

## **Part 6**

# **DEFINITIONS**

## Definitions

This section defines the meaning of words used in this document and the Resource Management Act 1991. Those words which are marked by an asterisk (\*) have the definition that is provided in the Act.

Unless otherwise specified, the following meanings shall prevail.

**Accessory Building** on any site means a building, the use of which is incidental to that of any other building or buildings on the site. In relation to a site on which no building has been erected the building must be incidental to any permitted activity.

**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.

\* **Access Strip** has the same meaning as in Part 1 of the Act.

**Aquaculture** means the growing of shellfish on surface and/or subsurface support structures or pond rearing of fish; ocean ranching by way of spat collection and release; and the growing of seaweeds and includes marine farming.

\* The **Act** means the Resource Management Act 1991 and includes any amendments thereto.

**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 antennae. Where a wire or other antenna is supported between two or more poles, each pole is considered to be an aerial.

\* **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, cultural or recreational attributes.

**Antenna** means any telecommunication apparatus used for transmission or reception including the antenna dish mounting but not any supporting mast or similar structure. This definition includes any satellite dish.

**Background Noise Level** is the mean minimum sound level in the absence of any nuisance noise at the relevant place and time of measurement. When statistical analysis methods are used, the background noise level should be taken as that level which is equalled or exceeded for 95 per cent of the observation time (expressed as  $L_{95}$ ).

**Boundary** means every property boundary line around a site including front, side and rear boundaries.

**Building**, in addition to its ordinary and usual meaning, means any building, structure or part structure, whether temporary or permanent, moveable or immovable except for the following:

- any scaffolding, buildings, or falsework erected temporarily for maintenance of construction purposes

- any mast, pole, or aerial less than 6 metres in height
- any fence, stock yard, boundary wall or retaining wall less than 1.8 metres in height
- any construction or erection not exceeding 5 square metres in a horizontal plane and that does not exceed 2 metres in height
- any tent or marquee
- any temporary storage stack of goods and materials
- any sign
- any network utility or utility service line
- any bridge.

**Coastal Marine Area** includes the foreshore, seabed, coastal water, and the air space above the water, as defined in the Act.

\* **Coastal Water** means seawater within the other limits of the territorial sea and includes:

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

**Coastal Hazard Protection Works** means the structure and/or programmes designed to protect and rebuild the coastline and/or enhance coastal amenity and use.

**Commercial Activity** means any use of land or buildings for the purposes of the sale or hire of food, services and other commodities and merchandise.

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

\* **Contaminant** includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- b) when discharged 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.

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

\* **Document** means the Chatham Islands Resource Management Document.

\* **Dumping** has the same meaning as in Part 1 of the Act.

**Earthworks** means modification of the shape of the land surface for development purposes and includes:

- the disturbance of land surfaces by moving, removing, placing or replacing soil or earth; or by excavation, cutting or filling operations
- contouring, road, driveway and access construction

but does not include “cultivation”.

**Emergency Services** means those services or authorities responsible for the safety and welfare of people and property in the community, and includes fire stations, ambulance stations, and police stations, and vehicles and facilities associated with such services.

**Esplanade Strip** means an area of land alongside a water body and/or the bed of a water body that is created for the purposes set out in Section 229 of the Act and is subject to restrictions on the use of that land which are binding on future landowners. Esplanade strips can be created at any time subject to landowner and local authority agreement.

**Esplanade Reserve** means a reserve defined by Section 229 of the Act which is surveyed off alongside water bodies with reserve status under the Reserves Act 1977.

**Farming Activity** means the use of land, buildings or water for the primary purpose of the production of vegetative matter and/or commercial livestock but excludes forestry.

**Forestry** means the establishment, tending or harvesting of forest (whether native or exotic) for wood production.

**Frontage** means that portion of land which secures legal access to a lot from an existing road or road to be vested or otherwise legalised and includes any right of way.

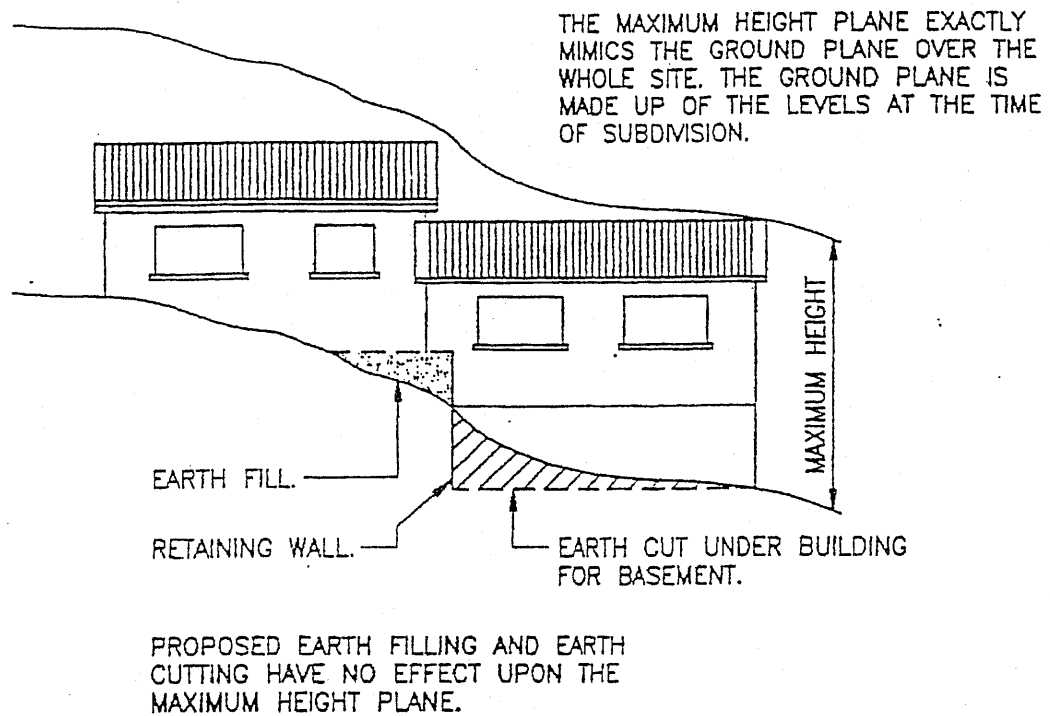
**Gross Floor Area** means the total area of all floors contained within the exterior walls of any building.

**Habitat** means the natural home in which a particular species or group of species lives. It includes the physical and biotic characteristics that are relevant to the species concerned.

**Hazardous Substances** has the same meaning as that provided in the Hazardous Substances and New Organisms Act 1996.

**Height** in relation to a building or network utility means the vertical distance between ground level at any point and the highest part of the building immediately above the point (see Figure 6.1). For the purpose of calculating height, account shall not be taken of:

- domestic radio or television aerials or antennas; or
- chimneys (provided they do not exceed 1 metre in width or the maximum height for the Management Area by more than 2 metres); or
- aerials and antennas that have a horizontal dimension of less than 55mm or do not exceed 1 square metre in area on any one side; or
- lightning arrestors; or
- mounting arms and structures for aerials and antennas that have a vertical dimension of less than 150mm



**FIGURE 6.1 : MAXIMUM HEIGHT**

**Indigenous Vegetation** means any vegetation comprised of species indigenous to the Chatham Islands.

**Industrial Activity** means any activity involving the manufacturing, processing, assembly, servicing, repair and/or storage, and warehousing of any goods excluding those activities associated with farming and for the purposes of the Industrial Management Area includes any activities associated with the port areas and the Chatham Islands airport.

\* **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

\* **Lake** means a body of fresh water which is entirely or nearly surrounded by land and for the purposes of this document includes Te Whanga.

**Meteorological Activities** means facilities and installation or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.

**MHWS** is Mean High Water Springs which is the line of the average of the highest tides (known as spring tides).

**Navigation aid** means:

- d) any electronic, radio, or other aid to marine navigation not carried on board any ship

**Network Utility** means:

- household, commercial and industrial connections to gas, water, drainage and sewer reticulation systems including necessary incidental equipment:
- telecommunication and radiocommunication facilities and telecommunication lines.
- transformers, lines and associated equipment for conveying electricity at a voltage up to and including 110 KVA with a capacity up to and including 100MVA.
- irrigation systems, open drains and channels for the conveyance of water
- navigation aids and beacons and ancillary structures
- meteorological activities

**Noise:** For the purposes of assessing compliance with rules in this document the term “noise” shall not be applied to:

- Sounds associated with response to emergency callouts, or training activities associated with emergency services provided this training takes place between the hours of 7am to 10pm.
- Sounds generated by aircraft (including helicopters) in flight, or immediately before or after flight.
- Impulse noise associated with small arms fire, providing that the firearm activity is temporary in nature and does not form part of the on-going activity for any site.
- Noise generated by equipment associated with farming.

**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 the documents and
- b) for a period of time and in a way that, but for the rule in the document 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.

**Public Place** means any place owned by, or used by the public and includes a road, footpath, and park.

**Radiocommunication Facility** means an transmitting/receiving devices such as aerials, dishes, antenna, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and pole, and ancillary buildings, and as defined in the Telecommunication Act 1987 and its amendments.

**Residential Activity** means any use of land where the sole purpose of the resident(s) is permanent accommodation in a residential unit not more than 5 extra people are boarding with the residents, and no persons are employed other than for the purposes of caring for residents or boarders.

**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 site, there shall be deemed to be more than one residential unit.

**Retail Activities** means 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.

\* **River** 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).

**Road** shall have the same meaning as set out in Section 315 of the Local Government Act 1974.

**Setback** means the distance between a structure and the boundary of the site, or other feature specified in the document and means a part of a site which is required by this document to be unoccupied and unobstructed by buildings from the ground upwards, except accessory buildings, eaves, balconies, bay windows, steps, porches and as otherwise provided by this document.

**Shelterbelt** means trees planted to provide shelter limited to a width of 6 rows of trees.

**Sign** means any advertising, business, regulatory, directional or safety device of whatever nature whether painted, written or printed, carved, inscribed, endorsed, projected onto or otherwise fixed to or upon any building, wall, pole, structure or erection of any kind, or onto rock, stone, tree or other object, if such advertising or business device is visible from any public place.

**Site** means any area of land:

- comprised in a single certificate of title; or
- contained in a single lot as an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council;
- an area of land which is composed of two or more contiguous lots 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
- an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:
  - subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or
  - held together in such a way that they cannot be dealt with separately without the prior consent of the Council
- in the case of land subdivided under the cross lease or company lease systems, 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

- in the case of land subdivided under the Unit Titles Act 1972, site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units

**Site Area** means the area occupied by an activity including buildings, carspaces, storage area, landscaping etc.

**Site Coverage** means that portion of the net area of a site which is covered by buildings and:

- Shall include overhanging or cantilevered parts of buildings.
- Shall include any part of the eaves and/or spouting projecting more than 750 mm measured horizontally from the exterior wall of the building; and
- Shall not include pergolas, slated open decks or similar structures of an open nature.

**Stormwater** means 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.

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

**Structure**, in addition to its ordinary meaning, includes any buildings, scaffolding, mast, pole, aerial, fence, wall or sign.

**Subdivision** has the meaning given in the Act.

**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, and as defined in the Telecommunication Act 1987 and its amendments.

**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 and as defined in the Telecommunication Act 1987 and its amendments.

**Temporary activity** means any land use or structure of a short-term duration and includes sporting events, shows, galas and uses of a similar character provided that they do not occur more than 5 days per year.

**Utility Service Lane** means any pipe, cable, overhead wire, drain or channel for the purposes of a network utility.

**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, maintenance of existing drains and domestic gardening and "clearance of vegetation" has the same meaning.

**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 and for the purposes of this document includes Te Whanga.

**Wetland** is an area of shallow water and land water margins which contain predominantly indigenous vegetation and/or habitat for indigenous fauna. A wetland does not include areas of exotic pasture where water ponds after rain and does not include areas predominantly covered in bracken fern.