

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**SUMMARY STATEMENT OF EVIDENCE OF MARK NICHOLAS
ARBUTHNOT FOR DILWORTH TRUST BOARD IN RELATION TO
HEARING 25 – REZONING**

4 JUNE 2021

1. EXECUTIVE SUMMARY

- 1.1 Dilworth sought the creation of “Specific Area” provisions for its school activities and facilities located at 500 Lyons Road, Mangatawhiri (known as the “**Rural Campus**”) (577.2). The “Specific Area” provisions sought are appended to my evidence as **Attachment 1**.
- 1.2 The notified objectives and policies of the Proposed Plan do not support “educational facilities” in the Rural Zone. At ‘Hearing 18: Rural’, the evidence of Mr Cleese agreed that it is appropriate to provide for a wider range of activities in the Rural Zone and recommended various changes to the objectives and policies of the Proposed Plan to provide clearer policy direction for “educational facilities”.
- 1.3 Mr Cleese also agreed that it is appropriate to apply “Specific Area” provisions to the Rural Campus; however deferred consideration of the provisions until Hearing 25. A rule to provide for “maintenance, operation, and alterations” as a permitted activity was recommended, subject to a standard which requires alterations not to increase the net floor area.
- 1.4 The section 42A Addendum Report for Hearing 25 agrees that:
- (a) education facilities and the ancillary accommodation associated with the Rural Campus is not the type of “urban” or residential/rural-residential development that Policies 6.14 and 6.17 of the WRPS are concerned with;
 - (b) the “Specific Area” provisions sought by Dilworth would give effect to Objectives 3.1, 3.2 and 3.12 of the WRPS, however specific consideration needs to be given to the activities and built form frameworks of the Proposed Plan;
 - (c) the Proposed Plan as notified does not make specific provision for Dilworth’s Rural Campus; and
 - (d) scheduling and site-specific provisions are similar approaches that could be used to recognise Dilworth’s Rural Campus and to provide for maintenance and development of the submission site.
- 1.5 Notwithstanding, the section 42A Addendum Report (at paragraph 65) considers that provision should only be made for “maintenance, operation, and alterations” as a permitted activity, and that any further increase in the

net floor area at the Rural Campus should require resource consent as a restricted discretionary activity.

- 1.6 I do not consider a restricted discretionary activity status for additional development at the Rural Campus to be appropriate:
- (a) the rule does not make any provision for the Rural Campus beyond that which would otherwise be protected under s.10 of the RMA; and
 - (b) the rule will require even the most mundane development at the Rural Campus (for example, toilet block extensions or equipment sheds) to obtain resource consent, resulting in an unnecessarily inefficient and onerous process.
- 1.7 The section 42A Addendum Report has not had regard to the requirements of Policy 5.3.9 (as recommended by Council), which seeks to *“Enable activities that provide for the rural community’s social, cultural, and recreational needs, subject to such activities being of a scale, intensity and location that are in keeping with managing urban growth through a consolidated urban form”*, and specifically includes education activities within its ambit.
- 1.8 In my opinion, requiring all additional development at the Rural Campus to obtain resource consent as a restricted discretionary activity does not “enable” the activity to provide for the social, cultural, and recreational needs of the community:
- (a) the rule does not properly acknowledge the importance of “educational facilities” to the social, cultural and economic well-being of the community;
 - (b) the Proposed Plan is enabling of state schools to intensify the development and use of their sites and facilities to respond to growth within the District through the use of designations which are not subject to any conditions;
 - (c) Dilworth operates an independent school and cannot rely on a designation to develop its facilities to meet the needs of its students like other Rural-zoned “educational facilities” can; and
 - (d) independent schools such as the Dilworth Rural Campus play an equally important role to the social, cultural and economic well-being of the community.

- 1.9 The disparity between the framework applying to state schools and independent schools is such that I consider it good practice to include a “tailor-made” set of provisions for the Rural Campus. Given that the issue is confined to whether an independent Rural-zoned school should be provided with a similar opportunity to respond to growth as that afforded to state schools, I do not consider that the use of “Specific Area” provisions will set a precedent that would require other (non-education) types of “out of zone” activities to be provided with site-specific provisions.
- 1.10 The main point of disagreement is that the 10% maximum site area coverage that has been sought “...is too much given the extent of development that is already on the site”. I remain of the opinion that a 10% maximum site area coverage standard is appropriate having regard to:
- (a) the nature of the existing development on the site, which, prior to its use as a “educational facility”, was a visitor accommodation and retreat activity (Hotel du Vin) and does not display the same character as large or intensive farming or rural industry activities;
 - (b) the ‘campus’ environment that has been created (comprising a range of buildings and facilities, including boarding facilities, staff accommodation, classrooms, administration buildings, gym, tennis courts, and sports fields, which are serviced by an internal road and footpath network);
 - (c) the manner in which state schools are able to intensify the development and use of their sites and facilities under their designations to respond to growth within the Rural Zone without a constraint on building coverage; and
 - (d) the fact that the “Specific Area” provisions for the Rural Campus will consolidate future development within the existing site boundaries, as opposed to enabling other Rural-zoned activities to achieve a greater built form than currently provided for under the Proposed Plan.
- 1.11 For all the above reasons, I remain of the opinion that the inclusion of “Specific Area” provisions for the Dilworth Rural Campus are the most appropriate way to achieve the purpose of the RMA, and in particular the social, cultural and economic well-being of the community.

Mark Nicholas Arbuthnot
4 June 2021