



FORM 5

Submission on publicly notified proposal for policy statement or plan, change or variation under Clause 6 of Schedule 1, Resource Management Act 1991

To: Hamilton City Council

Name of submitter: Ministry of Education ('the Ministry')

Address for service: C/- Beca Ltd
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Attention: Alec Duncan

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This is a submission on the Hamilton City Operative District Plan 2017 Proposed Plan Change 6 ('Plan Change').

The specific parts of the proposal that the Ministry's submission relates to are:

Provision for schools in Chapter 15: Community Facilities Zone. The Ministry is particularly interested in the following aspects of the Plan Change:

- Proposed changes to the activity status of new buildings and relocated buildings and the introduction of a new activity relating to existing lawfully established schools; and
- Amendments to the Restricted Discretionary Matters of Discretion and Assessment Criteria in the Community Facilities Zone.

Background:

The Ministry is the Government's lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government's goals for education. The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing. The Ministry is therefore a considerable stakeholder in terms of activities that may impact on educational facilities and assets in Hamilton City.

The Plan Change (introduced by Hamilton City Council) seeks to introduce Regulatory Efficiency and Effectiveness to the Hamilton City Operative District Plan 2017 under Schedule 1 to the Resource Management Act 1991. The purpose of the plan change is to ensure greater efficiency, effectiveness and ease of use of the District Plan by removing redundant or unnecessary provisions, clarifying provisions and making other minor amendments. The plan change is also an opportunity to update some transmission corridor maps with updated information; and rezone Council owned-land adjoining Waiwhakareke National Heritage Park so that it can become part of the same reserve.

The Ministry of Education seeks the following decision from the consent authority:

That the proposed changes to the provisions set out in **Attachment 1** be accepted. The Ministry considers that the proposed changes provide greater clarity for the Plan user when considering activities relating to schools (both new and existing) in the Community Facilities Zone.

The Ministry wishes to differentiate between "New Schools", which should reasonably go through a process of consent (if they are not the subject of a designation) i.e., as a Restricted Discretionary activity, and alterations and expansion to existing lawfully established schools, which have already gone through a



process of establishment i.e., consideration as a Permitted activity. The Council may consider that there should be limitations to the unfettered expansion of existing lawfully established schools and the Ministry would be happy to engage with Council on what such limitations may comprise of.

It is acknowledged that the Ministry is a requiring authority under section 166 of the RMA and that section 9(3) of the RMA does not apply if a designation is in place. Nevertheless, the Ministry consider that the changes proposed impact on its operations given that the rules are relevant if the Ministry does not use the designation process for a school and given that the rules can be used as a guide in the preparation and assessment of Notices of Requirement and Outline Plans.

Should you have any more queries please do not hesitate to contact the undersigned on behalf of the Ministry.

The Ministry does wish to be heard in support of its submission.



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Attachment 1:

ID	Proposed Provision	Support/ Oppose/ Neutral	Decision requested
1	16.3 Rules – Activity Status Table: <ul style="list-style-type: none"> Buildings b) New buildings and relocated buildings: RD^P. 	Support	That this change is accepted.
2	16.3 Rules – Activity Status Table: <ul style="list-style-type: none"> Activities <u>u) The expansion of existing lawfully established schools: P.</u> 	Support	That this change is accepted.
3	16.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria <ul style="list-style-type: none"> ii. <u>New</u> Schools 	Support	That this change is accepted.

