



Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

17 February 2020

Attention: Sandra Kelly

Dear Sandra

Ministry of Education – Letter to be Tabled at Hearing 9: Business and Business Town Centre Zones

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 9 – Business and Business Town Centre Zones scheduled to commence Monday 17th 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 9 – Business and Business Town Centre Zones 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.

Policy

Submission on Chapter 9: Specific Zones – New Policy

The Ministry understands that the scope of evidence for Hearing 9 relates to the evaluation of submissions and further submissions received including the provisions of Chapter 9 – Specific Zones. The Ministry notes that their submission on this chapter has not been addressed in the Reporting Officer’s s42A report.

The Ministry sought through its submission a new policy to enable the provision of educational facilities in the Specific Zones as currently there are no policies which provide for education facilities in these zones in the PWDP as notified.

As outlined in the Ministry’s submission, educational facilities such as schools, community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments are located in various areas and are considered an essential social infrastructure required to support district growth. Examples of educational facilities in these specific zones include:

- Driver training (including motor racing);
- Pilot Training;
- Schools; and
- Tertiary education work skills training centres.

The following new policy was proposed to provide for educational facilities:

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 Ministry requests that a recommendation is made in relation to the proposed new policy in Chapter 9 – Specific Zones.

Provision for Educational Facilities

Submission on Chapter 17: Business Zone – Rule 17.1.2 Permitted Activities

The Ministry's submission to support the permitted activity status for 'education facilities' was not acknowledged in the section 47.1.2 analysis (para 304) of the Reporting Officer's report as were the submissions from 320 Limited trading as Kids Time Kindergarten and Kids Time Early Learning Centre [82.1], McCracken Surveys Limited [943.36], New Zealand Transport Agency [742.134], The Department of Corrections [496.6] and Housing New Zealand Corporation [749.19] who all supported the permitted activities as a whole or with reference to specific activities.

Through their original submission, the Ministry supported the permitted activity status for education facilities in the Business Zone, however sought amendment to the term 'Education facility' and requested it be replaced with 'Education facilities'. The Ministry note that this recommended amendment was made before the release of the national planning standards and therefore have sought a further variation to the wording, as set out in the Ministry's further submission.

The Ministry supports in part the recommendation to retain 'education facility' as a permitted activity, however request that a minor change to the permitted activity wording of 'education facility' be made to better align with the definition from the national planning standards as follows:

17.1.2 Permitted Activities

P5. Education~~a~~l facility

The Ministry note that the Reporting Officer for Hearing 5: Definitions has recommended that 'Education facility' is amended to read 'Educational facility' as per the national planning standards definition.

Submission 781.12 Chapter 18: Business Town Centre Zone – 18.1.5 Non-Complying Activities

As educational facilities are not provided for in the Business Town Centre Zone, the Ministry opposes the default non-complying activity status given to educational facilities under Rule 18.1.5. Through its submission, the Ministry sought to change the activity status of educational facilities in the Business Town Centre Zone to restricted discretionary under Rule 18.1.3 and proposed the following matters of discretion:

Matters of discretion:

1. The extent to which it is necessary to locate the activity with the Business Town Centre 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 considers that such activities could be suitable on some sites within the Business Town Centre Zone and need to be assessed through resource consent process due to such effects as vehicle access and disruption to frontages. The Reporting Officer considers that the discretionary activity status, as provided in Rule 18.1.4, is the appropriate status that allows consideration of all adverse and positive effects.

This recommendation is not accepted by the Ministry as the identified concerns (traffic and frontage issues) are accommodated in items 3 and 4 of the matters of discretion proposed in the submission. Other adverse effects are also addressed in the proposed matters of discretion. We also note that the Reporting Officer's recommendation that the activity be discretionary has not been incorporated into the Appendix 4 changes.

Submission 781.13 Chapter 19: Business Zone Tamahere - Rule 19.1.4 Non-Complying Activities

As educational facilities are not provided for in the Business Zone Tamahere, the Ministry opposes the default non-complying activity status given to educational facilities under Rule 19.1.4. Through its submission, the Ministry sought to change the activity status of educational facilities in the Business Zone Tamahere to restricted discretionary under Rule 19.1.2 and proposed the following matters of discretion:

Matters of discretion:

1. The extent to which it is necessary to locate the activity with the Business Zone Tamahere.
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 understood that during the community engagement meeting leading to the preparation of the PWDP, there was no demand for any changes to the Tamahere Village Business zone provisions. Accordingly, no change to the activities is proposed.

The Ministry considers that the default non-complying activity status is overly restrictive as outlined in their submission. Educational facilities of all sorts are common in commercial/business areas and while it is unlikely that a state or state integrated facility is provided within the Tamahere Business Zone there is potential for private providers to provide facilities on a commercial basis that would support the purpose of the zone to “*for small scale convenience retail and **community activities***” (Policy 4.5.2, emphasis added). The Ministry does not accept the recommendation not to provide educational facilities in the Business Zone, Tamahere.

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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