

FORM 18

NOTICE OF REQUIREMENT BY MINISTER, LOCAL AUTHORITY, OR REQUIRING
AUTHORITY FOR A NEW DESIGNATION OR ALTERATION OF DESIGNATION

Section 168 of the Resource Management Act 1991

To: Auckland Council

The Minister of Education ('the Minister') gives notice of a requirement for designation for a public work.

The site to which the requirement applies is as follows:

121 Murphys Road, Flat Bush, Auckland

Lot 3 DP 515396 (Title ID 801675)

The nature of the proposed public work (or project or work) is:

To enable the establishment of a new primary school catering for school age children from Year 0 to Year 8.

The nature of the proposed restrictions that would apply are:

Add new designation No. 49XX to the Auckland Unitary Plan as shown on the designation plan included in Appendix A of the Notice of Requirement - Assessment of Environmental Effects Report prepared by Forme Planning dated February 2023:

Alter **Chapter K Designations** as follows:

Designation Schedule – Minister of Education (3/3).....

South

Number	Purpose	Location
.....		
<u>49XX</u>	<i>Educational Purposes – Primary School (Years 0-8).</i>	<i>121 Murphys Road, Flat Bush</i>

Insert the following new designation:

49XX Primary School Flat Bush

<u>Designation Number</u>	<u>49XX</u>
<u>Requiring Authority</u>	<u>Minister of Education</u>
<u>Location</u>	<u>121 Murphys Road, Flat Bush</u>
<u>Rollover Designation</u>	<u>N/A</u>
<u>Lapse Date</u>	<u>The designation shall lapse on the expiry of 5 years from the date on which it is included in the district plan if it has not been given effect to before the end of that period.</u>

Purpose

Educational Purposes – Primary School (Years 0-8).

Conditions

The standard conditions for all Minister of Education designations apply to this designation, except that where any standard condition conflicts with a site-specific condition below, the site-specific condition shall take precedence.

[Drafting Note 1 – not to be included in the designation, the standard condition for Ministry of Education designations regarding height in relation to boundary has been modified to better reflect the Auckland Unitary Plan controls for residential zones and in accordance with Sections 77M(5) and (6) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021]

1. **Building height in relation to boundary**

Any new building or building extension (excluding goal posts and similar structures) shall comply with the height in relation to boundary controls of adjoining residential zones insofar as they relate to any adjoining land zoned primarily for a residential or outdoor space/outdoor recreation purpose.

[Drafting Note 2 – not to be included in the designation, the standard condition for Ministry of Education designations regarding noise has been modified to remove reference to “the notional boundary of any site in any rural zone” as this has no application for this site. Otherwise the following condition mirrors the standard noise condition for Ministry of Education designations]

2. **Noise**

The noise (rating) level arising from the operation of the school must comply with the following noise levels when measured at the boundary of any residentially zoned site:

DAY/TIME	NOISE LEVEL
<u>Mon – Sat, 7.00am – 10.00pm (0700 -2200)</u>	<u>55 dB LAeq</u>
<u>Sunday 9am to 6pm</u>	
<u>All other times</u>	<u>45 dB LAeq 75 dB LAFmax</u>

These noise limits do not apply to noise from normal school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday.

Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 “Measurement of Environmental Sound” and NZS 6802:2008 “Environmental Noise”.

Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

3. **Establishment Outline Plan of Works**

The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for initial construction and development of the school.

The outline plan of works shall include the following information:

- a) A Design Concept Plan for the site including:
 - i. The general location of access points for vehicles, cyclists, scooters and pedestrians, on-site parking areas (including cars, cycle and scooter parks), and on-site and off-site pick up and drop off areas;
 - ii. Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;
 - iii. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and
 - iv. “Indicative” areas accommodating future education purpose growth development on this site, including building platforms, car parking areas, vehicular access, manoeuvring and circulation areas.

- b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Integrated Transport Assessment (ITA) prepared by Abley Ltd dated January 2023, addresses safety, efficiency and the following specific matters:
 - i. Safe access for pedestrians, cyclists and vehicles (including buses, rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;
 - ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;
 - iii. On-site pick-up and drop-off area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, maneuvering for cars and buses (if required). The following matters shall specifically be addressed as they relate to the school:
 - a) Potential effects on the safe and efficient operation of the

- surrounding transport network and the internal school circulation;
- b) Providing for the continuity of cycle and pedestrian facilities; and
 - c) Providing safe separated access points to the school for those who walk or cycle.
- iv. Any impediments on the safe and efficient movement of pedestrians and cyclists as they relate to the school within the surrounding transport network and any measures required to mitigate these;
- v. Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network;
- Unless already delivered by others, details of any on-road interventions and the time and means by which these are to be implemented. On-road interventions may include:
 - Installation of pedestrian crossing on Road 3 (consented east-west cul-de-sac road along northern frontage of site)
 - On-road physical prevention measures to prevent right-turn manoeuvres into and out of the site to and from Murphys Road
 - Road 3 (consented east-west cul-de-sac road along northern frontage of site) cul-de-sac turning heads (if required)
 - Extension of footpath on Picturesque Drive to service remote pick-up / drop-off area
 - Parking restrictions (P2 mins) at school pick-up and drop-off times for intended parking bays on Picturesque Drive
- c) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters addressed in (b) above and effects associated with the school on the surrounding existing and future roading network. A copy of the draft Design Concept Plan and draft Transport Assessment prepared to support the Establishment Outline Plan shall be provided to Auckland Transport for the purposes of this consultation and engagement.

4. **School Travel Plan**

- a) Prior to the opening of the school, the requiring authority shall either directly or through the School Board of Trustees, develop a School Travel Plan.
- b) The purpose of the School Travel Plan is to provide specifically for measures to reduce vehicle dependence, including walking school buses, carpooling, the encouragement of the use of public transport, the use of remote pick up/drop off locations if appropriate, and the encouragement of walking and cycling. This Travel Plan shall also specifically address the following matters:
 - i. Safe pedestrian access to the entry points to the school;

- ii. Consistency with or use of Auckland Transport's TravelWise programme, or any equivalent programme adopted;
 - iii. Measures to separate vehicle entry and pedestrian/cyclist entries; and
 - iv. Location and provision on site of any scooter and cycle parking required
 - v. Remote pick-up / drop-off management.
- c) The School Travel Plan shall be developed in consultation with Auckland Transport. The School Travel Plan shall be reviewed at the time of submitting each subsequent Outline Plan of Works relating to increased teaching spaces.

5. **Student catchment**

The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for any construction works required as a result of an alteration to the student catchment to include any land located west of Murphys Road.

That Outline Plan of Works shall include the following information:

- a) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which addresses the effects of this change on the transport environment and what mitigation is appropriate, specifically to address safety and efficiency for pedestrian and vehicular movements along and across Murphys Road.
- b) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters addressed in (a) above and effects associated with the school on the surrounding existing and future roading network. A copy of the Transport Assessment prepared to support the Outline Plan shall be provided to Auckland Transport for the purposes of this consultation and engagement.

Advice Note:

Condition 5 recognises that the roading network present at the time of the lodgement of the Notice of Requirement for this designation was not considered adequate to provide safe pedestrian access across Murphys Road to and from the school site. It acknowledges that works on the school site that arise from the student catchment changing to include land to the west of Murphys Road should only be implemented following the requirements of condition 5 or in response to an upgrade of the roading network to satisfy safety concerns.

6. **Pedestrian Access to Murphys Road**

The Ministry shall not promote direct pedestrian access to and from the school to Murphys Road, unless this activity is supported by:

- a) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which addresses the effects of this access and what mitigation is appropriate, specifically to address safety and efficiency for pedestrian movements.

- b) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the matters addressed in (a) above and effects associated with the school on the surrounding existing and future roading network.

The effects that the public work (or project or work) will have on the environment, and the ways in which any adverse effects will be mitigated are:

The proposal will result in no significant adverse effects. An assessment of effects, including mitigation, is contained in the attached Assessment of Environmental Effects.

Alternative sites, routes, and methods have been considered to the following extent:

The proposed designation applies to an existing site owned by the Crown for educational purposes. Given this, and the conclusion that no significant adverse effects will result from development of a school on the site, no assessment of alternative sites, routes and methods is required.

Use of designation as a tool for providing for the proposed educational facilities for which the Minister has financial responsibility is the mechanism used widely by the Minister as part of a national strategy for establishing, maintaining and operating school sites.

Part 8 of the RMA provides for requiring authorities to seek provision for designations in District Plans. The primary reasons for adopting this technique are:

- a. The Minister has a national strategy to designate all state schools.
- b. Designations provide greater certainty in terms of future management options for a site, because it allows the Minister to carry out ongoing development of the site in accordance with the designated purpose over the duration of the life of the school which is likely to be many decades or longer.
- c. Designations recognise the long-term commitment to the particular site, as well as identifying the site on the District Plan maps.

The public work (or project or work) and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The Education and Training Act 2020 requires the Minister of Education to ensure that the School network has sufficient capacity that all school-aged students can enroll in State education. The notice of requirement and designation processes are the primary RMA mechanisms available to the Minister to enable the provision of additional capacity in the School network to respond to population growth over time and thus meet the requirements of the Education and Training Act 2020. Those elected to the Board of Trustees are legally responsible for the management of their school, in the same manner as applies to all other State schools.

The project is required to provide opportunities for students to undertake their studies as provided for under the Education and Training Act 2020. Accordingly, establishment of a school catering for school age children from years 0-8 is reasonably necessary in achieving the objective of the Minister of Education in providing state schooling.

The following resource consents are needed for the proposed activity and have (or have not) been applied for:

No resource consents are required at this stage to designate the site for educational purposes. Any resource consents will be sought concurrently with an outline plan of works once the educational facilities have been designed. Resource consents may be required for the following:

- Regional-scale earthworks (noting the Sediment Control Protection Area)
- Disturbance of contaminated soil (to be confirmed following soil sampling)
- On-site stormwater discharge

The following consultation has been undertaken with parties that are likely to be affected:

Consultation has been undertaken with relevant Mana Whenua groups with an interest in the area, Council and Auckland Transport. A summary of consultation and communication has been provided in the attached Assessment of Environmental Effects.

The Minister of Education attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

Notice of Requirement - Assessment of Environmental Effects prepared by Forme Planning dated December 2022 and all appended technical reports and supporting documents.



Signed by

Clive Huggins (Director Land Investment and Planning – Te Pou Hanganga, Matihiko | Infrastructure & Digital)

Ministry of Education

(pursuant to a delegated authority)

23 February 2023

Date