



Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

12 February 2021

Attention: Hearing Commissioners

Dear Commissioners

Ministry of Education – Waikato District Plan Review - Letter to be Tabled at Hearing 17: Te Kowhai Airpark

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 17 - Te Kowhai Airpark scheduled to commence Monday 8th March 2021 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The Officer's report for Hearing 17 – Te Kowhai Airpark 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.

Definitions

The s42A report for Hearing 5 Definitions recommended that the term 'Education facility' be replaced with the term 'Educational facility', which is defined in the National Planning Standards as follows:

“Means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.”

The Ministry supported the use of the definition for educational facility as per the National Planning Standards through its further submission [FS1113.1].

The Reporting Officer notes that the Ministry specifically mentions in its original submission 'pilot training' and 'flight school'. Referring to the definition of 'educational facility', the Reporting Officer considers that a flight training school may be provided by a tertiary education service or a school and accordingly, a flight training school could meet the definition of 'educational facility'. However, the Reporting Officer considers that the nature and effects of a flight training school are distinct, and different in nature and scale from most other education facilities. The Reporting Officer has therefore recommended that a flight training school be a non-complying activity in all precincts.

The Reporting Officer considers that a flight training school needs to be managed differently to the more common educational facilities, and that it is appropriate that a separate definition for "Flight Training School" be proposed, as follows:

“Means land, and / or buildings used for the instruction or training in the control of aircraft in basic and advanced flight manoeuvres, as well as instruction or training in aircraft checks and aircraft maintenance.”

The Reporting Officer has recommended that the definitions for flight training school and circuit training be included in the Rule 27.1.1 Activity Status Table and in the definitions section.

Chapter 27: Te Kowhai Airpark Zone 27.1.1 Activity Status Table

The Ministry requested changes to Rule 27.1.1 Activity Status Table which included replacing the term 'Teaching and Conference Facilities' with 'Education Facilities' and changes to the activity status of educational facilities with the introduction of new matters of discretion, as follows:

27.1.1 Activity Status Table

Activity: ~~Teaching and Conference~~ Education Facilities

Precinct A: ~~Non-complying~~ Restricted Discretionary

Precinct B: Permitted

Precinct C: ~~Discretionary~~ Restricted Discretionary

Precinct D: ~~Discretionary~~ Restricted Discretionary

27.1.2 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.

RD1: Education Facilities

Matters of discretion:

1. The extent to which it is necessary to locate the activity in the Te Kowhai Airpark 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.

Rule 27.1.1 Activity Status Table currently includes 'Teaching and Conference Facilities' in the one activity listing. The Reporting Officers agrees that the word 'Teaching' in Rule 27.1.1 can be replaced with the words 'Educational Facility', as the activities encompassed by 'teaching' are likely to be the same/similar to activities encompassed by 'educational facilities'. As such, the Reporting Officer has recommended that the Panel accept in part the Ministry's submission such that in Rule 27.1.1 Activity Status Table, 'Teaching and Conference Facilities' are replaced by the term 'Educational Facilities' and 'Conference Facilities' so that they have their own separate activity line. This is **supported** by the Ministry.

The Ministry also submits that the activity status for 'Educational Facility' be changed in Precinct A, Precinct C and Precinct D from Non-Complying (Precinct A) and Discretionary Activities (Precincts C and D) to Restricted Discretionary Activities in all three precincts.

The Reporting Officer considers that Educational Facilities in Precinct A should remain a non-complying activity status as Precinct A provides for a runway, runway strip and associated aircraft operations, and

these are incompatible with the potential range of education facilities. The Reporting Officer notes that an educational facility (separate to a flight training school) should not compromise the purpose of Precinct A in providing a runway and aircraft operations in that Precinct; therefore, alternative locations within Precincts B, C or D should be considered.

Based on the above, this assessment is accepted by the Ministry, subject to consideration being given to provision for education in Precincts C and D (noting that Precinct B, Educational facilities are to remain a permitted activity).

Precincts C and D provide for residential activities/development. Given this, the Reporting Officer considers that educational facilities may be appropriate within those precincts (For example, a small home-based childcare activity), to be determined on a case-by-case basis. The Reporting Officer therefore considers that educational facilities in Precincts C and D should have a restricted discretionary activity status, with accompanying matters of discretion as proposed by the Ministry.

However, the Reporting Officer notes that large-scale education facilities would be likely to have potential adverse effects on amenity and character in the Te Kowhai Airpark Zone. The Reporting Officer notes that these amenity and character concerns associated with education facilities, were also raised in Hearing 6 – Village Zone. The Village Zone s42A Reporting Officer dealt with this by proposing additional wording regarding amenity to criterion (d) and reference to “the bulk of the buildings” also as part of criterion (d), resulting from the Ministry’s evidence and Council’s rebuttal evidence.

Therefore, the Reporting Officer has recommended that the following matters of discretion also be included in the PWDP (which are additional to those proposed by the Ministry (a-e) and shown in bold), as follows:

- (a) *The extent to which it is necessary to locate the activity in the Te Kowhai Airpark 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.*
- (e) *The extent to which the activity may adversely impact on the noise environment.*
- (f) ***Effects on amenity***
- (g) ***Effects on character***
- (h) ***Building form, bulk and location***
- (i) ***Site layout and design***
- (j) ***Privacy on other sites.***

The Ministry disagrees with the Reporting Officers recommendation and consider that the list is exhaustive and duplicates itself from an effect’s perspective. The Ministry considers that Council would be better to have a matter of discretion to address amenity effects with particular regard to the bulk of the building (which is the relevant effect on the environment). This would also align with the matters of discretion proposed and recommended in Council’s rebuttal evidence on Hearing 6: Village Zone – Land use and activities. The Ministry therefore suggests the following:

- (a) *The extent to which it is necessary to locate the activity in the Te Kowhai Airpark 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.*
- ~~(f) *Effects on amenity*~~
- ~~(g) *Effects on character*~~
- ~~(h) *Building form, bulk and location*~~
- ~~(i) *Site layout and design*~~
- ~~(j) *Privacy on other sites.*~~

The Ministry considers that the above amendments adequately provide Council with a sufficient level of discretion to address the character and amenity concerns raised by the Reporting Officer and will see that the scale and bulk of any given facility are in keeping with the character of the precinct in which it is located and be in keeping with the surrounding area.

Chapter 9: Specific Zones

The Ministry has also sought a new policy in Chapter 9 – Specific Zones to enable the provision of education facilities compatible with the specific zones, to establish within the specified zones, including the Te Kowhai Airpark Zone, as follows:

Policy – Education Facilities and Specific Zones

Allow activities which are compatible with the role, function and predominant character of Specific Zones, while managing the effects of the activities on the environment in the following zones:

- (i) *Hampton Downs motor sport and recreation*
- (ii) *Te Kowhai Airpark*
- (iii) *Rangitahi Peninsula; and*
- (iv) *Business Zone Tamahere*

The Reporting Officer notes that additional policies specific to educational facilities are warranted, to support the recommended new restricted discretionary activity for educational facilities in the Officers report and to ensure that the effects on users of educational facilities can be considered. Given this, two policies relating to educational facilities are recommended by the Reporting Officer below:

9.2.1.1 Policy - Development

(c) Enable educational facilities where they have a functional need to locate within the Te Kowhai Airpark Zone.

9.2.2.1 Policies - Airpark standards

(e) Ensure adverse effects of educational facilities created by excessive building scale, overshadowing, building bulk, excessive site coverage, loss of privacy, noise, and adverse effects on land transport networks, are minimised to maintain amenity and character in the Te Kowhai Airpark Zone and to be in keeping with the primary use of the precincts.

The Reporting Officer has recommended that the Panel accept in part the Ministry's submission as it relates to the extent that two new policies are provided for educational facilities in the Te Kowhai Airpark Zone and to control potential effects on users of the facilities.

The Ministry **supports** the inclusion of 9.2.1.1(e) Policy – Development as it supports the intent sought through its original submission, being to enable the provision of education facilities compatible with the Te Kowhai Airpark Zone. However, the Ministry considers that 9.2.2.1(e) Policies - Airpark standards is excessive and that the matters of discretion proposed above serve as a more appropriate mechanism to manage such effects.

A suggested amendment to 9.2.1.1(e) Policy – Development has been proposed to address, as follows (in bold):

9.2.1.1 Policy - Development

(c) Enable educational facilities where they have a functional need to locate within the Te Kowhai Airpark Zone, **while managing potential adverse effects of the activities on the environment.**

The Ministry considers that the above suggestion both enables educational facilities in the Te Kowhai Airpark Zone where they have a functional need while acknowledging that there is also a need to manage effects that may result from an educational facility being located in the Te Kowhai Airpark Zone.

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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