



Waikato District Council
Ngaruawahia office
15 Galileo Street
Ngaruawahia 3742

17 September 2020

Attention: Hearing Commissioners

Dear Commissioners

Ministry of Education – Waikato District Plan Review - Letter to be Tabled at Hearing 24: Reserve Zone

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 24 – Reserve Zone scheduled to commence Friday 16th October 2020 and requests that in lieu of attendance this letter be tabled for the Hearing Commissioners' consideration.

The Officer's report for Hearing 24 – Reserve Zone 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.

Chapter 6: Reserves

The Ministry has sought in its submission a new policy in Chapter 6: Reserves to provide for education facilities in reserves as follows:

Policy - Education Facilities and Reserves

Allow activities which are compatible with the role, function and predominant character of the Reserves, while managing the effects of the activities on the environment, including:

- Education facilities

Chapter 25: Reserves

The Ministry oppose Rule 25.1.4 as the provision for education facilities in the Reserve Zone is not provided for, therefore defaulting to a non-complying activity status. Education facilities such as outdoor education centres, sports training establishments and early childhood education centres may need to be located within reserve areas and these need to be provided for.

The Ministry sought through its submission that are provided for as a restricted discretionary activity under Rule 25.1.3 as follows:

25.1.3 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

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

The extent to which it is necessary to locate the activity in the Reserve Zone.

Reverse sensitivity effects of adjacent activities.

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

The extent to which the activity may adversely impact on the streetscape.

The extent to which the activity may adversely impact on the noise environment.

It is the Reporting Officers opinion that the Reserve Zone is an inappropriate location for such facilities given the recommended amendment proposed by the Hearing 5 (Definitions) authors where 'Educational facility' has the following meaning;

"means land or buildings used for teaching or training by childcare services, schools, and tertiary education services, including any ancillary activities."

The Reporting Officer considers that it would be more appropriate for these types of activities to be provided for within areas such as the Residential and Village Zones. In addition to this, the Reporting Officer considers that it is likely that the classification of the land may make the locating of such activities within Reserve-zoned land problematic as 'Educational facility' will likely have limited recreation ability, which may cause issues depending on the reserve classification.

The Reporting Officer concludes that it would be preferable that if the Ministry desired an educational facility to occur in the Reserve Zone, it went through the Reserve Management Plan process under the Reserves Act and the associated notification that would likely occur. Alternatively, allowance could be made for its assessment on a case by case basis through the consent process as a non-complying activity.

The Ministry disagrees with the Reporting Officers recommendation.

As per the recommended amendment proposed by the Hearing 5 (Definitions) for 'Educational facility', the definition includes "any ancillary activities". This can include sportsfields and associated outdoor recreational, training and educational facilities. The Ministry disagrees that this would be problematic or will limit recreation ability for any reserve. Should the Ministry wish to use reserve land for educational facilities, the proposed use would be consistent with the reserve classification under the relevant reserve management plan.

The Ministry and Councils throughout the country are looking at the benefits and efficiencies provided by co-location and shared uses. These provide significant benefits and cost savings to Councils as it leads to sharing development costs and providing for services that may otherwise not be able to be provided. An example of this is in the recent joint contract for the development of the Ohauiti Reserve in Tauranga for a local primary school and adjacent active reserve. The Resource Management Act and the Reserves Act specifically provide for their separate processes to be implemented jointly. However, this is made more difficult if the planning framework does not recognise these opportunities by classifying any educational activity as "non-complying".

The Ministry are seeking a restricted discretionary activity status in the Reserve Zone which would enable Council to have the discretion over the effects these activities may generate on a case-by-case basis. The Ministry consider that the matters of discretion covering; necessity, reverse sensitivity, traffic/transport network, noise and amenity would 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.

The proposed matters of discretion further address the concerns raised by Fonterra Limited in its further submission (FS1333.24) in relation to potential reverse-sensitive effects from the Rototuna Recreation Reserve, which is located close to their Te Rapa Dairy Factory site.

The Ministry therefore requests that educational facilities are provided for as a restricted discretionary activity under Rule 25.1.3 and that an appropriate supporting policy framework is incorporated to reflect.

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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