

BEFORE THE TIMARU DISTRICT PLAN HEARINGS PANEL

UNDER: the Resource Management Act 1991

IN THE MATTER OF: Submissions and further submissions in
relation to the Proposed Timaru District
Plan

**STATEMENT OF EVIDENCE OF PENELOPE HELEN GALLAGHER
ON BEHALF OF
WAIHI SCHOOL TRUST BOARD (SUBMITTER NO. 236)**

Dated: 5 July 2024

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SUMMARY STATEMENT

1. Waihi School Trust Board's (WSTB) submission on the Proposed Timaru District Plan (PDP) sought a site-specific planning framework to recognise and provide for education activities and facilities at 611 and 637 Temuka Orari Highway, Temuka (sites), which are located within the General Rural Zone (GRUZ) under the PDP.
2. At the request of the Section 42A Reporting Officer Andrew Maclellan, WSTB prepared a package of site-specific provisions for the sites and engaged Stuart Ford (The Agribusiness Group) to undertake an assessment of the sites against the National Policy Statement for Highly Productive Land (NPS-HPL). This information was provided to Mr Maclellan and has informed the recommendations in his Section 42A report for the GRUZ, which include the introduction of a new 'PREC8 – Waihi School Precinct' and associated plan provisions.
3. I consider that the 'PREC8 – Waihi School Precinct' and the associated provisions recommended by Mr Maclellan are appropriate as they:
 - address the matters raised in the WTSB's submission;
 - are an efficient and effective method of achieving GRUZ-O1; and
 - will ensure that the character and quantities of the GRUZ set out in GRUZ-O2 will be maintained.
4. Further, based on the conclusions in Mr Ford's NPS-HPL assessments, I consider that the NPS-HPL does not provide an impediment to the inclusion of a site-specific planning framework for educational facilities on the sites.

INTRODUCTION

5. My full name is Penelope Helen Gallagher.
6. I hold a Bachelor of Arts in Geography and Management from the University of Otago and a Masters of Applied Science in Environmental Management from

Lincoln University. I am an Associate Member of the New Zealand Planning Institute.

7. I am a planner and I am contracted to Davis Ogilvie (Aoraki) Limited to provide planning services on its behalf. I have 14 years' experience as a resource management planner with particular experience in land use development planning as a consultant to various private and public sector clients. I also have four years experience as the Environmental and Policy Planning Manager for a New Zealand dairy processing manufacturer.
8. I was engaged by the WSTB to respond to Mr Maclellan's request for site-specific plan provisions, and to prepare and present planning evidence for Hearing B.
9. I am authorised to provide this evidence on behalf of the WSTB.

CODE OF CONDUCT

10. I acknowledge the Hearing Panel's directions in Minute 6 (paragraph 36) and confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court's Practice Note 2023. I further confirm that I have complied with the Code of Conduct in preparing my evidence and will do so when giving oral evidence or otherwise participating in this hearing. This evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

11. My evidence relates to the WSTB submission on the PDP. It addresses:
 - (a) the relief sought in the submission;
 - (b) the further information provided to Timaru District Council; and
 - (c) the recommendations set out in the Section 42A Report.
12. In preparing my evidence I have reviewed:

- the PDP;
- the Section 42A Report for Hearing B: Rural Zones of the PDP by Mr Andrew Maclellan dated 19 June 2024;
- the WSTB submission and further submission on the PDP;
- the National Planning Standards;
- the National Policy Statement for Highly Productive Land (NPS-HPL); and
- the assessments of the NPS-HPL undertaken for WSTB by Mr Stuart Ford (dated 14 June 2024).

THE SUBMISSIONS

13. The WSTB submission seeks a site-specific planning framework which recognises and provides for education activities and facilities on its sites. The submission seeks the following relief:
 - (a) rezone the sites as a Special Purpose School Zone, or
 - (b) apply a precinct or specific control overlay on the sites.
14. The WSTB further submission supports the Ministry of Education's (MoE) submission to enable educational facilities of a greater scale in the General Rural Zone (GRUZ).
15. The WSTB submission relates to two adjoining sites:
 - the 'Waihi site' (611 Temuka Orari Highway, Temuka, ID: 13056 (Lot 1 DP 46763, CB26B/127); and
 - the 'Rolleston site' (637 Temuka Orari Highway, Temuka, ID: 13051 (Sec 42 RES 389, CB20A/986).
16. The submission sets out a description of the sites, and the relationship between them.

17. As I understand it, Waihi School has developed and operates under a mix of anticipated existing use rights and resource consents for particular buildings. As Waihi School is a private school it is not able to rely on an MoE designation.
18. The GRUZ, proposed in the PDP, permits education facilities of up to six children. Waihi School does not fit within the scale of this permitted activity framework, and therefore each new education facility (i.e building) on its sites will require resource consent.

FURTHER INFORMATION PROVIDED TO TIMARU DISTRICT COUNCIL

19. Following the close of the submission period, Mr MacLennan requested further detail from WSTB on the relief sought in its submission.
20. In response, WSTB proposed a new 'Waihi Specific Control Area', which included the following provisions:
 - A new GRUZ policy;
 - A new clause in Rule GRUZ-R7;
 - A new permitted activity rule for 'educational activities'; and
 - A 'specific control overlay' over the 'Waihi site' and 'Rolleston site'.
21. WSTB also provided Mr MacLennan with assessments of the sites against the NPS-HPL, prepared by Mr Ford. The sites are defined as 'highly productive land' under the NPS-HPL as they are Land Use Capability 2 and have a rural zoning. Mr Ford's assessments confirm that the 'Waihi site' meets the tests in Clause 3.11 of the NPS-HPL for existing use, and the 'Rolleston site' meets the tests in Clause 3.10 of the NPS-HPL as it is subject to permanent and long-term constraints. Given this, I consider that the NPS-HPL does not provide an impediment to the inclusion of a site-specific planning framework for educational facilities on the sites. Mr Ford's assessments are attached to the Section 42A Report.

SECTION 42A REPORT AND RECOMMENDATIONS

22. Mr MacLennan sets out in the Section 42A Report (Section 13.1) that he largely agrees with the provisions proposed by WSTB. He recommends a new "Waihi School Precinct" be included in the PDP, which includes the following provisions:

- An additional policy PREC8-P1;
- An additional rule within GRUZ-R7;
- An amendment to the planning maps to include the 'PREC-8 Waihi School Precinct' over:

611 Temuka Orari Highway, Temuka, ID: 13056 (Lot 1 DP 46763, CB26B/127)

637 Temuka Orari Highway, Temuka, ID: 13051 (Sec 42 RES 389, CB20A/986)

- An additional reference to 'PREC8 – Waihi School Precinct' in SCHED16.

23. Mr MacLennan recommends a precinct overlay, rather than a specific control overlay, due to it being a better fit with the architecture of the PDP. In my view, there will be no material effect on plan administration between a precinct and specific control overlay on the sites. Therefore, I consider that the precinct overlay recommended by Mr MacLennan is acceptable.
24. Mr MacLennan does not recommend the inclusion of a new rule (as proposed by WTSB) which permits educational activities within the 'PREC-8 Waihi School Precinct'. In my view, on reflection, educational activities are implicit within the definition of 'educational facilities' in the PDP, and therefore a separate permitted activity rule is not required. Therefore, I agree with Mr MacLennan's approach.
25. I agree with Mr MacLennan's assessment that the recommended 'PREC-8 Waihi School Precinct' is an efficient and effective method of achieving GRUZ-O1 and will ensure that the relevant character and qualities of the GRUZ set out in GRUZ-O2 will be maintained.

CONCLUDING COMMENTS

26. I consider that the 'PREC8 – Waihi School Precinct' and the associated provisions recommended by Mr MacLennan are appropriate as they:
 - address the matters raised in the WTSB's submission;
 - are an efficient and effective method of achieving GRUZ-O1; and

- will ensure that the character and quantities of the GRUZ set out in GRUZ-O2 will be maintained.

27. Further, based on the conclusions in Mr Ford's NPS-HPL assessments, I consider that the NPS-HPL does not provide an impediment to the inclusion of a site-specific planning framework for educational facilities on the sites.



Penelope Helen Gallagher

5 July 2024