



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

Far North District Council
5 Memorial Avenue
Kaikohe 0405

5 August 2024

Sent via email to Alicia-Kate Taihia at alicia-kate.taihia@fndc.govt.nz

Attention: Hearing Commissioners for Far North Proposed District Plan Hearing 4

Ministry of Education – Letter to be Tabled at the Far North Proposed District Plan Hearing 4: Natural Environment Values & Coastal Environment.

The Ministry of Education (the Ministry) lodged a submission on the Far North Proposed District Plan (FNPDP) on 21 October 2022. The Ministry will not attend the hearing for the Natural Environment Values and Coastal Environment chapters which are scheduled to commence on 5th August 2024 and instead requests that this letter be tabled for the Hearing Panel's consideration in lieu of attendance.

Within the Ministry's submission, the Ministry sought relief under the Ecosystems and Indigenous Biodiversity Chapter, and the Natural Character Chapter. The s42A Reporting Officer's report for Hearing 4 – Ecosystems and Indigenous Biodiversity (prepared by Jerome Wyeth) and Hearing 4 – Natural Character (prepared by Benjamin Michael Lee) has been reviewed. The Ministry generally agrees with the Reporting Officer's recommendations on the submission points for IB-R1 (S331.044), NATC-P3 (S331.045), NATC-P4 (S331.046), and NATC-S1 (S331.048). However, the Ministry continues to seek relief as set out in the submission for IB-P5 and NATC-R1. The relief sought for these matters are detailed below.

IB-P5 (S331.043):

The Ministry supported Policy IB-P5 as it acknowledges that the Ministry may have an operational need to provide educational facilities for existing communities in Significant Natural Areas. The Reporting Officer accepted the Ministry's submission point in part and recommended the removal of 'some activities' in Clause b. which restricts the Policy to only enable 'regionally significant infrastructure'. The Officer's reasoning for this is that the reference under clause b) 'the operational need and functional need of "some activities"', is considered to be too broad and should be limited to regionally significant infrastructure as this is more consistent with higher order documents.

Regionally significant infrastructure does not include educational facilities. Clause c. provides some scope for the use and operation of existing facilities but there is little scope for the establishment of new educational facilities within the revised Policy, except for d. where it relates to kura kaupapa.

Therefore, the Ministry is neutral on the recommended amendments, however, requests for Policy IB-P5 to enable educational facilities. While the Ministry does not generally seek to locate new buildings or structures in areas that have ecological and/or biodiversity values, there may be instances where there is a functional and/or operational need to locate educational facilities in close proximity to these areas in order to continue to provide for the educational needs of existing communities. Therefore, the Ministry prefers for there to be flexibility in the District Plan provisions for activities that have such an operational and/or functional need – particularly on existing Ministry landholdings where there may be need in the future for the continuing development of existing schools (including additional buildings and structures). The Ministry request that alternative wording be accepted to enable educational facilities to be established. The alternative wording proposed by the Ministry is set out below in red text (the Officer's recommendation underlined in black):

Ensure that the management of land use and subdivision to protect areas of significant indigenous vegetation and significant habitat of indigenous fauna ~~Significant Natural Areas~~ and maintain indigenous biodiversity is done in a way that:

a. ...

b. recognises ~~the~~ that some activities have an operational need and functional need of ~~some activities,~~ ~~including~~ including regionally significant infrastructure, to be located within areas of significant indigenous vegetation and significant habitat of indigenous fauna ~~Significant Natural Areas~~ in some circumstances;

By adding the word “including” back into the policy, the policy is given flexibility to not be solely limited to regionally significant infrastructure. This will not mean any activity could establish, as this policy will continue to require activities to demonstrate why they have an operation and functional need. Therefore, the Ministry request that the relief sought above be accepted.

NATC-R1 (S331.047):

Mr. Wyeth recommended accepting in part the Ministry’s submission for Rule NATC-R1, however, upon review, the Ministry’s key intent of the relief sought was not included. Mr. Wyeth’s reasons for this are that the Ministry’s addition is too uncertain and open ended for a permitted activity condition and that permitted activities should be worded to minimise interpretation and uncertainty.

As stated above, the Ministry does not generally seek to locate new buildings or structures in wetland, lake and river margins, however, seeks additional clarity within the rule to provide for instances where there may be an operational and/or functional need to locate educational facilities in close proximity to these features.

The Ministry request that additional wording be accepted for inclusion within Rule NATC-R1 as follows:

X. activities related to education facilities that have an operational and functional need to be located in the area.

The Ministry acknowledges that designations are a pathway that can be utilized as and when a school is required, however, that does not negate the need for District Plans to enable well-functioning communities through the plan provisions. Enabling District Plan provisions for educational facilities are an important tool that supports the Ministry’s Notice of Requirement process to establish new schools. This is because territorial authorities, when considering a requirement and any submissions received, must consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of a plan or proposed plan.

The Ministry confirms that if the Ministry’s requests for Policy IB-P5 and Rule NATC-R1 are accepted, the Ministry’s submission points are adequately resolved.

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



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