

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER the Resource Management Act
1991 (RMA)

IN THE MATTER OF A submission by the Ministry of
Education on Plan Change 19
(PC19) to the Central Otago District
Plan

BY **THE MINISTRY OF EDUCATION**
Submitter

**STATEMENT OF PRIMARY EVIDENCE OF KATE GRAHAM ON
BEHALF OF MINISTRY OF EDUCATION (THE MINISTRY)**

Planning

13 April 2023

1. INTRODUCTION

1.1 My name is Kate Graham. I am a Senior Planner at the firm of Beca Limited (**Beca**).

1.2 I have the following qualifications and memberships:

- (a) Bachelor of Environment and Society from Lincoln University.
- (b) Associate Member – New Zealand Planning Institute

1.3 In my role at Beca I am the South Island lead on the RMA National Monitoring contract for the Ministry of Education (**the Ministry**). My role includes having oversight of district and regional plan changes across the South Island as they may influence the roles and responsibilities of the Ministry in planning for educational facilities in communities.

1.4 I have over 10 years of planning experience. My experience relates to both private and public sector planning work in New Zealand, preparing and processing resource consents and preparing and presenting submissions on plans and plan changes on a wide variety of district, regional and national matters.

1.5 My statement sets out planning evidence on behalf of the Ministry in relation to its submission on Plan Change 19 to the Central Otago District Plan (**'PC19'**).

1.6 In preparing this evidence I have reviewed the following:

- (a) PC19 Original Document
- (b) PC19 Appendix 5 – Residential Chapter Provisions
- (c) PC19 s32 Evaluation Report
- (d) PC19 Zone Maps
- (e) PC19 Summary of Submissions
- (f) PC19 s42a Evidence Reports – Stage 1, Appendices 1-3.
- (g) PC19 s42A report by Liz White dated 15 August 2022.

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.

2.2 I confirm that I have considered all material facts that I am aware of that may 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 covers the following topics:

- (a) A summary of the Ministry's interest and submission.
- (b) My response to the recommendations in the s42A report.

4. SUMMARY OF THE MINISTRY'S INTEREST AND SUBMISSION

4.1 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.

4.2 The Minister of Education is a Requiring Authority under Section 166 of the Resource Management Act 1991 (RMA) and the Ministry is her agent. Section 9(3) of the RMA does not apply if a designation is in place. Within the Central Otago District, there are 11 sites designated for a range of educational facilities by the Minister of Education.

4.3 The District Plan is the key planning document under the RMA that the Ministry relies on it to establish and enable educational facilities for land use planning. The Ministry has submitted on provisions where they are considered to impact on the delivery of educational facilities.

4.4 The Ministry's submissions (submitter number 60) on PC19 can be summarised as follows:

- (a) More enabling provisions for educational facilities are included within the residential zones
- (b) An alteration to the wording in several policies, seeking "provide for" rather than "avoid...unless" (LLRZ-P5 and LRZ-P6) or "only allow" (MRZ-P6)
- (c) Including of specific wording within LLRZ-O2, LRZ-O2, MRZ-O2, and SUB-P1 relating to adequacy of servicing, including of educational facilities.

These matters are discussed below, including comments on the section 42A report, prepared by Liz White.

(a) More enabling provisions for educational facilities are included within the residential zones

- 4.5 In the absence of a Notice of Requirement for a designation, the establishment of future facilities would rely on the provisions of the underlying zone.
- 4.6 As outlined in the Growth Projections – 2022¹, CODC's resident population has grown rapidly since 2013, with an average annual growth rate of 3.7%, compared to 1.2% between 2006 and 2013. However, due to Covid-19, the growth rate slowed to 2.5% in the last two years. The area experiencing the most accelerated growth is the Cromwell Ward, where the average annual growth rate since 2013 has been 4.6%.
- 4.7 In my view, the accelerated growth envisaged and forecasted within the district warrants a more supportive planning policy framework for educational facilities than what the proposed PC19 framework provides.
- 4.8 Council has an obligation under the National Policy Statement for Urban Development to ensure sufficient additional infrastructure (which includes schools) is provided for in urban growth and development (see Policy 10 and 3.5 of Subpart 1 of Part 3: Implementation, in particular). As such, the Ministry seeks enabling provisions for educational facilities to achieve this outcome and ultimately contribute to a well-functioning urban environment.
- 4.9 Accordingly, an amendment to the proposed definitions of “educational facility” and “community facility” in PC19 to align with the National Planning Standard definitions is requested.
- 4.10 Based on the proposed definitions, there will be no explicit provision for educational facilities within residential zones, given the proposed definitions of “educational facility” and “community facility” excludes education facilities in residential zones.
- 4.11 “Education Facilities” within the residential zones are a discretionary activity under a ‘catch all’ status. In my view, activities are often classed as discretionary where they are not generally anticipated to occur in a particular environment, or their effects are so variable that it is not possible to control them in advance. In this case, it is not fanciful to consider the Ministry has a likely need for new educational facilities due the expected growth within the district and, in my view, the proposed zoning provisions are an appropriate method to enable this requirement.

- 4.12 Provision of a separate rule for educational facilities, or amendment to the existing catch all rule, as a restricted discretionary activity would provide Council and the community sufficient and appropriate assurance that the potential and actual effects of a new facility would be considered through a resource consent process.
- 4.13 Restricted discretionary status would afford implementors, such as processing officers and decision makers, of the Plan with reasonable guidance and restraint when assessing how educational facilities may impact the environment they sit within.
- 4.14 While the Ministry can (and is likely to) utilise the Notice of Requirement process provided for under s166 of the RMA for the development of new educational facilities, I do not consider that this negates the need for educational facilities to be specifically provided for within residential zones.
- 4.15 In considering a Notice of Requirement, territorial authorities are required to have particular regard to any relevant provisions of any National Policy Statements, coastal policy statements, regional policy statements and plans.
- 4.16 The inclusion of enabling provisions is also particularly relevant when considering the needs of private providers of educational facilities such as private training establishments, private schools, health schools and some state integrated schools. These facilities all contribute to the wider social infrastructure network.
- 4.17 Overall, the inclusion of enabling provisions for educational facilities within the residential zone chapters would thereby assist both the territorial authority and the Ministry in enabling future educational facilities within the district.
- 4.18 Ms White considered the submission relating to the definitions aligning with the National Planning Standards to be outside the scope of PC19 and referred to the preceding s32 Report which noted that the drafting approach attempted to implement the National Planning Standards to the extent possible within PC19, with definitions only adopted insofar as they apply to the Residential Chapter.
- 4.19 Ms White noted that amending the aforementioned definitions would increase the scope of the plan change as it would alter the effects of all other provisions applying in different zones that are not within the ambit of PC19.
- 4.20 Whilst it is acknowledged that the definitions sought are not solely limited to the residential zones, it would be remiss to not consider the impacts of the definitions on the proposed planning framework.

- 4.21 As discussed earlier, there currently is no explicit provisions for educational facilities within residential zones, noting the current definition of community facilities excludes 'education facilities' in residential zones.
- 4.22 The sought definitions are consistent with the National Planning Standards, thus are not anticipated to have any significant impacts on the remaining chapters of the operative Plan that are yet to be reviewed.

(b) Including of specific wording within LLRZ-O2, LRZ-O2, MRZ-O2, and SUB-P1 relating to adequacy of servicing, including of educational facilities.

- 4.23 The Ministry submitted that LLRZ, LRZ and MRZ objectives relating to character and amenity should specifically refer to these areas being supported by necessary infrastructure, including educational facilities.
- 4.24 In response, Ms White has considered it is inappropriate to amend or expand the objectives and policies in relation to infrastructure as these objectives relate to the outcomes sought for these zones. Ms White further considers that infrastructure which is necessary to support these areas may be located both within and outside of the zone, and in her view the outcomes sought in relation to infrastructure provision are not zone-based in any case.
- 4.25 In my view, provision of social infrastructure within residential zones is integral to the character and amenity of these zones. Social infrastructure, such as educational facilities, plays a vital role in communities by providing tamariki and rangatahi with education, promoting community building, fostering socialization, attracting economic development, promoting health and well-being, and offering cultural and civic education. Furthermore, educational facilities often serve as a hub for community activities, create job opportunities, promote social skills, educate citizens on cultural diversity, making them an essential component of any thriving community.

(c) An alteration to the wording in several policies, seeking "provide for" rather than "avoid...unless" (LLRZ-P5 and LRZ-P6) or "only allow" (MRZ-P6)

- 4.26 In relation to LLRZ-P5, LRZ-P6, and MRZ-P6, where amended wording was sought, to remove the word 'avoid' Ms White has disagreed that it is appropriate for the policies to be amended to "provide for", considering 'provide for' indicates that such activities are generally anticipated, which is inconsistent with the purpose of the zone.

4.27 Ms White has agreed that that using “avoid... unless” in LLRZ-P5 and LRZ-P5 is somewhat problematic, given that activities are anticipated where they meet the policy limbs and that “only allow” still provides appropriately strong direction.

4.28 As such, Ms White has recommended LLRZ-P5 and LRZ-P5 are amended to read:

~~Avoid~~ Only allow other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, ~~unless~~ where:

4.29 Having considered Ms White’s amendment, I am of the view this will sufficiently enable the establishment of educational facilities under the LLRZ and LRZ objectives and policies without affecting the integrity of the zones.

5. SUMMARY

5.1 Overall, I am of the view that the inclusion of an enabling framework for educational facilities within PC19 should be included and would:

- (a) Contribute to giving effect to the requirements of the NPS-UD in relation to engaging with infrastructure providers (including education) to achieve integrated land use and infrastructure planning outcomes.
- (b) Signal to the existing and new communities that educational facilities are anticipated to be developed within residential zones.
- (c) Better enable the Ministry to deliver educational facilities within residential zones where there is an operational need.

The requested provisions are akin to provisions requested by the Ministry across the country and if accepted, would assist in ensuring there is a nationally consistent approach. In my view this demonstrates the increasing importance and acceptance that educational facilities should specifically be provided for within areas of growth and intensification.



Kate Graham

13 April 2023

