

# Definition of Terms

Terms in italic text are defined by the Act. The Act definitions are included in this regional plan for information only, and are correct at the date of public notification of this regional plan.

**Abstraction** – the act of taking water from a water body.

**Abutment** – a construction that anchors and supports the end of a bridge.

**Access track** – a road that crosses a waterway with a contributing catchment of less than 100 hectares and accesses a property that does not have dwellings.

**Activity site** – A separate area of land on which the activity is undertaken. The activity site may be either a single continuous area or comprise several adjoining blocks, sections, paddocks or compartments that together make up a single continuous area.

**AEP, Annual Exceedance Probability** – a statistical measurement of the annual changes of a flow of a specified size being equal or exceeded.

**Agrichemicals** – any substance, whether organic or inorganic, manufactured or naturally occurring, modified or in its original state, that is used for any agricultural, pastoral, horticultural or related activity, to eradicate, modify or control undesirable flora and fauna. For the purposes of this regional plan, it includes agricultural compounds and excludes fertiliser.

**Artificial water course** – A watercourse which meets the following criteria:

- (a) Is not a natural or modified watercourse, and
- (b) Is a completely human-made channel along which water would not naturally flow.

Includes irrigation canals, water supply race, canals for the supply of water for electricity power generation, farm drains and other drains (e.g. roadside drains). Excludes Land Drainage Canals.

**Aquifer** – A body of permeable rock, for example, unconsolidated gravel or sand stratum, that is capable of storing significant quantities of water, is underlain by impermeable material, and through which groundwater moves. An unconfined aquifer is one in which the water table defines the upper water limited. A confined aquifer is sealed above and below by impermeable material. A perched aquifer is an unconfined groundwater body supported by a small impermeable or slowly permeable unit (Allaby and Allaby, 199052).

**Aquifer test** – the abstraction of groundwater from a bore or well for the purposes of assessing hydraulic properties of an aquifer or groundwater resource.

**Backflow prevention** – the prevention of backflow (a reversal of the normal direction of flow in a pipe) of unwanted and undesirable flow of non-potable water or other toxic substances.

**Beach** – in relation to any river, stream or lake, refers to the zone of unconsolidated material that extends landward from the waterline to where there is a marked change in material or physiographic form, or to the line of permanent vegetation.

**Bed of a lake or river** – means -

- (a) *In relation to any river—*
  - (i) *For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:*
  - (ii) *In all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and*

<sup>52</sup> Allaby, M., and A. Allaby (editors), 1990. The Concise Oxford Dictionary of Earth Sciences. Oxford University Press, Great Britain.

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

**Berm** – the land area between the bed of a river and the crest of a stopbank. Refer to Figure DT 1 – River with Stopbanks.

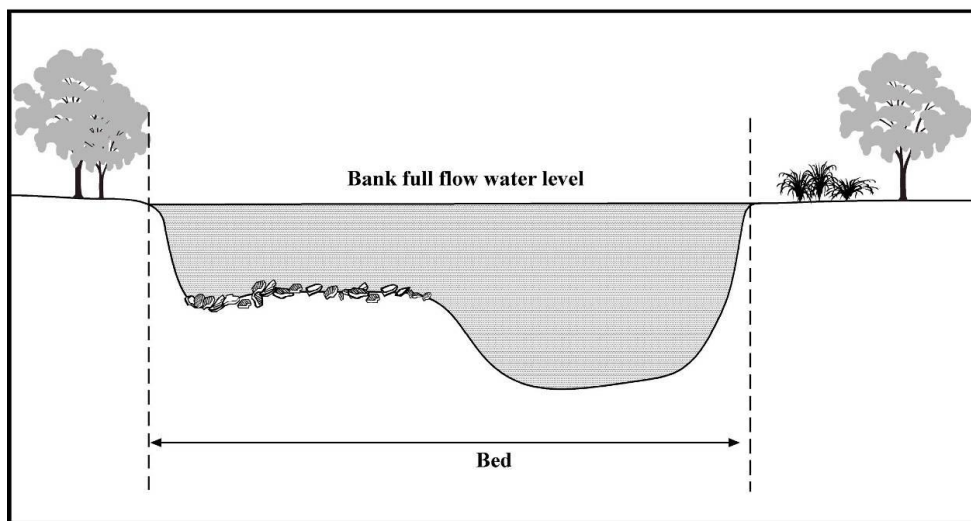
**Best Practicable Option** – *In relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to -*

- (a) *The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*
- (b) *The financial implications, and the effects on the environment, of that option when compared with other options; and*
- (c) *The current state of technical knowledge and the likelihood that the option can be successfully applied;*

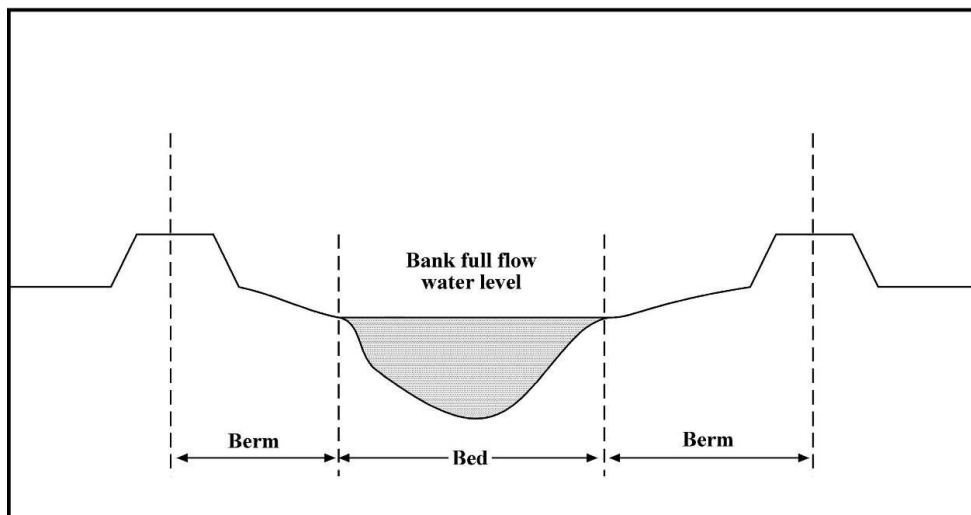
**Biological Diversity** – means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.

**Black Disc Range** – the range in water at which the image of a black disc, viewed horizontally, is judged to be extinguished. Also refer to secchi disc depth.

## A River or Stream



## B River with Stopbanks



**Note:** These diagrams are indicative only, and are intended to provide general guidance.

*Figure DT 1 Bed of a River*

**BOD** – Biochemical Oxygen Demand. Sometimes expressed as BOD5, meaning the total oxygen demand of a sample measured over five consecutive days.

**Bore** – any structure or hole in the ground, which is drilled or constructed for the purpose of accessing, taking or using groundwater, or which results in groundwater being taken or used. For the purposes of this regional plan, a bore and a well have the same definition.

**Bore pump test** – the abstraction of groundwater from a bore or well for the purposes of assessing bore water flow capacity or yield.

**Buffer Zone** – an area established around an activity to separate the environment beyond from the adverse effects of that activity.

**By-product** – a contaminant that emanates as a result of natural process from another contaminant.

**Catchment** – the area from which a surface watercourse or a groundwater system derives its water. Catchments are separated by divides. A surface catchment area may overlie an aquifer system, but may be unconnected with the aquifer rock itself if there are intervening impermeable aquicludes.

**Channel** – the portion of a river down which water flows during times of normal to low flows.

**Cleaner Production** – means:

- (a) using energy and resources efficiently,
- (b) avoiding or reducing the amount of waste produced,
- (c) producing environmentally sound products and services,
- (d) achieving less waste, fewer costs and higher profits.

The goal is to reduce the adverse impact of production and service activities on the environment.

**Cleanfill** – natural materials such as clay, soil, rock and such other materials as concrete, brick or demolition products that are free of:

- (a) combustible or putrescible components (including green waste) apart from up to 10% by volume untreated timber in each load;
- (b) hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown;
- (c) any products or materials derived from hazardous waste treatment, stabilisation or disposal processes.

**Clearance of Vegetation by Burning** – The disturbance or removal of vegetation or slash, either in situ, heaps or windrows, by using fire.

**Coast Care** – A community action programme co-ordinated by the Regional Council in partnership with Tauranga City Council, Western Bay of Plenty District Council, Whakatane District Council, Ōpōtiki District Council, and the Department of Conservation for the purpose of restoring and protecting dune systems in the Bay of Plenty.

**Coastal Margin** – for the purposes of rules in the Land Management section of this regional plan, the Coastal Margin is the land on the edge of an estuary, harbour, or the open rocky coast, excluding Sand Dune Country, as measured horizontally from the Coastal Marine Area to 40 metres landward of the Coastal Marine Area.

**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:*

In the Bay of Plenty region the river mouths have been defined by agreement between the Minister of Conservation, the Regional Council, and the appropriate city and district councils, in accordance with section 2(1) of the Act. Grid references of the river mouths have been scheduled in the Regional Coastal Environment Plan. In addition, the Regional Council has detailed maps and descriptions of the agreed river mouths and consequent landward edge of the Coastal Marine Area within the rivers of the region. These maps and descriptions can be viewed at the Whakatane office of Environment Bay of Plenty.

**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*

**Code of Practice** – operational procedures and practices agreed to by industry groups and designed to achieve defined goals and be consistent with the principles of sustainable management of natural and physical resources as required by the Resource Management Act and other relevant legislation.

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

- (a) *When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or*
- (b) *When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged:*

**Contaminated Land** – A location at which hazardous substances in soil, groundwater or surface water occur at concentrations above the background levels of those substances in the surrounding environment and where assessment indicates that those substances pose, or are likely to pose, an immediate or long-term hazard to human health or the environment.

**Contaminated Land Remediation** – Active or passive management of contaminated land to reduce its adverse effects on the environment or render it suitable for use.

**Contractor** – means an independent person retained by the Regional Council to provide professional or other advice.

**Controlled Stock Crossing** – The discrete site used to move mobs of stock over the bed of a surface water body where the activity is controlled by fences, or by a person.

**Cultivation** – the mechanised disturbance of land and soil for the purpose of growing crops, weed control or pasture renewal. This excludes normal gardening practices, trimming and mowing, direct seed drilling (including the drilling of seed for pasture renovation), no-tillage practices, routine turf weed control, and undersowing of existing areas. Forestry line ranking and windrowing are not forms of cultivation.

**Culvert** – a pipe in the bed of a stream, river or modified watercourse that conveys water beneath a stream crossing which supports a path, road or track. Excludes the piping of a stream for the purpose of stormwater management, or the development or reclamation of land.

**Decommission** – to permanently abandon a hole, bore, well or infiltration gallery or take a hole, bore, well or infiltration gallery out of service.

**Deposition of substances** – the placement or dumping of cleanfill, rubble, wood, debris, tree trimmings or any inert material into or onto the bed of a surface water body or onto land.

**Diffuse Discharge** – discharge of contaminants that does not occur at a specific discharge point.

**Direct control** – means that the person is responsible and accountable for the activity.

**Discharge structure** – a structure in, on, under or over the bed of a stream, river, lake or modified watercourse for the purpose of discharging a contaminant or water into the water body.

**Diversion** – The diversion of water within the same stream or river. The transfer of water into another catchment of a watercourse is deemed to be a take and discharge of water.

**Dominant Slope** – The slope range that represents at least 75% of the activity site, as measured to an accuracy no less than that achieved by a slope measuring device, including hand held clinometer or abney level. Slope is defined as the steepness of land measured in degrees or as a gradient.

**Downhole Heat-Exchange System** – a device installed down a geothermal bore to remove heat from a geothermal field without removing geothermal fluid, using fresh water circulated through a heat exchanger at depth.

**Drain** – an artificial watercourse used for land drainage purposes, excluding Land Drainage Canals. Also refer to the definitions of Farm drain and Roadside drain.

**Drainage** – the activity of lowering the water table. This generally involves the diversion of water from the site.

**Drawdown** – is the difference between the static water level and the pumped water level.

**Drift deck** – a structure in the bed of stream or river, where the structure is frequently overtopped by water, and comprises a series of inverted “u” shaped concrete components that sit on or in the bed, which bear a concrete slab that provides a running surface for access across a stream or river.

**Earthworks** – Any activity that exposes, disturbs, places or deposits land and soil. Such activities include, but are not limited to, tracking, roading, cleanfill sites, cut and fill operations, quarrying, mining, and recontouring. Excludes area-wide treatment (pavement overlay and strengthening) and road resealing (pavement rehabilitation) of existing roading, normal domestic gardening practices, maintenance of roads and tracks (including railway tracks), the formation of walking tracks, cultivation (except where re-contouring is involved), maintenance of linear network utility support structures, and maintenance (including minor realignment) of existing foot tracks within public reserves and the conservation estate.

**Ecosystem** – a dynamic system made up of a group of living organisms (plants, animals and micro-organisms) and its physical environment, and the relationship between them. A pond, a lake, a forest, or an ocean may be an ecosystem. An ecosystem includes such factors as food supply, weather and natural enemies.

**Eco-sourced** – plants that have genetic provenance in the location.

**Effect** – *The term “effect” ... includes -*

- (a) *Any positive or adverse effect; and*
- (b) *Any temporary or permanent effect; and*
- (c) *Any past, present, or future effect; and*
- (d) *Any cumulative effect which arises over time or in combination with other effects -*
- (e) *regardless of the scale, intensity, duration, or frequency of the effect, and also includes<sup>10</sup> -*
- (f) *Any potential effect of high probability; and*
- (g) *Any potential effect of low probability which has a high potential impact.*

**Effluent** – liquid discharged as waste.

**EMS** – means Environmental Management System.

**Environment** – *includes -*

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:*



**Environmental Programme or Property Plan** – Property management plans encompassing the use of production methods which protect soil and environmental values while achieving sustainable development and management. In the context of this regional plan, an Environmental Programme or Property Plan is one prepared by Land Resource staff of the Regional Council in partnership with landowners. Landowners are advised to contact the Land Resource section for further information. An Environmental Programme can be applied to any privately owned land, regardless of land use.

**Ephemeral flowpath** – An ephemeral flowpath is where any one of the following criteria are met:

- (a) The flow path is an entrenched dry gully greater than 1 metre deep.
- (b) There is clear evidence of a channel within the valley system where overland flow occurs from time to time.
- (c) There is clear evidence of erosion (such as gullying or headward gully erosion) associated with short term water flow from time to time within the valley system.

An ephemeral flowpath excludes the following:

- (a) A valley that does not show any evidence of overland flow channels, or erosion as a result of overland flow.

Refer to the following photographs to assist in the interpretation of Ephemeral Flowpath.



#### Example 1

The flow path is an entrenched dry gully greater than 1 metre deep. This site would qualify as an ephemeral flowpath.



#### Example 2

There is clear evidence of a channel within the valley system where overland flow occurs from time to time.

This site would qualify as an ephemeral flowpath.



### Example 3

There is clear evidence of erosion (such as gullying or headward gully erosion) associated with short term water flow from time to time within the valley system.

This site would qualify as an ephemeral watercourse.



### Example 4

The presence of the actively eroding gully head associated with stormwater flow indicates that this valley would be classified as an ephemeral watercourse. Without the presence of the eroding gully system, the valley would not be considered an ephemeral flowpath.



### Example 5

The valley does not show any evidence of overland flow channels, or erosion as a result of overland flow.



This site would not qualify as an ephemeral flowpath.



**Erosion** – the processes of the wearing away of the land's surface by natural processes and human activities, and the transporting of the resulting sediment.

**Erosion Hazard Zone** – Land that has very severe to extreme erosion hazards. For the purposes of the rules in this regional plan, the Erosion Hazard Zone is:

- (a) Any Sand Dune Country; excluding sand dune country within urban areas or already developed subdivisions that are on land between 50-150 metres from the Coastal Marine Area.
- (b) Any land in the upper Rangitaiki River catchment above the confluence of the Otangimoana Stream and Rangitaiki River, including the Otamatea River catchment, in the following areas:
  - (i) On the margins of erosion susceptible permanent streams and rivers; or
  - (ii) In the beds and margins of ephemeral flowpaths; or
  - (iii) On steep terrace edges;

as shown in Environment Bay of Plenty Plan Series M1009<sup>1</sup>.

<sup>1</sup> **Note:** The photomap plan series M1009 prepared by the Regional Council at a scale of 1:25,000 shows the location of the beds and margins of the relevant land areas and ephemeral flowpaths that are covered by definition points (b) (i) to (iii). These are the definitive maps used to assess compliance. Copies of these maps are available from or may be viewed at any Regional Council office.

**Estuary** – a tidal area associated with a river or fresh water seeps where there is a mixing of saline and fresh water.

**Exotic** – in relation to plant species means plants that are not native to New Zealand. This includes plants that have been introduced by accident or imported for particular use.

**Farm Drain** – an artificial watercourse on production land that is used for land drainage purposes.

**Farm Quality Programme** – Any of the following:

- (a) A Regional Council Environmental Programme or Property Plan.
- (b) A Quality Assurance Programme ('QAP') from a relevant agricultural industry group, where the QAP is listed in Schedule 8.
- (c) A specific Environmental Management Plan for an area that is listed in Schedule 8.

**Fertiliser** – any substance which is described as or held out to be for, or suitable for sustaining or increasing the growth, productivity or quality of plants or animals through the application of the following essential nutrients to plants or soils: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chloride, sodium, as major nutrients or manganese, iron, zinc, copper, boron, cobalt, molybdenum, selenium, as minor nutrients or additives, and any other product which is considered to meet identified soil or plant nutrient deficiencies and is applied with this as the principle objective. Products discharged or applied as part of a waste treatment process require resource consents and are not covered by this code. This definition is from The Code of Practices For Fertiliser Use 199853.

**Field Pressure** – averaged dynamic pressure of a geothermal field within its geothermal reservoir.

**Floodplain** – the surface of relatively smooth land built of alluvium, adjacent to a river channel, and covered with water during flooding of the river.

**Floodway** – Refer to Schedule 6.

**Ford** – a structure on the bed of a river (that is permanently or frequently overtopped by water) for the purpose of enabling people or vehicles to cross that river bed.

<sup>53</sup> New Zealand Fertiliser Manufacture's Research Associations Inc, 1998. Code of Practice for Fertiliser Use.

**Fresh Water** – Means all water except coastal water and geothermal water.

**FSC** – means Forest Stewardship Certification, an international forest certification system.

**Geothermal Ecosystem/Ecology** – a dynamic life-supporting system made up of a group of living organisms (including plants and animals) that has adapted to, and is reliant on, geothermal resources.

**Geothermal energy** – Means energy derived or derivable from and produced within the earth by natural heat phenomena; and includes all geothermal water.

**Geothermal Field** – A body of natural geothermal heat, energy or water as defined by the extensive scientific investigation which have been conducted, in particular, detailed resistivity surveys, and by the filling and testing of deep drillholes. The energy content and productive potential of the locality have been reasonably assessed.

**Geothermal Surface Feature** – includes structures formed by deposition from, or the release of, geothermal water (including steam and energy) from geothermal areas and any resulting earthforms, any geothermally activated geysers, fumaroles, sinter structures, tomos, mud pools, hot and cold water pools, springs, steam and gas vents, and also includes inactive structures formed by extinct or intermittent geothermal activity.

**Geothermal Water** – Means water heated within the earth by natural phenomena to a temperature of 30 degrees Celsius or more; and includes all steam, water, and water vapour, and every mixture of all or any of them that has been heated by natural phenomena.

Any geothermally sourced water which is initially greater than 30° Celsius but falls below 30° Celsius as a result of an activity will continue to be considered as geothermal water under this regional plan.

Grade Aa biosolids – A sewage or sewage sludge derived from a sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived from industrial wastewater treatment plants. The material must:

- (a) Meet the process and product requirement for stabilisation Grade “A” and contaminant Grade “a” as specified in the Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003) (note: the microbiological and chemical standards are to be met at the time the biosolids product is prepared for sale) ; and
- (b) Carry the registered Biosolids Quality Mark BQM accreditation.
- (c) Have labelling supplied with the product at the point of sale or give away, such labelling specifying:
  - (i) Trade name (if applicable).
  - (ii) Name and address of the producer/manufacturer.
  - (iii) Information relating to the product’s origin (i.e. that it is biosolids-based) and precautionary handling instructions.
  - (iv) A health warning.
  - (v) Certification that the product has been manufactured in accordance with one of the ‘accepted process methodologies’ for stabilisation Grade ‘A’ biosolids recognised in the Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003).
  - (vi) Batch number (if applicable).
  - (vii) Order number (if applicable).
  - (viii) Delivery date (if applicable).
  - (ix) The process the biosolids have been subjected to (e.g. composting, heat drying, pH adjustment).
  - (x) Nutrient (n) content and modifying pH value (if the latter is applicable).
  - (xi) Placement of the material in relation to water bodies.

- (xii) Requirement to incorporate into soil if applied to agricultural land and to avoid application to grazed land.
- (xiii) Recommended application rates.

**Green waste** – waste organic material, including:

- (a) vegetative material, but not tree trunks or limbs larger than 100 mm diameter
- (b) vegetable peelings or trimmings and other organic kitchen wastes
- (c) soil attached to plant roots

Green waste does not include hazardous substances, treated timber, or animal products including manure, feathers, carcasses and the like (other than as an occasional or incidental input).

**Groundwater** – All the water contained in the void space within rocks. The term is generally taken to include vadose water (water travelling between the surface and the water table). Most groundwater derives from surface sources (meteoric water), the remainder is either introduced by magmatic processes (juvenile water) or is connate water<sup>54</sup>.

**Habitat** – the place or type of site where an organism or population normally occurs.

**Hazardous Substances** – unless expressly provided otherwise by regulations, any substance:

- (a) with one or more of the following intrinsic properties:
  - (i) Explosiveness.
  - (ii) Flammability.
  - (iii) A capacity to oxidise.
  - (iv) Corrosiveness.
  - (v) Toxicity (including chronic toxicity).
  - (vi) Ecotoxicity with or without bioaccumulation.
  - (vii) Infectious and pathological wastes.
  - (viii) Radioactivity.

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.

**Headworks** – all materials used at the ground surface to complete the bore. Includes pipework, valves, gauges and access points, concrete pads and/or cellars.

**Heritage values** – Includes natural character, outstanding natural features and landscapes, indigenous vegetation and habitat of indigenous fauna, Maori cultural values, heritage values and places, and ecosystem, landscape and amenity values.

**High Risk Facility** – Any of the facilities referenced in Schedule 4 of this regional plan.

**Hole** - any excavation of the ground created by drilling.

**Hydrology** – the scientific study of the distribution and properties of water within the atmosphere and of the earth's surface.

<sup>54</sup> Allaby, M., and A. Allaby (editors), 1990. The Concise Oxford Dictionary of Earth Sciences. Oxford University Press, Great Britain.

**Indigenous** – in relation to species means plants and animals found naturally in New Zealand.

**Industrial or trade premises** – Means -

- (a) Any premises used for any industrial or trade purposes; or
- (b) Any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or
- (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process -

*but does not include any production land.*

**Industrial or trade process** – Includes every part of a process from the receipt of raw material to the dispatch or use in another process or disposal of any product or waste material, and any intervening storage of the raw material, partly processed matter, or product.

**Infrastructure** – networks, links and parts of facility systems, as in transport infrastructure (roads, rail, parking, etc.) or water system infrastructure (the pipes, pumps and treatment works, etc.).

**Instream Minimum Flow Requirement** – the flow of water in a river or stream necessary to sustain aquatic life, water quality, recreational use, outstanding natural features or Maori cultural values.

**Intermittent Watercourse** – A watercourse that:

- (a) Flows for most of the year or is only dry for short periods of the year, and during such dry periods has stable pools or 'wet patches'; and
- (b) Has a defined water channel and banks; and
- (c) Connects with a permanently flowing surface water body; and
- (d) Provides habitat for aquatic flora and/or fauna species.

**Intrinsic Values** – *In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including -*

- (a) *Their biological and genetic diversity; and*
- (b) *The essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.*

**ISO 14001** – means the international standard for an Environmental Management System.

**Iwi** – tribe or grouping of Maori.

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

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

**Lake** – *Means a body of fresh water which is entirely or nearly surrounded by land.*

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

**Land Cover** – the type of vegetation or other material that covers an area of land. Examples include indigenous forest, urban, pasture, wetlands, exotic forest, etc. Relates to land use.

**Land Drainage Canal** – a modified watercourse that is part of a land drainage scheme.



For the purposes of this regional plan the term 'Land Drainage Canal' is limited to the following:

- (a) Rangitaiki Plains - Awaiti Canal, Omeheu Canal, Awakaponga Canal and Drain, Waikamihī Stream, Mangaone Stream, Western Drain, Ngakauoa Drain/Stream, Te Rahu Canal, Otarere Drain/Stream, Orini Canal, Reid's Central Canal:
- (b) Kaituna - Kopuroa/Kopuaroa Canal, Ohineangaanga Canal, Raparapahoe Canal, Waiari Stream:
- (c) Little Waihi - Kaikokopu Canal, Pongakawa Canal, Pukehina Canal, Wharere Canal:
- (d) Waioeka/Otara - Kukomoa Creek, Te Karaka Creek:
- (e) Waihi Beach - 2 Mile Creek, 3 Mile Creek.
- (f) Waiotahe - Waiotahe Main Drain.
- (g) Tauranga City – Kulim Ave - Bureta Rd/Golf course, Vale St-Bureta Rd; Rosewood Flow Channel; Sherwood St; Castlewood Drive; Kingswood Rd; Humber Cres Amenity Reserve, Road Reserve, Watling St; Bruce R/SH2, Mangatawa-SH2, Railway, Farmlands; Pattersons; Vale St; Maxwells Road; Solomon St; Carmichael Reserve; Russell Pl; Montgomery St; Birch Ave; Seventeenth Ave – Golf Range to Clarke St; historic Village/17th Ave, Rear historic to Kopurererua; Brook St; Maleme St – East to Oropi Rd and West; Harrisfield Dr; Owen Park; Tara Rd North and South; Harrisons Cut; Beachwaters; Southern Outlet/Te Maunga Farmland and Golf Course; Christie; Airport; Maru St / AgriBalance; Te Marie St; Triton Ave; Pacific Cove periphery; Pacific Cove to Domain Road; Taiaho Pl; Kaitemako Stream between the Welcome Bay Road bridge and Lochinvar Place; Wairakei Stream.

Any other canal or drain that is within a land drainage scheme is included in the term 'Drain'.

**Land Management Practice** – the way in which a land use activity is carried out.

**Land Management Suite** – an area of similar soils with similar erosion risk which have the same potential land management issues.

**Land Use** – the type of activity that an area of land is used for, such as dairying, forestry, urban, or horticulture.

**Land and Soil Disturbance** – the excavation, drilling, tunnelling, disturbance, placement, exposure, or deposition of land or soil by an activity. Also refer to the definitions of Earthworks, Vegetation Clearance, and Cultivation.

**Leachate** – A liquid effluent that is generated by the breakdown of organic and inorganic materials, or by the percolation of rainwater through wastes. It is generally a mix of water with any liquids produced from decaying materials, liquid wastes, dissolved or suspended materials, and other contaminants resulting from the type of waste at the site.

**MALF (Mean Annual Low Flow)** – Mean annual low flow is the arithmetic mean of the 7 day low flows calculated for each year of the period of record analysed.

**Maintenance** – regular activities which retain a structure, asset or a location to its original authorised standard and purpose, and where the character, intensity and scale of the structure, asset or site remains the same or similar. Excludes alteration, extension or reconstruction of structures or assets, or change in location.

**Major road** – a road that is either a state highway or carries more than 750 vehicles per day.

**Margin of a stream, river or lake** – the ecological or physical boundary of a stream, river or lake. In a lake, up to the 2.33 metre AEP level.

**Mauri** – Refer to the Kaitiakitanga section for explanation.

**Mean High Water Springs (MHWS)** – the average line of spring high tides. Spring tides occur at or near each new and full moon.

**Modified watercourse** – a watercourse that meets any of following criteria:

- (a) Is a river or stream that has been channelled or diverted.
- (b) Is a Land Drainage Canal (as defined in this regional plan) constructed through a wetland or swamp, that generally follows the path of a historic natural watercourse or reasonably defined natural drainage channel.
- (c) Is a watercourse that has a natural headwater of either a channel or spring, and generally follows the path of a historic natural watercourse or reasonably defined natural drainage channel.
- (d) Is the oxbow of a diverted river.

**Moturiki Datum** – is a survey datum on Moturiki Island, Mt Maunganui. This datum is equal to mean sea level.

**Mouth** – *For the purpose of defining the landward boundary of the Coastal Marine Area, means the mouth of the river either—*

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

**Natural and Physical Resources** – *Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.*

**Natural Character** – the qualities of the environment that give recognisable character to an area. There are varying degrees of natural character. Natural character relates to:

- (a) Natural systems – landscapes, physical processes and ecological systems.
- (b) Landform.
- (c) Landcover.
- (d) Waterscapes – seascapes, harbours, estuaries, wetlands, lakes and rivers.
- (e) Natural habitats of fauna.

Advisory Note – Also refer to the Bay of Plenty Regional Policy Statement for further explanation.

**Natural Hazard** – *Means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslide, 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 Perturbation** – a small change in a water body caused by natural processes, including heating by the sun.

**NERMN** – Regional Council's Natural Environment Regional Monitoring Network.

**Nga Tangata Pukenga** – Tangata whenua persons acknowledged by their iwi and hapu as having the appropriate knowledge, expertise and genealogical linkages to allow them to assist kaitiaki to determine and express the groups' relationships and their culture and traditions with their ancestral lands, waters, waahi tapu, special sites and other taonga.

**Non-consumptive use of water** – For the purposes of this regional plan, the term ‘non-consumptive use of water’ refers to activities where:

- (a) Water is used (including damming and diversion) within the bed of the stream, river or lake; or within an aquifer.

And

- (b) Where water is abstracted from the water body, it is returned to the water body in the same or similar quantity and quality as it is abstracted, and at the same general location.

**Occupier – Means -**

- (a) *The inhabitant occupier of any property; and*
- (b) *In relation to any rateable property within the meaning of the Rating Powers Act 1988, includes any occupier of the property within the meaning of that Act; and*
- (c) *For the purposes of section 16, in relation to any land (including any premises and any Coastal Marine Area), includes any agent, employee, or other person acting or apparently acting in the general management or control of the land, or any plant or machinery on that land.*

**Orphan Contaminated Land** – Contaminated land for which either no party or parties can be fixed with legal liability, or the liable party or parties are unable to fund the measures necessary to remedy or mitigate adverse effects associated with the site.

**Owner –**

- (a) *In relation to any land, means the person who is for the time being entitled to the rack rent of the land or who would be so entitled if the land were let to a tenant at a rack rent; and includes -*
  - (i) *The owner of the fee simple of the land; and*
  - (ii) *Any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force; and*
- (b) *In relation to any ship or offshore installation or oil transfer site, has the same meaning as in section 222(2) of the Maritime Transport Act 1994.*

**Permitted Activity** – *Means an activity described in section 77B(1) of the Act.*

Section 77B(1) states: *If an activity is described in this Act, regulations or a plan or proposed plans as a permitted activity, a resource consent is not required for the activity if it complies with the standards, terms, or conditions, if any, specified in the plan or proposed plan.*

**Persistent toxic contaminants** – a contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) of long duration that is capable of causing ill-health, injury or damage to living organisms. Includes eco-toxic contaminants.

**Plantation Forest or Plantation Forestry** means a forest deliberately established for commercial purposes, being-

- (a) at least 1ha 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-
  - (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or

- (ii) forest species in urban areas; or
- (iii) nurseries and seed orchards; or
- (iv) trees grown for fruit nuts; or
- (v) long-term ecological restoration plantation of forest species; or
- (vi) willows and poplars space planted for soil conservation purposes

**Plant Pest** – any plant, tree, shrub, herb, flower, nursery stock, culture, vegetable or other vegetation specified in the Pest Management Strategy for the Bay of Plenty 2003-2008.

**Point Source Discharges** – a discharge of contaminants from a specific and identifiable outlet onto or into land, air, or water.

**Potentially contaminated Land** – any location for which there are reasonable grounds to suspect that contamination by hazardous substances may have occurred, based on information about past land uses at that location, or on evidence from or near the land itself.

**Precautionary approach** – refer to Section 2.5 of the Bay of Plenty Regional Policy Statement.

**Production land** –

- (a) *Means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products):*
- (b) *Does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals, ... -*

*and production" has a corresponding meaning.*

**Property** – the land described in a particular certificate of title, or a group of contiguous certificates of title owned or leased by the same owner or lease holder, or land which is designated as a road or reserve, or is Maori land.

**Property Plan** – refer to Environmental Programme.

**Q<sub>57d</sub>** – the mean 7 day low flow that has a 20% (one in five) probability of occurring in any one year.

**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; but does not include booms situated on lakes subject to artificial control which have been installed to ensure the safe operation of electricity generating facilities.*

**Reinjection** – The return of geothermal water (including condensates and gases) into the geothermal field reservoir from which it was taken.

**Remote road** – a public or private road accessing a property that does not have dwellings and which crosses a waterway with a contributing catchment of less than 50 km<sup>2</sup>.

**Reserves Management Plan** – a strategic management document for a reserve area administered by either a district council, city council, Department of Conservation, Fish and Game NZ, or the Regional Council and which has been formally adopted by the relevant administering agency.

**Riparian Management Zone** – the area of land that covers a specified horizontal distance from any wetland, or from the bed of any permanently or intermittently flowing river, stream or a lake. Areas of land adjacent to ephemeral flowpaths are excluded from the Riparian Management Zone. Land on the margins of estuaries, harbours and the open rocky coast is covered by the definition of "Coastal Margin". Land on the margins of coastal dune systems is covered by the definition of "Sand Dune Country". The horizontal width of a Riparian Management Zone, as measured from the edge of the surface water body to the width stated, is as follows:



- 1 For land adjacent to Rotorua Lakes:

Land Slope	Land Disturbance Activity			
	Vegetation Clearance	Earthworks	Clearance of Vegetation by Burning	Cultivation
0 to 7°	10 metres	20 metres	20 metres	5 metres
>7 to 15°				10 metres
>15 to 25°	20 metres	25 metres	25 metres	10 metres
>25 to 35°	25 metres	40 metres	40 metres	40 metres
>35°	40 metres	40 metres	40 metres	40 metres

- 2 For land adjacent to any other lake not specified in 1, or wetland or the bed of any river or stream, excluding land adjacent to streams and rivers with Water Supply water quality classification in relation to earthworks and vegetation clearance:

Land Slope	Land Disturbance Activity			
	Vegetation Clearance	Earthworks	Clearance of Vegetation by Burning	Cultivation
0 to 7°	5 metres	5 metres	5 metres	2 metres
>7 to 15°	5 metres	10 metres	10 metres	5 metres
>15 to 25°	20 metres	20 metres	20 metres	10 metres
>25 to 35°	25 metres	25 metres	25 metres	25 metres
>35°	40 metres	40 metres	40 metres	40 metres

- 3 For land adjacent to streams and rivers with Water Supply water quality classification in relation to earthworks and vegetation clearance:

Land Slope	Land Disturbance Activity	
	Vegetation Clearance	Earthworks
0 to 7°	10 metres	20 metres
> 7 to 15°		
> 15 to 25°	20 metres	25 metres
> 25 to 35°	25 metres	40 metres
> 35°	40 metres	40 metres

**Riparian area or riparian margin** – A strip of land of varying width adjacent to the bed of a stream, river, lake or wetland, which contributes or may contribute to the maintenance and enhancement of the natural functioning, quality and character of the stream, river, lake or wetland; and the natural character of the margins of streams, rivers, lakes and wetlands. For the purposes of this regional plan, the definition does not include land adjacent to artificial watercourses and ephemeral flowpaths.

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

**Note:** 'River' includes intermittent watercourses, but excludes ephemeral flowpaths. Refer to the definitions of Intermittent Watercourse and Ephemeral Flowpath.

**Roading Authority** – any authority or agency who own, operate or maintain public access roads, including but not limited to, District and City Council roading authorities, NZTA, Department of Conservation, hospitals, and large government organisations.

**Roadside drain** – an artificial watercourse that runs alongside a public road.

**Rotorua Lakes** – for the purposes of this regional plan the term refers to the collective group of Lakes Rotorua, Rotoiti, Rotoehu, Rotoma, Okataina, Okareka, Tikitapu, Rotokakahi, Tarawera, Okaro, Rotomahana, Rerewhakaaitu.

**Rural road** – a road that is not a major road, remote road or access track.

**Sand Dune Country** – coastal dune systems with sand soils, which are characterised by low amounts of organic matter and low cohesiveness. Includes areas with Land Use Capability of VIIe and VIIIe, and Land Management Suite of LMS 3 or LMS 4. For the purposes of the rules in the Land Management section of this regional plan, it is coastal land measured horizontally from the Coastal Marine Area to either:

- (i) 150 metres landward of the Coastal Marine Area; or
- (ii) the point where land changes from sand dune country to another soil type; whichever is the lesser distance.

**Secchi Disc Depth** – the range in water at which the image of a secchi disc, viewed horizontally, is judged to be extinguished. Also refer to Black Disc Range.

**Sediment** – for the purposes of this regional plan, is soil or earth particles suspended in water.

**Sedimentation** – the settling out of particles (sediment) that have been transported by water.

**Service crossing** – a structure crossing over the bed of a surface water body that conveys material, liquids, energy or communications. Includes pipes conveying water, sewage, wastewater or gas; lines conveying electricity; fibre optic cables; communications lines; signal lines; telecommunications lines; and transmission lines.

**Silent Files** – files that are not available to the general public due to the sensitive nature of the information they contain (e.g. information about heritage places known only to hapu/iwi).

**Slope** – The steepness of the land measured in degrees or as a gradient. Also refer to Dominant Slope.

**Soil** – the top most layer of weathered rock, ash, sand and organic matter, which usually contains air, moisture and nutrients, and can therefore support life.

**Soil Conservation** – *Means avoiding, remedying, or mitigating soil erosion and maintaining the physical, chemical, and biological qualities of soil.*

**Stopbank** – barrier or embankment constructed near or alongside a river, and designed to contain flood flows and prevent high river flows flooding onto adjacent land.

**Stormwater** – short-term runoff associated with rainfall events.

**Stream Reach** – a length of stream (or river) of uniform flow and habitat characteristics and is often bounded by inflowing tributaries.

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

**Surface Water body** – means freshwater in a river, lake, stream, pond, or wetland, that is not located within the Coastal Marine Area.

**Sustainable management** – Means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; 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.

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

**Taonga** – Treasure or property. Taonga are prized and protected as sacred possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Taonga include waahi tapu, waterways, fishing grounds and mountains.

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

**Tino Rangatiratanga** – chiefly authority, chieftainship, full tribal authority to tribal self-management. In the context of resource management this means the right of iwi and hapu to manage and control their resources in accord with their customary preferences.

**Tributary** – a stream that drains into a larger stream or river, or into a lake or wetland, thereby contributing water to it.

**Trophic Level Index (TLI)** – a numeric system for the monitoring of lake quality adopted by the Ministry for the Environment. TLI is determined using measurements of chlorophyll (Chla mg m<sup>-3</sup>), Secchi depth, Total Phosphorous (TP) and Total Nitrogen (TN). The TLI value integrates measures of key nutrients and algal production over a year, giving an indication of the overall quality of the lake. The TLI number increases as water quality decreases.

**Untreated sewage** – sewage that has not been treated to either primary, secondary or tertiary levels.

**Urban area or settlement** – an area which contains an aggregation of more than 50 lots or sites of an average size of no more than 1000 m<sup>2</sup>.

**Vegetation Clearance** – The disturbance of land and soil resulting from the disturbance of vegetation by removal, clearance, destruction, and crushing of all forms of scrub, tree, and ground cover vegetation. This excludes:

- (a) normal gardening practices,
- (b) routine maintenance of existing private and public roads, railways lines or tracks,
- (c) maintenance of public reserves and the conservation estate,
- (d) trimming and mowing,
- (e) pruning,
- (f) thinning to waste,
- (g) harvesting of plants for scientific, cultural, or traditional medicinal purposes,
- (h) the formation and maintenance of tracks constructed by hand, to a width no greater than 1.5 metres,
- (i) the harvesting of crops (excluding forestry),
- (j) the removal or disturbance of plant pest species,
- (k) weed control,
- (l) clearance around network utilities, and
- (m) cultivation.

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

**Water –**

- (a) *Means water in all its physical forms whether flowing or not and whether over or under the ground:*
- (b) *Includes fresh water, coastal water, and geothermal water:*
- (c) *Does not include water in any form while in any pipe, tank, or cistern.*

**Water Body** – Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the Coastal Marine Area.

**Water Infiltration Gallery** – the excavated and constructed hole within the water table or unconfined aquifer to intercept groundwater for water supply purposes.

**Water harvesting** – taking surface water to be stored for future use.

**Water intake structure** – a structure in, on, or over the bed of a stream, river, lake or modified watercourse for the purposes of abstracting surface water for use.

**Water quality** – the physical, chemical and biological attributes of water that affect its ability to sustain environmental values or uses.

**Water table** – the level at which land becomes saturated with groundwater.

**Well** – refer to the definition of a bore.

**Wetlands** – *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.*

For the avoidance of doubt, the term 'wetland' applies to water bodies, and intermittently wet areas. The term does not apply to dry land that does not support a natural ecosystem of plants and animals that are adapted to wet conditions, and that occurs within an area commonly referred to in its entirety as a wetland.

For the purposes of this regional plan, 'wetland' excludes:

- (a) Wetted pasture and pasture with patches of rushes.
- (b) Oxidation ponds.
- (c) Artificial water bodies used for wastewater or stormwater treatment. This includes wetlands that have been developed primarily for effluent or stormwater treatment or disposal, but are managed to appear 'natural'.
- (d) Artificial Farm dams and detention dams.
- (e) Land drainage canals and drains.
- (f) Artificial Reservoirs for firefighting, domestic or municipal water supply.
- (g) Temporary ponded rainfall over areas that would not otherwise be considered a wetland.
- (h) Artificial water bodies that are not in the bed of a stream, river or lake; and are not degraded natural wetlands that have been modified. This includes artificial water bodies that are managed to appear 'natural'

The edge of a wetland (i.e. where a wetland becomes land) should be determined by a person with appropriate expertise.

(See Figure DT 2 and photos to assist in interpretation)

**Wetland Management Agreement** – a management agreement document that has been prepared by the Regional Council in conjunction with a landowner, for the enhancement of a wetland.



**Wilding Willow** – Self seeded willows growing in the bed of a river, stream or lake that have not been planted as part of a river scheme or bank erosion planting.

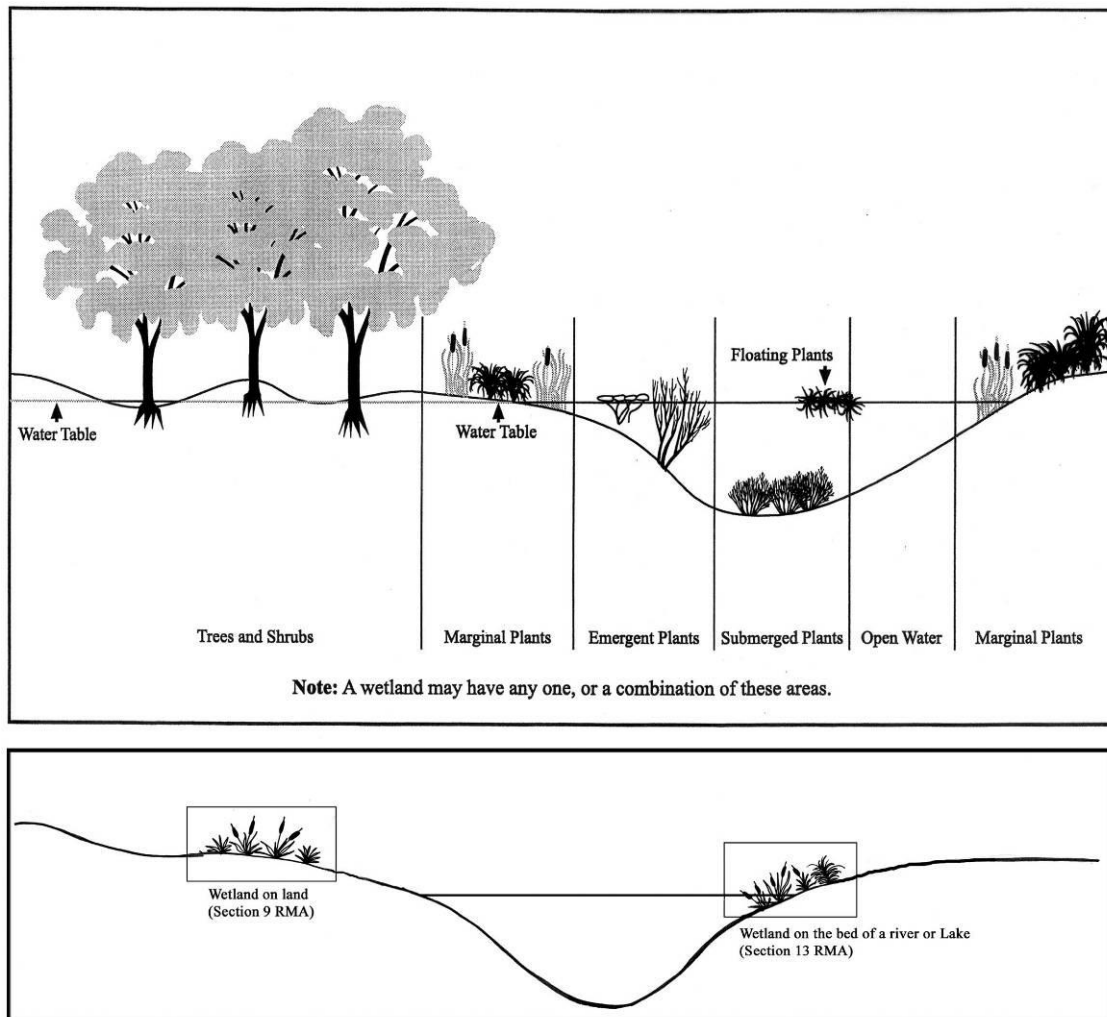


Figure DT 2 Types of Wetlands

## Photos Showing Examples of wetlands

### Wetlands that are subject to Rules in WL chapter

All coastal and estuarine wetlands above the mean high water springs



Photo 1 – Wetland on Coastal Margin with good vegetation and habitat values.

### All wetlands that are in the bed of a river or lake



Photo 2 – Emergent wetland vegetation on the margins of a lake or pond.



Photo 3 – Wetland part of the bed and riparian area of a river or stream.

Wetlands on land that have important water quality, water quantity, soil conservation or biodiversity values. Includes wetlands with indigenous vegetation, and those with exotic wetland vegetation that provides habitat for indigenous fauna.



Photo 4 – Wetland with good vegetation, with aquatic plant growth over open water areas.



Photo 5 – Good quality freshwater wetland with degraded or modified margins.



Photo 6 – Wetland with range of habitat values and vegetation, including open water and areas of indigenous and some exotic wetland species.



**Wetlands that are not subject to Rules in WL chapter**

It is appropriate to enhance such areas to improve water quality filtering, soil conservation or biodiversity values.



Photo 7 – Temporary ponding under poplars.



Photo 8 – Land depression dominated by pasture and other exotic species.



Photo 9 – Low lying land with patches of rushes.

If you are unsure if an area is a wetland and is subject to WL R2, WL R3 contact the Regional Council for a site assessment.



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