



Submission on the Mackenzie District Council – Proposed Plan Change 23.

To: Mackenzie District Council

Name of submitter: Ministry of Education Te Tāhuhu o Te Mātauranga ('the Ministry')

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This is a submission on the Proposed Mackenzie District Plan Change 23¹

Introduction/Background

The Ministry of Education (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 assesses population changes, school roll fluctuations and other trends and challenges impacting on education provision at all levels of the education network to identify changing needs within the network so the Ministry can respond effectively.

The Ministry has responsibility not only for all State schools owned by the Crown, but also those State schools that are not owned by the Crown, such as designated character schools and State-integrated schools. For the Crown-owned State school, this involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increasing 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 existing and future educational facilities and assets in the Mackenzie District.

The Ministry's submission is:

The Ministry has a particular interest in the parts of the Proposed District Plan that, either directly or indirectly, have the potential to impact on the Ministry's interests, such as the management and operation of existing educational facilities or the establishment of new educational facilities.

The specific amendments, additions or retentions to Proposed Plan Change 23: General Rural Zone, Natural Features and Landscapes, Natural Character which will be discussed further below.

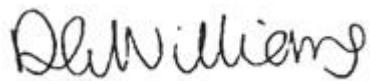
The provisions sought by the Ministry are listed in **Appendix 1** to this feedback.

¹ Terms marked with an * above are terms used in relation to the proposed PC that are from the Operative Plan, but which are proposed through PC to be amended and are within scope of PC. Changes from the operative definition are shown using ~~strikethrough~~ or underlining.

The Ministry seeks the following from the Mackenzie District Council:

That the requested amendments, additions, or retentions to the District Plan, as set out in **Appendix 1**, through the proposed plan process, including within the reporting planners s42a and subsequent hearing.

The relief sought is shown in red underscore and ~~red strikethrough~~.



Daly Williams
(Signature of person authorised to sign on behalf of the Ministry of Education)

Date: 26 January 2024

Appendix 1: Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character

ID	Section of the Proposed District Plan	Proposed Provision	Support/ Oppose/ Neutral/ New Provision	Reason for Submission	Relief Sought
Part 1: Introduction and General Provisions					
Definitions					
1	Educational facility: means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities. (National Planning Standard definition)	Support	The Ministry supports the definition of 'educational facility' as proposed as it is consistent with the National Planning Standard.	Retain as proposed	
2	functional need^: means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment. (National Planning Standard definition)	Support	The Ministry supports the definition of 'functional need' as proposed as it is consistent with the National Planning Standard.	Retain as proposed	
3	Habitable room: means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room. (National Planning Standard definition)	Support	The Ministry supports the definition of 'habitable room' as proposed as it is consistent with the National Planning Standard.	Retain as proposed	
4	Operational need: means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints. (National Planning Standard definition)	Support	The Ministry supports the definition of 'operational need' as proposed as it is consistent with the National Planning Standard.	Retain as proposed	
5	Rural tourism activity: means the use of land and/or buildings for agri-tourism, ecotourism, nature tourism, wine tourism and adventure tourism activities, which may be provided at a tariff, with participants attracted to experience farming or conservation activities and/or the rural or natural environment. It includes: a. guiding, training, education and instructing; b. ancillary services such as booking offices and transportation; c. ancillary retail activity, including sale of alcohol to participants; d. walking and cycling tracks and associated accommodation; and e. facilities to provide opportunities for viewing scenery	Support in part	The Ministry generally supports the inclusion of 'education' as proposed within this definition however acknowledges that education in this instance is related to tourism activities. To avoid confusion with typical educational activities, the Ministry seek an amendment to the definition to "guiding, training, education and instructing related to tourism activities" to avoid confusion.	Amend as follows: Rural tourism activity: means the use of land and/or buildings for agri-tourism, ecotourism, nature tourism, wine tourism and adventure tourism activities, which may be provided at a tariff, with participants attracted to experience farming or conservation activities and/or the rural or natural environment. It includes: a. guiding, training, education and instructing <u>related to tourism activities</u> ; b. ancillary services such as booking offices and transportation; c. ancillary retail activity, including sale of alcohol to participants; d. walking and cycling tracks and associated accommodation; and	

Sensitivity: General

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					e. facilities to provide opportunities for viewing scenery
6	<p>Sensitive activity^:</p> <p>means any:</p> <ul style="list-style-type: none"> a. residential activity b. visitor accommodation c. community facility d. educational facility 		Support	<p>The Ministry supports the inclusion of 'educational facility' as proposed within this definition.</p>	Retain as proposed

Part 2: District-Wide Matters

Natural Environment Values (PC23, PC27)

NATC – Natural Character

7	NATC-O1	<p>Preservation of Natural Character</p> <p>The natural character of wetlands, lakes and rivers (surface waterbodies) and their margins is recognised, preserved and protected from inappropriate subdivision, use and development.</p>	Support	<p>The Ministry supports NATC-O1 and acknowledges that educational facilities, should only be established where the natural character of wetlands, lakes and rivers (surface waterbodies) and their margins are adequately managed and do not result in risk to subdivision, use and development.</p>	Retain as proposed
8	NATC-P2	<p>Preservation of Natural Character Values</p> <p>Preserve and protect the natural character values of wetlands, lakes and rivers and their margins from inappropriate use and development by:</p> <ol style="list-style-type: none"> 1. ensuring that the location, intensity, scale and form of subdivision, use and development takes into account the natural character values of the surface waterbodies; 2. requiring setbacks for activities from wetlands, and lakes and rivers, including buildings, earthworks, woodlots and quarrying activities; 3. promoting and encouraging opportunities to restore and rehabilitate the natural character of surface waterbodies and their margins, including the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values and cultural values; and 4. avoiding inappropriate use and development that detracts from the natural character of surface waterbodies. 	Support	<p>The Ministry supports NATC-P2 and acknowledges that any use and development of educational facilities, should be appropriate and adequately managed to preserve and protect the natural character values of wetlands, lakes and rivers and their margins.</p>	Retain as proposed
9	NATC-R1	<p>Buildings and Structures (excluding fences and water troughs)</p> <p>Activity Status: Permitted</p> <p>Where the activity complies with the following standards:</p> <p>NATC-S1 Activity Setbacks from Surface Waterbodies</p> <p>Activity status when compliance with standard(s) is not achieved:</p> <p>Refer to relevant standard(s).</p>	Support	<p>The Ministry supports NATC-R1 to manage the establishment of buildings and structures within the zone, including educational facilities. It is acknowledged that in rare instances the Ministry may have an operational need to locate their assets within a Natural Character area.</p>	Retain as proposed

NFL – Natural Features and Landscapes

ID	Section of the Proposed District Plan	Proposed Provision	Support/ Oppose/ Neutral/ New Provision	Reason for Submission	Relief Sought
10	NFL-O1	<p>Outstanding Natural Features and Landscapes Values</p> <p>Protection of outstanding landscape values, the natural character of the margins of lakes, rivers and wetlands and of those natural processes and elements which contribute to the District's overall character and amenity</p>	Support	<p>The Ministry supports NFL-O1 and acknowledges that educational facilities, should only be established where the overall character and amenity of natural features are protected.</p>	Retain as proposed
11	NFL-P1	<p>Protection of Outstanding Natural Features and Landscapes</p> <p>Recognise the values of the identified ONF and ONL overlays on the Planning Maps and protect these values from adverse effects by:</p> <ol style="list-style-type: none"> 1. avoiding inappropriate subdivision, use and development in those parts of outstanding natural features and landscapes with limited capacity to absorb such change; 2. avoiding inappropriate use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features; 3. managing building density, scale and form to ensure it remains at a low level, maintains a predominance of vegetation cover and sense of low levels of human occupation; 4. avoiding buildings and structures that break the skyline; 5. ensuring buildings and structures are designed to minimise glare and the need for earthworks, and are mitigated by plantings to reduce their visual impact where appropriate; 6. recognising and providing protection for identified values in Sites and Areas of Significance to Māori; and 7. recognising the existence of working pastoral farms and their contribution to the outstanding natural features and landscapes of the Te Manahuna/Mackenzie District. 	Support in Part	<p>The Ministry supports NFL-P1 in Part and acknowledges that development in areas that has an Outstanding Natural Features and Landscapes should generally be discouraged for educational facilities, except where there is an operational need.</p> <p>The Ministry considers the direction to 'avoid' impacts on subdivision, use and development does not align with the language of the objective 'allowing' activities where there is an operational need.</p> <p>The Ministry seeks an amendment to the wording of the policy to seek restricting subdivision, use and development as opposed to avoidance.</p>	<p>Amend as below:</p> <p>Protection of Outstanding Natural Features and Landscapes</p> <p>Recognise the values of the identified ONF and ONL overlays on the Planning Maps and protect these values from adverse effects by:</p> <ol style="list-style-type: none"> 1. Restrict avoiding inappropriate subdivision, use and development in those parts of outstanding natural features and landscapes with limited capacity to absorb such change; 2. Restrict avoiding inappropriate use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features; 3. managing building density, scale and form to ensure it remains at a low level, maintains a predominance of vegetation cover and sense of low levels of human occupation; 4. avoiding buildings and structures that break the skyline; 5. ensuring buildings and structures are designed to minimise glare and the need for earthworks, and are mitigated by plantings to reduce their visual impact where appropriate; 6. recognising and providing protection for identified values in Sites and Areas of Significance to Māori; and 7. recognising the existence of working pastoral farms and their contribution to the outstanding natural features and landscapes of the Te Manahuna/Mackenzie District.
12	NFL-P3	<p>Subdivision and Building Development</p> <p>To ensure adverse effects, including cumulative effects, on the environment of sporadic development and subdivision are avoided or mitigated by:</p> <ol style="list-style-type: none"> 1. Managing residential and rural residential subdivision and housing development within defined Farm Base Areas (refer to Policy 3B3 NFL-P4). 2. Enabling farm buildings within Farm Base Areas and in areas of low visual vulnerability subject to bulk and location standards and elsewhere managing them in respect of location and external appearance, size, separation and avoidance of sensitive environments. 3. Strongly discouraging non-farm buildings elsewhere in Te Manahuna/the Mackenzie Basin outside of Farm Base areas. 	Support in part	<p>The Ministry supports NFL-P3 in Part and acknowledges that non-farm buildings are located outside of Farm Base areas should be discouraged for educational facilities, except where there is an operational need.</p>	<p>Amend as below:</p> <p>Subdivision and Building Development</p> <p>To ensure adverse effects, including cumulative effects, on the environment of sporadic development and subdivision are avoided or mitigated by:</p> <ol style="list-style-type: none"> 1. Managing residential and rural residential subdivision and housing development within defined Farm Base Areas (refer to Policy 3B3 NFL-P4). 2. Enabling farm buildings within Farm Base Areas and in areas of low visual vulnerability subject to bulk and location standards and elsewhere managing them in respect of location and external appearance, size, separation and avoidance of sensitive environments.

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					3. Strongly discouraging non-farm buildings elsewhere in Te Manahuna/the Mackenzie Basin outside of Farm Base areas, <u>except where there is an operational need</u> .
13	NFL-P6	<p>Views from State Highways and Tourist Roads</p> <p>1. To avoid all buildings and the adverse effects of irrigators in the Scenic Grasslands and the Scenic Viewing Areas.</p> <p>2. To require buildings to be set back from roads, particularly state highways, and to manage the sensitive location of irrigators to avoid or limit screening of views of the outstanding natural landscape of <u>Te Manahuna</u>/the Mackenzie Basin.</p> <p>3. To avoid clearance, pastoral intensification and/or agricultural conversion of Scenic Viewing Areas and Scenic Grasslands.</p> <p>4. Subject to Policy 3B13 NFL-P8, to otherwise minimise the adverse visual effects of irrigation of pasture adjacent to the state highways or tourist roads.</p>	Support in part	<p>The Ministry supports NFL-P6 in principle and acknowledges that buildings should be restricted in the Scenic Grasslands and Scenic Viewing Areas. Should there be an operational need to locate an educational facility within these areas, there should be an enabling framework subject to mitigation measures protecting the amenity values of the surrounding area, particularly views.</p>	<p>Amend as proposed:</p> <p>Views from State Highways and Tourist Roads</p> <p>1. To avoid all To restrict buildings and the adverse effects of irrigators in the Scenic Grasslands and the Scenic Viewing Areas.</p> <p>2. To require buildings to be set back from roads, particularly state highways, and to manage the sensitive location of irrigators to avoid or limit screening of views of the outstanding natural landscape of <u>Te Manahuna</u>/the Mackenzie Basin.</p> <p>3. To avoid clearance, pastoral intensification and/or agricultural conversion of Scenic Viewing Areas and Scenic Grasslands.</p> <p>4. Subject to Policy 3B13 NFL-P8, to otherwise minimise the adverse visual effects of irrigation of pasture adjacent to the state highways or tourist roads.</p>
14	NFL-R1	<p>Buildings and Structures (excluding Residential Units)</p> <p>Activity Status: Permitted</p> <p>Where the activity complies with the following standards:</p> <p>NFL-S1 Height</p> <p>NFL-S2 Building Footprint</p> <p>NFL-S3 Building Coverage</p> <p>NFL-S4 Reflectivity</p> <p>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).</p>	Support	<p>The Ministry supports NFL-R1 to manage the establishment of buildings and structures within the zone, including educational facilities. It is acknowledged that in rare instances the Ministry may have an operational need to locate their assets within a Natural Feature Landscape.</p>	Retain as proposed
15	NFL-R9	<p>Non-Farm Buildings (including Residential Units)</p> <p>Activity Status: Controlled</p> <p>Where:</p> <p>1. Within a defined Farm Base Area.</p> <p>2. The maximum height shall be 8m.</p> <p>3. No building shall be erected on Sites of Natural Significance, Scenic Viewing Scenic Grasslands, Lakeside Protection Areas or areas above 900m in altitude.</p> <p>4. The maximum reflectivity index of the exterior of any building shall be 30%.</p>	Support	<p>The Ministry supports NFL-R1 to manage the establishment of non-farm buildings within the zone, including educational facilities. It is acknowledged that in rare instances the Ministry may have an operational need to locate their assets within this zone and it is considered that the control measures are appropriate.</p>	Retain as proposed

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		<p>5. The maximum gross floor area of any single building shall be 550m².</p> <p>And the activity complies with the following standards:</p> <p>NFL-S5 Setbacks</p> <p>Matters over which control is reserved:</p> <p>a. NFL-MD1 Te Manahuna/Mackenzie Basin ONL.</p> <p>Notification:</p> <p>Any controlled activity application under NFL-R9 clause 3.2.3 will not require the written approval of other persons, service on affected parties and shall be non-notified.</p>			

PART 3 – AREA-SPECIFIC MATTERS

RURZ – Rural Zones (PC23, PC27)

GRUZ – General Rural Zone

16	GRUZ-O2	<p>Zone Character and Amenity Values</p> <p>The adverse effects of activities and built form within the General Rural Zone are managed in a way that:</p> <ol style="list-style-type: none"> 1. Maintains a rural character consisting of a low overall building density with a predominance of open space and vegetation cover; 2. Supports, maintains, or enhances the function and form, character, and amenity values of the zone; 3. Recognises the functional needs and operational needs of activities within the zone; and 4. Allows primary production and activities that directly support primary production to operate without risk of being compromised by reverse sensitivity. 	Support	<p>The Ministry supports GRUZ-O2 and acknowledges that educational facilities, should adequately be managed to ensure adverse effects of activities and built form within the General Rural Zone are managed.</p>	Retain as proposed
17	GRUZ-P2	<p>Other Activities</p> <p>Recognise the importance of primary production activities to the economic wellbeing of the district, and prioritise primary production and activities which support primary production, within the General Rural Zone, by:</p> <ol style="list-style-type: none"> 1. Providing for new economic activity that directly supports, is dependent on, or is ancillary to primary production; 2. Enabling recreation and tourism activities based on farming experiences or conservation activities; 3. Ensuring the land resource of the General Rural Zone is not compromised by activities with no functional need or operational need to locate in the zone. 	Support	<p>The Ministry supports GRUZ-P2 and acknowledges that educational facilities, will recognise the importance of primary production and activities which support primary production, within the General Rural Zone and will adequately manage primary production activities due to the importance to the economic wellbeing of the district.</p>	Retain as proposed
18	GRUZ-P4	<p>Protecting Highly Productive Land</p> <p>Maintain the productive capacity of highly productive land, by:</p>	Support in Part	<p>The Ministry supports GRUZ-P4 and acknowledges that the use of productive land for educational facilities should generally be discouraged from establishing within the Rural zone, except where there is an operational need.</p>	<p>Amend as below:</p> <p>Maintain the productive capacity of highly productive land, by:</p>

ID	Section of the Proposed District Plan	Proposed Provision	Support/ Oppose/ Neutral/ New Provision	Reason for Submission	Relief Sought
		<p>1. Avoiding the irreversible loss of highly productive land from inappropriate subdivision, use or development.</p> <p>2. Encouraging opportunities that increase that productive capacity of highly productive land.</p>		<p>The Ministry considers the direction to 'avoid' impacts on highly productive land does not align with the language of the objective 'allowing' activities where there is an operational need.</p> <p>The Ministry seeks an amendment to the wording of the objective to seek mitigation of effects as opposed to avoidance.</p>	<p>1. Avoiding <u>Where</u> the irreversible loss of highly productive land <u>can be mitigated</u> from inappropriate subdivision, use or development.</p> <p>2. Encouraging opportunities that increase that productive capacity of highly productive land.</p>
19	GRUZ-R5	<p>Buildings and Structures Not Otherwise Listed</p> <p>Activity Status: Permitted</p> <p>Where the activity complies with the following standards:</p> <p>GRUZ-S2 Boundary Setbacks</p> <p>GRUZ-S3 Building Coverage</p> <p>GRUZ-S4 Height</p> <p>GRUZ-S5 Sensitive Activity Setback from Intensive Primary Production</p> <p>GRUZ-S6 Sensitive Activity Setback from Quarrying Activity and Mining</p> <p>GRUZ-S7 Sensitive Activity Setback from Commercial Forestry</p> <p>GRUZ-S8 Wastewater</p> <p>GRUZ-S10 Airport Height Restrictions</p>	Support	<p>The Ministry support rule GRUZ-R5 to manage the operation of educational facilities. It is acknowledged that the Ministry may have an operational need to locate their assets within the General Rural Zone.</p>	Retain as proposed
20	<u>GRUZ-R**</u>	New provision	Support	<p>The Ministry seeks the inclusion of a new rule specifically providing for educational facilities, noting this aligns with GRUZ-O2, GRUZ-P2 and GRUZ-P4 which implicitly enables educational activities, as a development, providing there is an operational need.</p> <p>The Ministry may have an operational need to locate educational assets within the zone</p>	<p>Educational Facilities</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>1. Any new or extended buildings or structures comply with General Rural Zone standards GRUZ-S2, GRUZ-S3, GRUZ-S4, GRUZ-S5, GRUZ-S6, and GRUZ-S7.</p> <p>Activity status where compliance is not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <p>1. The matters of discretion of any infringed standard;</p> <p>2. The extent to which adverse effects on adjoining properties beyond the zone and the wider environment are mitigated; and</p> <p>3. The extent to which all activities are adequately serviced.</p>
PREC3 - Takamana / Lake Alexandrina Hut Settlements Precinct					
21	PREC3-O1	Development within the Takamana / Lake Alexandrina Hut Settlements maintains the existing distinctive character and identity of the settlements and is also complementary to the surrounding outstanding natural landscape.	Support	The Ministry supports PREC3-O1 and acknowledges that educational facilities, should maintain the existing distinctive character and identity of the settlements.	Retain as proposed
22	PREC3-P1	Control the scale, appearance and location of buildings and structures to ensure that:	Support	The Ministry supports PREC3-P1 and acknowledges that the development of educational facilities, will be controlled	Retain as proposed

Sensitivity: General

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		<ol style="list-style-type: none"> 1. the built form character of the Takamana / Lake Alexandrina Hut Settlements is maintained and enhanced; 2. development is integrated with the landscape setting, including the topography, landform, and views to and from the area; 3. accessibility to public areas and Takamana / Lake Alexandrina are maintained; and 4. water quality within Takamana / Lake Alexandrina from wastewater discharge is not diminished further. 		<p>in terms of the scale, appearance and location of buildings and structures.</p>	