

APPENDIX ONE

05 December 2007

Kelly Hanson-White
Senior Advisor
Regulatory Team; ECE Network and Infrastructure
Ministry of Education National Office
PO Box 1666
Thorndon
WELLINGTON

Dear Ms Hanson-White

Thank you for the opportunity to provide feedback on the proposed criteria for licensing and certification of Early Childhood Education Services. Wellington City Council appreciates receiving an extension of time to lodge this submission.

The Council understands that feedback received from ECE services during the first round of consultation was generally supportive of the proposed criteria, agreeing that the proposals provides more clarity around what is required for compliance than current legislation.

While the Council is generally supportive of an approach which simplifies legislative requirements and is supported by the ECE sector, there are two areas where the Council believes changes should be considered.

Resource Consents

Wellington City Council's concern primarily focuses on the proposed licensing criteria for centre-based early childhood education services – specifically the tension between the proposed criteria for outdoor activity space and Resource Consent conditions Council has imposed on ECE Centres in residential areas.

Criteria PF 16 states that:

“Outdoor activity space is....

- not unduly restricted by Resource Consent conditions with regards to its use by children during hours of operations...”*

The conditions Council places on childcare centres focus on noise minimisation, and balance the obligations Council has under the RMA to ECE Centres and the surrounding community. Conditions restrict the use of trikes (with hard plastic wheels) and percussive toys in outdoor play areas and often require acoustic fences and ground covers. In the past Council had also included conditions relating to the number of children allowed outdoors at one time.

These types of condition have been used in the past to ensure that the noise effects of a proposed large childcare centre can be reduced.

If the number of children outside at one time can not be limited, for example, the noise effects of a proposal are larger and the likelihood of a consent needing to be notified is increased. Furthermore, it may make it harder for early childhood centres to receive a resource consent if they are located in a residential area.

The change will also have implications for a small number of early childhood centres in the Wellington area which already have a condition on their consent limiting the numbers of children allowed out at any one time. They will have to go through a change of condition process.

Overall, it is considered that the new criteria may reduce the number and size of childcare centres which can be located within residential areas in Wellington city.

Compliance Costs

The Council understands that the Ministry of Education has been careful to maintain a balance between ensuring that:

- i) a reasonable standard of education and care is met; and
- ii) the associated compliance cost on the ECE sector is manageable.

The Council supports this approach.

However, the Council is concerned that unless the Ministry is able to provide funding to meet compliance costs, Council is likely to receive funding requests for facilities/equipment upgrade – potentially from ECE's located on/in Council land/buildings.¹ While the Council believes it is appropriate to support community based organisations such as ECE Centre through our grants process, the Council is not in the business of providing funding to meet regulatory requirements imposed by central government policy.²

This issue touches on a wider concern about the Ministry's allocation of discretionary grants to community-based providers on community-owned land.

Expecting local authorities to meet all the land and building needs for new ECE facilities is unrealistic particularly in high-value metropolitan areas where land holdings are limited.

Positively Poneke Kids Crèche is a case in point. In 2006, the Crèche was required to move from their current premises in Civic Square to allow redevelopment of the City Gallery Wellington. Unfortunately, there were no alternative Council-owned buildings for the Crèche to relocate into in the CBD. While the Crèche did find alternative premises in a privately-owned building, the fact that the building was not community-owned prevented them from receiving

¹ Currently, 29 licensed ECE services operate from Council owned land/buildings.

² The Council supports ECE services through the grants process because of the contribution they make to Wellington's social infrastructure, and because securing funding for specific capital projects or for large purchase can be difficult.

discretionary grants funding from the Ministry to convert the premises. Positively Poneke Crèche had to close as a result.

Some recognition of the barriers and disincentives to provision created by Government and Ministry operational policies is needed. If the policy objective is to encourage not-for-profit or community based ECE provision, it remains an unnecessary limitation that the land and buildings are also community owned. Surely the policy objective can still be met if a) the license holder is not for profit and b) there is a security of tenure. It seems that this restriction unnecessarily limits solutions to location and places an untenable burden on community-based organisations that have land.

For Council, this restriction places pressure on Council to retain land and provide it for ECE services. It also places pressure on Council to provide grants funding for building conversions that don't fit within the discretionary grants scheme - particularly in high-value metropolitan areas where the only available accommodation for an ECE service is in a privately-owned building.

As you can appreciate, the various incentives and disincentives to the future establishment of ECE service is of considerable interest to Council as it grapples with the long term planning for a wide range of community facilities and infrastructure.

Thank you again for the opportunity to submit on the proposed criteria for licensing and certification of Early Childhood Education Services.

Yours sincerely

Kerry Prendergast
Mayor
WELLINGTON CITY COUNCIL