

BEFORE THE INDEPENDENT HEARINGS PANEL
THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

UNDER the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF A submission by the Ministry of Education on the
Proposed Waikato District Plan – Hearing 3
Topic 3 – Strategic Objectives

BY **THE MINISTRY OF EDUCATION**
Submitter

**STATEMENT OF PRIMARY EVIDENCE OF KEITH FRENTZ ON BEHALF OF
MINISTRY OF EDUCATION**

Planning

Dated: 12 October 2019

1. INTRODUCTION

1.1 My full name is Keith Frentz. I am a Technical Director (Planning) in the firm of Beca Ltd.

1.2 I have the following qualifications:

- (a) Bachelor of Science in Land Surveying from Otago University; and
- (b) Masters of Social Science (Honours) in Resource and Environmental Planning from Waikato University.

1.3 I am a full member of the New Zealand Planning Institute.

1.4 I have over 40 years' experience. My experience has included extensive experience in preparing and processing consent applications for both Councils and private clients. I have been responsible for the preparation of District Plans, Plan Changes and Structure Plans for local authorities and preparing Notices of Requirement, Outline Plans and Resource Consent applications for the Ministry of Education.

1.5 My statement sets out planning evidence on behalf of the Ministry of Education (the Ministry) in relation to the Ministry's submission point 781.3 to Policy 4.1.6 Commercial and Industrial Activities.

1.6 In preparing this evidence I have reviewed the s42A Report and Appendices relating to Policy 4.1.6 of the Proposed Waikato District Plan (PWDP), and Further Submission's relating to submission point 781.3.

2. CODE OF CONDUCT

2.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

3. SCOPE OF EVIDENCE

3.1 My evidence will cover the following topics to assist the Hearings Panel in deliberations:

- (a) A short summary of the Ministry of Education submission; and

- (b) A planning assessment of the amendment sought by the Ministry of Education to Policy 4.1.6 and my response to the recommendations in the section 42A Report.

4. SUMMARY OF THE MINISTRY OF EDUCATION SUBMISSION

4.1 The intent of the Ministry of Education submission is to ensure that the provisions and planning tools of the PWDP facilitates the development of a range of education facilities within the District that will enable the community to meet its educational needs.

4.2 I have summarised the changes sought as follows:

- (a) The Ministry supports the principle that education facilities are defined but seeks to replace the term 'education facility' with 'education facilities' and to amend the wording of the definition to ensure that the full range of activities that may be provided at an education facility are recognised in the definition.
- (b) The policy framework in the Plan does not refer to education facilities in some zones. The Ministry seeks to include policy direction in all zones that will enable development of education facilities that are compatible with the role, function and predominant character of the Zones.
- (c) The Ministry opposes the activity status of non-complying and discretionary activities given to education facilities across many of the PWDP zones, seeking instead restricted discretionary activity status. In particular, this applies where Education Facilities are not specifically provided for in a zone, thereby defaulting to a non-complying activity status. For example, in the Industrial zone (Chapter 20) Trade and Industry training is permitted but other education facilities that may be needed in the area default to non-complying activity status by virtue of Rule 20.1.3.
- (d) Similarly, in the Business Town Centre zone Education Facilities are not provided for and default to a non-complying activity status. Examples of Education facilities that may be appropriate in the Business Town Centre zone include early childhood education centres and vocational training centres.
- (e) The Ministry supports the activity status of permitted activity where identified and submits that it is appropriate that where Education Facilities are not

provided for as a permitted activity they should be provided for as a restricted discretionary activity.

- (f) The Ministry supports in part where sub-categories of education facilities, such as “trade and industry training” activity, are identified as a permitted activity but seeks for other education facilities to be also identified as a restricted discretionary activity.

4.3 I also note that Ministry of Education submitted a further submission on two submission points relating to the definitions of education facility and noise-sensitive activity.

5. AMENDMENTS SOUGHT TO POLICY 4.1.6 COMMERCIAL AND INDUSTRIAL ACTIVITIES

Submission Point 781.3

5.1 The Ministry of Education’s submission sought an amendment to 4.1.6 Policy – Commercial and Industrial activities to include ‘education facilities’ as follows:

4.1.6 Policy – Education, Commercial and Industrial Activities

(a) *Provide for education facilities, commercial and industrial development in the following zones:*

(i) *Business Town Centre;*

(ii) *Business;*

(iii) *Industrial; and*

(iv) *Heavy Industrial.*

5.2 The proposed amendment was intended to recognise the appropriateness of education facilities in the Business Town Centre Zone, Business Zone, Industrial Zone and Heavy Industrial Zone at a strategic level.

5.3 FS1387.1212 by Mercury Energy Ltd opposes submission 781.3 but this may have been miscoded as the further submission refers to natural flood hazards.

5.4 F1345.128 Genesis Energy Ltd supports submission 781.3. but suggests that Education Facilities should be supported by its own policy framework. I concur with this submission and have provided a suggested strategic policy below.

Section 42A Report Comment regarding Submission 781.3

- 5.5 The section 42A Reporting Officer notes that the purpose of this policy is to direct commercial and industrial activities to the respective zones **only** and that the subsequent policies provide support for community and other activities within the commercial and industrial zones. Accordingly, no change is considered necessary as a result of the submission point 781.3.
- 5.6 In response to other submission points to Policy 4.1.6 the section 42A Reporting Officer recommends amendments to Policy 4.1.6 to more clearly state that it relates to the **location** of commercial and industrial activities in their respective zones, and to recognise the role of Huntly Power Station.
- 5.7 The section 42A Report recommends that Policy 4.1.6 is amended to read:
- “4.1.6 Policy – Location of commercial and industrial activities*
- (a) Provide for commercial development in the following zones;*
- (i) Business Town Centre; and*
- (ii) Business.;*
- (b) Provide for industrial development in the following zones:*
- (i) Industrial; and*
- (ii) Heavy Industrial.*
- (c) Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of:*
- (i) Tuakau;*
- (ii) Pokeno;*
- (iii) Huntly;*
- (iv) Horotiu; and*
- (v) Electricity generation within the Huntly Power Station Heavy Industrial Zone.”*
- 5.8 I accept the recommendation that the policy be amended to clarify that its purpose relates to the location of commercial and industrial activities in their respective zones. However, I do not agree with the section 42A Reporting Officer’s opinion that the

subsequent policies provide support for community and other activities within the respective commercial and industrial zones.

- 5.9 In the case of education facilities, there is no reference to education facility or facilities in the policy framework of Section 4.5 Business and Business town Centre Zones and Section 4.6 Industrial and Heavy Industrial Zones.
- 5.10 In my opinion it is appropriate for the strategic direction policies within Chapter 4: Urban Environment of the PWDP provide a framework for the development of education facilities within the commercial and industrial zones of the District.
- 5.11 For these reasons I do not agree with the section 42A Reporting Officer's recommendation to reject submission 781.3. I consider that an alternative response to the submission point would be to include a new policy within Section 4.1 Strategic Direction to recognise and provide for education facilities in commercial and industrial zones, as follows:

4.1.(new) Policy – Education facilities

(a) Provide for education facilities in the following zones:

- i. Business Town Centre;
- ii. Business;
- iii. Industrial; and
- iv. Heavy Industrial

- 5.12 I note that the Ministry of Education addresses the policy framework for education facilities in other zones through other submission points that are not being heard at this hearing. However, these do not address the potential strategic need for Education Facilities in the commercial and industrial zones.
- 5.13 For clarity and without repeating this policy in other sections of the Plan the new strategic policy could be further tweaked to simply "Provide for education facilities in all zones within the Waikato District" with consequential changes where Education Facilities are listed separately in other zones.
- 5.14 In the alternative (or in conjunction with the proposed new policy) it may be considered appropriate that Education Facilities in these zones are specifically provided for as Restricted Discretionary activities in the commercial and industrial zones.

5.15 For the reasons outlined above I do not agree with the section 42A Reporting Officer's recommendation to reject submission 781.3. I consider the alternative policy suggestion would be an appropriate and efficient amendment to give effect to the intent of the Ministry's submission point 781.3.

A handwritten signature in black ink, appearing to read "K. Frenz", with a stylized flourish at the end.

Keith Frenz

12 October 2019