



4A. General

4A.1 Activities not specifically provided for

Explanatory statement

Activity lists are used in the District Plan to provide certainty for users and are intended to cover all likely expected activities. It is difficult for a District Plan to cover every eventuality with the use of such lists. Any activities not listed shall, therefore, be treated as Non-Complying in order to provide a full opportunity to assess the adverse effects on the environment that the activity may give rise to.

4A.1.1 Significant issue

The actual or potential adverse effects on the environment arising from activities not specifically provided for in the District Plan may not be able to be adequately controlled through defaulting to Discretionary Activity status in the absence of specific provisions to deal with these effects. In addition, issues of planning precedent and District Plan integrity may arise in respect of applications for activities not specifically provided for.

4A.1.2 Objective

The avoidance and/or minimisation of the likely adverse effects on the environment and on District Plan integrity arising from activities not specifically provided for in the District Plan.

4A.1.3 Policy

The adverse effects of activities not specifically provided for in the District Plan should not be of an unanticipated nature and scale nor should such activities either individually or cumulatively create the potential for the integrity of the District Plan to be undermined.

4A.1.4 Rule

Any activity that is not listed in the activity lists in the District Plan shall require a resource consent for a Non-Complying Activity.

4A.2 Temporary activities

Explanatory statement

Temporary offices, storage sheds, storage yards, builder's workshops and other similar buildings and activities incidental to a building or construction project are frequently in use within the District and should be provided for with appropriate controls.

Other temporary activities such as bazaars, military training exercises, carnivals, trade fairs, public meetings, parades, concerts and conventions occur intermittently within the District and should also be provided for with appropriate controls.



Provision for these activities subject to performance standards recognises that in some circumstances exemptions from specific requirements are the only practical solution.

4A.2.1 Significant issues

Temporary activities can produce adverse effects such as noise, dust and traffic generation affecting the amenity of the District on a short term basis.

4A.2.2 Objectives and policies

4A.2.2.1 Objective

The amenity of the District is not compromised unduly by the adverse effects of temporary activities.

4A.2.2.2 Policy

Mitigate the adverse effects of temporary activities taking into consideration the scale and duration of activities.

4A.2.3 Activity Lists

4A.2.3.1 Permitted Activities

- (a) In any zone temporary offices, storage sheds, storage yards, builder's workshops and other similar buildings and activities incidental to a building or construction project, but only for the duration of that project or a period not exceeding 12 months whichever is the lesser.
- (b) In the Rural, Rural-Residential, Future Urban and Residential Zones temporary ablution and storage sheds on sites on which no dwelling has been erected for a period not exceeding two years.
- (c) In any zone temporary activities which are held on a site which falls within the definition of "places of assembly" and which:
 - (i) do not exceed three consecutive days in duration plus two additional days, one day for setting up prior to the event and one day to tidy up afterwards;
 - (ii) do not occur more than six times in any calendar year, nor more than twice in any calendar month on the same site;
 - (iii) do not involve the open air use of motorised vehicles (other than those vehicles used for transport to and from the site) unless the prior written consent of all adjoining neighbours is obtained including any neighbours on the immediate opposite side of an adjoining road, except that motorsport events held on public roads and public reserves are exempt from this rule (they are addressed through separate legislation);



- (iv) do not exceed the following noise limits within the stated timeframes (as measured at any point within the notional boundary of any dwelling in a relevant zone);

Time Period		Sound Level Not to be Exceeded	
Day	Hours	L10	Lmax
Monday to Saturday and Public Holidays	9am to 10pm	70dBA	75dBA
Sunday	10am to 6pm	70dBA	75dBA
At all other times		40dBA	65dBA

- (v) comply with the requirements of Section 4C (Amenity - but excluding Rule 4C.1.3.2) and Section 4B (Transportation, Access, On-site Parking and Loading - but excluding Rule 4B.4.10) of this District Plan.
- (d) Portable sawmilling of trees grown on the subject property in the Rural Zones.
- (e) Sale of goods by Hawkers Licences under Council Bylaws relating to temporary, mobile activities on District roads.
- (f) In any zone temporary military training activities involving air, sea and road transport where: the written consent of the owner of the property has been obtained; the activity is limited to a period not exceeding 31 days; the activity does not require the construction of permanent structures; the activity does not require earthworks or excavation (mechanical or permanent) unless provided for elsewhere in this Plan, and flying activity is in compliance with civil aviation regulations or in agreement with local controlling authority.

4A.2.3.2 Restricted Discretionary Activities

- (a) Carnivals, trade fairs, bazaars, conventions, concerts, parades and public meetings not otherwise Permitted and to be operated on a temporary and/or intermittent basis.
- (b) Within the Rural, Rural-Residential, Future Urban and Residential Zones temporary buildings for hobby pursuits such as the construction of a boat, caravan or other structure not intended for commercial gain.

4A.2.4 Activity Performance Standards

- (a) The relevant zone activity performance standards and general provisions shall be met by all Permitted Activities and shall be used as a guide for all other activities. Any Permitted Activity which fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non-compliance.
- (b) **Restricted Discretionary Activity criteria -**
Council's discretion is restricted to actual or potential adverse environmental effects relating to the following:



- (i) the duration of the activity.
- (ii) scale of the activity.
- (iii) access.
- (iv) parking.
- (v) traffic generation
- (vi) noise
- (vii) dust

4A.3 Activities on the surface of water

4A.3.1 Activities on the surface of water are variously controlled by the District Council, Bay of Plenty Regional Council, and Maritime Safety Authority. The Bay of Plenty Regional Council is primarily concerned with environmental issues (water quality), allocation of water (taking), structures that affect the bed of the waterway, and in some instances navigation and safety. The Marine Safety Authority is concerned with navigation and safety of activities.

4A.3.2 In this District Plan, rivers and waterways are zoned as with the surrounding land. Any controls administered by the District Council shall be those of the zone in the District Plan that covers the respective water body.

Note: In accordance with Section 33 of the RMA, the functions and powers held by the Western Bay of Plenty District Council in relation to the control of activities on the surface of all water bodies within the Western Bay of Plenty District, were transferred to the Bay of Plenty Regional Council on 22 July 1993.

Any application for a resource consent involving activities on the surface of water is to be lodged with and determined by the Bay of Plenty Regional Council, unless a proposed activity on the surface of water also involves land based activities requiring resource consent from the Western Bay of Plenty District Council.

4A.4 Status of roads

4A.4.1 As well as being able to be designated, roads are provided for as activities within zones. Existing District roads are Permitted Activities and new District roads are Controlled Activities in all zones but exclusive of Identified Significant Ecological, Landscape and Heritage Features and public reserves (see 10.3 (af) and (ag)).

4A.4.2 The rules for roads are within Section 10 and provision has been made for a limited number of network utilities and works within the legal formed road.

The District Plan does not permit other activities within formed roads. Notwithstanding this Council may issue Hawkers Licences to temporary, mobile activities on the public road but not State Highways.

4A.4.3 The State Highways and proposed deviations/bypasses have been designated by the New Zealand Transport Agency.



The Plan also provides for new State Highways as Discretionary Activities in all zones exclusive of the Identified Significant Ecological, Landscape and Heritage Features and public reserves. The New Zealand Transport Agency will in the future have the choice of the designation or Discretionary Activity procedures.

4A.5 Information required with applications

Note: See also Section 12.3.7 and 12.3.8 for information to be submitted with applications for subdivision consent.

The following information (as applicable) shall be submitted with any application for a resource consent.

- (a) A completed standard Council application form and check list.
- (b) A statement specifying all other resource consents required from any other consent authority and whether or not such consents have been obtained or applied for.
- (c) the known historical use of the site, including any history of horticulture, agriculture or any other use that could have resulted in persistent chemical residues in the soil and in particular any known hotspots.

If so, soil testing may be required to confirm that the land is fit for increased exposure to humans. Use of Ministry for the Environment Contaminated Land Management Guidelines (assisted by the explanatory note for soil acceptance criteria in Rule 12.3.8(o)) shall be used to establish this. In addition, if deemed necessary by the report, remediation of the hotspot or area concerned may be necessary depending on proposed future use of the area. Ministry for the Environment Contaminated Land Management Guidelines shall be used to guide the remediation requirements.

The Hazardous Activities and Industries List (referred to in the Ministry for the Environment Contaminated Land Management Guidelines) lists uses which could have contaminated the land. If Council is satisfied the land has no history of activities involving uses from that list, soil testing shall not be necessary.

- (d) A description of the subject site including:
 - location and adjoining road (with a location plan where appropriate).
 - legal description (with title references).
 - existing uses and buildings.
 - topography and vegetation.
 - extent and nature of any filled areas or any areas subject to erosion, landslip, inundation or other natural hazards.
 - description of any Identified Significant Features, registered archaeological sites, or any other features considered to be of value to the community.



- (e) A description of the activity for which consent is sought, including:
- nature of the activity and any processes involved.
 - location of and means of access to the site.
 - nature and extent of likely traffic generation.
 - provision for on site parking, loading, and vehicle manoeuvring.
 - number of people employed and to be catered for.
 - number of animals or poultry involved.
 - any proposed earthworks.
 - existing or proposed landscaping.
 - proposed hours of operation.
 - location, size, and function of any proposed signs both on or off the site.
 - any proposed staging of the development.
 - any hazardous substances or installations involved, including the discharge of any contaminants.
- (f) The subjects of water supply, wastewater and stormwater reticulation and disposal are to be addressed and where these are to be provided a detailed description on how this is to be achieved is required. Aspects such as source of supply, discharge points, quantities likely, other resource consents required and the location of any waterways, wetlands and ponding areas shall be addressed in the report.
- (g) An analysis of the suitability of the site for the proposed activity, having regard to the foregoing clauses (c), (d), and (e).
- (h) Identification of any tangata whenua or Treaty of Waitangi issues.
- (i) Identification of persons affected and whether such persons have been consulted, including those from whom written approvals to the proposed activity have been obtained (such approvals to be submitted with the application on the standard Council form).
- (j) An assessment (in accordance with the Fourth Schedule of the RMA) of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be avoided, remedied, or mitigated. The assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment.
- (k) Two full size original scale copies and one A4 reduced copy of each of the following plans illustrating the proposal shall be submitted, such plans to comprise:
- a location plan of the site showing road name, street number, north point and scale.
 - a site plan of the property (at a scale of not less than 1:200) showing:
 - north point and scale;
 - site boundary lengths and other dimensions in metres;



- location with distances to site boundaries, of all existing buildings which are to remain on the site and all proposed buildings and structures (including where applicable, eaves, balconies, courts and verandahs);
 - proposed use of each building;
 - position of any easement over the site;
 - position, location and dimensions of every parking and loading space and the proposed access and manoeuvring areas;
 - proposed retaining walls, excavations and landfill;
 - levels on the site boundaries and around any buildings, contours of the site unless the site has a uniform grade of less than 1 in 10;
 - existing trees and proposed landscaping. Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
 - water courses and drainage and sewerage pipes and other utility services within the site; and
 - the means proposed to deal with all stormwater and sanitary drainage.
- a floor plan of each building (at a scale of not less than 1:100) showing use of all parts of the building, including basements, parking, storage or service areas.
- elevations of each building (at a scale of not less than 1:100) showing:
- external appearance of the building including doors and windows;
 - number of floors and their proposed use;
 - building heights and height in relation to any boundary;
 - relative height of new buildings fixed in terms of the definition of height as set out in this District Plan;

4A.6 Consent of affected parties – Controlled Activities

4A.6.1 Rule

In the case of a resource consent application for a Controlled Activity, the written approval of affected persons is not required and no person is required to have notice served on them unless the District Plan specifically states otherwise.