Sensitivity: General

Te Tāhuhu o te Mātauranga
Ministry of Education

Submission on the Dunedin City Council – Proposed Plan Change 1.

To:	Dunedin City Council
Name of submitter:	**Ministry of Education Te Tāhuhu o Te Mātauranga ('the Ministry')**
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This is a submission on the Proposed Dunedin City Plan Change 1[1]

Introduction/Background

The Ministry of Education (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.

The Ministry has responsibility not only for all State schools owned by the Crown, but also those State schools that are not owned by the Crown, such as designated character schools and State-integrated schools. For the Crown-owned State school, this involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increasing 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 on existing and future educational facilities and assets in Dunedin City.

The Ministry's submission is:

The Ministry has a particular interest in the parts of the Proposed District Plan that, either directly or indirectly, have the potential to impact on the Ministry's interests, such as the management and operation of existing educational facilities or the establishment of new educational facilities.

The specific amendments, additions or retentions to the proposed plan change 1 includes the Minor Improvements which will be discussed further below.

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[1] *Terms marked with an * above are terms used in relation to the proposed PC that are from the Operative Plan, but which are proposed through PC to be amended and are within scope of PC. Changes from the operative definition are shown using* ***~~strikethrough~~*** *or* ***underlining****.*

The provisions sought by the Ministry are listed in **Appendix 1** to this feedback.

The Ministry seeks the following from the Dunedin City Council:

That the requested amendments, additions, or retentions to the District Plan, as set out in **Appendix 1**, be considered prior to the Draft Proposed District Plan being notified.

The relief sought is shown in red underscore and ~~red strikethrough.~~

The Ministry were notified on 18 November 2024 on District Plan changes that may impact them. With regard to rules applying near Stormwater Open Watercourses in the Second-Generation Dunedin City District Plan 2024 (2GP) the Ministry support the proposed changes Res13.

The Ministry also request that the following provisions be amended from 'schools' to 'educational facilities' as this is consistent wording with the National Planning Standard:

- Policy 2.2.2.4.f.i
- Number, Location and Design of Temporary Signs - Rule 4.5.7.1.a.i.Y
- Signage – Rule 4.5.7.2.f.X.6
- Policy - 6.2.3.12.a.i
- Assessment of Restricted Discretionary Activities - Rule 6.11.2.2.2.b.Z
- Assessment of Restricted Discretionary Activities - Rule 6.11.2.5
- Assessment of Restricted Discretionary Activities - Rule 6.11.2.2.7.a.2.1
- Assessment of Restricted Discretionary Activities - Rule 6.11.2.2.8.a.2.1
- 6.11 Appendix 6C. High Trip Generators Thresholds
- Hazardous Substances Quantity Limits and Storage Requirements - Rule 9.36.4.b.i.2
- Noise – Rule 9.3.6.3.f
- Assessment of Restricted Discretionary Activities (Performance Standard Contraventions) – Rule 9.5.3.7.a.v
- Hazard provisions sensitivity classification – Rule 11.1.3A
- Policy – 15.2.3.4
- Policy 15.2.4.7
- Land Use Activity Status Table – Rule 15.3.3.26
- Assessment of Discretionary Activities – Rule 15.12.2.3
- Assessment of Discretionary Activities – Rule 15.12.2.3.b
- Assessment of Discretionary Activities – Rule 31.3.3.2
- Assessment of Restricted Discretionary Activities (Performance Standard Contraventions) – Rule 31.9.3.2.ii
- Assessment of Discretionary Activities – Rule 31.11.2.1.b
- Assessment of Discretionary Activities – Rule 31.11.2.1.b.i
- Assessment of Discretionary Activities – Rule 31.11.2.1.b.ii

Heritage Item

The Ministry would like to reiterate their opposition to the inclusion of the BX006 as a heritage item. This is referred to as the 'Former Arthur Street School Infant Department' and is recorded on the Heritage New Zealand Pouhere Taonga heritage list as a Historic Place Category 2 (entry number 9717 under the New Zealand Pouhere Taonga Act (2014). Inclusion on the "List" does not afford the building any direct regulatory protection under that Act.

Dunedin City Council (DCC) propose to add the 'Former Arthur Street School Infant Department' building to the heritage schedule in the 2GP. The '*Second-Generation Dunedin City District Plan - Heritage Buildings: Potential Inclusion in the District Plan Heritage Schedule'* identifies this building as having overall heritage significance to Dunedin City.

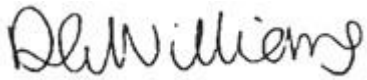
Arthur Street School is designated in the 2GP as "D047 Arthur Street Primary School". Accordingly, the provisions of Section 176 of the Resource Management Act (RMA) apply to the site. The identification of the building as a heritage item is a district planning provision. The effect of Section 176 of the RMA is that the terms of a designation will prevail over district plan heritage controls, provided the Requiring Authority (the Minister of Education in this case) is undertaking the relevant project or work in accordance with the purpose of the designation.

There are, however, other controls placed on the Minister's ability to do works on a designated site, including a Section 176A Outline Plan process and designation conditions. Section 176A requires the Minister to submit an Outline Plan to the Council before commencing any construction work in accordance with a designation. The Council is able to request changes to the Outline Plan, and the Minister may decide whether to accept or reject those requested changes. The Council has a right of appeal to the Environment Court in relation to any decision not to make changes it has requested.

In this context, the Ministry is concerned that including the building as a listed heritage item in the 2GP may create uncertainty and inefficiency in future Outline Plan processes. Inclusion in the schedule risks creating a perception that the building has been afforded a high level of protection which may not be consistent with Section 176 of the RMA or the Ministry's obligations in relation to managing the education system and providing fit-for-purpose educational facilities for school age children.

For these reasons, the Ministry opposes the inclusion of the Arthur Street Primary School building as a scheduled heritage item in the 2GP Dunedin City District Plan, on the basis that this approach is inappropriate, inefficient and ineffective and would not meet the requirements of Section 32 or achieve Part 2 of the RMA.

The Ministry is willing to meet with you to discuss the items in this submission, particulary the approach to the listing of heritage items on Ministry property in Dunedin.



Daly Williams
(Signature of person authorised to sign on behalf of the Ministry of Education)

Date: 18 December 2024

Appendix 1: Plan Change 1 – Minor Improvements

ID	Section of the Proposed District Plan	Proposed Provision (identified by underline in the Proposed Plan)	Support/ Oppose/ Neutral/ New Provision	Reason for Submission	Relief Sought
1.4.1 Defintions					
		Bulk Fuel Storage Facilties Sensitive Activities For the purposes of provisions applying within the hazard facility mapped area, activities where people are at greater risk from hazards associated with bulk fuel storage facilities. These consist of: • community and leisure • early childhood education • entertainment and exhibition • healthcare {Change D16} • office • major facility activities (other than major recreation facility in the Stadium Zone and port activity in industrial zones) • residential; and • visitor accommodation.	Support in part	The Ministry acknowledges the definition of 'Bulk Fuel Storage Facilties Sensitive Activities' and the intention that this seeks to avoid effects on senstivie activities. The Ministry support this inclusion of this definition however seek the inclusion of 'educational facilities'. This is consistent with the inclusion of community and early childhood education in this defintion.	Amend as follows: Bulk Fuel Storage Facilties Sensitive Activities For the purposes of provisions applying within the hazard facility mapped area, activities where people are at greater risk from hazards associated with bulk fuel storage facilities. These consist of: • community and leisure • early childhood education • entertainment and exhibition • healthcare {Change D16} • office • major facility activities (other than major recreation facility in the Stadium Zone and port activity in industrial zones) • residential; ~~and~~ • visitor accommodation~~;~~ and • educational facilities
		Healthcare – to be added {Change D16} The use of land and buildings for the provision of healthcare services for people, including but not limited to: • registered and unregistered health practitioners • traditional healthcare such as Rongoā Māori • out-patient treatment facilities; or • in-patient facilities with up to 10 beds. For the sake of clarity, this includes integrated healthcare hubs where healthcare is the primary activity, and that also contain one or more complementary activities including: • education services • government agencies • a dispensing pharmacy or other retail activity (provided that this occupies no more than 25% of the gross floor area of buildings); and • medical imaging services and blood or other medical testing or collection services.	Support in part	The Ministry supports the definition of 'Healthcare' in principle however seeks the wording of 'schools' is replaced with 'educational facilities' to be consistent with the National Planning Standard.	Amend as follows: Healthcare – to be added {Change D16} The use of land and buildings for the provision of healthcare services for people, including but not limited to: • registered and unregistered health practitioners • traditional healthcare such as Rongoā Māori • out-patient treatment facilities; or • in-patient facilities with up to 10 beds. For the sake of clarity, this includes integrated healthcare hubs where healthcare is the primary activity, and that also contain one or more complementary activities including: • education ~~services~~ facilities • government agencies

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	This definition excludes: • activities otherwise defined as hospital, supported living, industry, schools, campus, community and leisure or sport and recreation; and • commercial activities such as spas and saunas, weight control clinics, or beauticians, which are provided for under the definition of retail. Healthcare is an activity in the community activities category. ***{Change D16}***				• a dispensing pharmacy or other retail activity (provided that this occupies no more than 25% of the gross floor area of buildings); and • medical imaging services and blood or other medical testing or collection services. This definition excludes: • activities otherwise defined as hospital, supported living, industry, ~~schools~~ educational facilities, campus, community and leisure or sport and recreation; and • commercial activities such as spas and saunas, weight control clinics, or beauticians, which are provided for under the definition of retail. Healthcare is an activity in the community activities category. ***{Change D16}***
	National Grid Sensitive Activites The group of activities that are considered to be sensitive for the purposes of the National Grid provisions, and that consist of: • early childhood education • hospitals • marae-related activities • prisons or detention centres • ~~registered health practitioners~~ healthcare ***{Change D16}*** • residential activities (excluding new working from home activities in existing dwellings) • schools; and • visitor accommodation.		Support in part	The Ministry support the definition of 'National Grid Sensitive Activities' in principlehowever seeks that the wording of 'schools' is replaced with 'educational facilities' to be consistent with the National Planning Standard.	Amend as follows: National Grid Sensitive Activites The group of activities that are considered to be sensitive for the purposes of the National Grid provisions, and that consist of: • early childhood education • hospitals • marae-related activities • prisons or detention centres • ~~registered health practitioners~~ healthcare ***{Change D16}*** • residential activities (excluding new working from home activities in existing dwellings) • ~~schools~~ educational facilities; and • visitor accommodation.
	Natural Hazards Sensitive Activities The category of activities that are considered to be a "natural hazards sensitive activity" for the purposes of the natural hazards provisions. These consist of: • cemeteries • crematoriums • ~~registered health practitioners~~ healthcare ***{Change D16}*** • early childhood education • hospital • landfills • marae-related activities		Support in part	The Ministry support the definition of 'Natural Hazards Sensitive Activities' in principle however seeks that the wording of 'schools' is replaced with 'educational facilities' to be consistent with the National Planning Standard.	Amend as follows: Natural Hazards Sensitive Activities The category of activities that are considered to be a "natural hazards sensitive activity" for the purposes of the natural hazards provisions. These consist of: • cemeteries • crematoriums • ~~registered health practitioners~~ healthcare ***{Change D16}*** • early childhood education • hospital

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	• prisons or detention centres • residential activities (excluding working from home that do not involve additional people on-site) • schools; and • visitor accommodation.				• landfills • marae-related activities • prisons or detention centres • residential activities (excluding working from home that do not involve additional people on-site) • ~~schools~~ educational facilites; and • visitor accommodation.
	Noise Sensitive Activites Activities where people are more likely to be sensitive to a high level of noise because they are sleeping, studying, seeking medical treatment, or engaged in religious activity. These consist of: • residential activities • hospital campus • schools • early childhood education • ~~registered health practitioners~~ healthcare ***{Change D16}*** • visitor accommodation; and • the following community and leisure activities: libraries, marae-related activities, activities that involve the provision of care for babies and pre-school children and places of worship.		Support in part	The Ministry support the definition of 'Noise Sensitive Activities' in principle however seeks that the wording of 'schools' is replaced with 'educational facilities' to be consistent with the National Planning Standard.	Amend as follows: Noise Sensitive Activites Activities where people are more likely to be sensitive to a high level of noise because they are sleeping, studying, seeking medical treatment, or engaged in religious activity. These consist of: • residential activities • hospital campus • ~~schools~~ educational faciltiies • early childhood education • ~~registered health practitioners~~ healthcare ***{Change D16}*** • visitor accommodation; and • the following community and leisure activities: libraries, marae-related activities, activities that involve the provision of care for babies and pre-school children and places of worship.
	Sport and Recreation The use of land and buildings for organised indoor and outdoor sport and recreation activity, ancillary events, sports education, and club meetings, presentations, and functions. For the sake of clarity, this definition includes ancillary office activity and ticket sales activities. Examples are facilities managed by clubs, Dunedin City Council, schools or private entities including: • sports fields • basketball/tennis/netball/squash courts • swimming pools • athletics tracks • bowling greens • gyms • golf courses • shooting ranges, and		Support in part	The Ministry support the definition of 'Sport and Recreation' in principle however seeks that the wording of 'schools' is replaced with 'educational facilities' to be consistent with the National Planning Standard.	Āmend as follows: Sport and Recreation The use of land and buildings for organised indoor and outdoor sport and recreation activity, ancillary events, sports education, and club meetings, presentations, and functions. For the sake of clarity, this definition includes ancillary office activity and ticket sales activities. Examples are facilities managed by clubs, Dunedin City Council, ~~schools~~ educational facilities or private entities including: • sports fields • basketball/tennis/netball/squash courts • swimming pools • athletics tracks • bowling greens • gyms

ID	Section of the Proposed District Plan	Proposed Provision (identified by underline in the Proposed Plan)	Support/ Oppose/ Neutral/ New Provision	Reason for Submission	Relief Sought
		• outdoor recreational facilities~~, including walking and cycling facilities~~. This definition excludes activities otherwise defined as community and leisure or temporary events. ***{Change CP11}*** Sport and recreation that involves motor vehicles is managed as a sub-category of sport and recreation. Sport and recreation is an activity in the community activities category.			• golf courses • shooting ranges, and • outdoor recreational facilities~~, including walking and cycling facilities~~. This definition excludes activities otherwise defined as community and leisure or temporary events. ***{Change CP11}*** Sport and recreation that involves motor vehicles is managed as a sub-category of sport and recreation. Sport and recreation is an activity in the community activities category.
	New provision		Support	The Ministry seeks the inclusion of a new definition specifically for educational facilities. The Ministry considers that educational facilities should be included as part of Plan Change 1 – Minor Improvements as educational facilities are considered essential social infrastructure which may be associated with the changes made to the Partially Operative Dunedin City Second Generation District Plan 2024 (2GP). The Ministry therefore request that an 'educational facility' definition is included as it is consistent with the National Planning Standard.	Amend as follows: Educational facility: means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities. **(National Planning Standard definition)**
6 Transportation					
6.2 Objectives and Policies					
	Objective 6.2.1	Transportation infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel modes while: a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.	Support	The Ministry supports Objective 6.2.1 as it promotes safe and efficient transport networks. Safe and efficient transport that meet the needs of all transport users, including tamariki, rangatahi, and kaimahi travelling to their respective educational facilities is a positive outcome for all.	Retain as proposed.
	Objective 6.2.3	Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.	Support	The Ministry supports the promotion of safe and efficient transport networks that meet the needs of all transport users.	Retain as proposed.
9 – Public Heath and Safety					
9.3.6 Noise					
	9.3.6.1.a	1. Land use activities, public amenity activities, network utility activities, temporary activities and the operation, repair and maintenance of the rail network must not exceed the following noise emission limits: **Zoning of receiving property** | **Noise level measured at the boundary of the receiving property, or in a rural, rural residential or Ashburn Clinic zone at the**	Neutral	The Ministry in generally neutral on Rule 9.3.6 proposed by the Council. However, the Ministry considers that it is the Ministry that is best placed to determine the appropriate noise levels for school facilities. The Ministry has a range of standards in place that dictate the noise levels permitted in the different range of spaces that may comprise a school. In addition, the Ministry	Amend as follows: 1. Land use activities, public amenity activities, network utility activities, temporary activities and the operation, repair and maintenance of the rail network must not exceed the following noise emission limits: **Zoning of receiving property** | **Noise level measured at the boundary of the receiving property, or in a rural, rural residential or Ashburn Clinic**

<table>
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<tr><td></td><td></td><td>
<table>
<tr><th></th><th></th><th colspan="3">notional boundary of noise sensitive activities</th></tr>
<tr><th></th><th></th><th>i. 7:00am to 7:00pm</th><th>ii. 7:00pm to 10:00pm</th><th>iii. 10:00pm to 7:00am</th></tr>
<tr><td>a.</td><td>Residential, Recreation, Smith Street and York Place, schools, Dunedin Botanic Garden, Wakari Hospital, Mercy Hospital and Moana Pool zones</td><td>50 dB LAeq (15 min)</td><td>45 dB LAeq (15 min)</td><td>1. 40 dB LAeq (15 min); and
2. 70 dB LAFmax</td></tr>
</table>
</td><td></td><td>has comprehensive standards and advice that support the development of appropriate ventilation for teaching and other spaces within their facilities.
The Ministry does not support the dB noise standards for schools (education facilities) and considers that it is not appropriate for Council to group these spaces together, as the Ministry have their own standards which group spaces under the same maximum noise levels.</td><td>
<table>
<tr><th></th><th></th><th colspan="3">zone at the notional boundary of noise sensitive activities</th></tr>
<tr><th></th><th></th><th>iv. 7:00am to 7:00pm</th><th>v. 7:00pm to 10:00pm</th><th>vi. 10:00pm to 7:00am</th></tr>
<tr><td>a.</td><td>Residential, Recreation, Smith Street and York Place, ~~schools~~, Dunedin Botanic Garden, Wakari Hospital, Mercy Hospital and Moana Pool zones</td><td>50 dB LAeq (15 min)</td><td>45 dB LAeq (15 min)</td><td>1. 40 dB LAeq (15 min); and
2. 70 dB LAFmax</td></tr>
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</td></tr>
<tr><td colspan="6">34 Campus</td></tr>
<tr><td colspan="6">34.2 Objectives and Policies</td></tr>
<tr><td></td><td>34.2.1.2</td><td>Provide for:
a. standard residential activity at an inner city residential density, dairies, entertainment and exhibition and conference, meeting and function, training and education activities; and
b. visitor accommodation, student hostels, early childhood education, community and leisure, healthcare and sport and recreation activities; and {Change D16}
c. industry activity ~~and retail ancillary to industry~~; {Change D9}
where the effects of these activities will be adequately managed in line with Objective 34.2.2 and its policies.</td><td>Support in part</td><td>The Ministry support 34.2.1.2 in principle however seek for the wording of ‘education activities’ to be amended to ‘education facilities’, as this is consistent with the National Planning Standard.</td><td>Amend as follows:
Provide for:
a. standard residential activity at an inner city residential density, dairies, entertainment and exhibition and conference, meeting and function, training and education ~~activities~~ facilities; and
b. visitor accommodation, student hostels, early childhood education, community and leisure, healthcare and sport and recreation activities; and {Change D16}
c. industry activity ~~and retail ancillary to industry~~; {Change D9}
where the effects of these activities will be adequately managed in line with Objective 34.2.2 and its policies.</td></tr>
<tr><td colspan="6">A1.1 Schedule of Protected Heritage Items and Sites</td></tr>
<tr><td></td><td>A1.1</td><td>
<table>
<tr><th>Site Number</th><th>Item/ Building Name</th><th>Address</th><th>HNZ Category</th><th>HNZ List Number</th><th>Protection Required</th></tr>
<tr><td>BX006 {Change SHB3}</td><td>Arthur Street School Infant Department (former)</td><td>26 Arthur Street</td><td>2</td><td>9717</td><td>Entire external building envelope</td></tr>
</table>
</td><td>Oppose</td><td>The Ministry oppose the inclusion of 26 Arthur Street as a new listed heritage item in the 2GP Dunedin City District Plan.
Given that the site is designated, the designation will have precedence over all plan provisions, including heritage listings and rules’. Any future development on site will be addressed through a s176a Outline Plan process.</td><td>Request removal of BX006 26 Arthur Street from A1.1 Schedule of Protected Heritage Items and Sites.</td></tr>
<tr><td colspan="6">A1.3 Schedule of Trees</td></tr>
<tr><td></td><td>A1.3</td><td>
<table>
<tr><th>Tree Number</th><th>Tree Location</th><th>Tree Species</th><th>Tree Common Name</th><th>Tree Maori Name</th></tr>
</table>
</td><td>Support</td><td>The Ministry support the proposed amendment to the number of Trees in group G094, which is located at Strath Taieri School in Middlemarch.</td><td>Retain as propsoed.</td></tr>
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ID	Section of the Proposed District Plan	Proposed Provision (identified by underline in the Proposed Plan)					Support/ Oppose/ Neutral/ New Provision	Reason for Submission	Relief Sought
		G094 **{Change Tree2}**	33 Swansea Street Middlemarch	Quercus robur (group of ~~7~~6)	Oak				