

20th June 2018

Waikato District Council
Private Bag 544
NGARUAWAHIA 3742

Attention: Jane Macartney
Senior Policy Planner

Dear Jane

Proposed Waikato District Plan: Schedule 1 Resource Management Act 1991 Matters in Relation to the Minister of Education's "Education Purpose" Designations

We write further to discussions and agreements to provide further information with respect to the Minister of Education designations to be included in the Proposed Waikato District Plan.

1. The Minister of Education ('the Minister') advises that:

The designations as outlined in Appendix 1 of Attachment 1 to the accompanying submission are current and are to be rolled over in conjunction with the Waikato District Plan review.

There are some modifications to be made to the designations in accordance with Clause four, sub-clause three of the First Schedule of the Resource Management Act 1991 (the Act). These modifications are shown Appendix 1 of Attachment 1 to the accompanying submission with deletions shown by strike through and additions shown as red and underlined, and are summarised below.

2. Explanation of designation amendments and modifications

- 2.1. ~~The Minister~~ seeks that his education sites be designated as *Education Purposes* under the Purpose of the Designation. This amendment to the purpose will ensure that the education related activities on their sites are



protected for that purpose. To accompany this request, the Minister also asks that the following definition of Education Purposes be noted within the Designation Schedule of the District Plan:

“Education Purposes” in the designation purpose means:

- a. Enable the use of the facilities on the site by and for the educational benefit of any school age students (Years 0-13) and early childhood children regardless of whether they are enrolled at the institution located on the site.
- b. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.
- c. Enable the provision of community education (e.g. night classes for adults) outside school hours in school facilities.
- d. Include but not be limited to the provision of academic, sporting, social and cultural education including through:
 - i. Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;
 - ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours;
 - iii. The provision of specialist hubs and units (including language immersion units and teen parenting units) for children with particular educational requirements or special needs.
- e. Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.
- f. Enable the provision of associated administrative services; car parking and manoeuvring; and health, social services and medical services (including dental clinics and sick bays).
- g. Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretakers).

2.2. The Minister seeks that the name of the education facility (Facility Name) is also inserted within the Designation Schedule of the District Plan as a standalone description, rather than including the name of the education facility under the Purpose of the Designation as it was previously shown.

2.3. Upon reviewing the Designation Schedule of the District Plan it became apparent that minor modifications needed to be made to many of the Locations, Area and Legal Descriptions. The Minister request that Council make these minor amendments/changes detailed below in Appendix 1.

2.4. The Minister also seeks that the spatial extent of the Designations, which are displayed on the Waikato District Council online mapping system are updated to show the correct designation boundaries. The requested changes are detailed in Appendix 1.

2.5. Notice of Requirement

In addition the Minister seeks to include three (s) existing schools that have previously not been designated are included in the Designation Schedule of the District Plan. These are:

- St Anthony's Catholic School
- St Paul's Catholic School
- Hamilton Seventh-day Adventist Primary School

These schools have been assigned new designation numbers, and the Notice of Requirements for each of these sites also included in Appendix 1.

The Minister therefore respectfully seeks that Council

- a. Includes in the Proposed District Plan, existing Education Purpose designations *without modification* as included in Appendix 1; and
- b. Includes in the Proposed District Plan, existing Education Purpose designation *with minor modifications and corrections* as shown in Appendix 1; and
- c. Includes in the Propose District Plan, *three(s) new designations as per the Notices of Requirements* for these existing schools also included in Appendix 1

We trust this is sufficient for Council's purposes.

However, please don't hesitate to contact Orchid Atimalala – Principal Advisor: RMA at the Ministry of Education; should you have any further questions or queries regarding anything included in this Schedule 1 package for the Minister of Education.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line that extends to the right.

Gary Anaru

Regional Infrastructure Manager – Central North
EIS: Infrastructure Advisory Services
Ministry of Education



MEMO

To: Gary Anaru, Regional Infrastructure Manager – Central North
From: Orchid Atimalala – Principal Advisor: RMA
Cc: Clive Huggins – National Manager, Acquisitions & Designations
Date: 8th June 2018
Subject: Requirements for Minister of Education Designations for Inclusion in the Waikato District Council Resource Management Plan: Review of Designations in accordance with Clause 4 of the First Schedule of the RMA

1.0 Purpose

The purpose of this memo is to recommend that you sign the attached letter to formally notify the Waikato District Council - in accordance with the provisions of Clause 4 of the First Schedule to the RMA – with respect to the Proposed Waikato District Plan (Proposed Plan/PWDP) to be notified.

Clause 4 of the First Schedule of the RMA, relates to the Minister of Education's requirements (designations) for inclusion in a District Plan as part of a District Plan review process (whole or part).

You have delegated authority from the Secretary for Education with respect to Schedule 1 to the RMA, matters in accordance with the statutory powers and functions framework dated May 2018.

2.0 Discussion

Waikato District Council's senior planners made contact with the Ministry via the RMA Monitoring Contract supplier Beca, regarding their intention to publicly notify a Proposed Waikato District Plan.

Beca consultants and I met with the Council planners in Ngaruawahia (29th November 2017) to determine and engage in

- Council's proposed approach to the Proposed Plan review as they affect the Minister's state **and** state integrated schools designations, and
- the Ministry's approach to
 - o Standardised Education Purpose designations in terms of the purpose and standard conditions; and
 - o Increased co-ordination/integration/engagement in this approach, to include state integrated school designations. This is in light of the then pending amendments to the Education Act, which includes the repeal of the Private Schools & Conditional Integration Act

Subsequent to this meeting and with the assistance of Beca, we have developed the attached response to the Council's request.

I am satisfied from a District Plan/RMA policy development perspective that having engaged with the Council early in this discussion, the attached letter and requirements for inclusion in the PWDP reasonably reflects this more strategic RMA approach to the Minister's designations.

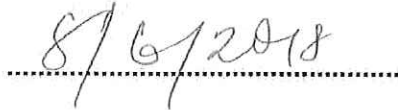
The approach also facilitates a strengthened strategic relationship with state integrated schools network and management of their schools assets, under the Minister's designation powers under the RMA.

3.0 Recommendation

For those reasons discussed above, I recommend that on behalf of the Minister and pursuant to delegated authority; you **sign the attached letter and NOR's for the State Integrated Schools**, and thereby formally notify the Waikato District Council - in accordance with the provisions of Clause 4 of the First Schedule to the RMA - of the Minister of Education's requirements for inclusion in the Proposed Waikato District Plan.



Orchid Atimalala
Principal Advisor: RMA

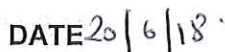


DATE

ACCEPT / DECLINE THE RECOMMENDATION (please delete one)



Gary Anaru
Regional Infrastructure Manager, Central North
(pursuant to an instrument of delegation as at May 2018)



DATE

APPENDIX 1

**SCHEDULE OF MINISTER OF EDUCATION DESIGNATIONS &
NOR'S FOR STATE INTEGRATED SCHOOLS**



**NOTICE OF REQUIREMENT TO WAIKATO DISTRICT COUNCIL
FOR A DESIGNATION UNDER SECTION 168 OF THE
RESOURCE MANAGEMENT ACT 1991**

The site to which the requirement applies is as follows:

The parcels of land described in Titles 158/172 and 1099/190 and referenced Allotments 169A and 562 suburbs of Newcastle South at 1 Belt Street Ngaruawahia as shown on the designation plan attached.

The land is occupied by St Paul's Catholic School which is a co-educational state integrated primary school for Year 1 to Year 8 students. The current roll is 133 students which is expected to remain stable in future years.

The school has 6 teaching spaces, a library and administration facilities, adventure playground, sealed court, playing fields and swimming pool. The area of integrated land totals 1.2 hectares and excludes the church and adjacent church hall owned by the proprietor in this location.

The site has main and frontage to Belt Street. The site is bounded by roads on three sides being Great South Road to the south and Esplanade to the north. To the north of Waikato Esplanade is the Waikato River and there is residential land to the west and east. On the opposite side of Great South Road is public open space.

The nature of the proposed public work is:

Designation for education purposes under the Resource Management Act 1991 to enable the ongoing operation, maintenance and development of public education on the site.

The nature of the work conducted and operated on the site and to which the designation notice is given is:

- the construction, undertaking, establishment, management, operation and maintenance of an integrated school; and
- use of the land for educational public purposes where the relevant education authority constructs, undertakes, establishes, manages, operates or maintains land for such work or use.

The nature of the proposed restrictions that would apply are:

There are no proposed restrictions given the long established educational purposes and operation presently conducted upon the land.

The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The educational activities on the land have no deleterious or adverse environmental effect. The school is located in the southern central part of Ngaruawahia and is accessible to both urban and rural communities.

The people in these local communities and the wider Ngaruawahia community benefit from having access to a state education with a special Catholic character.

General

Four principal environmental effects of the continued operation of the school can be identified as:

- The positive contribution made to the local communities
- The modification made to the visual amenity
- The effects on local traffic flows; and
- The effect on the local noise environment.

Contribution to Communities

Schools are a long established and integral component of the Waikato environment, and the availability of adequate educational facilities of this nature is a reasonable expectation of both urban and rural dwellers.

This effect is considered to be entirely consistent with the Resource Management Act's purpose of allowing people and communities to provide for their "*social economic and cultural wellbeing.*"

Visual Effects

This school is located within a residential environment with the Waikato River to the north and open space to the south. The school itself has a low density character with three single storey buildings. The school long frontage to Belt Street which for a large part has a wide grass berm. There are large mature trees in the front yard of the school and around the tennis courts.

The total floor area is 979 m². Surrounding activities are residential and open space. The school does not have any adverse visual impact on the environment.

Traffic Flows

Schools interact with local traffic in two main ways:

- By general additional traffic (largely vehicular) and;
- By having the potential to disrupt traffic flows (through both vehicular and pedestrian actions).

The first factor does not warrant consideration in this evaluation since the school has been in place for many years.

Adverse effects may be created by traffic either crossing some major roads or merging with other traffic using those roads. All access is from Belt Street where there are 19 angle parks on road for school use. Belt Street is a local road with good visibility for manoeuvring. The intersection with Great South Road has a right turning bay into Belt Street and central flush median. Visibility is good in both directions.

Noise

Schools modify the local noise environment in three ways:

- Through the introduction of an additional concentrated local noise source at regular times of the day when pupils are outside the classroom environment;
- Through the introduction of an additional concentrated local noise source at regular times of the day as pupils arrive at and depart from the school; and
- Through the introduction of an irregular local noise source with other school based activities.

The activity which is subject to this notice is existing, and is an accepted part of the noise environment of the area. Being located in a low density residential area with roads on three sides there are few neighbouring activities that can be affected by any noise.

Accordingly, there are no significant adverse effects on the environment from noise generated on the school site as a result of this Notice of Requirement. No proposed mitigation measures are therefore called for.

Alternative sites, routes, and methods have been considered to the following extent:

The site which is the subject of this Notice of Requirement is currently an established activity. It represents a considerable investment and is a facility that provides for the educational needs of individuals and communities.

The preference for the designation technique and alternative methods available are discussed below.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

Designation of existing schools is a technique used nationally by the Minister of Education and is seen by the Minister as being the most effective way of ensuring that the Minister's interest in a site is protected. The primary reasoning for adopting this technique is the greater certainty provided in terms of future management options for the site relative to other available methods. This certainty is considered to be very important by the Minister since a longer term commitment is traditionally made to any particular site selected for the operation of a school.

Designation also clearly identifies the likely long term location of this particular activity and this is seen as beneficial to both other resource uses and to the Waikato District Council.

The principal alternative means of protecting the Minister's long term interest in a particular site would be to seek to have an appropriate rule included in the District Plan which classifies the operation of school and other related activities as "permitted activities" within the given area.

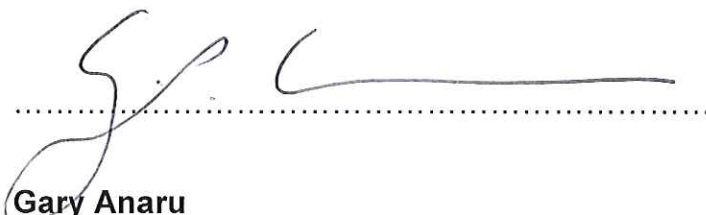
This alternative approach would leave the Minister exposed to future proposed plan changes, which may not be directly related to the carrying out of these specific activities, but which nevertheless would cause the Minister to incur unnecessary cost and to reduce uncertainty as to future operations. Consequently, designation is regarded by the Minister as the most appropriate method for protecting his interests.

The following consultation has been undertaken with parties that are likely to be affected:

No consultation has been undertaken in respect of this Notice of Requirement as the site is existing with an established primary school and associated activities. Notwithstanding this, there is a commitment to consulting any affected parties as appropriate with respect to any relevant new works on this site.

The following information is attached to this notice as required to be included by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

- a) Copies of Titles

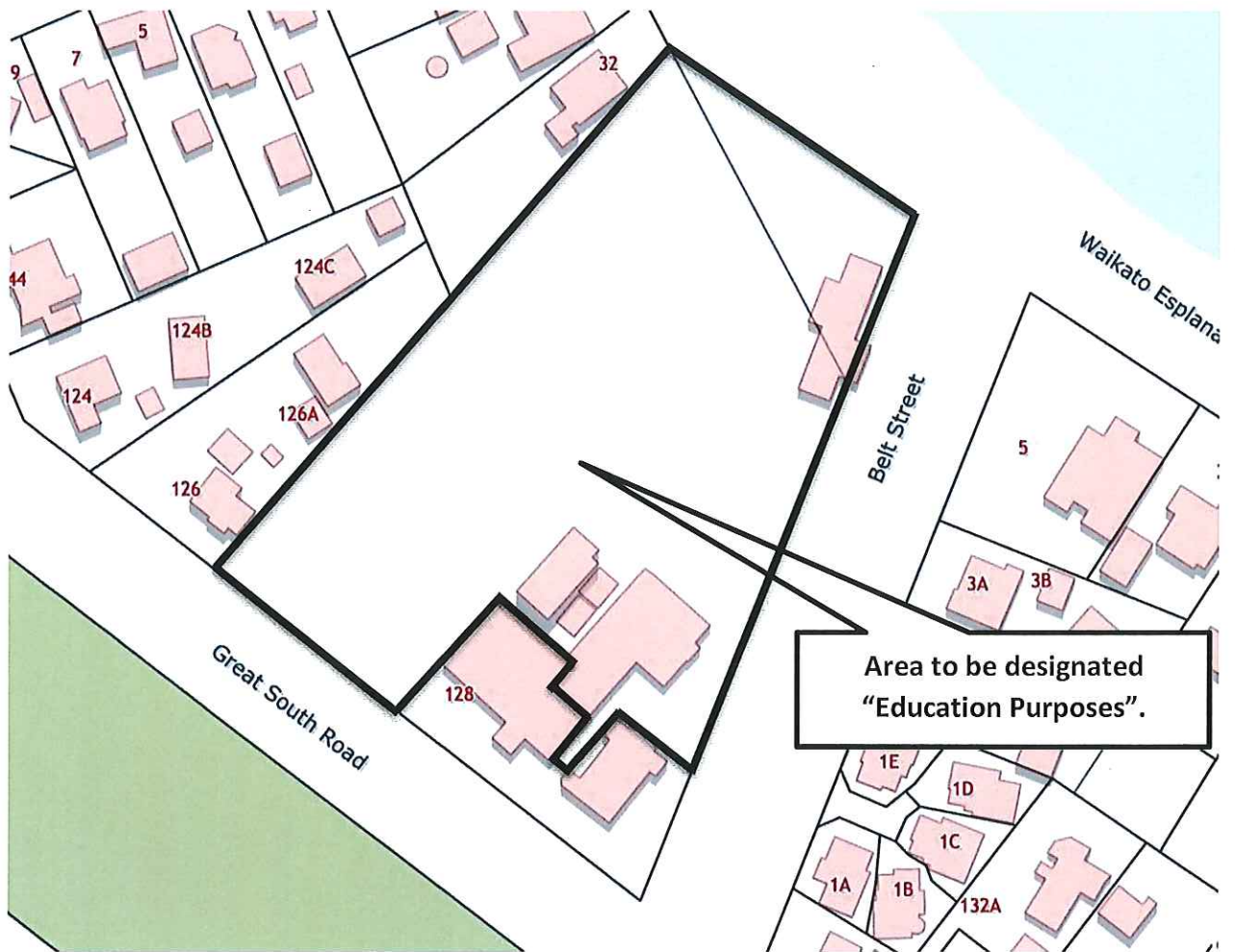


Gary Anaru
Regional Infrastructure Manager – Central North
EIS: Infrastructure Advisor Services
Ministry of Education
(Pursuant to delegation dated May 2018)

Date: 20/01/18

NOTICE OF REQUIREMENT TO WAIKATO DISTRICT COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

1.2 hectares being Allotments 169A and 562 suburbs of Newcastle South Ngaruawahia described in Titles 158/172 and 1099/190.



**NOTICE OF REQUIREMENT TO WAIKATO DISTRICT
COUNCIL FOR A DESIGNATION UNDER SECTION 168
OF THE RESOURCE MANAGEMENT ACT 1991**

The site to which the requirement applies is as follows:

The parcels of land described in Title SA12A/1174 and referenced Lot 1 Deposited Plan South Auckland J 4022 in the South Auckland Registry being the land at 46 Annebrook Road Tamahere as shown on the designation plan attached.

The land is occupied by Hamilton Seventh-day Adventist Primary School which is a co-educational state integrated primary school for Year 1 to Year 8 students. The current roll is 61 students which is expected to increase in future years.

The school has 4 teaching spaces, a library and administration facilities, adventure playground, tennis court, sports fields and associated grassed areas. The area of integrated land totals 20335m² and includes all the land owned by the proprietor in this location.

The site has frontage to Annebrook Road which provides access to a rural and rural residential area. Located to the east of Silverdale on the eastern outskirts of Hamilton.

The nature of the proposed public work is:

Designation for education purposes under the Resource Management Act 1991 to enable the ongoing operation, maintenance and development of public education on the site.

The nature of the work conducted and operated on the site and to which the designation notice is given is:

- the construction, undertaking, establishment, management, operation and maintenance of an integrated school; and
- use of the land for educational public purposes where the relevant education authority constructs, undertakes, establishes, manages, operates or maintains land for such work or use.

The nature of the proposed restrictions that would apply are:

There are no proposed restrictions given the long established educational purposes and operation presently conducted upon the land.

The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The educational activities on the land have no deleterious or adverse environmental effect. The school is located to the east of the Hamilton urban area and is accessible to both urban and rural communities.

The people in these local communities and the wider Hamilton community benefit from having access to a state education with a special Seventh-day Adventist character.

General

Four principal environmental effects of the continued operation of the school can be identified as:

- The positive contribution made to the local communities
- The modification made to the visual amenity
- The effects on local traffic flows; and
- The effect on the local noise environment.

Contribution to Communities

Schools are a long established and integral component of the Hamilton environment, and the availability of adequate educational facilities of this nature is a reasonable expectation of both urban and rural dwellers.

This effect is considered to be entirely consistent with the Resource Management Act's purpose of allowing people and communities to provide for their "*social economic and cultural wellbeing*."

Visual Effects

This school is located within a rural residential environment. The school itself has a rural character with only one building complex which is single-storied. The frontage is landscaped and this includes mature trees. The total floor area is 633 m². Surrounding activities are larger **rural** residential properties. The school does not have any adverse visual impact on the environment.

Traffic Flows

Schools interact with local traffic in two main ways:

- By general additional traffic (largely vehicular) and;
- By having the potential to disrupt traffic flows (through both vehicular and pedestrian actions).

The first factor does not warrant consideration in this evaluation since the school has been in place for many years.

Adverse effects may be created by traffic either crossing some major roads or merging with other traffic using those roads. Annebrook Road is a no exit road so does not carry traffic beyond that needed for access to properties and the school. There are 22 on site car parks which more than meets all the school's needs.

Noise

Schools modify the local noise environment in three ways:

- Through the introduction of an additional concentrated local noise source at regular times of the day when pupils are outside the classroom environment;
- Through the introduction of an additional concentrated local noise source at regular times of the day as pupils arrive at and depart from the school; and
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The activity which is subject to this notice is existing, and is an accepted part of the noise environment of the area. Being located in a rural residential area there are few, neighboring activities that can be affected by any noise.

Accordingly, there are no significant adverse effects on the environment from noise generated on the school site as a result of this Notice of Requirement. No proposed mitigation measures are therefore called for.

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Designation also clearly identifies the likely long term location of this particular activity

and this is seen as beneficial to both other resource uses and to the Waikato District Council.

The principal alternative means of protecting the Minister's long term interest in a particular site would be to seek to have an appropriate rule included in the District Plan which classifies the operation of school and other related activities as "permitted activities" within the given area.

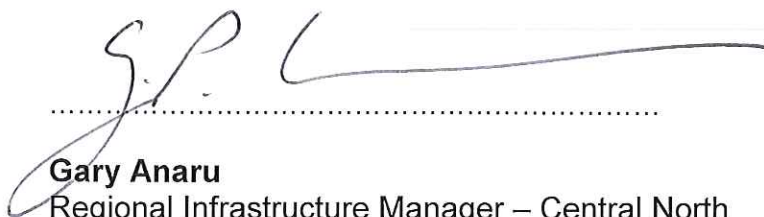
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The following consultation has been undertaken with parties that are likely to be affected:

No consultation has been undertaken in respect of this Notice of Requirement as the site is existing with established intermediate and secondary school and associated activities. Notwithstanding this, there is a commitment to consulting any affected parties as appropriate with respect to any relevant new works on this site.

The following information is attached to this notice as required to be included by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

- a) Copies of Titles



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Gary Anaru
Regional Infrastructure Manager – Central North
EIS: Infrastructure Advisor Services
Ministry of Education
(Pursuant to a delegation dated May 2018)

Date: 20 | 06 | 18

**NOTICE OF REQUIREMENT TO WAIKATO
DISTRICT. COUNCIL FOR A DESIGNATION
UNDER SECTION 168 OF THE RESOURCE
MANAGEMENT ACT 1991**

2.0335 hectares being Lot 1 Deposited Plan South
Auckland 14022 described in Title SA12A/1174.

