



Kaipara District Council  
32 Hokianga Road  
Dargaville 0310

21 March 2023

Attention: Hearing Commissioners for Plan Change 81

Dear Commissioners

**Ministry of Education - Letter to be Tabled at PPC81 Hearing**

The Ministry of Education (the Ministry) lodged a submission on proposed Plan Change 81 (PPC81) to the Kaipara District Plan. This letter is to advise that the Ministry will not attend the hearing for PPC81 and request that this letter be tabled for the Hearing Commissioners' consideration instead.

In their submission the Ministry sought appropriate provisions for educational facilities to be included within the Trifecta Development Area (TDA) provisions .

We have reviewed the s42A report prepared by Louise Grace Cowan (dated 3 March 2023) on behalf of the Ministry. Ms Cowan supports the inclusion of enabling provisions for educational facilities and agrees in part with the Ministry's submission points with regard to a separate definition for educational facilities and the need for specific enabling provisions. This will provide an appropriate framework for educational facilities within the General Residential and Large Lot Residential areas, should the need arise.

On this basis, we recommended that the Commissioners accept in part the Ministry's submission points should they be of a mind to accept the Plan Change, acknowledging that the overall s42A report recommendation is to decline the application.

We note that the s42A report does not include recommended amendments to the TDA and as such it is not clear which parts of the Ministry's submission Ms Cowan did not support. To clarify, the Ministry's requested relief and corresponding reasoning is set out as follows: (the Ministry's relief sought is shown in red underscore for additions and ~~red strikethrough~~ for deletions)



Relief Sought	Reason for Relief Sought
<p><i>TDA 1.1 Objective 3: Community facilities and services <u>and educational facilities</u> are available.</i></p> <p><i>TDA 1.2 Policy 5: Provide for community facilities and services <u>and educational facilities</u> that support the Hauora (wellbeing) of the neighbourhood.</i></p>	<p>The TDA has provisions for community facilities (which includes educational facilities in the Development Area nesting table). However, the inclusion of educational facilities as part of community facilities is not explicit as the definition for community facilities in the TDA does not describe any of the types of activities or service that educational facilities provide. The definition includes the following uses “recreational, sporting, cultural, safety, health, welfare, or worship purposes” none of which provide for education.</p> <p>Further, the current draft Kaipara District Plan considers ‘educational facilities’ and ‘community facilities’ as two activities and includes separate provisions for each activity. To maintain consistency and avoid potential discrepancies in future in the application of the proposed provisions of the TDA, the Ministry request clarification on how educational facilities will be provided for within the TDA and seek relief by way of explicit inclusion of educational facilities in the provisions of the TDA.</p>
<p><u><i>TDA-LLRA-R20 Educational Facility (Large Lot Residential Area)</i></u></p> <p><u><i>Activity Status: Restricted Discretionary</i></u></p> <p><u><i>Matters of Discretion:</i></u></p> <p><u><i>a. Character and amenity</i></u></p> <p><u><i>b. Design and layout</i></u></p> <p><u><i>c. Transport safety and efficiency</i></u></p> <p><u><i>d. Scale of activity and hours of operation</i></u></p> <p><u><i>e. Infrastructure servicing</i></u></p>	<p>The TDA objectives and policies provide for and enable the establishment of community facilities (including educational facilities) which support the wellbeing of the neighbourhood. However, community facilities are a Non-complying Activity in the Large Lot Residential Area.</p> <p>The Ministry considers this activity status to be inconsistent in achieving the objectives and policies of the TDA. The Ministry recognises the operational need for residential areas to provide for non-residential activities (such as educational facilities) to support the needs of local communities and recommends the inclusion of a new provision for educational facilities.</p> <p>This new provision has been adopted from the draft Kaipara District Plan and sets out matters of discretion to manage any effects of educational facilities in the Large Lot Residential Area.</p>
<p><u><i>TDA-GRA-R22 Educational Facility (General Residential Area)</i></u></p> <p><u><i>Activity Status: Restricted Discretionary</i></u></p> <p><u><i>Matters of Discretion:</i></u></p>	<p>The TDA objectives and policies provide for and enable the establishment of community facilities (including educational facilities) which support the wellbeing of the neighbourhood. However, community facilities are a Non-complying Activity in the General Residential Area.</p> <p>The Ministry considers this activity status to be inconsistent in achieving the objectives and policies of the TDA. The Ministry recognises the operational need for residential areas to provide for non-</p>

<p><u><i>a. Character and amenity</i></u></p> <p><u><i>b. Design and layout</i></u></p> <p><u><i>c. Transport safety and efficiency</i></u></p> <p><u><i>d. Scale of activity and hours of operation</i></u></p>	<p>residential activities (such as educational facilities) to support the needs of local communities and recommends the inclusion of a new provision for educational facilities.</p> <p>This new provision has been adopted from the draft Kaipara District Plan and sets out matters of discretion to manage any effects of educational facilities in the General Residential Area.</p>																								
<p><u><i>TDA-NCA-R19 Educational Facility (Neighbourhood Centre Area)</i></u></p> <p><u><i>Activity Status: Restricted Discretionary</i></u></p> <p><u><i>Matters of Discretion:</i></u></p> <p><u><i>a. Character and amenity</i></u></p> <p><u><i>b. Design and layout</i></u></p> <p><u><i>c. Transport safety and efficiency</i></u></p> <p><u><i>d. Scale of activity and hours of operation</i></u></p>	<p>The TDA objectives and policies provide for and enable the establishment of community facilities (including educational facilities) which support the wellbeing of the neighbourhood. However, community facilities in the Neighbourhood Centre Area must comply with Gross Floor Area (less than 300m<sup>2</sup>) and Associated Outdoor Area (less than 500m<sup>2</sup>) Standards which can be difficult for educational facilities to comply with.</p> <p>The Ministry considers the restrictive standards to be inconsistent in achieving the objectives and policies of the TDA. The Ministry considers that r educational facilities have an operational requirement to be located and provided for in Neighbourhood Centre Areas to support the needs of local communities and be close to communities they serve. The Ministry recommends the inclusion of a new provision for educational facilities in this zone.</p> <p>This new provision has been adopted from the draft Kaipara District Plan and sets out matters of discretion to manage any effects of educational facilities in the Neighbourhood Centre Area.</p>																								
<table border="1" data-bbox="215 871 768 1297"> <thead> <tr> <th><i>Community Facility</i></th> <th><i>Place of Assembly</i></th> <th><i>Community Corrections Activity</i></th> </tr> </thead> <tbody> <tr> <td></td> <td><i>Recreational Facilities</i></td> <td></td> </tr> <tr> <td></td> <td><i>Emergency Services</i></td> <td></td> </tr> <tr> <td></td> <td><i>Care Centre</i></td> <td></td> </tr> <tr> <td></td> <td><u><i>Educational Facility</i></u></td> <td></td> </tr> <tr> <td></td> <td><i>Hospital</i></td> <td></td> </tr> <tr> <td></td> <td><i>General Community</i></td> <td></td> </tr> <tr> <td><u><i>Educational Facility</i></u></td> <td></td> <td></td> </tr> </tbody> </table>	<i>Community Facility</i>	<i>Place of Assembly</i>	<i>Community Corrections Activity</i>		<i>Recreational Facilities</i>			<i>Emergency Services</i>			<i>Care Centre</i>			<u><i>Educational Facility</i></u>			<i>Hospital</i>			<i>General Community</i>		<u><i>Educational Facility</i></u>			<p>The Ministry request that 'educational facility' be an independent activity from 'community facility' in the nesting table of the TDA. As stated above, However, the inclusion of educational facilities as part of community facilities is not explicit as the definition for community facilities in the TDA does not include the types of activities that occur within educational facilities. Further, this approach is inconsistent with the draft Kaipara District Plan, which include separate provisions for community facilities and educational facilities. The Ministry seek clarity on the TDA provisions through separation of the two activities.</p>
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The Planning evidence statement prepared by Venessa Anich on behalf of the applicant (dated 10 March 2023) does not support any of the Ministry's proposed amendments to the Definitions, Objectives and Policies of the TDA. Ms Anich notes that educational facilities have been provided for in the TDA as an activity nested under community facilities, which are a permitted activity under the Neighbourhood Centre Area.

With regard to the NCA-S11 a 300m<sup>2</sup> Gross Floor Area threshold applies to educational facilities which would not be an inappropriate threshold for any school, Ms Anich noted that the Ministry was contacted at the time of drafting the TDA provisions and confirmed that there is sufficient capacity in all three existing primary schools and high school to accommodate the urban growth enabled through TDA. Therefore, the Gross Floor Area threshold was set with early childhood centres in mind, rather than a primary school.

The Ministry acknowledge the engagement that has been undertaken with the Networks Team, but note that part of the purpose of our submission was to ensure alignment with the approach taken in the Proposed Kaipara District Plan which council is currently drafting. The draft plan proposes a Restricted Discretionary activity status for educational facilities in all residential areas. The plan also proposes to separate educational facilities and community facilities in its definitions and provisions.

We wish to reiterate the importance of providing clarity on the approach taken in the TDA with regard to educational facilities. As educational facilities and community facilities are two separate activities under the Draft Kaipara District Plan, the Ministry recommend that the same approach should be adopted in PPC81.

The Ministry support the s42A report in relation to the inclusion of enabling provisions for educational facilities. Should the Panel be of a mind to approve the Plan Change, we are satisfied that the Ministry's relief is adequately provided for with the inclusion of the above requested amendments to the TDA. The Ministry confirm that, if the requested relief is adopted, the Ministry's submission points are adequately resolved.

Please contact the undersigned on behalf of the Ministry if you have any questions or require further clarification.

Yours faithfully,



**Vicky Hu**  
Planner

on behalf of  
**Beca Limited**