

FORM 5

Submission on a publicly notified proposal for policy statement or plan, change or variation under Clause 6 of Schedule 1, Resource Management Act 1991

To: Invercargill City Council

Name of submitter: Ministry of Education ('the Ministry')

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The specific parts of the application that the Ministry of Education's submission relates to are:

Enabling provisions for educational facilities within Residential 1 Zone (RES1Z) and Residential 1A (Medium Density) Zone (RES1AZ). Educational facilities should be enabled in these zones as they are considered essential social infrastructure.

Introduction / Background:

The Ministry of Education ('the Ministry') is the Government's lead advisor on the New Zealand education system, shaping the 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 for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased 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 educational facilities and assets in the Invercargill district.

The Ministry of Education's Submission is:

Invercargill City Council (ICC) have requested amendments to the Invercargill District Plan (IDP) to enable medium density housing development in the CBD through Plan Change 2 (PC2).

Upon review of the application and supporting documents, the Ministry wishes to highlight the following matter:

Enabling educational facilities

The Ministry is neutral with regards to intensification in principle, however, seek a more permissive activity status for educational facilities within the RES1Z and RES1AZ zones. The current discretionary activity status does not provide for educational facilities.

The Ministry request that educational facilities are enabled in the RES1Z and RES1AZ zones to better serve the education needs of the residential community without added cost and uncertainty that comes with a discretionary activity status.

Activities are often classed as discretionary where they are not generally anticipated to occur in a particular environment, or the effects are so variable that it is not possible to control them in advance.

By not enabling educational facilities in residential zones, it sends a clear message to the community that any of these identified activities are not provided for or anticipated, and any application can come against scrutiny.

Provision of a separate rule for educational facilities, or amendment to the existing 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 educational facility would be considered through a resource consent process. Restricted discretionary status would afford implementors, such as processing officers and decision-makers with reasonable guidance and restraint when assessing how educational facilities may impact the environment they sit within. Additionally, the matters of discretion which the Ministry has included in the proposed new rule are sufficient to address any potential effects that arise from the educational facility.

While the Ministry can (and is likely to) utilise the Notice of Requirement process provided for under s168 of the RMA for the development of new educational facilities, this does not negate the need for educational facilities to be specifically provided for within residential zones. 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.

The inclusion of enabling provisions is also particularly relevant when considering designations are a statutory tool that takes time to implement. When expanding or altering the Ministry's sites, schools sometimes obtain resource consents in the interim to enable any additional land to be used for education purposes. These facilities contribute to the wider social infrastructure network.

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 Invercargill district.

The Ministry of Education seeks the following decision from the Invercargill City Council:

Should the Council recommend that the plan change be approved, the Ministry seeks amendments to RES1Z-R2 as outlined below:

RES1Z-R2

Discretionary Activities:

The following are discretionary activities in the Residential 1 Zone:

- ~~5. Educational Activity other than those on sites listed in APP10 – Appendix 10 Educational Activity (Existing)~~

RES1Z-RXX

Restricted Discretionary Activities:

The following is a restricted discretionary activity in the Residential 1 Zone:

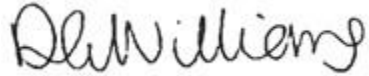
- ~~1. Educational Activity other than those on sites listed in APP10 – Appendix 10 Educational Activity (Existing)~~

Matters of discretion are restricted to:

- ~~1. the location of landscaping; and~~

2. any adverse effects on the streetscape; and
3. any adverse effects on the amenity values for neighbouring sites; and
4. the operation of the activity, including the effects of noise, lighting and from the generation of traffic.

The Ministry does not wish to be heard in support of their submission.



Daly Williams
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(Consultant to the Ministry of Education)
Date: 13/02/2026