, CNG and LPG).
Utility service line	any pipe, cable, overhead wire, telecommunication line, drain or channel for the purposes of a network utility.
Vegetation	includes trees, shrubs, plants or grasses.
Vegetation clearance	means any activity which results in the removal or reduction in vegetation cover from an area of land other than that caused by grazing animals or domestic gardening, except for the purpose of controlling or eradicating pest plants or trimming of vegetation (other than indigenous vegetation).

Vehicle	a self-propelled vehicle, or a caravan, trailer or boat.
Vehicle access	see <i>Access</i>
Vehicle load out facility	means a site where petrol, diesel or oil is stored and vehicles are refuelled.
Vehicle oriented commercial activities	includes service stations, truckstops, supermarkets, shopping malls and drive-in or drive-through retail outlets.
Vessel	includes any ship, boat or other floating craft, or drilling rig or exploration platform (whether self-propelled or towed) for the purpose of exploration for, and extraction of, natural and physical resources from the seabed.
Waahi tapu	places or things which are sacred or spiritually endowed.
Waste	means materials which are unwanted or surplus to process requirements that the holder discards, or intends to, or is required to discard.
Wastewater	means the waste material in liquid form that enters the wastewater network including domestic sources, industrial sources and infiltration and inflow. Wastewater has the same meaning as sewage and excludes stormwater.
Wastewater network	means the network of pipes, system pumps and treatment plant associated with wastewater- and has the same meaning as sewerage in relation to pipes and system pumps.
Wastewater network environmental management plan	In relation to a discharge from the public sewerage system to freshwater bodies, the wastewater network environmental management plan will detail the capacity of the sewerage system and its ability to handle flows without overflow. It will detail the storage available at pumping stations for emergencies and where overflows are likely to occur. It will detail the programme of work to be undertaken to prevent overflows in the future.
Water*	<p>water in all its physical forms whether flowing or not and whether over or under the ground</p> <p>a) includes fresh water, coastal water, and geothermal water</p> <p>b) does not include water in any form while in any pipe, tank, or cistern.</p> <p>The Freshwater Plan Change relates to all freshwater resources including groundwater.</p>
Water body*	freshwater or geothermal water in a river, lake, stream, pond, wetland, or aquifer or any part thereof, that is not located within the coastal marine area.
Water conservation plan	means a plan prepared by Council, a water users' group or an individual which has been approved by Council, and which specifies what water conservation measures will be undertaken, and how they will be administered in the event of Council giving notice in writing to water users' groups that river flows have fallen to or below trigger levels.

Water craft

means any vessel, vehicle, or craft designed to operate in, on, or under water. Motorised water craft means any watercraft powered by an internal combustion engine or electric motor.

Water supply

There are two categories:

1. urban water supply - means a water supply managed by Nelson City Council and delivered to residents and industry through a reticulated system.
2. private supply - means a water supply directly managed by those residents using it.

Weir

means a dam built across a river to raise the level of water upstream or regulate and/or monitor water flow.

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:

- artificial wetlands constructed for wastewater management purposes; or
- lawfully constructed ponds; or
- plantation forest with a pasture understorey; or
- exotic rush/pasture communities.

Note: artificial wetlands are referred to as 'constructed wetlands' for the purpose of the Plan.