

Waitomo District Council

Hearing on submissions on the Proposed Waitomo District Plan

Report and Decisions of the Independent Hearing Commissioners

Decision Report:

Chapter 35. Hapori **whānui**

19 June 2025

Commissioners

Greg Hill (Chair)

Wikitōria Tāne

Allan Goddard

Phil Brodie

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1. Introduction

1. This Decision Report relates to all the submissions received by the Waitomo District Council (Council) on Chapter 35 – Harpori **whānui**. This includes related provisions within the Proposed Waitomo District Plan (PDP) such as Definitions (Chapter 9) and the Glossary (Chapter 11).
2. This Chapter seeks to provide for community wellbeing, safety and amenity by addressing a number of matters, which include:
 - Enhancing amenity by providing for public art, murals, pou and carved gateways.
 - 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**.
 - Provide for vegetation clearance outside of significant natural areas and community gardens. These activities are appropriate in most locations in the district.
 - Manage potential nuisances from 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.
 - 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.

2. Hearing arrangements

3. The hearing was held in person and online **on 16 and 17 July 2024 in Council's** offices at 15 Queen Street, Te Kuiti. All of the relevant information pertaining to this hearing (i.e., Section 42A Reports, legal submissions and evidence) is **contained on Council's website**.
4. The following parties submitted on this Chapter.

Submission No	Submitter
10	Waikato Regional Council
17	Waka Kotahi NZ Transport Agency
35	Te Ruunanga o Ngaati Mahuta ki te Hauaaauru
38	Te Tokanganui-a-noho Whare
46	Federated Farmers
47	Royal Forest and Bird protection Society of New Zealand Incorporated
50	Te Nehenehenui Trust
53	Department of Conservation
FS03	Department of Conservation
FS20	Sheryl Paekau

5. The Panel did not hear any evidence in relation to this Chapter at the hearings on 16 and 17 July 2024. However, evidence was tabled by Hannah Ritche for New Zealand Pork Industry Board.

3. Submitter evidence

6. Ms Ritche in her evidence outlined her support for the addition of HW-R14. No other submitter evidence was provided in relation to this Chapter.

4. Panel decision

7. Having considered the submissions and evidence presented, the Panel acknowledges the general support for the Chapter as notified.
8. The Panel agrees with the aim of the chapter to provide for community wellbeing, safety and amenity by addressing a range of matters such as murals, pou and carved gateways, emergency management and manage general nuisance issues. The Panel finds that:
 - It is appropriate to provide for a range of low impact activities in all zones as a permitted activity that enhance community, cultural, environmental and physical wellbeing (i.e. **Māori cultural and customary uses of natural** resources, conservation activities, activities undertaken for scientific research, passive recreation, māra kai and vegetation clearance (outside of significant natural areas).
 - It is important to **celebrate the district's cultural creativity by enabling the** installation of pouwhenua, waharoa and public art as a permitted activity in all zones and within road reserve provided they meet the setback requirements, are not digital, flashing or have revolving lights and lasers, and when they are located in the road reserve they comply with the height standards for the closest adjacent zone.
 - It is critical for disaster recovery to 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 as a permitted activity in all zones.
 - To ensure that buildings, structures, sites and infrastructure are maintained in a good state of repair, and that adverse effects from reflected glare are avoided, remedied or mitigated.
9. Otherwise, unless stated in the Panel decision above, the Panel has elected to adopt the recommendations in the Section 42A Report and the Section 42A Addendum Report on this chapter.

5. Conclusion

10. The Panel accepts the recommendations in the section 42A reports and where noted above, the evidence filed by the submitters. The reasons for this are those set out in the section 42A reports, the evidence, and provided in this Decision; collectively forming the section 32AA assessment informing this Decision.

11. Overall, the Panel is satisfied that the provisions of Chapter as amended will provide a suitable framework for managing activities while providing for community wellbeing, safety and amenity while managing any adverse effects.
12. The Panel accepts, accepts in part, or rejects the submissions as set out in the section 42A reports.

For the Hearing Panel

A handwritten signature in black ink, appearing to read 'Greg Hill', followed by a period.

Greg Hill, Chair

Dated: 19 June 2025

6. Appendix 1 – Submission Table

Hapouri Whānui – Submission points in order of s42A report

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
38.84	Te Tokanganui-a-noho Whare (TTRMC)	Support	HW-O3	Retain HW-O3 as notified.	Accept
FS20.113	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
50.25	Te Nehenehenui (TNN)	Support with amendment	HW-O3. HW-P4. HW- R11. HW-P4. HW-P5. HW-P6.1. HW- R1. HW- R5.	Retain the following provisions in the Hapori whānui chapter: HW- O3. HW-P4. HW-R11. HW-P4. HW-P5. HW-P6.1. HW-R1. HW-R5. Amend spelling from maāra kai to māra kai in this chapter.	Accept
FS20.223	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
FS20.239	Sheryl Paekau	Support in part		I seek that this submission be given consideration and take into account the barriers that Maaori must overcome in order to use their land sustainably in the future.	Accept
38.85	TTRMC	Support	HW-P4	Retain HW-P4 as notified.	Accept
FS20.114	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
38.86	TTRMC	Support	HW-P5	Retain HW-P5 as notified.	Accept
FS20.115	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
38.87	TTRMC	Support	HW-P6.1	Retain HW-P6.1 as notified.	Accept
FS20.116	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my	Accept

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
				support in part when applied to limiting numbers of dwellings on Maaori land.	
35.10	Te Ruunanga o Ngaati Mahuta ki te Hauaauru	Support	HW-R1	Retain HW-R1 Provisions which provide for customary cultural activities as permitted activities as notified.	Accept
FS20.10	Sheryl Paekau	Support		I seek that the whole of all submissions provided by the Ruuananga be allowed.	Accept
38.88	TTRMC	Support	HW-R1	Retain HW-R1 as notified.	Accept
FS20.117	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
35.11	TRNMTH	Support	HW-R5	Retain HW-R5 provisions which provide for customary cultural activities as permitted activities as notified.	Accept
FS20.11	Sheryl Paekau	Support		I seek that the whole of all submissions provided by the Ruuananga be allowed	Accept
38.89	TTRMC	Support	HW-R5	Retain HW-R5 as notified.	Accept
FS20.118	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be	Accept

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
				allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	
16.25	Fire and Emergency New Zealand (FENZ)	Support	HW-R6	Retain as notified.	Accept
38.83	TTRMC	Support with amendment	Entire chapter	Amend Chapter 35 Hapori whanui to correct spelling from “maara kai” to “māra kai” .	Accept
FS20.112	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
10.125	Waikato Regional Council (WRC)	Support	General	No specific relief sought.	Accept
50.25	TNN	Support with amendment	HW-O3. HW-P4. HW- R11. HW-P4.	Retain the following provisions in the Hapori whānui chapter: HW- O3. HW-P4. HW-R11. HW-P4. HW-P5. HW-P6.1. HW-R1. HW-R5.	Accept

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
			HW-P5. HW-P6.1. HW- R1. HW- R5.	Amend spelling from maāra kai to māra kai in this chapter.	
FS20.223	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept
FS20.239	Sheryl Paekau	Support in part		I seek that this submission be given consideration and take into account the barriers that Maaori must overcome in order to use their land sustainably in the future.	Accept
47.164	Royal Forest and Bird protection Society of New Zealand Incorporated (F&B)	Oppose	Overview	<p>Amend the overview of the Hapouri whānui chapter as follows: These activities are appropriate in most locations in the district. And</p> <p>Amend the subsequent sentence in the overview of the Hapouri whānui chapter to state that rules may apply to vegetation clearance in any area.</p> <p>And</p>	Reject

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
				Any consequential changes or alternative relief to achieve the relief sought.	
47.165	F&B	Oppose	HW-R8	Add or Amend the note under HW-R8 to refer to the need to comply with ECO rules, including ECO-RA relating to the clearance of indigenous vegetation for fencing, which apply outside SNAs as sought in this submission.	Reject
10.126	WRC	Oppose	HW-R8	Move this rule to the ECO chapter and prescribe environmental standards and clearance limits. Additionally, include environmental standards relating to the protection of bat habitats and the corridors of mobile fauna.	Reject
FS03.53	Director-General of Conservation	Support		Allow	Reject
17.85	Waka Kotahi	Support in part	HW-R11	(e) The outcome of consultation with Waka Kotahi New Zealand Transport	Accept in part

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
				Agency if the structure is within the state highway road reserve or visible from the state highway network.	
50.25	TNN	Support with amendment	HW- R11.	Retain the HW-R11.	Accept
FS20.223	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept.
FS20.239	Sheryl Paekau	Support in part		I seek that this submission be given consideration and take into account the barriers that Maaori must overcome in order to use their land sustainably in the future.	Accept.

7. Appendix 2 – Decisions Version of the Chapter

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-O2. Avoid, remedy or mitigate adverse effects from reflected glare which arise from building design or use of building materials.
- HW-O3. Celebrate the **district's cultural creativity** by enabling the installation of pouwhenua, waharoa and public art.
- HW-O4. 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-O5. 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
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 - 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.

HW-R9.	Domestic television aerials and satellite dishes
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 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. <p>Note: See the amateur radio chapter for provisions associated with amateur radio configurations.</p>	<p>Activity Status when compliance is not achieved: RDI S</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (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
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. No building or structure shall be constructed and/or left unfinished or clad or painted in a manner that results in glare. 	<p>Activity Status when compliance is not achieved: RDI S</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (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)
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The public art or structure must not be digital, have flashing or revolving lights or lasers; and 2. The public art or structure must comply with the minimum setback from internal boundaries and height standards for the relevant zone; and 	<p>Activity status where compliance is not achieved: RDI S</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) Positive cultural and social benefits; and (b) The extent to which the key moves in the relevant town concept plan has been considered and provided for; and

<p>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.</p> <p><i>Note: If the public art or structure contains a sign then the provisions of the signs chapter apply to the sign.</i></p> <p><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></p> <p><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></p>	<p>(c) Potential positive or adverse effects on the safety of transport network users; and</p> <p>(d) The extent and effect of non-compliance with any relevant rule in the zone and any relevant matter of discretion in the rule.</p> <p>(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.</p>
HW-R12.	Maintenance of buildings, structures, sites and infrastructure

<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All sites must be kept clear of rubbish; and 2. Unregistered motor vehicles not being used must not be stored in public view for more than six months; and 3. 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 4. 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 5. 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: <ol style="list-style-type: none"> (i) 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 (ii) In the commercial zone, existing verandahs must be maintained to a safe standard to provide weather protection for pedestrians; and 	<p>Activity status where compliance is not achieved: DIS</p>
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<p>(iii) In the commercial zone, where within one month of a window being broken, the glass must be replaced; and</p> <p>(iv) In the commercial zone, where signs and building façades must be maintained so that they are free of graffiti.</p>	
HW-R13.	Temporary uplift of rules to assist disaster recovery
<p>Activity Status: PER</p> <p>Where:</p> <p>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:</p> <p>(i) Each provision subject to the uplift; and</p> <p>(ii) The spatial extent of the area the uplift applies to; and</p> <p>(iii) That the provision(s) will be reinstated no longer than 3 years after the date of Council Resolution to uplift.</p>	<p>Activity status when compliance is not achieved: NC</p>
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
<p>Activity Status: PER</p> <p>Where:</p> <p>1. The activity does not occur in the residential, settlement, tourism, Māori purpose or commercial zones; and</p> <p>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.</p>	<p>Activity status when compliance is not achieved: NC</p>

HW - Table 2 - Performance Standards

There are no Performance Standards

8. Appendix 3 – Section 32AA Evaluation

13. A Section 32AA evaluation is only required for any changes that are proposed to the provisions of this plan since the original Section 32 evaluation report for the proposal was completed. The Section 32AA evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.

Amendments

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 - Table 1 - Activities Rules

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

14. Section 32AA: The recommended amendment provides consistency with the spelling in Chapter 11 – Glossary. The amendment is consistent with the relevant objective and policies and does not affect the policy framework or rules. A section 32AA evaluation is not required.

HW-R11.	<u>Pouwhenua</u> , <u>waharoa</u> and public art (including murals)	
Activity Status: PER		Activity status where compliance is not achieved: RDI S
Where:		Matters over which discretion is restricted:
1. The public art or structure must not be digital, have flashing or revolving lights or lasers; and		(a) Positive cultural and social benefits; and

<p>2. The public art or structure must comply with the minimum setback from internal boundaries and height standards for the relevant zone; and</p> <p>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.</p> <p><i>Note: If the public art or structure contains a sign then the provisions of the signs chapter apply to the sign.</i></p> <p><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></p> <p><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></p>	<p>(b) The extent to which the key moves in the relevant town concept plan has been considered and provided for; and</p> <p>(c) Potential positive or adverse effects on the safety of transport network users; and</p> <p>(d) The extent and effect of non-compliance with any relevant rule in the zone and any relevant matter of discretion in the rule.</p> <p>(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.</p>
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Effectiveness and efficiency

15. HW-R11 provides for Pouwhenua, waharoa and public art (including murals) in all zones subject to the relevant performance standards. It is now proposed to add an additional matter of discretion, which will ensure that consultation is undertaken with Waka Kotahi New Zealand Transport Agency if the art or structure is within the State Highway Road Reserve, or has digital components visible from the State Highway network.
16. It is considered that the additional matter of discretion set out above will ensure more effective and efficient decision making, as it provides greater certainty for applicants and decision-makers on the requirements for consultation if art or a structure is within the State Highway Road Reserve, or has digital components visible from the State Highway network.

Costs and benefits

17. On balance, it is considered that financial costs should be reduced, as the additional matter of discretion provides greater clarity to an Applicant on what consultation is required if this matter is triggered, which will mean that the application will be processed more quickly and less likely to be notified or result in hearings and appeals. It is considered that having a clear matter of discretion for consultation with the NZ Transport Agency will provide clear direction to an applicant for resource consent on what is required in these circumstances and will provide considerable benefit in terms of time and cost.

Risk of acting or not acting

18. It is considered that there is sufficient information to justify the changes above and there is a need to provide for the amendments as it could lead to increased costs and time burden for applications.

Decision about most appropriate option

19. The recommended rule is the most appropriate way to achieve the purpose of the RMA. Additionally, this approach is consistent with the policy framework.