

BEFORE THE INDEPENDENT HEARINGS PANEL

THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN (STAGE 3 and 3B)

UNDER the Resource Management Act 1991

IN THE MATTER OF A submission by the Ministry of Education on the
Proposed Queenstown Lakes District Plan – Hearing:
Stage 3 and 3B

BY **THE MINISTRY OF EDUCATION**
Submitter

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

Planning

Dated: 2 June 2020

1. INTRODUCTION

- 1.1 My full name is Keith Frentz. I am a Technical Director (Planning) in the firm of Beca Limited (**Beca**).
- 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 (**the Ministry**).
- 1.5 My statement sets out planning evidence on behalf of the Ministry in relation to the Ministry's submission on the Proposed Queenstown Lake District Plan (**PDP**) Stage 3 and 3B review.
- 1.6 In preparing this evidence I have reviewed the s42A Reports relating to the PDP Stage 3 and 3B review.

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's submission; and

- (b) A planning assessment of the amendments sought by the Ministry and my response to the recommendations in the section 42A Reports.

4. EDUCATION AS A HUMAN RIGHT

4.1 The New Zealand Human Rights Commission states¹ that:

“Education is both a human right in itself and an indispensable means of realising other human rights. Education is essential for the development of human potential, enjoyment of the full range of human rights and respect for the rights of others.”

4.2 It is fundamental to New Zealand society that education is able to be provided in a form and in a place that supports the human rights of our communities.

4.3 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 state and state-integrated property for the Crown. However, it is not the only provider.

4.4 The Ministry is a Requiring Authority under section 166 of the Resource Management Act 1991 (RMA) and section 9(3) of the RMA does not apply if a designation is in place. Nevertheless, the Ministry has submitted on rules where they are considered to impact on the provision of education facilities given that the rules are relevant if the Ministry does not use the designation process, or for private education providers.

5. SUMMARY OF THE MINISTRY’S SUBMISSION

5.1 The intent of the Ministry’s submission on Stage 3 and 3B of the PDP is to ensure that the provisions and planning tools of the PDP facilitate the development of a range of educational facilities within the Queenstown Lakes District that will enable the community to meet its educational needs.

5.2 I have summarised the changes sought as follows:

- (a) The policy framework in the PDP does not refer to educational facilities in the General Industrial, Three Parks Commercial, Settlement and Rural Visitor Zones. The Ministry seeks to include policy direction in these zones that will

¹ <https://www.hrc.co.nz/our-work/social-equality/education/>

enable development of educational facilities that are compatible with the role, function and predominant character of the zones.

- (b) The Ministry opposes the activity status of non-complying (as a default activity status) and discretionary activities given to educational facilities across many of the PDP zones, seeking instead restricted discretionary activity status. Of particular concern is that where educational facilities are not specifically provided for in a zone, they default to a non-complying activity status. For example, in the General Industrial Zone (Chapter 18A) educational facilities (as defined as 'Community activities; under the PDP) that may be needed in the area default to a non-complying activity status by virtue of Rule 18A.4.9.

While consent may be granted for non-complying activities it cannot be said, in my opinion, that classifying the provision of education facilities as a non-complying activity supports the provision of education as a fundamental human right.

6. IMPLEMENTATION OF NATIONAL PLANNING STANDARDS

- 6.1 The Ministry's submission on Stage 3 and 3B requests that the definition for 'educational facilities' and 'community facility' which are in the National Planning Standards (**NPS**) should be adopted during the current plan review process and incorporated into the following chapters:

- Chapter 18A: General Industrial Zone
- Chapter 19A: Three Parks Commercial Zone
- Chapter 20: Settlement Zone
- Chapter 46: Rural Visitor Zone

- 6.2 I endorse the Ministry's support for the principle that educational facilities are defined in the PDP Decisions Version (June 19) as 'education activity' and also 'community activity' but sought to replace the term 'education activity' with 'educational facility' and 'community activity' with 'community facility' to align with the prescribed NPS and ensure that the full range of activities that may be provided at an educational facility are recognised in the definitions.

- 6.3 The section 42A Reporting Officer has indicated that the first set of NPS came into effect on 3 May 2019. This raised the matter of whether Queenstown Lakes District Council (QLDC) were to update the PDP to reflect the NPS or implement them as part

of the next full plan review process. The section 42A Reporting Officer indicated that while many of the mandatory directions such as format have been implemented, implementing the definitions in the NPS would require a cascade of changes to be made through to integrate them into the various volumes of the PDP. Although this has not been put to a Council resolution, the section 42A Reporting Officer deliberates that QLDC intend to implement the NPS in accordance with the required timelines for implementations, being nine years for definitions. The section 42A Reporting Officer therefore considers that the NPS is not relevant to the Stage 3 and 3B PDP review.

- 6.4 Given the need to integrate the NPS definitions across the whole PDP, in my view the current plan change process presents an opportunity for QLDC to implement changes in response to submissions that would align the reviewed Plan with the NPS at an early stage effectively and efficiently without needing to resort to further full plan change processes in the future. Other plan changes may be needed in the future but where changes to such things as definitions can be made, I believe the opportunity should be taken now.

7. SUBMISSIONS ON CHAPTER 18A: GENERAL INDUSTRIAL ZONE

18A.2 Objectives and Policies

- 7.1 Currently there are no policies which provide for educational facilities in the General Industrial Zone. Educational facilities such as tertiary education institutions, work skills training centres and early childhood education centres may need to be located within industrial areas for the convenience of parents and students and as such need to be provided for. The Ministry seek to add a new policy to enable the provision of educational facilities in the General Industrial Zone as follows:

- 7.2 Policy 18A.2.1.6

Enable educational facilities to establish throughout the General Industrial Zone, ensuring that the scale and effects of these activities do not adversely affect Industrial and Service activities.

- 7.3 The section 42A Reporting Officer has recommended that the Ministry's original submission is **rejected**. The section 42A Reporting Officer does not consider the General Industrial Zone to be a suitable location for education facilities. The section 42A Reporting Officer indicates that educational facilities would be sensitive to the types of effects produced by Industrial and Service activities and are likely to result in

reverse sensitivity effects to the extent that they may undermine the purpose of the General Industrial Zone.

- 7.4 The section 42A Reporting Officer further indicates that educational facilities often require large areas of land for the purpose of playing fields and classrooms, and attract large volumes of traffic and pedestrians, including children, which would be required to interact with large number of heavy vehicle movements. Given the finite nature of industrially zoned land within the District, the section 42A Reporting Officer considers the Ministry's amendment would result in an inefficient use of land within the zone.
- 7.5 I do not agree with the section 42A Reporting Officers recommendation.
- 7.6 The section 42A Reporting Officer appears to have overlooked that educational facilities such as work skills training centres and early childhood education facilities are activities that are intrinsically necessary and compatible with the General Industrial Zone.
- 7.7 Work skills training centres will often have an industrial aspect to them (construction, welding etc.) and such training for upskilling in trades is an important part of government policy. Early childhood facilities can serve workers in the area thereby reducing vehicle movements and potentially enhancing productivity.
- 7.8 The General Industrial Zone provides for a wide range of activities, most of which are located in Wanaka which are likely to be of the lighter scale rather than traditional heavy industries. In my experience, while not common, education facilities such as schools (as referred to in the Section 42A report) and early childhood education centres could reasonably be expected to be located in the General Industrial Zone, such as the Te Kopuku High School in the Te Rapa industrial area in Hamilton. Furthermore, there are seven Early Childhood Education facilities in the vicinity of this school in the same industrial area.
- 7.9 In such a case as this, a resource consent as a restricted discretionary activity would be required. While it may be possible in some circumstances to designate a site (rather than a resource consent), a policy framework should be put in place to assist QLDC when it is required to assess such applications.
- 7.10 I therefore do not accept the section 42A Reporting Officer recommendation and I request that the hearings panel reconsider the Ministry's submission.

Table 18A.4 Activities in the General Industrial Zone

7.11 Educational facilities are not listed in the General Industrial Zone; however, I note that the PDP in its current form provides for education as a 'community activity' under Rule 18A.4.9 as a non-complying activity. I support the Ministry's opposition to the non-complying activity status given to educational activities.

7.12 Education facilities such as tertiary education institutions, work skills training centres and early childhood education centres may need to be located within industrial areas for the convenience of parents and students and as such need to be provided for. I therefore support the Ministry's request that education facilities are provided for as a restricted discretionary activity as follows:

18A.4.19

Educational Facilities: RD

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

1. The extent to which it is necessary to locate the activity with the General Industrial Zone.

2. Reverse sensitivity effects of adjacent activities.

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

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.

AND

Amend provisions as consequential changes to give effect to the relief sought in the submission.

7.13 The section 42A Reporting Officer has recommended that the Ministry's original submission is **rejected**. The section 42A Reporting Officer's reasoning is the same as that outlined in paragraphs 7.3 and 7.4 above.

7.14 Further, the section 42A Reporting Officer considers that a consenting pathway exists as a non-complying activity in those rare cases where educational facilities may be consistent with the objectives and policies of the General Industrial Zone or where their adverse effects will be minor. The section 42A Reporting Officer considers that such facilities are better located in other zones and also notes that 'Community Activities' as defined in the PDP are identified as 'Activity Sensitive to Aircraft Noises'

and would therefore be precluded from parts of the General Industrial Zone within Glenda Drive.

- 7.15 I disagree with the section 42A Reporting Officer's recommendation on the basis of paragraphs 7.6 to 7.8 above and further comments below.
- 7.16 I understand that in the Ministry's experience, it is not common, but reasonable to expect educational facilities in the General Industrial Zone for the convenience of parents, students, employers and employees. These facilities may include schools, tertiary facilities, specialised training facilities and early childhood education.
- 7.17 Literacy and numeracy are essential aspects of learning in all walks of life including trade and industry training. How these are provided may vary depending on the provider and the training qualification required. For example, the private tutoring business NumberWorks'nWords or a local polytechnic may be engaged to support BCITO (the Building and Construction Industry Training Organisation) to provide specialist numeracy, accounting, business or literacy training that may not be interpreted as being directly related to trade and industry training.
- 7.18 As another example, some of the larger industries in these zones may wish to provide childcare and early childhood education services for their employees on-site thus providing a benefit to both families, employees and the business. However, the PDP classifies this as a non-complying activity, effectively denying them this opportunity.
- 7.19 As a general rule, it is not expected that non-complying activities are approved and the simple fact that education activities are classified as non-complying is likely to dissuade potential applicants from even considering the opportunity.
- 7.20 I support the Ministry's request that a restricted discretionary activity status is provided in the General Industrial Zone to ensure that Council has the discretion over what activities are deemed acceptable to be located in these zones on a case-by-case basis. The matters of discretion covering; necessity, reverse sensitivity, traffic/transport network, noise and amenity would, in my opinion, appropriately address any actual or potential effects on the environment that may be of concern to QLDC 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.
- 7.21 Should the restricted discretionary activity status requested in the submission not be accepted by the hearings panel for the General Industrial Zone, then a discretionary

activity rule enabling the provision of educational facilities should be included in the PDP supported by appropriate objectives and policies.

8. AMENDMENTS SOUGHT TO CHAPTER 19A THREE PARKS COMMERCIAL ZONE

19A.2 Objectives and Policies

- 8.1 Currently there are no policies which provide for educational facilities in the Three Parks Commercial Zone (TPCZ). Education facilities such as tertiary education institutions, work skills training centres and early childhood education centres may need to be located within TPCZ areas for the convenience of parents and students and in relation to their studies and these need to be provided for. I support the Ministry's submission that a new policy to enable the provision of education facilities in the TPCZ is provided as follows:

Policy 19A.2.1.6

Enable educational facilities to establish throughout the Three Parks Commercial Zone, ensuring that the scale and effects of these activities do not adversely affect Commercial activity.

- 8.2 The section 42A Reporting Officer has recommended that the Ministry's original submission is **rejected**. The section 42A Reporting Officer notes that the TPCZ is a "one-off" zone within the PDP which does not apply anywhere other than Three Parks. The section 42A Reporting Officer notes that this zone is very much focussed on providing a location in Wanaka for large format retail activities, such as Mitre 10 which is currently under construction in the TPCZ.
- 8.3 The section 42A Reporting Officer outlines that educational facilities are not typically anticipated in the TPCZ, falling into 19A.4.9 'Activities which are not listed within this table' and requiring consent as a non-complying activity'. Further, the section 42A Reporting Officer does not consider that providing for educational facilities in the TPCZ meets the zone purpose and that the TPCZ should facilitate the types of commercial activities it has been designed for, and that providing for educational facilities in the TPCZ is not an efficient use of land within this zone which is relatively limited.
- 8.4 The section 42A Reporting Officer does however recognise that the definition of educational facilities is broad and ranges from traditional schools which require large areas of land (and associated effects such as traffic), through to smaller training

centres where the land uptake and associated effects may be smaller and internalised.

- 8.5 While in some instances this type of activity may be appropriate, the section 42A Reporting Officer considers that educational facilities would therefore be best assessed on a case by case basis utilising a discretionary activity consenting pathway. The section 42A Reporting Officer notes that the notified objectives and policies do not take an 'avoid' or 'discourage' approach for educational facilities and therefore consider discretionary activity status to be more appropriate than non-complying.
- 8.6 While it would be the Ministry's preference to have educational facilities provided for as a restricted discretionary activity, should the commissioners consider a discretionary activity status more appropriate, I understand that the Ministry would accept that a full discretionary activity status acceptable, and I endorse this position.

Table 19A.4 Activities located in the Three Parks Commercial Zone

- 8.7 Educational facilities are not listed in the TPCZ. The Ministry submitted in opposition to the non-complying activity status given to educational facilities under the default Rule 19A.4.11.
- 8.8 Education facilities such as tertiary education institutions, work skills training centres and early childhood education centres may need to be located within TPCZ areas for the convenience of parents and students and in relation to their studies and these need to be provided for.

The Ministry is seeking a restricted discretionary activity status to ensure that QLDC have the discretion over what education activities are deemed acceptable to be located in the TPCZ on a case-by-case basis. The Ministry therefore requested adding a new activity to table 19A.4 as follows:

19A.4.16

Educational Facilities: RD

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

1. The extent to which it is necessary to locate the activity with the Three Parks Commercial Zone.

2. Reverse sensitivity effects of adjacent activities.

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

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.

AND

Amend provisions as consequential changes to give effect to the relief sought in the submission.

- 8.9 The section 42A Reporting Officer has recommended **acceptance in part** of the Ministry's submission point for the reasons outlined in paragraphs 8.3 and 8.5 above.
- 8.10 Should the restricted discretionary activity status requested in the submission not be accepted for the TPCZ by the hearings panel, then a discretionary activity rule enabling the provision of educational facilities should be included in the PDP supported by appropriate objectives and policies.

9. SUBMISSION ON CHAPTER 20: SETTLEMENT ZONE

20.2 Objective and Policies

- 9.1 In its submission, the Ministry sought that Policy 20.2.3.3 be retained as notified as the policy supports the use of public transport and active transport modes as a means of reducing traffic congestion in and around schools, including drop off and pick up times, thereby improving traffic safety.
- 9.2 The section 42A Reporting Officer has recommended **acceptance** of this submission point. This is supported by the Ministry and I concur with this position.
- 9.3 Currently there are no policies which provide for education facilities in the Settlement Zone. Education facilities such as schools, community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments. I understand that the Ministry is seeking a new policy to enable the provision of education facilities in the Settlement Zone as follows:
- Policy 20.2.3.12*
- Enable educational facilities to establish throughout the Settlement Zone, ensuring that the scale and effects of these activities do not adversely affect residential amenity.*
- 9.4 The section 42A Reporting Officer has recommended that the Ministry's original submission is **rejected**. The section 42A Reporting Officers view was that

'educational facilities', as defined in the NPS encompasses a broad range of activities and potential associated effects.

- 9.5 It is the section 42A Reporting Officers view that the discretionary activity status pursuant to rule 20.4.13 provides an appropriate consenting pathway that enables a broad range of effects to be considered.
- 9.6 In addition, the section 42A Reporting Officer states that the key purpose of the Settlement Zone is "to provide predominately for residential activities, with a more enabling regime for community activities within the Commercial Precincts (whereby rule 20.4.5 provides for community activities to be located in Commercial Precincts as a controlled activity). Pursuant to rule 20.4.9, community activities that are limited in scale (do not exceed 100m² gross floor area) are provided for throughout the balance of the Settlement Zone as restricted discretionary activities.
- 9.7 Overall, the section 42A Reporting Officer considers the framework to be appropriate, as large scale community activities (including the activities that fall within the NPS definition of 'educational facility') could have significant effects on the high levels of residential amenity anticipated in settlements.
- 9.8 I do not agree with the section 42A Reporting Officers recommendation as while the existing policy (and discretionary activity status) do provide a pathway, a more specific reference to educational facilities will be more enabling for the Ministry and is consistent with the submission on the General Industrial and TPCZ discussed above.
- 9.9 The provision of clear policy direction will also be of significant benefit to QLDC planners when they are required to process applications for education facilities. This is also a good reason for accepting the NPS definitions as part of this process rather than leaving the adoption of these to a separate process at a later date.
- 9.10 I request that the hearings panel reconsiders this submission point.

Table 20.4 Activities located in the Settlement Zone

- 9.11 Educational facilities are not listed in the Settlement Zone. However, I do note that the plan in its current form provides for education as a 'community activity' under Rule 20.4.13 as a Discretionary activity (as raised in the section 42A report).
- 9.12 The majority of education facilities including, community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments are located within urban areas

such as the Settlement Zone and are considered an essential social infrastructure required to support urban and semi urban areas.

- 9.13 In its submission, the Ministry requested a Restricted Discretionary activity status to ensure that QLDC have the discretion over what activities are deemed acceptable to be located in the Settlement Zone on a case-by-case basis. I support the Ministry's opposition to the Discretionary activity status given to educational facilities as provided for under the 'Community activity' definition and I support the addition of a new Restricted Discretionary activity as follows:

20.4.19

Educational Facilities: RD

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.

AND

Amend provisions as consequential changes to give effect to the relief sought in the submission.

- 9.14 The section 42A Reporting Officer has recommended that the Ministry's original submission is **rejected** for the reasons outlined on paragraphs 9.5 to 9.7 above.
- 9.15 While the existing policy and discretionary activity status do provide a pathway, a more specific reference to educational facilities will be more enabling for the Ministry and is consistent with the submission on the General Industrial Zone. Should the restricted discretionary activity status requested in the submission not be accepted for the Settlement Zone then a discretionary activity rule enabling the specific provision of educational facilities should be included in the PDP supported by appropriate objectives and policies.

10. SUBMISSION ON CHAPTER 46: RURAL VISITORS ZONE

46.2 Objectives and Policies

10.1 Currently there are no policies which provide for educational facilities in the Rural Visitor Zone. I note that the Ministry is seeking a Restricted Discretionary activity status in this zone to ensure that QLDC have the discretion over what activities are deemed acceptable to be located in the Rural Visitor Zone on a case-by-case basis. I support the Ministry's request that a new policy is added that would enable the provision of educational facilities in the Rural Visitor Zone as follows:

46.2.1.7

Enable educational facilities to establish throughout the Rural Visitor Zone, ensuring that the scale and effects of these activities do not adversely affect visitor accommodation, commercial recreation and ancillary commercial activities.

10.2 The section 42A Reporting Officer has recommended that the Ministry's original submission is **rejected**. The section 42A Reporting Officer does not consider the Rural Visitor Zone to be a suitable location for educational facilities as the purpose of the Rural Visitor Zone is to provide for visitor industry activities in generally remote locations at a limited scale and intensity. In addition, the Rural Visitor Zone is small and Residential activity is not anticipated. As such, the section 42A Reporting Officer states that there is no expectation that permanent communities will establish within the Rural Visitor Zone.

10.3 While I acknowledge that the Rural Visitor Zone is to provide for visitor industry activities in generally remote locations at a limited scale and intensity, the principal activities in the zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. This may include education facilities such as outdoor education centres and sports training establishments.

10.4 I request that the hearings panel reconsider the inclusion of the above proposed new policy to support the provision of education facilities in the Rural Visitor Zone.

Table 46.4 Activities in the Rural Visitor Zone

10.5 Educational facilities are not listed in the Rural Visitor Zone therefore defaulting to a non-complying activity. I support the Ministry's opposition to the non-complying activity status given to educational facilities.

10.6 The Ministry sought through its submission to add educational facilities to this chapter to provide for education as a Restricted Discretionary activity. I agree with this submission. A Restricted Discretionary activity status will ensure that QLDC has the discretion over what activities are deemed acceptable to be located in the Rural Visitor Zone on a case-by-case basis. The Ministry therefore requested adding a new activity to table 46.4 as follows:

46.4.9

Educational Facilities: RD

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

1. The extent to which it is necessary to locate the activity within the Rural Visitor Zone.

2. Reverse sensitivity effects of adjacent activities.

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

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.

AND

Amend provisions as consequential changes to give effect to the relief sought in the submission.

10.7 The section 42A Reporting Officer has recommended that the Ministry's original submission is **rejected** on the basis of paragraph 10.2 above.

10.8 I, and the Ministry, recognise that the principal activities in the Rural Visitor Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. However, education facilities such as community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments may need to be located in the Rural Visitor Zone to support that community and are considered an essential social infrastructure across Queenstown Lakes District.

10.9 Should the restricted discretionary activity status requested in the Ministry's submission not be accepted for the Rural Visitor Zone by the hearings panel, then, in

my opinion, a discretionary activity rule enabling the provision of educational facilities should be included in the PDP supported by appropriate objectives and policies.

11. FURTHER SUBMISSIONS

Chapter 19A Three Parks Commercial Zone

- 11.1 Gems Educational Childcare User (Gems) submitted on Chapter 19A Three Parks Commercial Zone. Gems proposed that the Business Mixed Use Zone along Sir Tim Wallis Drive be extended north-west, to include the land between the Primary School designation and the notified Business Mixed Use Zone, and to the west to Road 16 at Three Parks, or alternatively that an 'education and community' precinct be overlaid on the area with noise limits, height restrictions and design controls that recognise the area's location between a Business Mixed Use Zone, the Primary School and Road 16 at Three Parks.
- 11.2 The Ministry in a further submission opposed Gems submission. I understand that the reason for the Ministry's opposition is due to the potential change in activities adjacent to the south-east boundary of Te Kura o Take Kārara that the proposed change in zoning from Low Density Suburban Residential to Business Mixed Use Zone could allow. Te Kura o Take Kārara is designated in the Operative District Plan. While the early childcare facilities are likely to be compatible with the school, other commercial activities in the Business Mixed Use Zone may not be and could affect the amenity of the school from increased traffic, noise and odour for example.
- 11.3 The section 42A Reporting Officer noted that while Road 16 is not shown on the Three Parks Structure Plan or zone map, it is shown on the Outline Development Plan Structure Plan as indicative only. The section 42A Reporting Officer notes that "while it is indicative only, it appears to align with the master planning that has occurred at Three Parks to date and would be a logical location for a zone boundary". The section 42A Reporting Officer also notes that "the strip of Low Density Suburban Residential Zone between the primary school at the Business Mixed Use Zone is approximately 57m wide".
- 11.4 The section 42A Reporting Officer states "a typical residential site in the Low Density Suburban Residential Zone (LDSRZ) would be approximately 50m long, and this strip of LDSRZ would provide for one row of houses sandwiched between the primary school and the adjoining Business Mixed Use Zone. The section 42A Reporting Officer further states that the change in zoning is not considered to be an efficient use

of land. Expansion of the Business Mixed Use Zone in this location will provide for efficient use of land by providing a consistent zoning in this area, and better reflected consented land uses". Therefore, the Section 42A Reporting Officer considers the rezoning request is a logical extension of the Business Mixed Use Zone.

- 11.5 The recommendation was to accept Gems submission and the rezoning of the area. The recommendation for accepting or declining further submissions stands or falls with the primary submission, which means that the Ministry's submission was **rejected**. This was confirmed with the section 42A Reporting Officer via email. Accordingly, the section 42A report did not provide any commentary on the Ministry's further submission.
- 11.6 While a LDSRZ is preferred to a Business Mixed Use Zone as an adjoining zone, the activities in the latter zone are generally restricted to more benign activities such as retail and residential activities. Other activities such as industrial activities and licensed premises require resource consent in which the school would likely be an affected party.
- 11.7 I concur with the Section 42A Reporting Officers recommendation.

Queenstown Airport Corporation (QAC)

- 11.8 A further submission in opposition to the Ministry's primary submission was made by QAC in relation to the following matters:
- (a) Adoption of the NPS definitions for 'educational facilities' and 'community facility' during the Stage 3 review process.
 - (b) Provision of a new policy in chapter 18A General Industrial Zone to enable educational facilities to establish throughout the General Industrial Zone.
 - (c) Provision for a new restricted discretionary activity for educational facilities in chapter 18A General Industrial Zone.
- 11.9 QAC provided the following reasoning for opposition to the Ministry's submission:
- (a) Amendments to definitions such as educational facilities and community facility has consequential effects on the interpretation and application of objectives, policies and methods that relate to such activities. Educational facilities and community activities are captured by the definition of Activity Sensitive to Aircraft Noise. QAC therefore submitted that changes to the

definitions could give rise to adverse reverse sensitivity effects on QAC that have not been assessed in terms of section 32.

- (b) QAC opposed the submission to include a new policy and rule to the General Industrial Zone chapter as it enables the establishment of Activities Sensitive to Aircraft Noise within Industrial zoned areas that are subject to the Aircraft Noise Boundaries at Queenstown Airport. QAC considers that such activities have the potential to give rise to adverse reverse sensitivity effects on QAC and is inconsistent with the recommendations set out in NZS6805.

11.10 Definitions: Currently education facilities are included in the definition of Community Facility. Community Facilities are included as activities that are sensitive to aircraft noise and the rules relating to the Airport Air Noise Boundary incorporate reference to activities that are sensitive to aircraft noise.

11.11 I do not agree with QAC's reasoning that splitting the definition of Community Facility into two parts being for Community Facilities and for Education Facilities as required by the NPS would mean that the section 32 Evaluation would need to be readdressed. The Evaluation should have taken these activities into account already and simply by providing clear and unambiguous definitions for the activities does not introduce any new activity or alter the potential effects of the activity either in and of itself or in terms of reverse sensitivity effects.

11.12 The definition of "Activities Sensitive to Aircraft Noise" can be simply amended to include "Education Facility" and the reference to childcare centres could then be deleted as I understand they would fall under the NPS definition.

11.13 Policy: The General Industrial Zone extends well beyond the area defined by the Air Noise Boundary. In my view it would be inappropriate not to provide policy direction in the PDP for the wider zone in response to a singular activity such as the Airport. Such activities and overlays could, in my view more appropriately, be recognised in the rule structure as is currently the case, and as I describe below.

11.14 Rules: Rule 18A.4.6 already provides for activities sensitive to aircraft noise within the Airport Air Control Boundary as Restricted Discretionary Activities. While the rule relates to additions or alterations to the buildings containing those activities, I would suggest that the same approach can be taken to the activities themselves.

11.15 I provide below two suggested rules that would provide for the wider General Industrial Zone and the Air Noise Boundary overlay area.

Rule 18A.4.X: Education Facilities within the General Industrial Zone outside of the Queenstown Airport Air Noise Boundary area – Restricted Discretionary

With Council's discretion restricted to the following:

1. The extent to which it is necessary to locate the activity within the General Industrial Zone.

2. Reverse sensitivity effects of adjacent activities.

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

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.

Rule 18A.4.Y: Education Facilities in the General Industrial Zone within the Queenstown Airport Air Noise Boundary area – Restricted Discretionary

With Council's discretion restricted to the following:

1. The achievement of adequate indoor sound insulation from aircraft noise.

2. The extent to which it is necessary to locate the activity within the General Industrial Zone.

3. Reverse sensitivity effects of adjacent activities.

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

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

11.16 As mentioned previously, the Ministry's request that a restricted discretionary activity status is provided for educational facilities in the General Industrial Zone is to ensure that QLDC has the discretion over what activities are deemed acceptable to be located in these zones on a case-by-case basis. The proposed rules clearly provide for the situation where the activity may be affected by aircraft noise and provides for this in the same way as is already provided for in the PDP.

11.17 The matters of discretion of importance here are the consideration of reverse sensitivity and noise and amenity, which in my opinion, would appropriately address any actual or potential effects on the environment that may be of concern to QLDC or those raised by QAC. This enables the consent authority to then decide whether to

grant consent, grant consent with conditions or decline consent – as provided for in S104C, RMA.

11.18 I note that there are already three schools in the vicinity of the airport and I understand that these successfully co-exist with the airport.

A handwritten signature in blue ink, appearing to read "K Frenz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Keith Frenz

2 June 2020