



Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

7 April 2020

Attention: Sandra Kelly

Dear Sandra

Ministry of Education – Waikato District Plan Review - Letter to be Tabled at Hearing 12: Country Living 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 12 – Country Living Zone scheduled to commence 7th April 2020 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The Officer's report for Hearing 12 – Country Living 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 781.15 Chapter 23: Country Living Zone – 23.1.2 Restricted Discretionary Activities

The Ministry has sought in its submission a change to the activity status of education facilities in the Country Living Zone to restricted discretionary. Currently under the PWDP as publicly notified, education facilities, excluding a childcare facility for up to 10 children are provided for as a Discretionary activity. The Ministry therefore proposed the following:

23.1.2 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities.

RD1: Education Facilities

Matters of discretion:

1. The extent to which it is necessary to locate the activity in the Country Living Zone.

2. Reverse sensitivity effects of adjacent activities.

3. The extent to which the activity may adversely impact on the transport network.

4. The extent to which the activity may adversely impact on the streetscape.

5. The extent to which the activity may adversely impact on the noise environment.

The Reporting Officer agrees with the Ministry that education facilities can provide social infrastructure for areas. However, considers that education facilities need to be at a scale that is in keeping with the character of the zone. The Reporting Officer has therefore recommended that a restricted discretionary activity status is most appropriate but recommends that additional matters of discretion be included.

The Reporting Officer notes that the Ministry's submission appears to address education facilities in broad terms, therefore recognises that not all education facilities are promoted by a Requiring Authority. In this regard, the Reporting Officer considers that if the education facility is for the purposes of a Ministry of Education school, then they believe that this is best dealt with under Part 8 Designations, Section 168 of the RMA. The Reporting Officer recommends that the panel accept in part the submission from the Ministry as follows (Note the items (vi) – (ix) in bold below are proposed by the Reporting Officer):

23.1.1A Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities:

Activity: RD1: Education facilities

Activity-specific conditions

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

(i) The extent to which it is necessary to locate the activity in the Country Living Zone.

(ii) Reverse sensitivity effects of adjacent activities.

(iii) The extent to which the activity may adversely impact on the transport network.

(iv) The extent to which the activity may adversely impact on the streetscape.

(v) The extent to which the activity may adversely impact on the noise environment.

(vi) Effects on character

(vii) Building form, bulk and location

(viii) Site layout and design

(ix) Privacy on other sites

The Ministry accepts in part the recommendations made by the Reporting Officer. It is considered that the matters of discretion provided in the Ministry's original submission appropriately address the relevant matters of which Council should have discretion.

In order for consistency to be applied across the PWDP and to address the Reporting Officers building scale concerns, the Ministry recommends that the matters of discretion read (text in bold additional to the Ministry's original submission):

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

(i) The extent to which it is necessary to locate the activity in the Country Living Zone.

(ii) Reverse sensitivity effects of adjacent activities.

(iii) The extent to which the activity may adversely impact on the transport network.

*(iv) The extent to which the activity may adversely impact on the streetscape, **character** and amenity of the neighbourhood, **with particular regard to the bulk and location of the buildings.***

(v). The extent to which the activity may adversely impact on the noise environment.

The proposed change to the Ministry's original submission provides for the Reporting Officer's recommendation in a more efficient manner insofar as the matters of discretion may be relevant to the activity. In particular, the matters not included are either a function of the activity itself, such as building form and design, and are therefore not a matter to which discretion by the territorial authority should be applied or are accommodated in the matters proposed for discretion. For example, site layout and privacy on other sites are a function of the location of the buildings and are therefore repetitive in the Officer's proposed amendments.

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

Yours sincerely



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on behalf of

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