



Waikato District Council  
Ngaruawahia office  
15 Galileo Street  
Ngaruawahia 3742

13 November 2020

**Attention: Hearing Commissioners**

Dear Commissioners

**Ministry of Education – Waikato District Plan Review - Letter to be Tabled at Hearing 23: Rangitahi**

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 23 – Rangitahi scheduled to commence Monday 7<sup>th</sup> December 2020 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The Officer's report for Hearing 23 – Rangitahi 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.

Educational facilities in the Rangitahi Peninsula Zone

Rule 28.1.3 Restricted Discretionary Activities

The Ministry opposes non-complying activity Rule 28.1.5 to the extent that educational facilities are not listed in the Rangitahi Peninsula Zone, and therefore default to a non-complying activity under Rule 28.1.5 NC1 of the PWDP as notified.

The Ministry considers that the majority of educational facilities (including, community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres, and sports training establishments) are located within residential areas like Rangitahi Peninsula and are considered essential social infrastructure required to support residential areas.

The Ministry have therefore sought amendment to restricted discretionary activity Rule 28.1.3 so that education facilities are provided in the Rangitahi Peninsula as a restricted discretionary activity, as follows:

*28.1.3 Specific Activities – 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.*

*RD4: Education Facilities*

*Council's discretion shall be restricted to the following matters:*

*1. The extent to which the location, bulk, scale and built form of building(s) impacts on natural, ecological, landscape and/or historic heritage values.*

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

*3. Ability to soften the visual impact of buildings from adjoining residential properties.*

*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.*

#### Reporting Officers Recommendation

The Reporting Officer has noted that Hearing 5 has addressed the National Planning Standards definition including 'education facility', recommending that it be amended to 'educational facility' to be consistent with the National Planning Standards. This has been supported by the Ministry in Hearing 5.

The Reporting Officer notes that the Rangitahi Structure Plan in Appendix 8 does not identify provision for educational facilities - only residential, mixed use, commercial and tourism. Childcare facilities are identified as a controlled activity under Rule 28.1.2 C1. It is the Reporting Officers opinion that educational facilities (other than childcare facilities) were not anticipated by the Structure Plan, and hence why educational facilities are identified as a non-complying activity in the Rangitahi Peninsula Zone.

Whilst the Reporting Officer agrees that educational facilities are an essential social infrastructure required to support residential areas, the Reporting Officer does not consider the Rangitahi Peninsula to be an appropriate location for educational facilities generally, and that educational facilities may support a wider catchment that will result in additional traffic effects to the area. Further, the Reporting Officer considers that the Ministry has not provided any further justification to support why educational facilities would be appropriately identified as a restricted discretionary activity.

Furthermore, the Reporting Officer notes the Ministry's ability to designate land for the purposes of schools, therefore the activity status would be irrelevant. the Reporting Officer acknowledges that there may be other educational institutions that would still be subject to the non-complying rule, however there are no other submissions from other providers of educational services.

As such, the Reporting Officer does not consider it appropriate to identify education facilities as a restricted discretionary activity.

#### Ministry's Response

While the Ministry recognises that it may be unlikely for an educational facility (such as a Primary School) to be established in the Rangitahi Peninsula Zone, a non-complying activity status significantly constrains the community providing for an educational facility, should it be needed in the future. The Ministry therefore disagrees with the Reporting Officers recommendation and request that the panel reconsider the notified default non-complying activity status for educational facilities. The Ministry would accept a full discretionary activity status should this be considered more acceptable.

In response to the Ministry's Requiring Authority status under section 166 of the RMA, the Ministry has submitted on rules where they are considered to impact on the provision of educational facilities given that the rules are relevant if the Ministry, for whatever reason, does not use the designation process, or for private education providers. As the Government's lead advisor on the New Zealand education system, the Ministry therefore has a responsibility to shape the direction for education agencies and providers and contribute to the Government's goals for education, and therefore has a responsibility to represent and promote education as a whole across the country.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alec Duncan', written in a cursive style.

**Alec Duncan**  
Planner

on behalf of

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