

2.37 Schools - section 32 evaluation for the Proposed Auckland Unitary Plan

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1 Overview and Purpose

This evaluation should be read in conjunction with Part 1 in order to understand the context and approach for the evaluation and consultation undertaken in the development of the Proposed Auckland Unitary Plan (the Unitary Plan).

1.1 Subject Matter of this Section

This report assesses the most appropriate method for providing for existing schools (primary, intermediate and secondary) in the Auckland region.

The Environment Court has endorsed one approach for all schools regardless of whether they are state, integrated or privately owned in *Otago Presbyterian Girls College Board of Governors Incorporated (Columbia College) v Dunedin City Council* (Decision number 213/2001).

Feedback from the key education stakeholders supported one approach for all schools (acknowledging that state schools are also designated).

1.2 Resource Management Issue to be Addressed

The Auckland Plan states:

“Auckland expects that the quality and effectiveness of its social infrastructure services will be improved as the population increases, through enhanced efficiency and prudent investment”.

The issue - Enabling quality urban growth

A range of supporting social infrastructure is required in conjunction with growth for education, health, justice, corrections, community and cultural facilities.

Social infrastructure is an important community asset providing:

- opportunities to learn
- facilities for the prevention and treatment of illness and injury
- places where the community can come together to discuss issues or socialise.

In resource management terms the issue is what is the best planning method to provide for schools and to enable the efficient use and further development of existing schools. This includes the use of school facilities by the community.

1.3 Significance of this Subject

Schools are a significant component of the social infrastructure of any community. As Auckland grows it needs to have the necessary infrastructure, including social infrastructure to support that growth and enable communities to provide for their social, economic and cultural well-being.

The planning method used to provide for existing and future schools can affect their ability to respond quickly and in a cost effective manner to changing needs.

Previous Auckland legacy Councils used a range of methods to provide for existing and future schools. These include:

1. A Special Purpose – Education zoning (the Auckland City Council and Papakura District Plans)
2. In the activity tables of zones such as residential, business or rural (education facilities are commonly a discretionary activity in residential zones); and/or
3. Designations (state and integrated schools are able to be designated by the Minister of Education)

The draft Unity Plan introduces a new technique – a precinct to provide for existing schools.

Feedback from the community and some local boards on schools has raised the issue of the appropriateness of a precinct v a school zone.

The following additional issues which lie outside the scope of a Resource Management Plan and the focus of this Section 32 report, were also raised.

- the need for additional schools to meet the growing populations needs
- concerns about overcrowding at existing schools
- the loss of school land, including playing fields to residential development

1.4 Auckland Plan

The Auckland Plan describes social infrastructure as including: education, health, corrections, community and cultural facilities and public open space.

The Auckland Plan Directives (the Strategic Plan) – Social Infrastructure include:

- Priority 2 – Protect, enable, align, integrate and provide social and community infrastructure for present and future generations.
- Directive 12.5 – Protect and enable critical social infrastructure services to match the needs of Auckland's current and future populations
- Directive 12.6 – Identify social infrastructure needs and engage local boards to prioritise community infrastructure requirements.
- Directive 12.7 – Include social infrastructure investments in land-use and transport planning documents, and provide for community infrastructure.
- Directive 12.8 – Maintain and extend the public open space network, sporting facilities, swimming pools, walkways and trails, and recreational boating facilities in line with growth needs.

1.5 Current Objectives, Policies, Rules and Methods

The existing Auckland region legacy District Plan's contain the following themes in their objectives and policies for schools/education. (Note; some of these objectives and policies refer only to large scale education facilities such as universities):

Objectives

- Providing for large-scale community facilities and infrastructure while ensuring the sustainable management of the natural and physical resources committed to them
- Ensuring the efficient use and development of land and structures
- Ensuring the amenity values of areas adjoining major education facilities are protected/any adverse effects are avoided or mitigated
- Ensuring that traffic safety and efficiency is maintained and enhanced
- Providing for transportation links which allow for the sustainable management of privately owned and strategically important land

Policies

- Activities which locate at sites with major educational facilities should be essential or associated with the educational facility and the needs of students, visitors and employees;

- Site layout and design and external appearance of buildings and structures should avoid any detracting from the visual amenity of adjacent areas;
- Limit activity and development to an intensity compatible with the surrounding environment;
- Potential adverse effects of activities located in association with major educational facilities should be avoided remedied or mitigated;
- Site layout should avoid, remedy or mitigate any potential adverse effects on traffic safety and efficiency in and around large scale educational facilities;
- Require any new facility to provide adequate on-site parking and to ensure that appropriate measures are taken so that the capacity and safety of the adjoining road network is not detrimentally affected;
- Permitting parking to be shared between site activities where peak use does not coincide.

Currently, primary, intermediate and secondary schools are provided for in legacy councils' District Plans by one or more of the techniques described in section 1.3 above.

The policies are typically implemented by rules, including activity tables (which specify whether a resource consent is required for a particular activity), yards, height, height in relation to boundary, site coverage, car parking, vehicle access, noise and glare.

1.6 Information and Analysis

The information and analysis undertaken as part of developing the Unitary Plan's approach to schools has included:

- Preparation of an issues paper for social infrastructure
- Review of the Auckland Plan's directives for social infrastructure
- An assessment of the overall approaches in the Auckland region's legacy District Plan's for schools
- Review of the approaches for schools in other part of New Zealand – Wellington, Christchurch and Dunedin
- An assessment of the issues, objectives and policies in the Auckland region's legacy District Plan's
- Review of the Environment Court Decision - *Otago Presbyterian Girls College Board of Governors Incorporated (Columbia College) v Dunedin City Council* (Decision number 213/2001).

1.7 Consultation Undertaken

The key phases of consultation undertaken in developing the Unitary Plan's approach to schools have been:

- Feb 2012 – meeting with key education sector stakeholders to introduce the Unitary Plan, timelines
- May 2012 – further workshops with key education sector stakeholders on draft provisions
- 31 August 2012 early draft Unitary Plan circulated to key education stakeholders for comment - contained precinct approach
- Nov 2012 – feedback from key education stakeholders that they support a "precinct" approach for schools
- March 2013 – release of Draft Unitary Plan to all of Auckland

- May – Aug – review of feedback received on March draft, including feedback from the community and Local Boards

1.8 Decision-Making

Initially a Social Infrastructure zoning – Education, Health & Community Facility Zone was proposed for schools, universities, major hospitals and community facilities. This essentially was a mixed use zone with a strong emphasis on education, health and community facilities.

The approach was considered by the Unitary Plan Political Working Party (PWP) in May 2012. The Unitary Plan Political Working Party expressed some concern over zones getting too big and trying to do too much.

As a result of key education stakeholder and PWP feedback, the combined Social Infrastructure zoning approach was changed to a school precinct for the region's primary and secondary schools, a tertiary education precinct for the tertiary education institutes and a Healthcare Facility zoning for the region's major healthcare facilities, including hospitals.

The change in approach for schools was identified as a Red Flag Issue to be considered by the Unitary Plan Political Working Party at its workshop on 3-4 December 2012. However, the issue did not make it onto the agenda as there were higher priority issues to consider.

Issues raised in the feedback on the March draft Unitary Plan were reported to the Auckland Plan committee on 1 Aug 2013. These included:

- The need for more schools
- The planning tool to provide for education – a special education zoning v an education precinct
- The zoning of schools if the precinct approach was to be used

The Auckland Plan Committee did not make any recommendations or decisions on these matters. Decisions were to be made by the full Council at the end of August.

1.9 Proposed Provisions

The draft unitary Plan (released 15 March 2013 for public comment) provided for existing schools via the use of a school precinct which overlays a base zone of typically, residential rural or business.

The school precinct provides for a range of activities commonly associated with schools and includes education, recreation, worship, residential accommodation and accessory activities. It also enables the use of school facilities by the community. The base zone provisions are also applicable, unless overridden by the precinct controls

The draft Unitary Plan also continued with the use of concept plans as a tool to provide more detailed planning for particular school sites. However, the nature of concept plans was simplified to provide greater flexibility for landowners and so that they are not locked into identified building platforms.

The approach in the Proposed Auckland Unitary Plan is to change from the precinct method contained in the March 2013 draft to a dedicated school zone. Changes have been made to objectives, policies and rules in response to feedback. The zone boundaries of some school sites have likewise been amended to include additional land that schools have acquired. Missing zones from some school sites have also been added.

1.10 Reference to other Evaluations

Refer to the Section 32 Topic Matrix for reference to related section 32 evaluations. These include:

- 2.3 Residential zones
- 2.5 Building heights
- 2.7 Design statements
- 2.8 Sustainable design
- 2.11 Biodiversity
- 2.12 Pre-1944 Demolition
- 2.13 Historic Heritage
- 2.19 Landscapes
- 2.24 Urban stormwater
- 2.39 Traffic in centres
- 2.40 Cycle parking
- 2.41 Strategic Transport Corridor
- 2.43 Land Transport Noise
- 2.46 City Centre precincts

2 Objectives, Policies and Rules

2.1 Objective 1

Chapter D 8.9 Special Purpose zones – School zone

The following objective is proposed:

1. The educational needs of schools' students are met and the well-being of students, staff and visitors is provided for.

Appropriateness of the Objective(s)

The objective gives effect to the purpose of the RMA – to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Enabling schools to undertake those activities and to develop the buildings and structures necessary to deliver education is in accordance with the purpose of the act.

Relevance

The objective describes an outcome where schools in the region are enabled through the planning process to meet the educational needs of their students and provide for the well-being of those working at or visiting school sites.

Enabling quality urban growth will require the necessary social infrastructure to support that growth. As the Auckland region continues to grow and intensify, existing schools will need to make more efficient use of their land. Additional schools will also need to be developed. Within existing urban areas, the option of providing additional schools will be both difficult and expensive due to land availability and cost.

Usefulness

The objective involves enabling schools through the draft Unitary Plan to deliver those activities and to develop the facilities (buildings and structures) necessary for the education

(in its widest sense) and well-being of students, staff and visitors. It adds value and assists decision makers by enabling education and related activities to occur as permitted activities.

Achievability

The control of land use is a function of councils. Methods proposed in the Unitary Plan include a school zone, designations (for state owned and state integrated schools) and associated development controls.

Reasonableness

It is reasonable to expect existing school sites to be able to carry out those activities relating to education, recreation, worship and residential accommodation, plus the smaller scale ancillary activities typically associated with schools, such as health care, limited retail.

It is also reasonable to expect the upgrading and further development of school facilities to continue to occur, particularly in areas where further growth is occurring or expected.

Legacy issues

The draft Unitary Plan approach for schools largely replicates the Auckland City Council and Papakura City Council approach to schools which involved a Special Purpose – Education zone. The method is similar in that a dedicated school zone is used.

All other legacy Auckland Council's relied on the zone in which the school was located to control development. This typically necessitated the obtaining of resource consent (where schools were not the subject of a designation) or an outline plan of works (where schools were owned by the Crown and or are state integrated and designated).

2.1.1 Policies

1. *Enable a range of activities including education, recreation, worship and residential accommodation, and appropriate accessory activities*
3. *Provide for more detailed site-specific planning, development and implementation of schools through the development of concept plans.*

Policy 1 recognises the mix of activities that occur and are required on school sites to enable them to deliver their education programmes. These include education, sport and recreation, worship (in the case of religious-based schools which can have a chapel or church on-site, or Catholic schools which are often associated with a church), residential accommodation, plus a range of accessory activities such as the school base health facilities, and tuck and uniform shops.

Policy 3 refers to the ability to incorporate a concept plan or precinct plan into the Unitary Plan. A common planning technique used in all the current District Plans is a concept plan. These have typically been developed to provide site specific planning controls (in terms of how land is used and the controls associated with its development and/or subdivision). A key principle for the development of the draft Unitary Plan has been to simplify the planning process across Auckland. Therefore, while concept plans will be used in some special circumstances, it is not intended to roll over all existing concept plans. Landowners/schools were asked to check the draft Unitary Plan to ascertain whether the draft rules contain sufficient flexibility to allow current/future use of their land to continue. If they still believed a concept plan was appropriate, then that option was available. Concept plans were to be submitted as part of feedback on the March 2013 draft Unitary Plan. They are also able to be included as submissions on the notified plan. Principles in the implementation of crime prevention through environmental design (CPTED) is encouraged through the Regional Policy Statement.

2.1.2 Rules and other methods

The proposed provisions are summarised in 1.9 above.

Policy 1 is implemented via the Unitary Plan rules – Activity Table which provides for education facilities along with a number of activities as permitted activities.

Policy 3 is implemented via the Unitary Plan rules with reference to concept plans in both the Activity Table and the rules which clarify that where there are development controls on a concept plan, these will apply instead of the precinct rules.

Both policies and associated methods enable the relevant objective to be achieved and are able to be easily implemented. Methods outside the Unitary Plan such as the Auckland Design Manual, the Ministry of Education’s design guideline will also be required to fully achieve CPTED principles.

2.1.3 Costs and Benefits of Proposed Policies and Rules

Policy 1 and the associated method enables schools to carry out those activities necessary to educate their students and provide for the well-being of students, staff and visitors. This has social, cultural and economic benefits for the community as a whole.

Policy 3 and the associated method refers to a tool – the concept or precinct plan, which enables a site specific response to be developed. The vast majority of schools have not taken up the opportunity to prepare concept plans through the informal feedback process. Such a policy enables environmental and economic benefits by allowing the use and development of a school to respond to site specific issues and constraints. With respect to CPTED principles and the associated method, this potentially has social benefits by ensuring school environments are designed in a manner that promotes safety. There may be some additional costs associated with the policy and method, but these would only apply in limited circumstances at the interface of school sites with public land.

Both policies enable schools to undertake their key function – the education of their students. They enable schools to respond quickly to growth needs, more often than not without the need for costly consents and the associated time delays.

2.1.4 Adequacy of Information and Risk of Not Acting

It is considered that there is sufficient information on which to base the proposed policies and methods

2.2 Objective 2

Chapter D 8.9 Special Purpose zones – School zone

2. Opportunities for local communities to use school facilities are provided

Appropriateness of the Objective(s)

The objective gives effect to the purpose of the act – to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Enabling local communities to utilise school facilities will enable people and communities to provide for their well-being and is in accordance with the purpose of the act. Community use of such facilities also is in accordance with s. 7 (b) the efficient use and development of natural and physical resources.

Relevance

The issue as stated in the Regional Policy level of the Unitary Plan is 'enabling quality urban growth'. Quality growth necessitates having the necessary social infrastructure to support communities. By enabling school land and facilities to be able to be used by local communities, subject to the agreement of each school, this provides for efficient use of existing social infrastructure. There are major cost savings in not having to replicate such facilities across the region.

Usefulness

The objective adds value by describing an outcome where local communities are able to utilise school facilities – land, buildings and infrastructure. In a practical sense, this already occurs across the region.

Achievability

The Unitary Plan can enable communities to utilise school facilities (i.e. provide for it to occur, not require it). Ultimately, each school's board of trustees will make the decision on whether community groups can use their facilities.

Reasonableness

The outcome has considerably greater benefit for the wider community than costs. The costs are largely borne by adjacent property owners in terms of the additional traffic, noise and activity caused community use of the facilities. However, these can be managed via the permitted activity controls on noise, lighting and hours of operation.

Legacy issues

The Auckland City Council legacy District Plan approach enables the use of school facilities by local communities. The proposed Unitary Plan's approach is based on that provision, but extends it across the region to all schools. *Caselaw (Otago Presbyterian Girls College Board of Governors Incorporated (Columbia College) v Dunedin City Council (Decision number 213/2001)* suggests the proposed Unitary Plan should treat all schools in the same manner to ensure regional consistency.

2.2.1 Policies

Policy 2 recognises and provides for the community use of school land, buildings and infrastructure. This will require the consent of the respective school Board of Trustees (on behalf of the Ministry of Education in the case of state schools) as land owner.

Communities already make considerable use of school facilities, ranging from adult learning classes, use of sports fields for practice by sports teams not associated with the school to use of buildings and facilities such as gyms and halls by community groups. The proposed Unitary Plan recognises that schools comprise significant resources and where appropriate should be able to be used by community groups.

Policy 6 recognises that some control over the use of school facilities and or community facilities located on school grounds is required in order to mitigate the effects of noise, lighting and vehicle traffic disturbing adjacent residential neighbours.

In combination, the policies enable local communities to utilise school facilities and or community facilities located on school sites, while at the same time ensuring that adverse effects such as noise, lighting and traffic can be appropriately managed to avoid adverse effects on the surrounding area.

Both policies are achievable. The proposed Unitary Plan contains a rule that allows community use of school facilities. Rules on noise, lighting and hours of use of facilities can

manage any adverse effects arising from the use of school facilities by the community. The policies are effective in implementing the objective and can be easily implemented.

2.2.2 Rules and other methods

Policy 2 is implemented via the Unitary Plan rules – Activity Table which provides for the community use of education facilities as a permitted activity.

Policy 6 is implemented via the Unitary Plan rules on hours of operation, noise and lighting. Controls on the hours of operation directly influence traffic effects.

Both policies and associated methods enable the relevant objective to be achieved and are able to be easily implemented.

2.2.3 Costs and Benefits of Proposed Policies and Rules

Polices

2. Enable community use of the existing and future school land, buildings and infrastructure where feasible and where this is supported by the land/infrastructure owner

6.. Limit the scale, intensity, frequency and hours of operation of community use of school land, buildings and infrastructure so that it is complementary and secondary to the educational purposes of the site.

Policy 2 and the associated method enable communities to utilise school facilities. This has social, cultural and economic benefits for the community as a whole by providing additional resources that the community have access to for such activities as recreation, leisure, and cultural events. This also has potentially significant economic benefits in avoiding the duplication of facilities and enabling efficient use of existing resources.

Policy 6 and the associated method seek to mitigate adverse effects associated with the community use of school facilities. This is largely achieved around limits on the hours of operation together with the standard noise and lighting rules. This has environmental and benefits for adjacent residents in particular.

2.2.4 Adequacy of Information and Risk of Not Acting

It is considered that there sufficient information on which to base the proposed policies and methods.

2.3 Objective 3

Chapter D 8.9 Special Purpose zones – School zone

- 3. Potential adverse effects of schools, community facilities and associated activities and their use on adjacent areas are mitigated.*

Appropriateness of the Objective(s)

The objective gives effect to the purpose of the act – to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- c) avoiding, remedying, or mitigating an adverse effects of activities on the environment.*

Relevance

The issue as stated in the Regional Policy level of the Unitary Plan is ‘enabling quality urban growth’. The objective recognises there are adverse effects associated with schools –

particularly noise and traffic and, in recent years, floodlighting of sports grounds. Enabling school sites to be developed more intensively increases the potential for adverse effects to occur, especially at the interface with residential zones.

Enabling schools to undertake those activities and to develop the buildings and structures necessary to deliver education while mitigating any adverse effects associated with either land use activities or development is in accordance with the purpose of the act.

Usefulness

The objective recognises that there are adverse effects associated with the use of schools and that these are to be mitigated.

Achievability

The control of land use, including noise and the scale, bulk and height of buildings is a council function.

Reasonableness

It is reasonable to expect the effects of activities and development at schools are managed or controlled to mitigate adverse effects on the surrounding neighbourhood but still enable the schools to function.

Legacy issues

The objective continues with the legacy plans' approaches whereby adverse effects are to be mitigated. The one effect associated with schools not managed by the draft Unitary Plan is traffic. This will be managed outside the draft Unitary Plan via non-statutory methods, such as travel plans and investment to encourage use of public transport.

2.3.1 Policies

Policy 4 encourages high noise generating activities to be designed and located away from the boundary of residential properties in order to mitigate their adverse effects. Given the majority of schools are located in residential areas/zones, from a practical sense, this will need to occur if the draft Unitary Plan noise controls are to be met.

Policy 5 outlines the draft Unitary Plan's approach to the height of buildings whereby lower scale buildings of three storeys (or 12 metres) can be located close to the boundary of residential properties and higher rise building, up to 5-6 storeys (or 24 metres) in height are located further away from the boundary to internalise any adverse effects such as overshadowing, visual dominance, and adverse wind effects.

Policy 8 requires the screening of storage and waste management areas from adjacent residential (including future residential) and open space zoned properties. These areas can be unsightly and appropriate screening will mitigate any potential adverse visual effects on adjoining residential neighbours or the public spaces.

(Note Policy 6 has been assessed in conjunction with Objective 2 – There are opportunities for local communities to use school facilities).

2.3.2 Rules and other methods

Policy 4 is implemented via the Unitary Plan rules – noise, and to meet the noise controls at the residential boundary, high noise generating activities will need to be designed and located so that noise is directed away from the boundary of residential properties.

Policy 5 is implemented via the Unitary Plan rules on building heights.

Policy 8 is implemented via the Unitary Plan rules screening.

All three policies and associated methods enable the relevant objective to be achieved and are able to be easily implemented.

2.3.3 Costs and Benefits of Proposed Policies and Rules

Policies

4. Design and locate high noise generating activities such as air conditioning plant, machinery, intrusive outdoor activities and outdoor lighting so that they direct adverse effects away from the boundary of adjacent residential properties.

5. Provide a transition from lower buildings adjacent to the boundary of residential, future urban or public open space zoned land to higher buildings in the core of school sites to internalise adverse effects such as visual dominance, overshadowing and wind tunnelling.

8. Require the screening of outdoor storage areas and waste management facilities from adjoining sites in residential and public open space zone and the Future Urban zone..

Policy 4 and the associated method requires potentially high noise sources and outdoor lighting to be designed and or located so that noise and light spill is directed away from the boundary of residential properties. This has environmental benefits for the adjacent neighbours but may add a cost to the owners of school sites.

Policy 5 and the associated method seek to have graduated building heights with lower building adjacent to boundaries of residential and public open space zones and higher building located within the core of school sites. This has environmental benefits for adjacent residents. This policy has minimal economic implications, as higher buildings are still provided for.

Policy 8 and the associated method seek that outdoor storage and waste management areas are adequately screened from adjoining residential and public open space zoned land. This has environmental benefits for adjacent residents and the users of public open space. It will add additional cost to the owners of school sites, but these will not be significant and will only effect new development.

2.3.4 Adequacy of Information and Risk of Not Acting

It is considered that there sufficient information on which to base the proposed policies and methods.

2.4 Objective 4

Chapter D 8.9 Special Purpose zones – School zone

4. New buildings and structures positively contribute to the safety and amenity of public open spaces.

Appropriateness of the Objective(s)

Part 2 of the RMA requires all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

7 (c) maintenance and enhancement of amenity values

(Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes)

7 (f) maintenance and enhancement of the quality of the environment

Relevance

New buildings contributing positively to the safety and amenity of public open spaces such as parks, reserves and streets will assist in achieving the Regional Policy level objective of quality urban growth.

Rather than control the design of all buildings on school sites, the proposed Unitary Plan focuses on the design of new buildings, alterations and additions at the public interface, by requiring a limited discretionary activity resource consent. In doing so, an assessment of whether the maintenance and enhance of amenity values and the quality of the environment will be able to be undertaken.

Usefulness

The proposed approach adds value by focusing attention on the design of buildings at the public interface. This is where they will be most visible to the general public. The design of buildings internal to the school or some distance from public places will be at the discretion of the land owner. Buildings adjoining residential zones will not be subject to design assessment per se but there are performance standards proposed that are intended to mitigate the effects of noise, lighting and the bulk of buildings.

Achievability

The control of the design of buildings particularly at the interface with public places is a matter that is within the scope of the functions of Territorial Local Authorities. The methods available to exercise such control are rules (including activity tables) and assessment criteria. The timeframe for achievement will be when new buildings on school sites are constructed. If a high quality built environment is achieved at the interface between schools sites and public places, then the approach would have been successful.

Reasonableness

The draft Unitary Plan proposes that buildings within 10 metres of and visible from public open space in the form of parks and or streets be subject to a limited discretionary resource consent. This will enable design matters to be assessed. The design of buildings on the balance of school sites will be at the discretion of the Ministry of Education and School Boards of Trustees. The control therefore does not place undue burden on schools but focuses design control at the public interface. Feedback from the key stakeholders included a request to: focus on external face rather than internal design.

Legacy issues

The majority of the legacy District Plan approaches to schools require a resource consent for all buildings or alternatively an outline plan of works where a school is subject to a designation. The proposed Unitary Plan approach is therefore less onerous for schools and focuses the Council's attention on design matters at the public interface. The proposed Unitary Plan recognises that with greater intensification in the Auckland region, additional buildings and redevelopment will be required on existing schools sites in addition to the development of new schools. The draft Unitary Plan does not address the design of schools buildings per se but does enable an assessment of the quality of design at the interface between public land (parks and streets) and private or crown land – the school site.

2.4.1 Policies

Policy 7 requires school buildings to be setback from front and side/rear boundaries where school sites border residential and public open space zoned land. In intensively zoned areas such as the Terrace Housing and Apartment Buildings zone, mixed use zones and along key transport corridors there is the opportunity to develop up to the street frontage provided an activated frontage is achieved, main entrances to the building(s) are legible and opportunities for visual connection from the site are maximised. This will ensure the objective

that new buildings (and structures) contribute positively to the safety and amenity of public open spaces (parks and roads) is achieved.

Policy 9 seeks that new building, where they are in close proximity to scheduled historic heritage places, are designed in a manner that respects the heritage building or place. This policy complements the approach taken to heritage places where the extent of the heritage place or its surrounds is identified in the Unitary Plan. Any building within the “extent of place” requires a resource consent.

Policy 10 is a general directive that buildings fronting streets or public open spaces are designed and located in a manner so that they contribute positively to the amenity of the area. This policy is implemented by a rule requiring a limited discretionary activity resource consent for any building within 10m and visible from any street public open space.

2.4.2 Rules and other methods

Policy 7 is implemented via the Unitary Plan rules – yards and assessment criteria, under “Frontage Design” for buildings within 10 metres of public open space.

Policy 9 is implemented via the Unitary Plan rules – assessment criteria, under “Building scale, bulk and location”. It is also implemented by the historic heritage overlay and extent of place rules and assessment criteria.

Policy 10 is implemented via the Unitary Plan rules assessment criteria, under “Building scale, bulk and location” and “Frontage Design”.

All three policies and associated methods enable the relevant objective to be achieved and are able to be easily implemented, although an assessment will required using the assessment criteria.

2.4.3 Costs and Benefits of Proposed Policies and Rules

Policies

7. Require setbacks between school sites and adjacent residential and public open space zoned land and roads, except along the street frontage in the Terrace Housing and Apartment Buildings zone, Mixed Use zone and along key transport corridors provided that:

a. where appropriate, there are interactive frontages at ground level

b. building design addresses the street/public open space frontage and legible pedestrian main entrances are provided from the street

c. fencing along the boundary of a street or public open space maximises opportunities for visual connection to the street from the site.

9. Encourage new buildings to be designed so they respect any scheduled historic heritage places on the site and provide a high standard of amenity and safety..

10. Require buildings fronting streets or public open spaces to be designed and located so they contribute positively to the amenity of the area.

Policy 7 and the associated method requires yard setback from adjacent residential properties and public open space, except in the more intensively developed residential zones. This has environmental benefits for the adjacent neighbours and the community as a whole (in terms of the amenity values associated with a front yard) but does add a cost to the owners of school sites, with less land able to be developed, unless a resource consent is obtained. This has cost and time implications for any development.

Policy 9 and the associated methods seeks that new development respects any heritage place on the site. This has social and environmental benefits, but does add a cost to any new development that is adjacent to a historic heritage place.

Policy 10 and the associated method seek that new development has a positive contribution to the streetscape and the interface with public parks. This has environmental benefits for the public generally and the users of public open space. It will add additional cost to the owners of school sites, but these will not be significant and will only effect new development within 10m of a front yard or boundary adjacent to a park.

2.4.4 Adequacy of Information and Risk of Not Acting

It is considered that there sufficient information on which to base the proposed policies and methods.

3 Alternatives

The proposed preferred alternative is discussed in 2.0 above. The status quo alternative is outlined in 1.5 above.

Alternatives are

1. Status quo (for Auckland City and Papakura) City) - Special Purpose Zone – retain the approach to schools that currently applies to the former Auckland City Council and Papakura areas – a Special Purpose Education zone, but apply it across the region to all school sites;
2. Do nothing – rely on the base zoning (which is typically residential, business or rural) to determine the activity status and performance standards for new schools and further development of existing schools (except where a designation applies);
3. Preferred - apply a Special purpose zone-School zone to existing school sites. For future sites, the zone would need to be applied via plan change once the school has been developed.

The table below discusses each alternative compared to the Preferred Alternative

	Alternative 1 - Special Purpose – Education zone. (Status quo for the former Auckland City Council area) (plus designations where applicable)	Alternative 2 - Do nothing – rely on the base zone and designation (if applicable). (Status quo for the remainder of the region).	Preferred Option Alternative 3 - Education precinct overlaying a base Residential, Business or Rural zone (plus designations where applicable)
Appropriateness	<ul style="list-style-type: none"> • An appropriate technique that can be drafted to meet the Proposed Unitary Plan objectives; • Less flexibility in the ability to be able to respond to changes over time; • Illogical that activities in the surrounding residential, business or rural zones may not be able to occur on school sites – potentially does not reflect the mix of activities that are able to occur in residential, business or rural zones. 	<ul style="list-style-type: none"> • Is the approach that currently applies to 6/7 of the former TLA areas; • Limited appropriateness if the Unitary Plan is to enable schools to develop – subject to time and additional costs associated with the resource consent process for minimal community benefit in a lot of cases. 	<ul style="list-style-type: none"> • The most appropriate approach to implement the objectives and the directives of the Auckland Plan; • A much more enabling approach than relying on the base zone for private schools in particular; • Schools are able to better respond to changes in the future and dispose of land that is surplus to requirements (although in a growing city this would be unlikely) – it will already have an operative zoning in place.
Effectiveness	<ul style="list-style-type: none"> • Can be effective in enabling education activities and related ancillary activities (depends on how it is drafted); • Less effective if there is long-term changes e.g. rationalisation of land – requires a plan change to uplift the Special Purpose Zone and to rezone the school site or portion of it; • Less certainty (than option 3) regarding what the zoning of the land would be if a plan change is initiated to rezone the school site. 	<ul style="list-style-type: none"> • Effective in terms of the ability to control or manage new development; • Less effective from the schools/Ministry of Education’s perspective in terms of the time and cost involved in obtaining resource consents. 	<ul style="list-style-type: none"> • Equally effective as a Special Purpose – Education zone in providing for education and associated ancillary activities • Has the added advantage of also enabling those activities that are permitted in the base zone; • More effective approach if land is surplus to a schools requirements – there is already a base zone indicating what land are able to occur and whether consents are required.
Efficiency	<ul style="list-style-type: none"> • Efficient technique in providing for education and related activities; • Less efficiency if changes occur over time and the school or a part of it is no longer required; • Highly efficient in signalling to the community that a school site or portion of it is surplus to requirements e.g. notification of a plan change if a Special Purpose – Education zoning is to be uplifted and the land rezoned. 	<ul style="list-style-type: none"> • The least efficient of all three options as it requires a resource consent for any further development. 	<ul style="list-style-type: none"> • Enables the majority of new development as a permitted activity (except for those buildings located closer to public places which would require consent) – therefore significantly reduced time and costs associated with resource consents; • Efficient process for changes over time and where land is surplus to educational requirements – there is already an underlying zoning in place; • Able to manage all schools in the same manner regardless of whether they are state or privately owned or are located in residential, business or rural zones.
Costs	<ul style="list-style-type: none"> • A single purpose zone, which although can provide a range of activities, still provides the impression that the zone is primarily for education purposes; • Requires a plan change to remove zoning and rezone land if a school or a portion of a school is no longer required for education purposes; • Privately owned schools in residential and business zones may wish to retain that zoning for valuation purposes – subsequently end up with two approaches for state and integrated schools and privately owned schools; • Contrary to the findings of Otago Presbyterian Girls College Board of Governors Incorporated (Columbia College) v Dunedin City Council (Decision number 213/2001) where the Court held that state and private schools should, from a planning perspective, be managed in a similar manner. 	<ul style="list-style-type: none"> • Less certainty for schools as to whether development will be granted consent – particularly private schools that are not subject to designation; • Economic cost for non-designated schools in terms of the time and costs of the resource consent process as under the draft Unitary Plan education facilities are typically a discretionary activity in residential zones. 	<ul style="list-style-type: none"> • Less control exercised over further development of schools; • Generally an easier process to redevelop a school site or a portion of it for a non-educational purpose (the precinct would not need to be uplifted in the redevelopment was in accordance with the base zone).
Benefits	<ul style="list-style-type: none"> • Zone is specifically designed for education purposes; • Zone clearly identifies schools sites on the planning maps – Special Purpose Education zone; • Some community and Local Board support for a zoning approach (as expressed via the feedback on the March draft) – perceive it as less likely that land will be sold off for other purposes, or at the very least a plan change would be required prior to this occurring. 	<p>There is a more rigorous planning process for any buildings or additions to an existing school – a discretionary activity resource consent or outline plan.</p>	<ul style="list-style-type: none"> • Education as an activity and new buildings/additions (development) can be permitted on existing school sites generally without the need for resource consents – time and financial cost savings; • One approach for all school sites in the region – state schools, integrated schools and private schools can be handled from a planning perspective in the same manner (state school sites will also be designated); • Control over design is only exercised at the interface between public and private land – the area where the design of buildings can have the greatest impact. Buildings internal to a school site and/or

			<ul style="list-style-type: none"> • Greater ability to enable communities to utilise school land and facilities (through a precinct approach); • Not duplicating facilities/resources and enables the development of community hubs (in line with Auckland Plan directives).
Risks	<ul style="list-style-type: none"> • Lack of stakeholder acceptance across the region of this approach (it would be a new approach in 6/7 of the former TLA's) and key education stakeholders have indicated their preference for a school precinct; • Less flexibility in the ability to be able to respond to changes over time; • Land values potentially affected by a change to a school zone, more significant for privately owned schools. 	<ul style="list-style-type: none"> • New development is delayed and costs increased due to the planning process; • Less ability to be able to respond quickly to a need for additional buildings and facilities; • Lack of acceptance of this approach from key stakeholders, particularly those in the former Auckland City Council area that have benefited from a Special Purpose – Education zone. 	<ul style="list-style-type: none"> • Potential opposition from the community on an approach that could be perceived as too enabling; • Does enable significant intensification of school sites; • Would enable the Ministry of Education and privately owned schools to dispose of land without necessarily going through the plan change process (i.e. the school precinct would still be in place but the land could be sold and redeveloped using the base zone provisions, unless a rule was added to require consent for non-education uses e.g. residential development); • Designated schools would have to submit an outline plan of works, while privately owned schools would not.

4 Conclusion

Based on the above discussion, the following conclusions are drawn:

Alternative 3 - Education Precinct overlaying Base Residential, Business or Rural Zone (plus designations where applicable) is the **preferred option** has a number of benefits over the other two options. These are:

- Schools are able to utilise the base zone provisions for activities such as residential accommodation, hostels, and utilise the base zone development controls;
- The precinct can provide for those activities that are specific to schools and or have a more enabling approach for the further development of existing schools, which is in line with the directives of the Auckland Plan;
- Existing schools in the region can be identified by turning on the precinct layer;
- If some of the larger schools have land surplus to their requirements, there is certainty about what type of development can take place i.e. there is already a zoning in place. Deletion of the overlaying precinct or part of it would require a plan change under the draft Auckland Unitary Plan, although discussions with key stakeholders has indicated their desire for a process that enables the automatic removal of the precinct if requested by the land owner (in a similar way in which a designation can be removed);
- The approach has strong support from the key Education stakeholders – it was at their request that the change from a Social Infrastructure zone to a school precinct was made.

The disadvantages associated with the approach are:

- Less control exercised over further development of schools, particularly private schools not subject to designation;
- Generally an easier process to redevelop a school site or a portion of it for a non-educational purpose (the precinct would not need to be uplifted in the redevelopment was in accordance with the base zone);
- There may be some opposition from the community on an approach that could be perceived as too enabling;
- Does enable significant intensification of school sites – this may be perceived as a disadvantage by some sections of the community.

Consequently, the following objectives and policies are recommended;

Objectives

1. The educational needs of schools' students are met and the well-being of students, staff and visitors is provided for.
2. Opportunities for local communities to use school facilities are provided.
3. Potential adverse effects of schools, community facilities and associated activities and their use on adjacent areas are mitigated.
4. New buildings and structures contribute positively to the safety and amenity of public open spaces.

Policies

1. Enable a range of activities including education, recreation, worship and residential accommodation, and appropriate accessory activities.
2. Enable community use of the existing and future school land, buildings and infrastructure

where feasible and where this is supported by the land/infrastructure owner.

3. Provide for more detailed site-specific planning, development and implementation of schools through the development of concept plans.

4. Design and locate high noise generating activities such as air conditioning plant, machinery, intrusive outdoor activities and outdoor lighting so that they direct adverse effects away from the boundary of adjacent residential properties.

5. Provide a transition from lower buildings adjacent to the boundary of residential, future urban or public open space zoned land to higher buildings in the core of school sites to internalise adverse effects such as visual dominance, overshadowing and wind tunnelling.

6. Limit the scale, intensity, frequency and hours of operation of community use of school land, buildings and infrastructure so that it is complementary and secondary to the educational purposes of the site.

7. Require setbacks between school sites and adjacent residential and public open space zoned land and roads, except along the street frontage in the Terrace Housing and Apartment Buildings zone, Mixed Use zone and along key transport corridors provided that:

- where appropriate, there are interactive frontages at ground level
- building design addresses the street/public open space frontage and legible pedestrian main entrances are provided from the street
- fencing along the boundary of a street or public open space maximises opportunities for visual connection to the street from the site.

8. Require the screening of outdoor storage areas and waste management facilities from adjoining sites in residential and public open space zone and the Future Urban zone.

9. Encourage new buildings to be designed so they respect any scheduled historic heritage places on the site and provide a high standard of amenity and safety.

10. Require buildings fronting streets or public open spaces to be designed and located so they contribute positively to the amenity of the area.

Please refer to 5.3 below on the Auckland Plan Committees decision making process on the preferred option for the Proposed Auckland Unitary Plan.

5 Record of Development of Provisions

5.1 Information and Analysis

- Resource Management Act 1991
- Relevant Case law includes: "*Otago Presbyterian Girls College Board of Governors Incorporated (Columbia College) v Dunedin City Council (Decision number 213/2001)*, where the Court held that schools should be managed in the same manner, regardless of whether they were state/designated or privately owned."
- *Assessment of existing objectives and policies.*

5.2 Consultation Undertaken

Key education stakeholders have involved:

- The Ministry of Education;
- The Roman Catholic Bishop of Auckland;

- Association of Proprietors of Integrated Schools;
- Adventists Education;
- Planning consultants – representing private school clients e.g. Kings Prep, St Kentigen College Trust Board, St Cuthbert's, St Stephens, & St Margaret's

Feb 2012.

- Initial Unitary Plan briefing took place
- Initial development of single zoning approach – Education, Health & Community Facility zone

May 2012

Feedback from key stakeholders was:

- Support for Special Use Education and/or Health zone(s) or Mixed Education/Health/Community Zone – need to recognise mix of uses
- Concept plans can enable site specific planning but become outdated
- Intensification of sites – will need to go up to support intensification
- Schools making greater use of their facilities for communities
- Traffic capacity a limiting factor
- Focus on external face rather than internal design
- Social infrastructure buildings are more functional, can't support active edges

Nov 2012

Ministry of Education, Roman Catholic Bishop, Association of Proprietors of Integrated Schools, Adventists Education and consultants representing some of the private schools supportive of precinct approach to schools instead of a Special Use Education or Mixed Education/Health/Community Zone

March 2013

Draft reflective of key stakeholder feedback – and adopts a “school precinct” approach to existing schools. Designations continue to also apply for state schools.

May 2013

Feedback on the March Draft Unitary Plan raises three key issues:

- the need for more schools to accommodate Auckland's growing population (non Unitary Plan matter)
- the most appropriate planning tool to provide for education/schools – a Special Education zone or a school precinct
- the base zoning of schools if the precinct approach is preferred

5.3 Decision-Making

Originally a draft Social Infrastructure zoning – Education, Health & Community Facility Zone was proposed for schools, universities, major hospitals and community facilities. This essentially was a mixed use zone with a strong emphasis on education, health and community facilities.

The approach was considered by the PWP in May 2012. PWP expressed some concern that such a zone was getting too big and trying to do too much. PWP used the examples of schools – schools are currently used for many different community activities and events.

As a result of key education stakeholder feedback and the views of the PWP, the approach was changed to a school precinct for the regions primary and secondary schools, a tertiary education precinct for the tertiary education institutes and a Healthcare Facility zoning for the regions major healthcare facilities, including hospitals.

The change in approach for schools was identified as a Red Flag Issue to be considered by the Unitary Plan Political Working Party at its workshop on 3-4 December 2012. However, the issue did not make it onto the agenda as there were higher priority issues to consider.

The Draft Unitary Plan was released for public in March 2013.

Key issues from the feedback received were considered by the Auckland Plan Committee on 1 August 2013. No decision was made in respect of these issues. Instead, the issues raised were to be considered by the full Council at the end of August.

The Auckland Plan Committee resolved on 30 August 2013 that a Special Purpose: School zone be applied to all schools (state, integrated and private) in the Auckland region, instead of a school precinct.