



Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

25 February 2020

Attention: Sandra Kelly

Dear Sandra

Ministry of Education – Waikato District Plan Review - Letter to be Tabled at Hearing 10: Residential Zone

The Ministry of Education (the Ministry) has lodged a submission on the Proposed Waikato District Plan (submitter 781) and further submissions (submitter FS1277). The Ministry has chosen not to attend Hearing 10 – Residential Zone scheduled to commence Tuesday 25th February 2020 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioner’s consideration.

The Officer’s report for Hearing 10 – Residential Zone of the Proposed Waikato District Plan (PWDP) has been received. The Ministry’s response to the Officer’s report recommendations on these submission points are set out below.

Submission 781.10 Chapter 16: Residential Zone - 16.1.3 Restricted Discretionary Activities

The Ministry has sought in its submission a change to the activity status of education facilities in the Residential Zone to restricted discretionary. Currently under the PWDP as publicly notified, education facilities are not provided for in the Residential Zone, and therefore defaults to a non-complying activity status. The Ministry outlines that the majority of education facilities including, community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments are located within residential areas and are considered an essential social infrastructure required to support residential areas.

The Reporting Officer acknowledges that education facilities are essential social infrastructure for the wider community and are commonly found within proximity to or within the Residential Zone and considers that a non-complying activity status is a high threshold for a resource consent application to meet. The Reporting Officer acknowledges that education facilities (both schools and other types of education facilities) should be provided for within the Residential Zone however also notes that they have the potential to create adverse effects from an amenity and traffic perspective.

The Reporting Officer refers to the s42A report for the Village Zone which also addresses a similar issue, in that education facilities are not provided for within the Village Zone. This is addressed in section 4.3.3 and paragraph 231 within the s42A report and Section 7 of the Council rebuttal evidence. The Reporting Officer agrees with the conclusion reached by the author of the rebuttal evidence for the Village Zone and therefore accepts the relief sought and suggests the amendments below:

16.1.3 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities

(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

RD2 Education facilities.

Council's discretion shall be restricted to the following matters:

- a. The extent to which it is necessary to locate the activity in the Residential Zone.
- b. Reverse sensitivity effects of adjacent activities.
- c. The extent to which the activity may adversely impact on the transport network.
- d. The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood, with particular regard to the bulk of the buildings.
- e. The extent to which the activity may adversely impact on the noise environment.

The Ministry accepts the recommendation made by the Reporting Officer.

Submission 781.11 Chapter 16: Residential Zone – Section 16.2.1- Noise

The Ministry sought in its submission a new noise standard in the Residential Zone to provide specifically for education facilities. This will enable education facilities to operate without hindrance, while also recognising the surrounding residential environment. The proposed noise standards are outlined below:

16.2.1.2 Noise - Education facilities

The operation of any education facilities shall comply with the following noise limits at the boundary of any site within the residential zone, at a point 20m from the façade of any dwelling, or the site boundary, whichever is closest to the dwelling.

- Mon-Sun, 7.00am-10.00pm (0700-2200) 55dBA (Leq)
- Mon-Sun, 10.00pm-7.00am (2200-0700) 45 dBA (Leq)
- LMAX= 75dBA

These noise levels shall not apply to noise from outdoor school activities occurring between 0800 and 1800-hours Monday to Saturday.

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".

The Reporting Officer does not consider that the noise standard is required, as for a restricted discretionary activity, one of the matters of discretion is '*The extent to which the activity may adversely impact on the noise environment.*' The Reporting Officers indicates that the only purpose for including the noise standard would be to change the activity status where the standard could not be met from restricted discretionary to discretionary. The Reporting Officer considers this proposed noise standard unnecessary and has therefore recommended rejection of the submission point.

The Ministry accepts the recommendation made by the Reporting Officer.

Should you have any queries or seek clarification on the above, please contact me on the details below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alec Duncan', written in a cursive style.

Alec Duncan
Planner

on behalf of

Beca Limited

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