

**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 72 to the Operative Selwyn District Plan

**BY** **THE MINISTRY OF EDUCATION**  
Submitter

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**STATEMENT OF PRIMARY EVIDENCE OF KARIN LEPOUTRE ON BEHALF OF  
MINISTRY OF EDUCATION (THE MINISTRY)**

**Planning**

**25 January 2022**

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## **1. INTRODUCTION**

- 1.1 My name is Karin Lepoutre. I am an Associate (Planning) in the firm of Beca Limited (**Beca**).
- 1.2 I have the following qualifications:
- (a) Master of Planning from the University of Otago
  - (b) Bachelor of Arts (Geography and Economics) from the University of Otago
- 1.3 I have over 12 years of planning experience. My experience relates to both private and public sector planning work in New Zealand and Australia with a focus on urban development projects. I have been assisting the Ministry for two years in relation to a range of resource consent and designation matters.
- 1.4 My statement sets out planning evidence on behalf of the Ministry in relation to their submission on Proposed Plan Change 72 to the Selwyn District Plan (**PPC72**).
- 1.5 In preparing this evidence I have reviewed the following:
- (a) PC72 Private Plan Change Request (AEE) and S32 Assessment
  - (b) PC72 s42A Hearing Report by Johnathan Cleese dated 15 December 2021
  - (c) Statement of planning evidence of Pauline Aston on behalf of the applicant circulated 17 January 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. I confirm that I have considered all material facts that I am aware of that might 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 will cover the following topics to assist the Hearings Panel in deliberations:
- (a) A summary of the Ministry's interest and submission; and

- (b) A planning assessment of the provisions sought by the Ministry and my response to the recommendations in the section 42A report and Ms Aston's planning evidence.

#### **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 their agent. Section 9(3) of the RMA does not apply if a designation is in place. Nevertheless, the Ministry has submitted on provisions of this plan change where they are considered to impact on the delivery of education facilities.
- 4.3 The Ministry's submission (submitter number PC72-0050) on PPC72 can be summarised as follows:
  - (a) Selwyn District Council has a requirement under the National Policy Statement on Urban Development 2020 (NPS-UD) to engage with infrastructure providers (including education) to achieve integrated land use and infrastructure planning (Policy 10) and ensure that additional infrastructure<sup>1</sup> to service development capacity is likely to be available (Implementation 3.5).
  - (b) That appropriate provision should be made for educational facilities within the plan change area (PCA) to accommodate the increase in school aged children.
  - (c) The need for the PPC to adequately assess and respond to potential traffic congestion and safety effects within the PCA, specifically in relation to Prebbleton School Educational Facilities within the Plan Change Area

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<sup>1</sup> Additional infrastructure is defined in section 1.4 of the NPS-UD and includes social infrastructure such as schools.

- 4.4 The Ministry's submissions sought the ability for further consultation with the applicant regarding provisions for accommodating additional school aged children and educational facilities within the plan change area.
- 4.5 I understand that there was some correspondence with the applicant's planning consultant regarding revised provisions but that no agreement was reached. The proposed amended Outline Development Plan (ODP) (included as Attachment A to Ms Ashton's planning evidence) proposes the following revised statement within the Prebbleton Outline Development Plan – Area 5 – Narrative (Page 2):

At the time of subdivision, consultation with Ministry of Education will consider whether it is appropriate and necessary for any land is required to be provided for education purposes within the Site, and the appropriateness of any amendments to the ODP to accommodate this

- 4.6 I support the inclusion of the above statement<sup>2</sup> and consider that this approach should be further embedded within the planning framework by including the following (additional text shown underlined and in red):

Within Section C12.1 Subdivision – General of the SDP:

*12.1.4*

*Matters over which the Council has restricted the exercise of its discretion:*

*Prebbleton*

*12.1.4. 63 Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within Prebbleton Outline Development Plan Area 5*

Within Section B4 Objectives and Policies - Growth of Townships of the SDP:

*Policy B4.3.68*

*Ensure that development within each of the Living Z zone Outline Development Plan areas identified on the Planning maps and Appendices within Prebbleton address the specific matters relevant to each ODP Area number listed below:*

*Prebbleton...*

*Prebbleton Outline Development - Area 5*

- *Potential provision of educational facilities;*

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<sup>2</sup> I consider that the term "is required" to be redundant within this statement and can be removed to improve its readability.

- 4.7 I consider that the above policy and matter of discretion (rather than descriptive text within the ODP) provides greater clarity to the community, Council and any future developer of the site in relation to the expectations for engagement with the Ministry and for the potential development of a school.
- 4.8 I note that several submitters have raised concern about the additional pressure that the development of the PCA may put on the local school network and in my view the above amendments can signal an intention to the community that educational facilities may be established within the PCA in future.
- 4.9 I also acknowledge that Ms Ashton has stated in paragraph 176 of her evidence that the inclusion of educational facilities within the ODP is not necessary as it duplicates existing provisions enabled under 'community facilities'. However, under both the Operative and Proposed Selwyn District Plan, 'educational facilities' is not included within the definition of 'community facilities' as it has its own definition. Therefore, it is necessary for educational facilities to be enabled as its own use, rather than encompassed by 'community facilities'.
- 4.10 PPC72 is outside the Infrastructure Boundary and is therefore considered as unanticipated growth. I am therefore of the view that additional provisions should be included within the plan change to better provide for educational facilities to service the demand of Prebbleton. Overall, I am of the view that the inclusion of the requested amendments for educational facilities within the PCA and ODP would:
- (a) Contribute to giving effect to the requirements of Policy 10 of the NPS-UD in relation to engaging with infrastructure providers (including education) to achieve integrated land use and infrastructure planning outcomes<sup>3</sup>.
  - (b) Contribute to giving effect to the requirements of the RPS in relation to providing for schools as part of the ODP process<sup>4</sup>.
  - (c) Signal to the community that educational facilities may be developed within the PCA in the future.
  - (d) Better enable the Ministry to deliver educational facilities within the ODP and wider school catchment.

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<sup>3</sup> Policy 10 of the NPS-UD.

<sup>4</sup> 6.3.3 of the RPS

- 4.11 I was recently involved in plan changes 69 and 73 to the SDP where enabling provisions for educational facilities within the outline development were similarly sought. For these plan changes the plan change applicants accepted the inclusion of specific provisions for educational facilities. While a decision on these plan changes has yet to be released, in my view, it is important that educational facilities are provided for in a consistent manner in areas of growth and intensification across the district.

**Karin Lepoutre**

**25 January 2022**