



TAURANGA CITY COUNCIL

CITY PLAN SECTION 32 REPORT

Chapter 19– Education Centre Zones

TCC Ref: 2780270



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1. INTRODUCTION

The Council is required under section 32 of the Resource Management Act 1991 (the RMA) to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the proposed City Plan.

Section 32 of the Act requires that the evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

This report fulfils the obligations of the Council under s32 of the RMA. The following is a section 32 analysis in regard to Chapter 19 – Education Centre Zones. It should be read together with the text of the Proposed City Plan itself.

2. PURPOSE OF THE CHAPTER

Educational activities are carried out by a number of agencies in the City, including the Ministry of Education and a number of private and voluntary agencies. The majority of these educational activities, being schools and tertiary education premises in the City are designated by the Minister of Education. Those schools and tertiary education premises which are not designated, nor provided for within the relevant Zone, such as integrated schools, non-integrated and tertiary education premises, need to be addressed by way of special provisions so that the natural and physical resources are sustainably managed, and in particular, so that the potential adverse effects on the surrounding environment are mitigated.

The purpose of the Education Centre Zone is to create an overall management framework to enable the continued operation and development of non-integrated, and integrated schools and tertiary education premises within which people's educational, recreational, spiritual and training needs, including directly associated activities, can be met, while minimising the adverse effects of the operation and development on the adjoining sites to the Zone and on the wider surrounding environment.

The Education Centre Zone applies to the following schools and tertiary education premises:

- Bethlehem (Education Centre 1 Zone);
- Faith Bible College (Education Centre 2 Zone);
- Rudolf Steiner School (Education Centre 3 Zone);
- Tauranga Adventist School (Education Centre 4 Zone).

3. RECORD OF DEVELOPMENT OF PROVISIONS

3.1 Background Research

Previous Plan Changes to the Operative District Plan

Private Plan Change 34 – Rezoning Rural Residential Zone to Education Centre 1 Zone, made operative 18 December 2004

Key changes included:

- Rezoning 8.9 hectares of Rural-Residential zoned land to Education Centre 1 Zone
- Minor changes to Rules, including moving “Retirement accommodation, rest home and specialist healthcare facilities and missionary accommodation from Permitted to Restricted Discretionary activity status.
- Deletion of Issue Statement, Objective and Policy, and insertion of a new Policy and an ‘Explanation and Principal Reasons’ section.

Further Relevant Studies

The following are associated key studies that underpin the Education Centre Zone Chapter:

- Bethlehem College
 - Elder Estate Rezoning Assessment or Environmental Effects, 23 July 2009.
- Rudolf Steiner School
 - Proposed Plan Change – Rudolf Steiner School, Welcome Bay Landscape and Visual Assessment, Beca Infrastructure Ltd (Beca), November 2008.
 - Proposed Rudolf Steiner School, Welcome Bay – Drainage Report, Beca Infrastructure Ltd (Beca), 31 October 2008.
 - Rudolf Steiner School, - Updated Preliminary Geotechnical Appraisal, Beca Infrastructure Ltd (Beca), 30 October 2008.
 - Rudolf Steiner Tauranga TIA, Beca Infrastructure Ltd (Beca), 4 February 2009.
 - Rudolf Steiner Plan Change Report, Beca Carter Hollings and Ferner (Beca), 20 January 2009.
- Tauranga Adventist School
 - The Seventh-day Adventist Schools Association Ltd: Moffat Road, Tauranga – Pt Lot 2 DPS 71177 – Application for Tauranga City Council District Plan Variation, Latitude Surveying, 10 March 2009.

3.2 Consultation Outcomes

All existing integrated and private schools were contacted by letter in July 2008 to advise of the District Plan review process and to highlight the opportunity to consider an Education Centre zoning for their facility. In response to this communication one school with current ECZ advised of its intention to propose changes to its current provisions in the Plan, while one site has formally advised of its desires to amend its site zoning and seek to increase the current use of the site. Three other schools have informally identified that they would like to consider this option. The Minister of Education (Trevor Mallard) has also written to each Council and requested that territorial authorities make provision in their District Plans to provide that integrated state schools are scheduled as permitted activities.

In April of 2009 a community feedback exercise was undertaken on draft content for the City Plan. As a result of this process the following feedback was received:

Bethlehem College:

- Request to rezone part of the site from Education Centre 1 Zone to Rural Residential Zone.

- Request to change the zone name to “Education Centre Zone 1: Bethlehem”.

Rudolf Steiner School:

- Concerns raised in respect to on-site parking requirements, pedestrian access, right-of-way conflict, traffic congestion, traffic noise, traffic management and parking controls.
- Concerns raised in respect to other controls including the potential location of student accommodation on-site, the keeping of certain livestock, and the landscape buffer control.
- Request that the proposed wastewater connection to the School be extended to the surrounding Rural Residential zoned land, and that land be rezoned to a residential zoning.

Tauranga Adventist School

- Support provided for the transfer of consent into District Plan rules;
- Believe that rules defining zoning need to be more effectively motivated to ensure they are applied.

3.3 Council Meetings

Elected Members discussed the development of the Education Centre Zone Chapter on the following dates. The outcomes of each discussion are also listed.

Meeting: Strategy and Policy Committee – 24 November 2008

Issues Discussed:

- Whether Education Centre Zoning is the best way to manage existing integrated and private schools in Tauranga.
- Whether to rezone some or all existing integrated and private schools in Tauranga to Education Centre zoning.

Meeting Outcomes:

- Apply Education Centre zoning to all existing integrated and private schools (however only provide the existing environment that is currently built and a foreseeable future development envelope).

Meeting: Strategy and Policy Committee – 20 July 2009

Issues Discussed:

- Education Centre 1 Zone – Rezoning of part of Education Centre 1 Zone to Rural-Residential Zone.
- Issue 2: Education Centre 1 Zone - Zone Name
- Proposed Education Centre 3 Zone: Rudolf Steiner School – Infrastructure.
- Proposed Education Centre 3 Zone: Rudolf Steiner School - Other Provisions.

Meeting Outcomes:

- Where the environmental assessment supports the proposed change, rezone this site to Rural Residential zone (and/or Rural zone) and make consequential amendments.
- Change the zone name to “Education Centre 1 Zone: Bethlehem”, and make consequential amendments.
- Revise Plan provisions to reflect approved road improvement works.
- Continue to work with the school to ensure ROW concerns are addressed prior to notification.

3.4 Relevant Legislation, Strategies and Policy

The key legislative aspect in relation to the Education Centre Zones is via Environment Case Law, and the outcomes of that Case.

The Environment Court (its decision is reported as C128/2001) held in the Columba College decision that integrated schools in Dunedin should be scheduled as permitted activities in the District Plan. The essential position in these Court case is that schools should be on the same footing as the Ministry of Educations designated schools because the only distinction between the two is the ownership of land. The decision has implications for other territorial authorities in terms of scheduling existing integrated schools as permitted activities in their District Plans. In doing so however, the Court was careful to identify that this decision should only apply to existing school sites and provision to enable those schools to operate on a fair and equitable basis to the Ministry schools and the regulation imposed on those sites.

While it may be appropriate to provide for integrated schools as permitted activities, it is considered that permitted activity conditions should still set a management framework from which resource consent would be required where the permitted baseline is overstepped.

SmartGrowth

The SmartGrowth Strategy is a sub-regional response to growth management. The Strategy has a planning horizon to 2051 and provides a context for considering decisions of the present, and how they may affect the welfare of future generations. Relevant growth issues identified in its Education section include:

- Education facilities can provide an important community focus if the opportunity is taken to incorporate primary/secondary school and tertiary planning into Neighbourhood Plans. A community that values education will want to ensure that this is achieved.
- Tertiary education is under-provided in the Bay of Plenty region. This is a major factor in the lower representation of young adults in the local population. There is strong community desire to improve tertiary services for all, but in particular to retain and attract young people to the region. Private
- Tertiary Establishments are a significant provider of tertiary education services.

Principles that SmartGrowth outlines in respect to the identified growth issues include:

- Education facilities are integrated into all Subregional and local area planning.
- Provision of quality tertiary education services is increased.
- Education and research facilities are provided that reflect the unique character of the sub-region.
- A life-long passion for learning is actively encouraged.
- Key value of early childhood education is recognised and provided for.

These key issues need to be taken into account in developing any Objectives, Policies and Rules in respect to Education Centre Zones.

4. ISSUES

4.1 Summary of Issues

The Education Centre Zone (ECZ) applies associated rules, standards and conditions to specified education activities enabling a wide range of people educational, recreational, spiritual and training needs including support services, accommodation and business activities. Specific standards and terms have been applied to guide the comprehensive design, site layout, infrastructure and amenity requirements for zone development.

4.2 Issue 1 – Ensuring that the City’s Education Centre Zone continues to meet the Demands of its users

4.2.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
19.2.1.1	<p><i>Role and Function of Education Centre Zones</i></p> <p><i>Education Centre Zones provide for a wide range of educational, recreational, spiritual and training needs.</i></p>	<p><i>The Objective is appropriate in that there is a need to provide guidance within the City Plan as to the Role of Function of the varying types of Education Zones within the City. Identifying and providing for varying roles and functions of Education Centre Zones is an appropriate means to deliver on the outcomes of environmental case law and the varying activities that are aligned with the establishment of school use within integrated and private training establishment.</i></p> <p><i>The Objective is consistent with Section 5(2) of the RMA because the provision of the role and function is consistent with managing physical resources to meet the reasonable foreseeable needs of future generations. This is achieved through identifying the Role and function of each Education Centre Zone by identifying the wide range of activities expected to occur.</i></p>

Objective 19.2.1.1 is addressed through Policy 19.2.1.1.1. This Policy is achieved through:

- The appropriate zoning of Education Centres in the Plan Maps (Part B);
- Rule Requirements which limit activities that are not compatible, or anticipated within specific zones.

4.2.2 Policies, Methods and EREs

<i>Policies and Methods</i>	<p>19.2.1.1.1 <i>Policy: Role and Function of Education Centre Zone</i></p> <p><i>By providing for the maintenance, enhancement and development of schools and tertiary education premises through:</i></p> <p><i>(a) Identifying the primary purpose for the establishment of Education Centres Zones as educational training establishments (schools and tertiary education premises);</i></p> <p><i>(b) Enabling a wide range of activities that are secondary and directly associated with the primary purpose of Education Centre Zones and that provide for the needs of students, visitors and employees.</i></p>
<i>Costs</i>	No Cost
<i>Benefits</i>	<i>Identifies areas of the City and addresses the appropriate and anticipated uses of those areas. Furthermore, it provides certainty to adjoining landowners of the anticipated uses of those Zones, and provides guidance on the primary purpose of use.</i>
<i>Risk</i>	<i>By identifying Education Centres and their role and function the community will have information about their anticipated use and therefore there will be a lower level of risk that the community will anticipate future developments to occur.</i>
<i>Efficiency</i>	<i>Identifying the Role and Function of Education Centres provides a clear Policy directive of the expected uses that will occur within these areas.</i>
<i>Effectiveness</i>	<i>Identifying the Role and Function of Education Centres is an essential step in achieving the Objective. The Policy directly reinforces the Objective that each centre has a primary use, and the method puts in place a regulatory framework to achieve this. The Policies and Methods are therefore considered to be effective at achieving the stated Objective.</i>
<i>Appropriateness</i>	<i>Appropriate as the Objective clearly articulates the role and function of Education Centres zones, and places a hierarchy of primary and secondary uses.</i>

<i>Alternative 1 – No Policy on the Role and Function of the Education Centre Zone.</i>	<i>The alternative ‘do nothing’ is not an appropriate response to managing the role and function of Education Centres. This method would not identify where activities are anticipated throughout the City, and thus not providing certainty to adjoining neighbours of expected use and development. It also would not allow for appropriate effects assessment at the City level in considering effects of traffic movements. The approach would not be effective or efficient in that by not identifying the role and function of these areas each school would continue to require resource consent to continue to operate and grow which is at odds to Environment Case law</i>
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4.3 Issue 2 – Loss of Amenity through inappropriate development which creates Adverse Effects on the Surrounding Environment

The development on Education Centre Zones can create adverse effects on the surrounding amenity and landscape character of the environment. There is a need to recognise that certain activities need to be appropriately designed, sited and the effects of those activities are mitigated against.

4.3.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
19.2.1.2	<p><i>Objective - Bulk and Scale of Buildings and Structures within Education Centre Zones</i></p> <p><i>Buildings and structures are of a bulk and scale that is compatible with the surrounding environment.</i></p>	<p><i>These three Objectives are appropriate in that they provide clear guidance that development can create adverse effects on the surrounding environment and that if this occurs, then specific matters need to be addressed through the resource consent process.</i></p>
19.2.1.3	<p><i>Objective – Site Layout and Building Design within Education Centre Zones</i></p> <p><i>Development within Education Centre Zones provides for an amenity consistent with the landscape character of the surrounding area.</i></p>	<p><i>The Objectives are also consistent with the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment as required by Section 7 of the RMA.</i></p>
19.2.1.4	<p><i>Objective – Adverse Effects on the Surrounding Environment</i></p> <p><i>Buildings, structures and activities within Education Centre Zones do not adversely affect the surrounding environments amenity, landscape character, streetscape and/or cultural and heritage values.</i></p>	<p><i>The character and amenity of the Education Centre Zones is characterised by large buildings set within areas of Open Space utilised for recreational activities. Generally the surrounding environment is zoned Rural Residential or Rural, which is characterised by a low density of development, (at densities lower than provide for in the urban and suburban areas of the City), separation between buildings on site and between sites.</i></p> <p><i>The bulk and location of buildings, site layout and requirement to address any adverse effects will contribute to the maintenance of the overall character and amenity of the surrounding environment.</i></p>

Objectives 19.2.1.2, 19.2.1.3 and 19.2.1.4 are addressed through Policies 19.2.1.2.1, 19.2.1.3.1 and 19.2.1.4.1. This Policy is achieved through:

- The appropriate zoning of Education Centres on the Plan Maps (Part B);
- Rule Requirements which identify activities which are not compatible, or anticipated within specific zones, and appropriately considering those effects through the resource consents process.

4.3.2 Policies, Methods and EREs

<i>Policies and Methods</i>	<p>19.2.1.2.1 Policy – Bulk and Scale of Buildings and Structures within Education Centre Zones</p> <p>19.2.1.3.1 Policy - Site Layout and Building Design within Education Centre Zones</p> <p>19.2.1.4.1 Policy - Adverse Effects on the Surrounding Environment</p>
<i>Costs</i>	No Cost
<i>Benefits</i>	<i>Provides clear guidance that activities that require resource consent must be appropriately designed, and the effects mitigated against to ensure the surrounding environment is not adversely affected by development.</i>
<i>Risk</i>	<i>There is a low, to no risk associated with these Policies. Each provides specific guidance as to the requirement to consider the effects on the surrounding environment. The specific rules to govern development limit development close to boundary edges. Further consultation processes are contained for each site that enables quality outcomes if rule requirements are proposed to be breached.</i>
<i>Efficiency</i>	<i>Providing strong regulatory guidance is an efficient means to implementing the Objective. The Policies clearly articulate the importance of maintaining amenity values which Councils are required to have particular regard to.</i>
<i>Effectiveness</i>	<i>Providing strong regulatory guidance is an efficient means to implementing the Objective. The Policies clearly articulate the importance of maintaining amenity values which Councils are required to have particular regard to.</i>
<i>Appropriateness</i>	<i>Appropriate as the Objective clearly articulate the role and function of Education Centres zones, and places a hierarchy of primary and secondary uses.</i>

<i>Alternative 1 – No Policies relating to anticipated character and amenity</i>	<i>The alternative ‘do nothing’ relies on continuing with the current Operative District Plan Approach. Current policies are generic in nature and do not specifically state the anticipated character and amenity of the Education Zone for decision makers. Current rules apply generic standards to the zone in relation to height, streetscape, setbacks and overshadowing.</i>
<i>Costs</i>	<p><i>Policies are generic and do not set clear direction for decision makers as to the anticipated character and amenity of the zone.</i></p> <p><i>Lack of control could lead to loss of large areas of open space on site, and loss of recreational area on site.</i></p>

<i>Benefits</i>	<i>No change to current provisions for landowners.</i>
<i>Risk</i>	<i>Low – there is no uncertainty in relation to the information the provisions are based on.</i>
<i>Efficiency</i>	<i>Not efficient – the costs outweigh the benefits of this approach</i>
<i>Effectiveness</i>	<i>The Policy is not effective in achieving the Objective as it does not identify for decision makers the character and amenity anticipated in the zone.</i>
<i>Appropriateness</i>	<i>The approach is considered to be too generic to achieve the Objective particularly in relation to section 7 matters of the RMA.</i>

4.3.3 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
<i>That adverse effects of activities within the education centres zones on people and the environment are avoided or mitigated.</i>	<p><i>Number and distribution of resource and building consents on in education centre zones.</i></p> <p><i>Number, cause and frequency of complaints relating to open space; qualitative and quantitative assessment of issues relating to open space; public opinion, customer feedback and consultation on issues relating to open space</i></p>	<i>Council records</i>
<i>The protection of amenity values of rural residential and rural areas which adjoin the City's Education Centre Zones</i>	<p><i>Number and distribution of resource and building consents on in education centre zones.</i></p> <p><i>Number, cause and frequency of complaints relating to open space; qualitative and quantitative assessment of issues relating to open space; public opinion, customer feedback and consultation on issues relating to open space</i></p>	<i>Council records</i>

Evaluation of Rules and Appropriateness of sites for Re-zoning

Through the District Plan Review two new sites have been identified for inclusion in the City Plan, being:

- Rudolf Steiner School;
- Tauranga Adventist School

Each school has undertaken an assessment of the appropriateness of the site for inclusion within the new Proposed City Plan. These are provided for as documents by reference to this s.32 analysis.

Bethlehem

The landowner of one area of Bethlehem has sought to rezone their land from Education Centre to Rural Residential. The assessment to support this is also provided for as a document by reference.

Faith Bible College and Bethlehem

A further assessment of rules for Bethlehem and Faith Bible College are not required as these rule requirements have not changed from the Operative District Plan.

Tauranga Adventist

Refer Document by Reference - Supporting Information for Chapter 20 - S.32 Report for the Tauranga Adventist School.

Rudolf Steiner School

Refer Document by Reference - Section 32 report on Rudolf Steiner School (BECA – Rudolf Steiner Plan Change Report, January 2009).

For Rudolf Steiner School a number of changes have been made to the proposed Education Centre 3 zone as a result of feedback on the Draft City Plan and review of the draft provisions. These changes supersede provisions assessed in the section 32 document referenced. The substantive changes are to the issues, objectives and policies which are assessed in Sections 4.1, 4.2 and 4.3 of this report. As only minor changes have been made to the draft rules, the referenced section 32 assessment still remains applicable to the proposed rules for the Education Centre 3 zone in the Proposed City Plan.

5. RECOMMENDED OBJECTIVES, POLICIES AND METHODS

The recommended plan content to:

- Provide for the role and function of Education Centre Zones; and
- Manage the effects of activities located within those Zones;

Clearly covers and outlines the key issues with respect to Education Centre Zone provision, development, maintenance and enhancement.

Council has a clear responsibility under Section 7 of the RMA to:

- Have particular regard to the maintenance and enhancement of the quality of the environment.

The recommended Objectives, Policies and Methods are also consistent with the outcomes of Environmental Case Law.

The principal alternatives considered are to “do nothing”. The assessment is that a “do nothing” alternative will not enable Council to deliver its strategic objectives or to meet community expectations.

6. NOTIFICATION AND RECOMMENDED DECISIONS

This section to be completed following hearings.