



FORM 5

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

To: Kaikōura District Council

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

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This is a submission on Proposed Plan Change 3 (PPC3) to the Kaikōura District: Natural Hazards. PPC3 proposes to introduce new objectives, policies, and rules to manage natural hazards within the Kaikōura District and replaces existing planning maps with updated Natural Hazard Overlays.

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

The Ministry understand that Kaikōura District Council ('Council') are taking a district-wide approach for all natural hazards and are proposing to introduce the requirement for a flood assessment certificate that specifies (among other things) whether or not the activity is located on land that is within a High Flood Hazard Area. While the Ministry support the risk-based approach taken by Council i.e. avoiding development in high flood risk areas, the Ministry has concerns around relying on a separate certification process to determine whether land can be developed, or existing developments extended.

Background:

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 charter 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 increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing.

The Ministry is therefore a considerable stakeholder in terms of activities that may impact on existing and future educational facilities and assets in the Kaikōura district.

The Ministry’s submission is:

There are five existing schools located in the Kaikōura district. As part of the PPC3, these schools have been identified and subsequently mapped as follows:

School	Proposed Natural Hazard Overlay
Kaikōura Primary School	Liquefaction Hazard Overlay
Kaikōura High School	Non-Urban Flood Assessment Overlay Liquefaction Hazard Overlay
St Joseph’s School (Kaikōura)	Non-Urban Flood Assessment Overlay Liquefaction Hazard Overlay
Kaikōura Suburban School	Non-Urban Flood Assessment Overlay Liquefaction Hazard Overlay
Hapuku School	Non-Urban Flood Assessment Overlay Liquefaction Hazard Overlay

For the schools located in the Non-Urban Flood Assessment Overlay, the Ministry understands that through PPC3, Council are proposing to introduce a new flood assessment certification process to determine firstly, whether a site or proposed activity is located on land that is within a High Flood Hazard Area to then determine whether an activity can comply with the new natural hazard rules set out in Section 8.5.

It is understood that this new approach is intended to reduce the need for resource consents, however the Ministry is concerned that this process means that properties that are at risk from natural hazards such as flooding are not identified until a flood assessment has been undertaken by Council.

While the Ministry generally supports the risk-based approach taken by Council (i.e. avoiding development in high flood risk areas), the Ministry consider that relying on a separate certification process to indicate to landowners that their land is subject to a High Flood Hazard to then determine compliance with district plan provisions is inappropriate. This process does not provide landowners certainty or enable the community to be aware of natural hazard risk, unless they seek to develop their land and subsequently apply for a flood assessment certificate.

Further, this process does not provide the Ministry any certainty in terms of understanding development potential of an existing school site, as a certificate will only be valid for three years and based on the most up to date models and maps held by Kaikoura District Council or Canterbury. The status of Ministry land in regard to natural hazard risk may therefore be subject to change as models and maps held by Kaikoura District Council or Canterbury are updated.

The Ministry therefore require certainty that the information used to determine the status of Ministry land is robust and accurate. Robust mapping enables the Ministry to identify the areas of land at risk of natural hazard effects not only on existing school sites but during site selection for new education facilities. Not having this natural hazard information readily available will result in uncertainty for the Ministry in terms of future developments and acquisitions.

The PPC3 process is also unclear around the costs of undertaking the certification process for a landowner. While it is noted that in most cases, schools would be designated, those schools that are not

will likely have to apply for a certificate every three years or each time they wish to undertake an activity on site, such as add a new classroom or make an extension to an existing classroom. This also raises concern for the Ministry around the financial costs of managing theoretical risk which may result in unnecessary costs.

It is unclear about whether the proposed overlay is a statutory overlay. The Ministry recommends that, at a minimum, these overlays are non-statutory. Providing for natural hazard maps as non-statutory is important as it would allow Council to regularly update the hazard maps with new information without undertaking a plan change process every time. This approach is utilised by Auckland Council for their flood mapping and enables them to efficiently incorporate updated modelling and correct errors.

The Ministry seeks the following decision from the consent authority:

The Ministry request that natural hazard mapping is undertaken upfront by Council for the Kaikōura district and made accessible to landowners via district planning maps. This will provide certainty to landowners and / or future landowners when looking to develop land or acquire new land as well as provide an enhanced community understanding of natural hazards. Mapping natural hazards upfront will communicate to the Ministry and the community generally the location and extent of land areas subject to natural hazards effects on existing education facilities and associated infrastructure. This will increase community resilience and promote better community awareness of natural hazards.

The Ministry also seek clarification as to the financial costs of the flood assessment certification process and mitigating / managing theoretical risk through the certification process.

The Ministry wishes to be heard in support of their submission.

The key Ministry contact person for these matters is Stuart Graham. Contact details for Stuart are:

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Should you have any questions relating to this submission, please contact the undersigned in the first instance.



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(Consultant to the Ministry of Education)

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