

Provisions for community wellbeing, safety and amenity

Overview

Amenity can be understood as the natural or physical values or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, cultural and recreational attributes. Accordingly, this chapter seeks to enhance amenity by providing for public art, murals, pou and carved gateways. It also seeks to maintain amenity by addressing matters such as domestic scale television aerials, satellite dishes and water tanks which if poorly located, have the potential to create a nuisance or detract from the character and amenity of the district's townships and rural areas.

Pou, carved gateways and public art can and do celebrate the natural, cultural and social diversity and creativity of the district. While pou and carved gateways are generally permanent features, public art and murals can be temporary, seasonal, or permanent. The Colin Meads statue is a good example of the significant contribution public art can make to the sense of place and vibrancy of a town. Pou and public art can distinguish places, tell stories from our past and convey key issues of a local, national or global nature. The Town Concept Plans provide direction on the key themes for the five major townships in the district. Public art which reinforces these themes is particularly encouraged.

This chapter also provides for vegetation clearance outside of significant natural areas and community gardens. These activities are appropriate in most locations in the district. In some places additional rules may apply to vegetation clearance and earthworks close to water bodies, the coastline, cave entrances or if a site is scheduled or has an overlay identified on it.

Potential nuisances may include buildings and sites that are left unfinished or in a state of disrepair, that are not maintained or are damaged by fire and left in a state of disuse. Loss of amenity and potential public health effects can also occur where there is an accumulation of disused vehicles and goods on a property. In addition to detracting from the character of the neighbourhood, sites that are not maintained can also present a potential fire and contamination hazard. Waitomo District Council must have the ability to ensure properties and buildings are maintained to the standards that are in keeping with the zone and the surrounding area.

This chapter also provides Council with the option to temporarily uplift individual provisions associated with land use activities in the event of the declaration of a state of emergency which results in the requirement for a period of significant recovery. This provision seeks to enable expedient rebuilding and regeneration by providing flexibility in planning to aid the recovery of the district's communities.

Objectives

Refer also to the relevant objectives in Part 2 District - Wide Matters

- HW-O1.** Ensure that buildings, structures, sites and infrastructure are maintained in a good state of repair.

- HW-02.** Avoid, remedy or mitigate adverse effects from reflected glare which arise from building design or use of building materials.
- HW-03.** Celebrate the district's cultural creativity by enabling the installation of pouwhenua, waharoa and public art.
- HW-04.** Enable expedient, unfettered recovery and regeneration by providing for the uplift of zone rules individually or as a whole in the event of the declaration of a state of emergency which results in the requirement for a period of significant recovery and rebuilding.
- HW-05.** Enhance community, cultural, environmental and physical wellbeing.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters

- HW-P1.** Ensure that buildings, sites and infrastructure are maintained to a level that does not detract from the amenity values of the neighbourhood, protects public health and safety, and does not result in any adverse effects on roads.
- HW-P2.** Ensure that the accumulation of disused vehicles and goods on residential and commercial properties is minimised to avoid, remedy or mitigate adverse effects on adjoining and adjacent properties and roads.
- HW-P3.** Minimise reflective glare from buildings.
- HW-P4.** Provide for pouwhenua, waharoa and public art of a nature, scale and permanence that complements the character and amenity anticipated for the relevant zone. In doing so it is recognised that murals and public art are intended to be enjoyable, challenging and inspiring.
- HW-P5.** Pouwhenua, waharoa and public art which reinforce the key moves and themes outlined in the relevant town concept plans are preferred and encouraged.
- HW-P6.** Encourage community cultural, environmental and physical wellbeing and the appropriate use of the district's natural and physical resources, by:
1. Providing for Māori cultural and customary uses of natural resources; and
 2. Enabling conservation activities and activities undertaken for scientific purposes; and
 3. Enabling passive recreation activities; and
 4. Enabling vegetation clearance outside of significant natural areas; and
 5. Ensuring provision is made for māra kai in all zones.
- HW-P7.** Enable water tanks associated with residential units except where this plan identifies specific provisions in a zone, precinct, overlay, scheduled site or feature.
- HW-P8.** Provide for domestic television aerials and satellite dishes while managing the effects on adjacent properties by ensuring the scale of these structures is compatible with the surrounding environment.

- HW-P9.** Where a declared state of local or national emergency results in the need for a long term recovery programme, provide for the temporary uplift of land use activity provisions this plan, only where these demonstrably expedite and facilitate rebuilding and regeneration.

Rules

The rules that apply to general amenity and wellbeing are contained in the tables listed below. To undertake any activity, it must comply with the rules listed in:

- HW - Table 1 - Activities Rules; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

Refer to Part 1 - How the Plan Works for an explanation of how to use this plan, including activity status abbreviations.

HW - Table 1 - Activities Rules

The rules in this table apply to all zones unless otherwise specified	
HW-R1.	Māori cultural and customary uses
HW-R2.	Activities undertaken for scientific purposes
HW-R3.	Passive recreation
HW-R4.	Conservation activities^{A2}
HW-R5.	Māra kai

1. The activities listed in rules HW-R1 to HW-R5 are permitted in all zones.

HW-R6.	Tanks associated with residential units
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1. Water tanks associated with residential units are permitted where the minimum setback from road boundaries, minimum setback from internal boundaries, height and height in relation to boundary standards for the relevant zone are complied with.

Note: Some precincts, overlays, scheduled sites and features have specific provisions relating to tanks which prevail over HW-R6.

HW-R7.	Digging holes for fence posts and domestic gardening
HW-R8.	Vegetation clearance outside SNAs

Activity status: PER

Note: Unless there is another provision in the plan stating the contrary, digging holes for fence posts, domestic gardening and clearing non-indigenous vegetation and indigenous vegetation outside of an SNA are permitted.

In the General Rural Zone see rule GRUZ-R15. Plan users are also advised to check the provisions of NATC -

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Table 1 – Activities Rules for earthworks and vegetation clearance adjacent to waterbodies, CEH - Table 1 – Activities Rules for earthworks adjacent to the coastal marine area and the applicable zone provisions relating to earthworks or clearance of vegetation within a 20 m radius of an entry or opening into any cave or sinkhole. In addition, some overlays, scheduled sites and features have provisions which prevail over HW-R7 and HW-R8.^{A2}

HW-R9.	Domestic television aerials and satellite dishes	
Activity Status: PER Where: 1. A domestic television aerial or satellite dish attached to a residential unit must not exceed the permitted height for the relevant zone by more than 2.5 m; and 2. A ground-mounted domestic satellite dish must be located behind the rear building line of a residential unit as viewed from a road, and be pivoted less than 3 m above the ground, with the diameter of the dish being no more than 2.5 m. <i>Note: See the amateur radio chapter for provisions associated with amateur radio configurations.</i>	Activity Status when compliance is not achieved: RDIS Matters over which discretion is restricted: (a) The location of the structures and any alternative options; and (b) Effects on the amenity values and character of the surrounding area; and (c) The finish of the materials; and (d) Whether the scale, intensity and character of the structure is appropriate in the context of the site and receiving environment; and (e) Cumulative effects associated with multiple devices and structures; and (f) The extent and effect of non-compliance with any relevant rule in the zone and any relevant matter of discretion in the rule.	
HW-R10.	Glare	
Activity Status: PER Where: 1. No building or structure shall be constructed and/or left unfinished or clad or painted in a manner that results in glare.	Activity Status when compliance is not achieved: RDIS Matters over which discretion is restricted: (a) Adverse effects on amenity values; and (b) Adverse effects on the safe operation of the transport system attributable to glare; and (c) Location and orientation of the building or structure; and (d) Visual effects including the effects of reflectivity from surrounding viewpoints; and (e) Effects on on-site or adjoining scheduled features and sites; and (f) Mitigation measures proposed to remedy the effects of the glare.	
HW-R11.	Pouwhenua, waharoa and public art (including murals)	
Activity Status: PER Where: 1. The public art or structure must not be digital, have flashing or revolving lights or lasers; and	Activity status where compliance is not achieved: RDIS Matters over which discretion is restricted: (a) Positive cultural and social benefits; and	

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2. The public art or structure must comply with the minimum setback from internal boundaries and height standards for the relevant zone; and 3. The public art or structure may be located within a road reserve or designation boundary but must comply with the height standards for the closest adjacent zone. <i>Note: If the public art or structure contains a sign then the provisions of the signs chapter apply to the sign.</i> <i>Note: Any public art or structure proposed to be located on Waitomo District Council reserves, land or buildings requires the approval of Waitomo District Council.</i> <i>Note: Any public art or structure proposed to be located on road reserve requires permission from the road controlling authority being Waitomo District Council or the New Zealand Transport Agency.</i>	(b) The extent to which the key moves in the relevant town concept plan has been considered and provided for; and (c) Potential positive or adverse effects on the safety of transport network users; and (d) The extent and effect of non-compliance with any relevant rule in the zone and any relevant matter of discretion in the rule. (e) The outcome of consultation with Waka Kotahi New Zealand Transport Agency if the structure is within the state highway road reserve or has digital components visible from the state highway network.
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HW-R12. Maintenance of buildings, structures, sites and infrastructure	
Activity Status: PER Where: - All sites must be kept clear of rubbish; and - Unregistered motor vehicles not being used must not be stored in public view for more than six months; and - The material from any demolished building must be removed and the site landscaped to the satisfaction of Waitomo District Council within one month of demolition, provided that this time limit shall be extended to six months where consent has been granted for the construction of a new building; and - All earthworks or areas of bare earth not being worked for three months or more, excluding quarrying activities, must be sown with appropriate ground cover within one month of Waitomo District Council's notification to do so; and - No building shall be left constructed or finished or left unfinished or not maintained so that its function and external appearance would detract from the amenity values of the zone, including: - Buildings damaged by fire or flooding not associated with a natural hazard, must be demolished, repaired or reconstructed within six months of the damage-causing event; and	Activity status where compliance is not achieved: DIS

(ii) In the commercial zone, existing verandahs must be maintained to a safe standard to provide weather protection for pedestrians; and (iii) In the commercial zone, where within one month of a window being broken, the glass must be replaced; and (iv) In the commercial zone, where signs and building façades must be maintained so that they are free of graffiti.	
HW-R13.	Temporary uplift of rules to assist disaster recovery
Activity Status: PER Where: 1. In the event of a declaration of a state of local emergency and/or state of national emergency and/or a notice of transition period under the Civil Defence Emergency Management Act 2002 which results in the requirement for a period of significant recovery and rebuilding, individual provisions associated with land use activities in this plan, may be uplifted by Council Resolution, as a temporary measure. The uplift of provisions must be pursuant to a Council Resolution which specifies the following: (i) Each provision subject to the uplift; and (ii) The spatial extent of the area the uplift applies to; and (iii) That the provision(s) will be reinstated no longer than 3 years after the date of Council Resolution to uplift.	Activity status when compliance is not achieved: NC
HW-R14.	Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993
Activity Status: PER Where: 1. The activity does not occur in the residential, settlement, tourism, Māori purpose or commercial zones; and 2. The activity does occur not within 20 m of a water body or the coastal marine area or within a 20 m radius of an entry or opening into any cave or sinkhole.	Activity status when compliance is not achieved: NC

HW - Table 2 - Performance Standards

There are no Performance Standards