

Proposed Waikato District Plan Outline Summary - Hearing 6: Village Zone

To: The Hearings Panel **Date:** 16 December 2019
From: The Ministry of Education (Keith Frentz) **Our Ref:** 4263529
Copy: Alan Dibley
Subject: Overview of the Statement of Evidence of Keith Frentz on behalf of the Ministry of Education on the Proposed Waikato District Plan – Hearing 6: Village Zone

Summary

My statement of evidence sets out a summary of planning evidence on behalf of the Ministry of Education (the Ministry) in relation to the Ministry's submission point 781.16 and sets out the Ministry's approach to the activity status provisions sought across the various zones of the Proposed Waikato District Plan (PWDP).

The intent of the Ministry's submission is to ensure that the objectives, policies and rules of the Proposed Waikato District Plan (PWDP) facilitate the development of a range of education facilities within the District that will enable the community to meet its educational needs.

This submission in effect supports New Zealand's commitment to the United Nations Universal Declaration of Human Rights which includes Education as a Human Right. The New Zealand Human Rights Commission states¹ that:

"Education is both a human right in itself and an indispensable means of realising other human rights. Education is essential for the development of human potential, enjoyment of the full range of human rights and respect for the rights of others."

It is fundamental to New Zealand society that education is able to be provided in a form and in a place that supports the human rights of our communities.

The Ministry's Submission Point 781.16 requests that provision be made for educational facilities as a Restricted Discretionary activity in the Village Zone. As educational facilities are not currently provided for in the Village Zone, educational facilities default to a non-complying activity status. The Ministry seeks the addition of a new Restricted Discretionary activity rule to provide for educational facilities.

The section 42A Reporting Officer has recommended that the Ministry's original submission is accepted in part. The section 42A Reporting Officer agrees with the Ministry that educational facilities are essential social infrastructure, in particular in those areas of the district experiencing growth. The section 42A Reporting Officer however, considers that additional requirements are

¹ <https://www.hrc.co.nz/our-work/social-equality/education/>

needed to accompany the rule to ensure that such a provision would not allow for large-scale education facilities in the Village Zone. The section 42A Reporting Officer has recommended that the provision include a specific standard such that any education facility in excess of 200m² gross floor area (GFA) be a discretionary activity. The section 42A Reporting Officer has also recommended the inclusion of the words '*...and the amenity of the neighbourhood*' at the end of clause (d) matter of discretion as this would relate back to the relevant objectives and policies within Chapter 4.3 – Village Zone which also refer to 'neighbourhood'.

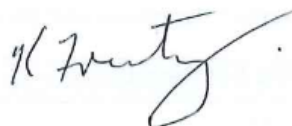
I agree with the section 42A Reporting Officer that it is appropriate to incorporate the wording "*and the amenity of the neighbourhood*" to align with the objectives and policies within Chapter 4.3. However, I disagree with the inclusion of the wording that requires educational facilities in excess of 200m² GFA be a discretionary activity. The proposed matters of discretion ensure that Council have the discretion over what activities are deemed acceptable to be located in the Village Zone on a case-by-case basis. This includes the extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood as addressed in the section 42A Reporting Officers amendment to (d) as well as on the traffic and noise environment which are typically matters of concern for residents in the vicinity.

The matters of discretion also take into account the need for the facility in the zone and reverse sensitivity. Taking all of the matters of discretion into account the arbitrary determination of a 200m² limit on GFA is unnecessary.

The Ministry opposes the activity status of non-complying (as a default activity status) and discretionary activities given to educational facilities across many of the PWDP zones, seeking instead restricted discretionary activity status. Of particular concern is that where educational facilities are not specifically provided for in a zone, they default to a non-complying activity status.

The Ministry are seeking a restricted discretionary activity status across all zones to ensure that Council have the discretion over what activities are deemed acceptable to be located in these zones on a case-by-case basis. The matters of discretion covering; necessity, reverse sensitivity, traffic/transport network, noise and amenity would, in my opinion, appropriately address any actual or potential effects on the environment that may be of concern to the Council or to neighbours and the consent authority can then decide whether to grant consent, grant consent with conditions or decline consent – as provided for in S104C, RMA. If scale is considered to be an issue for the Village Zone, then a further matter of discretion could include the bulk of any new buildings being constructed.

Thank you for your consideration.



Keith Frenz
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Beca Limited

16 December 2019