

Notice of Requirement pursuant to Sections 168 and 181 of
the RMA

Proposed Designation Alteration for Chapel
Downs School

170 Dawson Road, Flat Bush

Prepared for
Minister of Education

February 2024

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1 Key Information

Address	170 Dawson Road, Flat Bush
Legal Description	NZ Gazette 1978 p 2362
Site Area	5.0534 hectares
Owner	Minister of Education / the Crown
Occupier	Chapel Downs School
Requiring Authority	Minister of Education
Operative District Plan	Auckland Unitary Plan
Zoning	Residential – Mixed Housing Urban
Notations	Aircraft Noise Overlay – Moderate Aircraft Noise Area (MANA), Auckland Airport MCI – Urban
Designations	4912, Education purposes years 0 – 8 (Chapel Downs School) 1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport
Road Classification	Chapel Road is an arterial road, Dawson Road is a local road
Plan Change 78 Zone and Notations	Residential – Mixed Housing Urban Qualifying Matters – designation, aircraft noise overlay, floodplains
Proposed Activity	To alter the existing Designation 4912 to enable the extension of school age children being accommodated on the site from Year 0 to Year 8 to Year 0 to Year 10. Refer to attached Form 18 for proposed condition revisions. No change is proposed to the designation’s mapped extent.
Consent Triggers	No resource consents are being sought as part of this Notice of Requirement – refer below.
Other consents/permits that may be required under legislation	Outline Plans will be submitted for future development in accordance with the proposed alteration to the designation.

Building consents may be required under the Building Act 2004
in the future.

2 Introduction

This report is submitted as part of the Minister of Education’s (**the Applicant** or **the Requiring Authority**) notice to Auckland Council (**Council**) of its requirement to alter the existing designation (4912) as it relates to the continued use of the site at 170 Dawson Road, Flat Bush (**the site**) for Chapel Downs School (**Notice of Requirement, NOR**).

In summary, the alteration will enable the extension of school age children being accommodated on the school site from Year 0 to Year 8 to Year 0 to Year 10. The changes to the designation are required to enable the school site to be used efficiently to continue to cater for and meet expected population growth and related school demand of the revised age cohorts in the locale. The provision for educational facilities for the years 7 – 10 age groups is similarly stretched in the catchment. There is already therefore an extant and pressing need for Chapel Downs School to accommodate additional educational opportunities.

The Ministry of Education is a Crown entity with its objectives, functions, powers and responsibilities set out in the Education and Training Act 2020. The Minister is also a requiring authority as defined under section 166 of the Resource Management Act 1991 (**RMA**).

Section 181 of the RMA sets out the matters the Council shall have regard to in considering this requirement for an alteration to an existing designation and making its recommendation to the Requiring Authority, with reference to Sections 168 to 179 and 198AA to 198AD of the RMA.

In preparing this assessment, I have visited the site, and considered the requirement and its potential environmental effects having particular regard to the matters listed in Section 171 (as referenced by Section 181) of the RMA as necessary, including assessing the NOR against the relevant planning instruments. I have relied on the plans and specialist advice appended to this report for the purposes of the assessment.

3 Existing Environment

3.1 The Site

The site comprises approximately 5ha and is located at 170 Dawson Road, Flat Bush. The site is zoned Residential – Mixed Housing Urban in the Auckland Unitary Plan (AUP).

In terms of existing use, the site is currently occupied by Chapel Downs School, as illustrated in Figure 1.

Figure 1 – Aerial Photograph



The school buildings are clustered in the southern end of the site, with pick up / drop off (PUDO) activities and vehicle access for the main car park off Chapel Road to the east and playing fields and open spaces to the north. A separate two-way access to staff parking is located on Dawson Road. The school buildings are generally single storey in bulk and of consistent external appearance, including a number of pre-fabricated temporary teaching spaces.

An early childhood education centre is located in the south-eastern corner of the site, and a Te Whatu Ora dental clinic is located in the north-eastern corner, accessed off a school car park from Chapel Road.

A copy of the gazette notice is provided as **Appendix 1**.

In respect of any significant natural features, these comprise mature trees dotted in the north-eastern corner of the site and in the far north-eastern corner is located riparian planting adjacent a stream beyond the boundary which runs through Medvale Ave Reserve in the north.

The site has been the subject of due diligence assessments regarding the potential growth of educational demand. Accompanying assessments on civil matters and potential contamination provide further detail on site conditions (**Appendices 7 and 8**).

3.2 Surrounding Area

The school site is located in an established and quickly intensifying residential suburb of Flat Bush / Chapel Downs. The surrounding area has a largely suburban residential character with evidence of more intensive development of an urban character, particularly to the south-east. Pockets of commercial activity exist, at the intersection of Chapel and Dawson Roads and to the west across Te Irirangi Drive. These uses are evident in the preceding aerial and true to anticipated character of the residential zones in the surrounding area.

Both Chapel Road and Dawson Road are relatively heavily trafficked routes with Chapel Road an arterial but both comprising at least 20m in road reserve width. The surrounding transport network is described in more detail in the accompanying Transport Assessment (**Appendix 5**).

3.3 District Plan Notations

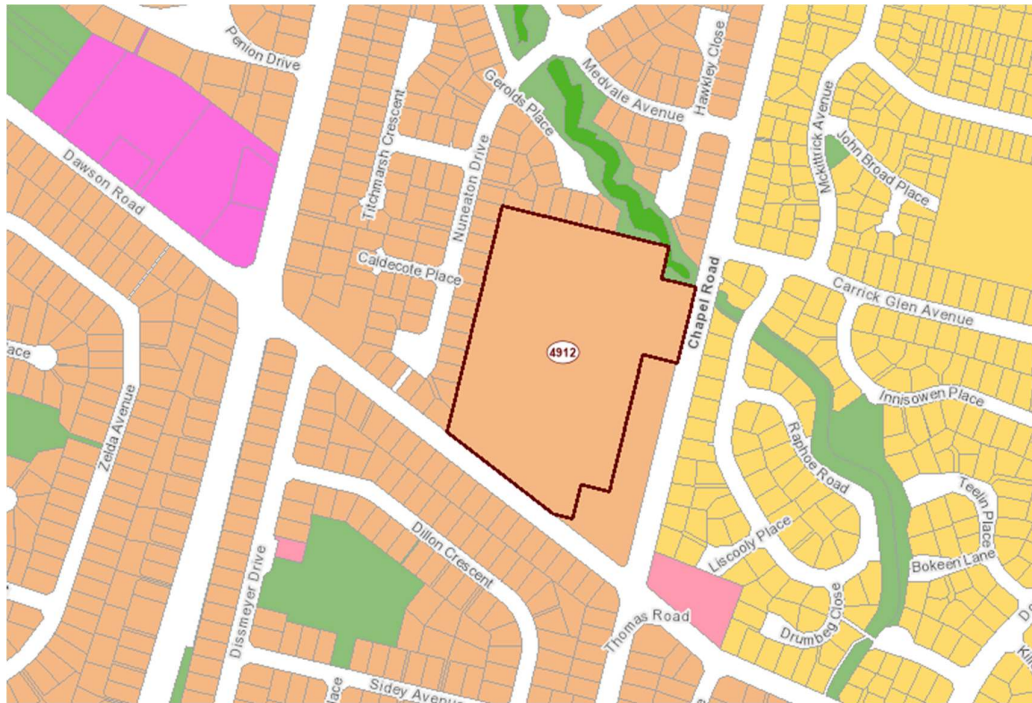
The site is zoned Residential – Mixed Housing Urban (**MHU**), with surrounding land similarly zoned, as illustrated in Figure 2 overleaf.

3.4 Other Notations

In terms of AUP notations, the site is subject to the following:

- Aircraft Noise Overlay – MANA, Auckland Airport
- Macroinvertebrate Community Index – Urban
- Designation 4912 – Educational purposes Years 0 – 8 (Chapel Downs School), Minister of Education
- Designation 1102 – Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Limited.

Figure 2 – AUP Zoning and extent of Designation 4912



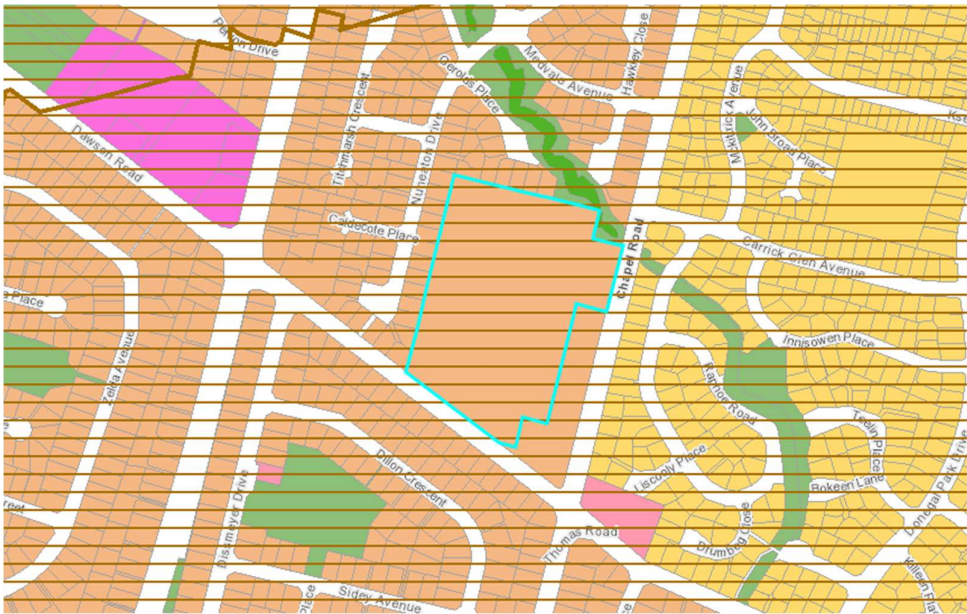
3.4.1 Chapel Downs School Designation 4912

Designation 4912 is subject to the standard conditions for all Minister of Education designations. These are addressed in detail at section 7.6 of this report. In addition, the existing designation is also subject to two site-specific conditions – both relating to acoustic treatment measures required to meet internal noise levels for new or relocated classrooms, libraries and halls or additions and alterations to existing classrooms, libraries and halls. Notably, there is no restriction on student numbers or a roll cap, nor are there any transport related conditions beyond the standard car parking ratio condition applied to all school designations in the AUP.

3.4.2 Moderate Aircraft Noise Area Overlay

The MANA overlay extends across a considerable swathe of the surrounding area, as illustrated in Figure 3 overleaf. It requires careful consideration of acoustic measures owing to the recognised presence of aircraft noise relative to the Auckland International Airport.

Figure 3 – MANA Overlay



There are overland flowpaths indicated on the site as illustrated in Figure 4.

There are no other recognised hazards or notations including cultural heritage inventory or heritage assets.

Figure 4 – Overland Flow Paths



4 Proposed Alteration to Designation

4.1 The Minister’s Objectives

The Minister is a requiring authority pursuant to section 166 of the RMA, and has financial responsibility for state owned and funded schools, so may give the Council a notice of requirement for a designation for such works.

The Education and Training Act 2020 mandates the Minister of Education to designate schools. 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 change to conditions is required to support the opportunity for the site to provide a fuller extent of educational purposes, extending the age cohort accommodated from the “full primary” of Years 0 – 8 to Years 0 – 10. This change enables efficient, safe and reasonable use of the site for schooling, as provided for under the Education and Training Act 2020. This also enables the site to better provide for the existing primary school’s anticipated roll growth, alongside meeting a need for the growing intermediate and junior high school demand in the area. As noted in section 1 of this report, there is an extant and pressing need for additional educational facilities at all of the proposed year levels in the surrounding catchment. Accordingly, the proposed alteration to the existing designation conditions is reasonably necessary in achieving the objective of the Minister in providing ongoing state schooling on this site.

Designation is considered to be the appropriate mechanism to provide for the on-going operation of the school site and to extend its stated educational purpose. The Minister requires ongoing certainty that the site can be developed and used for this purpose. Designation provides the necessary long-term certainty and flexibility for operation of school facilities on the site, while also identifying the use of the site to the general public. Nearly all other state schools within Council’s jurisdiction and within New Zealand are designated.

4.2 Overview of Alteration

As set out in the accompanying Form 18, the Minister proposes a number of changes to the existing conditions of relevance, including seeking to introduce new site-specific conditions on Designation 4912 in order to address key considerations that arise from the extension of the education purposes to include Years 9 and 10, as further explained below and at section 7.6 of this report.

As a result, in addition to the changes to the educational purpose, the Minister seeks to implement new conditions requiring specific assessment and documentation at Outline Plan stage to address school design, having regard to potential transport and acoustic effects in particular. Further, a School Travel Plan condition is proposed, similar to recent designations in Auckland to implement appropriate management of travel patterns to and from school for the school community. Finally, a Communications Plan condition is proposed, that elevates awareness of the aircraft noise inherent in the school environment.

Separately, changes are proposed to existing standard and site-specific conditions to integrate with the new conditions and to, in my opinion, better and more efficiently establish an appropriate framework of assessment of future school development proposals.

These matters are further addressed in detail below and condition wording can be found at section 7.6 of this report.

In considering these changes to the conditions, the Minister has had regard to effects on the wider environment and immediately adjoining neighbours, and these matters are addressed in more detail in this report (and supported by expert assessments at **Appendices 5 and 6**).

4.3 Height, Shape and Bulk

For clarity, no change to the height, shape or bulk of existing buildings on the school site is proposed by this NOR. Indeed, this NOR does not seek to make changes to any physical aspect of the site, including current access, parking, landscaping or building number, location and orientation.

Rather, the proposed change simply enables ongoing and iterative development of the school site to accommodate the required educational facilities. More than likely, the alteration to the designation will result in new buildings, however given the extant level of roll growth and the ongoing programme of temporary spaces to accommodate that roll growth, an increase in buildings and construction on the site is inevitable irrespective of this change.

There are two matters that have implications for future height, shape and bulk of development on the designated site, and these are addressed in turn below.

Firstly, the NOR seeks to amend standard condition 1 regarding building in relation to boundary. The former standard condition is dated and relies on now-defunct recession planes relative to boundary orientation (north, south, east, west). The Minister considers it more appropriate to

modify this condition so that it better reflects AUP controls for residential zones and the effect of 77M(5) and (6) of the RMA, introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

The second matter is in relation to the provision for car parking on-site in relation to the school activities. The NOR proposes to limit the amount of future car parking spaces provided on site to a maximum ratio of 1 park per teaching space, on the basis of transport engineering advice relative to effects on transport safety, efficiency and considering sustainable travel goals for the future school. This makes no specific change now but will impact design and layout in the future.

Any future development (and school operations) would remain subject to the revised conditions, requiring future Outline Plan processes for consideration by Council.

4.4 Location of Works

The location affected by the proposed change to the designation and associated conditions is the entire designated site, as illustrated in Figure 2 and **Appendix 2**. No extension beyond the existing designation boundaries is proposed.

4.5 Finished Contours

As noted, the NOR does not include any physical works and therefore does not itself alter the finished contours on the school site.

4.6 Vehicle Access, Circulation and Parking

4.6.1 Parking

No change to the number or layout of parking spaces currently provided on site will occur as a result of this NOR. Refer section 4.3 regarding intended condition amendments to address the ratio of future parking. This matter is further canvassed in respect of effects at section 6 and in **Appendix 5**.

4.6.2 Access and Circulation

No changes are proposed to access or circulation for vehicles, scooters, cyclists or pedestrians. Future Outline Plan processes require consideration of these matters, including the possible

provision of remote Pick-up and Drop-off (PUDO) locations and subsequent safe routes to and from school.

4.7 Landscaping and Fencing

No Notable trees are present on the site. Nor is any significant vegetation affected within the site by any future development. Further, appropriate hard and soft landscaping around the existing and future school buildings can be implemented via Outline Plan processes.

Turning to fencing, all adjacent residential properties are screened from the school site by (typically) close-boarded timber fences of at least 1.8m in height. A considerable stretch of each boundary is also planted with mature vegetation within the school site. This is evident in the following aerial images.

No change to this boundary treatment is proposed and any future Outline Plan process can satisfactorily address this matter relative to each proposed building design and orientation.

Figure 5 – Fencing and Landscaping





4.8 Infrastructure

Possible requirements for additional or altered infrastructure provision are outlined in the accompanying Civil Assessment at **Appendix 7**. That report concludes that future development may require additional stormwater management on-site. Moreover, a capacity assessment of public and private sewer networks may be required for projects of a large scale that are not offset

by removal of existing flow generating structures. Finally, that report concludes that water infrastructure may require an upgrade to a new pipe size to accommodate future demand.

Ultimately, the civil advice confirms that where necessary, upgrades to private infrastructure or connections to public networks can occur to suitably address supply and demand. Future Outline Plan processes will need to consider exactly how development on the school and growth generally will affect any such services.

No specific demand arises as a result of the NOR, nor are any physical works proposed.

4.9 Hazards

The Civil Assessment in **Appendix 7** also addresses the existing overland flowpaths on the site. It acknowledges these are generated within the site and of a minor nature such that future development proposals can comfortably accommodate them, either in their existing locations or with limited realignment. This is a matter that can be covered in future Outline Plan processes or engineering plan approvals, as required.

No other hazards exist nor require any consideration as part of this NOR, excluding contamination.

Appendix 8 incorporates the Preliminary Site Investigation which addresses the matter of contamination, noting that there exists uncontrolled fill and the potential for historic use of pesticides. Existing buildings may also have contaminated soil via asbestos-containing materials. HAIL activities are therefore anticipated to have occurred on the site. Future consents may be required to manage exposure to risk when disturbing soil.

4.10 Acoustics

The site is located within the MANA overlay. The designation is already subject to site-specific conditions regarding suitable acoustic design of new, altered and relocated teaching spaces (including libraries and halls) to ensure indoor acoustic amenity relative to aircraft noise, in particular.

The NOR proposes to retain those conditions, subject to amendments to reflect the Minister's own Designing Quality Learning Spaces (DQLS) requirements, which are mandatory. The accompanying Acoustics Assessment (**Appendix 6**) details the technical aspect of the change from L_{dn} limits to L_{Aeq} .

The NOR also proposes other conditions relating to provision of acoustic assessments at Outline Plan stage and a Communications Plan – the latter required to be prepared by the Minister and school, and elevating awareness of the aircraft noise component of the existing school environment. This specifically addresses reverse sensitivity effects, which are detailed in section 6 of this report. Detailed condition wording is addressed in section 7.6.

5 Statutory Considerations

5.1 Resource Management Act

Council’s recommendation on the alteration to the designation must have regard to the relevant matters in Section 171, noting that in relation to alterations to existing designations, Section 181 requires consideration be given to the proposal as if it were a new designation and subject to Sections 168 – 179 of the RMA.

5.1.1 Section 171 for Assessment Matters

Of relevance to this NOR, section 171 of the RMA requires the Council to have regard to the following in making its recommendation:

- (1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.*

- (1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - a. Any relevant provisions of—*
 - i. A national policy statement*
 - ii. A New Zealand coastal policy statement*
 - iii. A regional policy statement or proposed regional policy statement*
 - iv. A plan or proposed plan*
 - b. Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - i. The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - ii. It is likely that the work will have a significant adverse effect on the environment; and*
 - c. Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - d. Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

- (1B) *The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.*
- (2) *The territorial authority may recommend to the requiring authority that it—*
- a. Confirm the requirement*
 - b. Modify the requirement*
 - c. Impose conditions*
 - d. Withdraw the requirement.*
- (2A) *However, if the requiring authority is the Minister of Education or the Minister of Defence, the territorial authority may not recommend imposing a condition requiring a financial contribution.*
- (3) *The territorial authority must give reasons for its recommendation under subsection (2).*

A description of the alternatives considered relative to this site is not required to be provided in this case given the Minister has an interest in the land that is sufficient for undertaking the work. Further, the assessment of the effects of the proposal on the environment (provided in section 6 of this report), including positive effects, concludes that the changes would not have a significant adverse effect on the environment. An assessment of the proposed designation relative to the statutory documents listed in section 171(1)(a) is provided in section 7 and below. Finally, the necessity of the proposal is addressed in section 4 of this report and following.

5.1.2 Part 2

Section 171 of the RMA requires the Council to consider the proposal subject to Part 2. The following assessment is provided, noting that Part 2 was considered throughout the statutory assessment in this report regarding both relevant plan provisions and effects. In other words, the conclusions reached were tested against Part 2 where necessary.

Section 5 – Purpose

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management is defined in section 5(2) as:

“...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 wellbeing and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The proposed alteration is consistent with the purpose and principles of Part 2 of the RMA as it enables the community to provide for its social, cultural and economic well-being by providing necessary community infrastructure to service the projected and existing demand for education in the area. The effects of the alteration are evaluated later in this report and demonstrate that any actual and potential adverse effects on the environment will be able to be avoided, remedied or mitigated, and the life-supporting capacity of the site’s environment sustained.

Section 6 – Matters of National Importance

The proposed alteration is not considered to give rise to any matters of national importance set out in Section 6 of the RMA.

Section 7 – Other Matters

This section lists certain matters to which particular regard is to be had in making resource management decisions. The relevant matters are as follows:

- (aa) The ethic of stewardship;*
- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (f) Maintenance and enhancement of the quality of the environment.*

An assessment of the potential effects in respect of natural/physical resources, amenity values and the quality of the environment follows later in this report. The accompanying expert reports, notably in respect of transport and acoustics have confirmed the alteration can be implemented without detriment to the environment including taking into account the effects on neighbouring residential amenity.

Section 8 – Te Tiriti o Waitangi

This section requires those exercising powers or functions under the RMA to take into account the principles of Te Tiriti o Waitangi. It is posited that the proposed alteration does not invoke further consideration of these matters owing to the ongoing use of an existing designated site. Notwithstanding, the Minister is committed to undertaking any engagement with mana whenua that may be required as a result of this designation process and subsequent future project implementation. The site is not identified on Council's database as being subject to a Statutory Acknowledgement.

6 Effects on the Environment

6.1 Overview of Approach

Technical reports included to support the NOR include the following:

- Transport Assessment;
- Acoustic Assessment;
- Civil Assessment; and
- Preliminary Site Investigation.

The overarching intent of the alteration, as set out in section 4, is to support the opportunity for the site to provide a fuller extent of educational purposes, extending the age cohort accommodated from the “full primary” of Years 0 – 8 to Years 0 – 10.

A bulk and location Design Feasibility Study (**Appendix 4**) has been prepared by ASC Architects with input from the wider consultant team and the Ministry of Education to confirm the feasibility of accommodating the necessary project components on the site, alongside existing and to-be-upgraded facilities including infrastructure, to provide a realistic basis for assessing the effects of works that would be enabled by the NOR.

This is not intended to be a firm design and accordingly should not be referred to in any designation conditions. It is intended that the detailed design, including its detailed transport arrangement, acoustic design, site layout and infrastructure are dealt with at future Outline Plan stages. An establishment Outline Plan condition, consistent with the approach taken for other recent school designations in Auckland, has been included for this purpose to ensure relevant matters are addressed in the school design phase following designation of the site.

The following assessment of effects therefore addresses the “envelope” of effects arising from the revised conditions set that governs school operations under the designation, noting that subsequent Outline Plan processes will follow when projects arise, allowing Council discretion for further assessment.

6.2 Amenity Effects

6.2.1 Residential amenity

The underlying zoning for the designated school site is MHU. Non-residential activities are anticipated in the MHU zone “where they provide for the community’s social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood”.¹ The following confirms the scale and intensity of the school as sought by the proposed alteration is compatible with, and will contribute to, the amenity of the neighbourhood.

As described in section 3, the surrounding land is characteristic of the anticipated built outcomes for that zone. The physical condition and general use of the site is not proposed to change (immediately or to any significant degree in the short term, noting the likely iterative nature of development relative to growth) as a result of the alteration and therefore it sits within the existing, largely residential, amenity of the locale. Further, the future school facilities can be designed to be visually compatible with existing and anticipated urban form, and as currently, will likely provide lower building coverage and more permeable area than would be expected for medium density housing in the MHU on a site-wide basis.

The large site provides for the opportunity for large areas of open space for active recreation relative to neighbours, as well as flexibility in design orientation and location, which can mitigate the effect larger buildings and ancillary infrastructure, including car parking areas, have on residential neighbours.

With regard to the height, shape and bulk of buildings, future school buildings can be designed to readily comply with the height in relation to boundary plane as required by the proposed conditions of the designation. The application of the proposed condition ensures that unreasonable dominance or overshadowing of adjoining land can be appropriately avoided or mitigated. This is the case even considering the likely 3-storey bulk of future buildings, noting the MHU permitted envelope across the zone to this height.

There is potential for buildings to be located more centrally within the site, utilising car parking areas and outdoor play areas to separate bulk from immediately adjoining properties. This is illustrated in **Appendix 4**, in relation to both the eastern and western boundaries in particular.

¹ H5.2 Objective (4).

While the detailed design of the school may differ from what is shown, and these concepts have only been provided to demonstrate that the site is able to accommodate educational facilities for years 9 and 10 in addition to the existing designation purpose, it is considered the design represents sufficient certainty that effects on visual amenity can be effectively mitigated whilst enabling appropriate school development. Again, any specific building proposal can be assessed by the Council through the Outline Plan process at each stage of development.

Consideration of amenity should consider noise, which is further addressed below. In brief, aural amenity for nearby residential properties is adequately protected by the standard noise condition applied to schools in the AUP. That standard condition is proposed to be modified to separate construction from operational noise, but without detriment to careful consideration of neighbouring amenity. Compliance is expected given the existing characteristics of the site (i.e. no rock breaking or blasting is anticipated) relative to neighbouring properties.

Potential adverse privacy effects on persons located to the east and west, likely being the closest residential neighbours to future school buildings, can be mitigated by the setbacks identified for intervening use – i.e outdoor play areas, parking. Landscaping planting can be retained and augmented through Outline Plan processes where necessary. Such boundary treatment can be later confirmed. Sites to the north are separated by existing playing fields and the Medvale Ave Reserve. Sites to the south are separated by Dawson Road.

Overall, the scale and location of the ongoing and intensifying use of the site for a school, considering the likely location of proposed buildings and site layout in **Appendix 4**, will have less than minor adverse amenity effects on the surrounding environment and adjacent persons. Furthermore, development of the site is considered to be able to be delivered in a manner that is consistent with the proposed designation conditions and largely consistent with the underlying provisions of the MHU zone.

For the reasons noted, no detailed design control designation conditions are required to be imposed to address visual or residential amenity. Notwithstanding, establishment and subsequent Outline Plan conditions as proposed require a design concept plan be produced that considers and responds to design matters including general location of building platforms and open space as a minimum. Any further restrictions in conditions would, in my opinion, result in unnecessary inflexibility where future Outline Plan processes can comfortably address amenity effects.

6.2.2 Noise

Styles Group has assessed potential acoustic implications of the proposed use of the designated site. This can be broken down into the following areas:

- Effects of aircraft noise on educational activities
- Operational noise of the school and effects on surrounding properties
- Construction noise associated with school developments and effects on surrounding properties.

Effects of Aircraft Noise

These effects can split into noise effects and the potential for reverse sensitivity effects on airport operations. The latter is addressed in section 6.3 below.

Styles Group has reviewed the existing site-specific conditions and proposes changes to those acoustic insulation conditions that apply. **Appendix 6** outlines in detail the changes and their intent, however in summary it is understood that application of the Ministry's mandatory DQLS requirements within the conditions is efficient and effective, and will deliver appropriate acoustic environments, even taking into account future aircraft noise contours.

Styles Group has also considered the effect of aircraft noise on outdoor spaces within the designation site. It is acknowledged that there is potential for residual effects on educational activities that take place outdoors, arising from aircraft noise – namely potential annoyance and disruption to effective communication, at times.

Notwithstanding, there are management techniques that the school can adopt on an operational level to respond to and address said annoyance or disruption, if and when it arises. It is not appropriate however for the designation conditions to restrict or limit how the school delivers outdoor education.

Instead, the revised designation conditions adopt a three-fold approach to acoustics and management of the ambient noise environment in future school development and design:

- Acoustic insulation of new teaching spaces as previously required, albeit with an update as discussed in **Appendix 6** to achieve appropriate and effective limits and levels;
- Requiring acoustic assessment of existing noise levels on the designated site at the time of each development stage, including in relation to aircraft noise. As stated in the proposed conditions for establishment and subsequent Outline Plans, this assessment *"will inform building design to create appropriate indoor acoustic environments in*

accordance with conditions 10 and 11. This assessment will also identify and recommend how effects of aircraft noise on outdoor educational activities will be managed, for example through site design, creation of flexible spaces or other physical design responses; or by school management of outdoor curriculum, or other means”;

- A new condition requiring preparation of a Communication Plan outlining to the school community that the school is located within the MANA and therefore subject to potential aircraft noise. This condition is further addressed in section 6.3 below.

I consider this represents an effective framework to mitigate the potential effects of aircraft noise on the operation of the school. Further, I consider that there is no logical alternative for the following reasons:

- The school exists and is already located in the MANA. The proposal is to increase and continue educational activities on an existing Ministry resource represented by the 5ha Ministry-owned site;
- The demand for education for the identified years exists in the geographic catchment such that locating outside the MANA is not feasible nor desirable in respect of enabling access to education by students in the area;
- Other schools nearby, for example Ormiston Junior College, are already at or over capacity such that the demand for educational facilities for Years 9 and 10 cannot be accommodated on other Ministry assets in the vicinity of the identified catchment;
- Restricting outdoor curriculum is neither appropriate nor a fair outcome for students – namely, the Ministry cannot prevent the school from managing its day-to-day operations and secondly, the prospect of students on this site not having access to core outdoor educational opportunities whereas students in schools elsewhere in Auckland do, presents an inequality in educational services that the Ministry does not consider acceptable. I agree with this position.

Styles Group concludes:

“We consider that the implementation of acoustic treatment of buildings to achieve the DQLS criteria and the management of outdoor learning activities to minimise disruption will result in only a very small potential residual adverse effect of aircraft noise on the operation of the school that may arise for a limited time when students are outdoors.”

Operational noise of the school and effects on surrounding properties

Styles Group concludes that the standard noise condition for day-to-day school operations does not result in any issues for the designated site, and that compliance is more than likely without requiring any unique design or construction techniques. The proposed condition will continue to enable this effect to be assessed at Outline Plan stage.

Construction noise

The Acoustic Assessment confirms that construction noise can be comfortably managed to comply with the relevant standards in the designation, as proposed to be amended in accordance with the NZS that is referenced. The alteration incorporates a proposed condition requiring that future Outline Plan processes are accompanied by Construction Management Plans (“CMP”), where exceedances to construction noise standards are anticipated to occur, to ensure that the construction is carried out in accordance with best practice and to enable Council the opportunity to certify construction methodology to manage noise (any other nuisance effects) relative to surrounding residential properties and the local road network. The standard noise designation condition also addresses construction noise, requiring compliance with NZS 6803:1999.

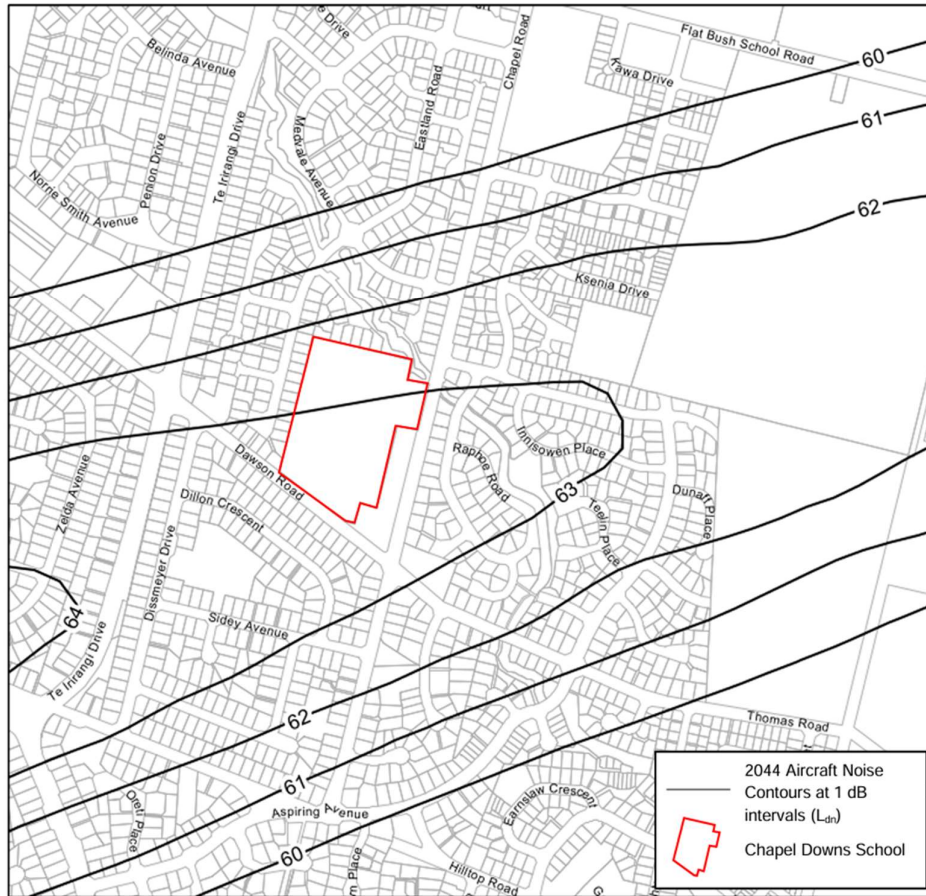
I adopt this assessment and therefore consider potential adverse effects on residential amenity from noise generated by future school activities as enabled by the NOR will be less than minor and that persons occupying residential properties in the immediate vicinity will not be adversely affected, including consideration of both operational and construction noise.

As regards effects of aircraft noise on students and educational activities on the site, I also conclude that, based on the technical assessment set out in **Appendix 6**, these effects can be appropriately managed to be less than minor, subject to the proposed NOR conditions.

6.3 Reverse Sensitivity Effects

The site is wholly located within the MANA overlay, which relates to aircraft noise relative to the Auckland International Airport. This is illustrated in Figure 3 above and the following figure identifies the Airport’s modelled future aircraft noise contours relative to Chapel Downs School.

Figure 6 – Future Aircraft Noise Contours



The MANA restricts noise sensitive activities. Teaching spaces and associated school environments are deemed to be sensitive to aircraft noise under the AUP.

The Acoustic Assessment has addressed how aircraft noise can cause annoyance and disruption to educational activities and effective communication, having regard to the anticipated future noise generated by increased aircraft numbers overhead. It is recognised that there may remain a residual effect on the effective operation of a school as a result and therefore there is a risk of reverse sensitivity effects specifically affecting the ongoing operation of the Auckland International Airport.

Reverse sensitivity is defined as the legal vulnerability of an established activity (e.g. an airport in this case) to complaints from a new (or in this case an increased) activity. It arises when established uses cause adverse environmental effects (in this case noise) on nearby land, and a “sensitive” activity is proposed nearby. The “sensitivity” is that if the new land use is enabled, the established

use may be required to restrict its operations or mitigate its effects so as to not adversely affect the new activity.

In my opinion, the extended use of an existing designated site for educational purposes, subject to the proposed conditions designed specifically to raise awareness of ongoing aircraft noise that may affect the school environment, does not give rise to unacceptable reverse sensitivity effects.

Specifically, the establishment and subsequent Outline Plan conditions expressly require acoustic assessments be prepared that elevate the importance of considering the design of new teaching (and ancillary) spaces relative to the external ambient acoustic environment, including aircraft noise. Further, as already required, new teaching spaces are required to be appropriately insulated against noise to achieve stated internal ambient noise levels that enable effective education. And finally, the Minister proposes to adopt the Communications Plan that has been adopted relatively recently on other school sites in the MANA, namely at Te Uho o Te Nikau (5058), thereby raising awareness of aircraft noise in the school community. The last condition expressly requires engagement with the Airport and the Board of Airline Representatives.

Nor does the project give rise to precedent effects relative to other noise sensitive activities, namely residential activity, which in my opinion is of another category given the potential for aircraft noise to disrupt sleep and nighttime activities, whereas educational activities such as that proposed can be managed around changing or increased aircraft patterns.

Styles Group concludes:

It is our experience that the potential reverse sensitivity effects on AIAL will be avoided or adequately mitigated if the effects on students can be avoided or adequately mitigated.

For these reasons, the NOR is considered to have sufficiently addressed the potential for reverse sensitivity, particularly having regard to the way in which the existing designation (which is only subject to acoustic insulation site-specific conditions) could enable continued growth for educational purposes in years 0 – 8 without further consideration of this matter.

6.4 Transport Effects

The Transport Assessment (**Appendix 5**) concludes that although there are a number of transport challenges in the surrounding network, in large part due to the growth of the surrounding urban area, the transport response enshrined within the NOR and proposed designation conditions are

considered to sufficiently address the transport effects. Overall, the ITA concludes that there is no transportation reason to prevent confirmation of the NOR.

Turning to specific considerations, the ITA assesses the following matters:

- Existing transport conditions relative to Chapel Downs School including traffic generation, parking, PUDO activities (on- and off-site), access, alternative modes of transport;
- Existing condition of the transport network including capacity and “busyness” of traffic;
- Expected corresponding increase in traffic generation arising from the NOR in respect of growth of school facilities, and associated effects on the network in terms of safety and efficiency;
- Identification and consideration of mitigation measures.

The ITA identifies:

- There are sufficient existing connections and access points for all modes of travel to and from the school site.
- Notwithstanding, there are opportunities to improve social infrastructure in respect of pedestrian and cycle routes, to the east and north of the school site, including for example creating a pedestrian walkway from Gerolds Place or signalling a crossing mid-block on Chapel Road.
- The appropriate time to consider those opportunities is at future Outline Plan stages when the anticipated growth in movements to and from school can be modelled in the context of the public network at the time. In other words, how many more students will be traveling to and from school and what is the state of the network on which those movements occur?
- An identified capacity constraint exists north of the site at the Flat Bush School Road / Chapel Road intersection that modelling in the ITA confirms would be unacceptably affected should growth on the school site exceed an increase in 200 vehicles per hour at the morning peak using the Chapel Road access points to the school.
- This future effect can be managed through limiting on-site PUDO availability, in terms of maximum numbers and through school management and prioritisation of those on-site spaces, e.g. for primary school age students.
- On-street PUDO is currently relatively unconstrained with provision for over 130 vehicle parking spaces within a 5 – 8 minute walk of the school.

- There is no safety concern regarding the NOR growth outcomes, even having regard to the crash history as detailed.
- There are no planned transport network upgrades that adversely impact the NOR, including review of the NOR for the Airport to Botany project along Te Irirangi Drive to the west, or the Manukau to Takānini Access Safety project along Murphys Road to the east.

The ITA outlines and supports the proposed travel management approach to the NOR, noting:

In this regard, it is anticipated that the managed, travel plan focussed transport responses by the Ministry or the school associated with future OPWs could include the identification of additional capacity and safety-related improvements such as potential signal controls for the Chapel Road driveway. The triggering of these is recommended to be addressed as part of the OPW process and Travel Plan review requirements as set out in the NOR conditions, which would also allow for consideration of other improvements that AT might be investigating (or have already implemented) for the surrounding network.

The proposed transport strategy elements recommended to support the Notice of Requirement include:

- *Managed and Limited On-site Parking – on-site parking spaces (and use as PUDO) will be provided within the school site, with access from Chapel Road, and limited to one parking space per teaching space. Priority use of the PUDO parking spaces is recommended to be afforded to younger primary ākonga;*
- *Access – Dawson Road – staff entrance and secondary entrance to parent/visitor parking area;*
- *School Travel Plan – development, operation and review of a School Travel Plan (potentially in association with Auckland Transport’s TravelWise travel planning programme);*
- *Potential Additional Walking Access – consideration of the need for, and the options to create, new walking connections to and from the school site – including for example Gerold’s Place along the northern boundary of the site, via Medvale Ave Reserve.*

...

Accordingly, the transport response accompanying the NOR draws upon a multi-modal, transport management approach recognising the limitations imposed by the adjoining public road network, as well as promoting walking, cycling and travel planning to address the travel needs of the future school population. In particular, it is recommended that a constrained on-site parking regime be initiated for the establishment of the Year 9-10 component of future

development, to be undertaken in associated with school travel plan preparation and implementation/review.

Further, as set out in section 7.6 of this report, the proposed alteration includes conditions that seek to further identify, assess and mitigate any potential transport effects, including safe access for students and the community generally, through the requirement of transport assessments at each Outline Plan stage. As noted in the ITA, this iterative assessment (and management – see below) approach is the most appropriate *"to match the specific needs of the travel demands associated with future development of the school, and the relationship between the school and the surrounding network especially as it develops and changes over coming years"*.

The School Travel Plan condition will seek to encourage students to travel to school by means other than private vehicle, to reduce the dependency on that mode of transport and thus the attractiveness of parking on immediately adjoining streets. This Travel Plan might adopt measures like promoting walking and cycling through initiatives and rewards, advertising alternative access points and routes to and from school, and car pooling. It will also identify the management practices to be adopted to ensure compliance with proposed condition 4 regarding a maximum ratio of car parking and PUDO activity on-site (see section 7.6 for further assessment).

For the above reasons, combined with the proposed conditions and the assessment in **Appendix 5**, it is considered that the proposed alteration can be appropriately accommodated without unacceptable or unmitigated adverse effects on the safety, efficiency and function of the surrounding transport network.

6.5 Effects on Infrastructure

6.5.1 Stormwater

The Civil Assessment (**Appendix 7**) establishes the parameters for future development to achieve appropriate hydrological mitigation in accordance with the AUP, including consideration of Chapter E8 (being a regional plan matter that will be considered at future resource consent stage) relative to the historic outlet to the stream in the north. Further, the Civil Assessment confirms that any future connections or upgrades are feasible and can be appropriately accommodated at future design stages.

Having regard to the findings of the Civil Assessment, and noting the presence of existing private and public networks and devices, it is my opinion that there are no adverse effects in relation to

stormwater that cannot be managed or mitigated appropriately and further assessed at a later stage in relation to future school development on the site.

6.5.2 Water supply

New private water connections to the public reticulation will likely be required to service future development, alongside an upgrade in size, and additional sprinkler connections. Again, these can be designed and implemented at a later stage. Given the Civil Assessment does not identify any significant capacity or other network constraints, I consider there are no adverse effects on local or public water infrastructure arising from the NOR.

6.5.3 Wastewater

The Civil Assessment has calculated the estimated peak flows for masterplanned level development on the site and confirms that wastewater reticulation can be designed and constructed without detriment or the requirement for specified upgrades (at this time).

Overall, the NOR is not considered to give rise to any adverse effects on infrastructure.

6.6 Future Construction Effects

6.6.1 Construction Noise

Refer section 6.2.2.

6.6.2 Construction Traffic

It is not considered that construction traffic requires management at designation level. Future Outline Plans and subsequent construction management can address any temporary traffic effects arising from construction.

Overall, subject to the implementation of the construction management plans above, potential adverse effects arising during construction of new buildings and associated works post-alteration can be managed with no adverse effects on the surrounding environment.

6.6.3 Contamination

Appendix 8 confirms that HAIL activities are more likely than not to have occurred on the site – being uncontrolled fill, pesticide use and potential asbestos containing materials. The Preliminary

Site Investigation also confirms that future development stages will likely require a consent under the NES – Contamination and pending further soil testing, Chapter E30 Contaminated land.

These risks and associated effects on human health during soil disturbance associated with construction can be appropriately managed through best practice and are not necessary to be considered further at the NOR stage.

6.7 Effects on Mana Whenua Values

A summary of the consultation with mana whenua is detailed in Section 8 below. Consultation is ongoing.

There are no sites of significance to mana whenua affecting the designation site included in the AUP or recorded by the New Zealand Archaeological Association.

The Minister’s representatives will continue to engage with any mana whenua who express an interest in this project either as a direct response to communications set out by the Ministry of Education or through the formal designation process. Effects on the adjacent watercourse north the north from land disturbance and future stormwater discharge will be relevant factors in regional resource consents that will be required for project implementation subsequent to this alteration to the designation being confirmed, and themselves require further consultation to confirm effects on mana whenua values are appropriately considered.

6.8 Summary of Effects

The actual and potential effects arising from the alteration in relation to residential amenity, noise, reverse sensitivity, transport, infrastructure, and future construction can be effectively mitigated through the imposition of and compliance with proposed designation conditions. In addition, project-specific effects can be assessed and addressed through future Outline Plan processes, and in accordance with best practice, where applicable. Effects on mana whenua values continue to be assessed in consultation with iwi.

The proposal will also generate positive effects by alleviating pressure on an existing school facility and the surrounding educational network more broadly, provide for new teaching spaces and learning environments in-situ for the growing community, consistent with the Minister’s requirements for quality learning spaces.

7 Policy Framework

7.1 National Policy Statements

7.1.1 The National Policy Statement on Urban Development 2020

The proposal is consistent with the National Policy Statement on Urban Development 2020 (“NPS-UD”). The proposal supports critical social infrastructure (schooling) that in turn supports urban development to occur in accordance with growth and in a manner that will create a well-functioning urban environment (per Objective 1).

Objective 4 anticipates that the urban environment will change over time in response to the diverse and changing needs of people, communities and future generations. The ongoing use of this site for educational purposes to service the growing and urbanising community around it is an example of that change.

Further, the intensified use of the site for school facilities demonstrates achievement of Objective 8 in relation to a reduction in greenhouse gas emissions by making extended school facilities (in respect of Years 9 and 10) available for walking and cycling within its indicative catchment, thus reducing vehicle kilometres travelled; and by being able to develop on the site with climate change resilience, i.e. not exacerbating natural hazards that are affected by climate change.

Implementation Provision 3.38 of the NPS-UD requires Auckland Council to remove any rules from the AUP that have the effect of requiring car parking minima (other than accessible car parks). This provision does not apply to designations. Notwithstanding, the Minister proposes a switch from the standard condition governing car parking to a parking maximum in line with transport engineering advice. The condition framework is worded to enable flexibility in considering appropriate parking provision relative to demand and effects on the transport network.

In this way the proposed alteration is considered to be consistent with the NPS-UD.

7.2 National Environmental Standards

7.2.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The purpose of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“**NES – Contamination**”) is to provide a nationally consistent approach to the assessment and management of contaminants in soil for the protection of human health.

The NES – Contamination does not include a policy framework to guide the assessment of applications, however it does identify the matters that will be taken into account when a controlled or discretionary activity consent is required under the NES.

In this case, the NES – Contamination applies because site-specific reporting has confirmed that the site has accommodated HAIL activities relating to persistent pesticide bulk storage or use; asbestos products including buildings containing asbestos products known to be in a deteriorated condition; and contamination from uncontrolled fill. Given the status of the site as a HAIL site and the extent of soil disturbance required to develop the site as proposed, it is likely that resource consent under the NES – Contamination is required. GHD suggest this would be discretionary without additional (or any) site testing, but such testing may further clarify contamination risk and reduce consenting requirements to a controlled activity only.

Accordingly, it is our assessment that consent is likely to be required under the NES – Contamination for disturbing contaminated land. This is a matter that will be canvassed at that future consenting stage and does not have implications for the NOR.

No other National Environmental Standards are relevant to the alteration.

7.3 Regional Policy Statement and Plans

The Regional Policy Statement (**RPS**) forms part of the AUP, which became partly operative in 2016. It is a mandatory document that provides an overview of resource management issues in the Auckland region, and the ways in which integrated management of the region’s natural and physical resources will be achieved. It provides policies and a range of methods to achieve that integrated management across resources, jurisdictional boundaries and agency functions, and

guides development of subordinate district plan provisions, and consideration of resource consents.

There are many provisions in the RPS that address the built environment, urban form, natural and physical resources and environmental considerations. The overarching national policy guidance review however confirms the above governmental direction for growth and the regional-level expectations for development in the region. Having regard to that analysis, it is considered the alteration is generally in accordance with the relevant provisions of the RPS for the following reasons:

B2 Issues of regional significance – Tāhuhu whakaruruhau ā-taone » 2.1 Urban growth and form

Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities and services. Growth needs to be provided for in a way that does all of the following:

- *enhances quality of life for individuals and communities.*
- *supports integrated planning of land use, infrastructure and development.*
- *optimises the efficient use of the existing urban area.*
- *encourages the efficient use of existing social facilities and provides for new social facilities.*
- *maintains and enhances the quality of our environment, both natural and built.*
- *enables Mana Whenua to participate and their culture and values to be recognised and provided for.*

B.2.8.1 Social Facilities – Objectives

- (1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.*
- (2) Social facilities located where they are accessible by an appropriate range of transport modes.*
- (3) Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.*

B.2.8.2 Social Facilities – Policies

- (1) Enable social facilities that are accessible to people of all ages and abilities to establish in appropriate locations as follows:*

- (a) Small-scale social facilities are located within or close to their local communities*
- (2) Enable the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.*
- (3) Enable intensive use and development of existing and new social facility sites.*
- (5) Enable the efficient and flexible use of social facilities by providing on the same site for:
 - a) Activities accessory to the primary function of the site; and*
 - b) In appropriate locations, co-location of complementary residential and commercial activities.**
- (6) Manage the transport effects of high trip-generating social facilities in an integrated manner*

Social facilities include education facilities. The proposal will provide essential education facilities to an area already exhibiting growth and being anticipated by the Plan (and RPS) to continue to grow. School facilities within the existing and future indicative catchment are intended to take pressure off existing facilities and to provide for the anticipated demand from this growing area, thus helping to manage travel demand by avoiding a need to travel to other schools in the wider area. The facility therefore promotes the social well-being of the community.

The development will provide a facility that will benefit the community, not only in terms of the educational benefits for children, but also in terms of employment opportunities and the provision of a facility that will act as a community focal point for social interaction. The potential adverse effects of the facility can be appropriately managed through the proposed conditions on the designation, appropriate design and future outline plans and resource consents that may be required.

In terms of appropriate location, the site is located within the MHU zone under the AUP. Education facilities are a discretionary activity in this zone. Residential areas are typical locations for schools throughout New Zealand and locating schools in these areas promotes alternative transport modes and sustainable catchments. The zone includes a suite of objectives and policies to enable a reasonably high intensity residential zone with development up to three storeys high and a variety of built form including detached dwellings, terrace housing and low-rise apartments. Non-residential activities to provide for the community's social, economic and cultural wellbeing are envisaged (and further addressed in the following section) provided they are compatible with the scale and intensity of development anticipated in the zone.

It is my view that the proposed school development can be appropriately designed and can internalise potential adverse effects on neighbouring residential amenity through setbacks, design detail and maintaining a sense of spaciousness within the site as a result of the functional requirements of a school, and the scale of the 5ha site. In this way, school buildings are anticipated to be fully compatible with development anticipated by the zone, and the large site and existing topography will ensure a generally lower extent of coverage by buildings and impervious surfaces than might otherwise be enabled by residential development in accordance with the zone.

No consent matters arise under the relevant Regional Plan provisions in the AUP in relation to the alteration and no further assessment is required at this time.

7.4 District Plan Objectives and Policies

7.4.1 Introduction

The AUP was made partly operative in 2016 and provides rules for how development can occur within the Auckland region. It sits within the wider resource management framework set out above and covers matters such as residential, industrial, commercial development and subdivision, noise and the location and height of buildings.

The strategic objectives and policies of the AUP of relevance to the proposal are addressed in the preceding RPS section. These higher order objectives for urban development and associated assessment illustrate that the site can continue to be utilised for school facilities without comprising, and in fact can be demonstrated to deliver on the strategic direction of the AUP.

7.4.2 Auckland-wide

District level Auckland-wide provisions in Chapter E of the AUP do not apply given the application of Designation 4912 on the site. This includes matters in relation to Chapters E12 Land disturbance – District, E25 Noise and Vibration, E27 Transport, and E36 Natural hazards and flooding.

Notwithstanding, based on the preceding assessment of effects and accompanying expert reports, I consider that the proposed altered (and new) designation conditions will ensure that eventual school development will be delivered in a manner generally consistent with the provisions of these sections of the AUP. The overarching intent is that future development of the site will avoid, remedy or mitigate adverse effects on the environment including in relation to the

above-listed matters, either through best practice or in accordance with the proposed designation conditions.

Regional level Auckland-wide provisions will continue to apply post-alteration implementation and can be assessed at later consenting stages – including in relation to water quality, contaminant discharge, regional land disturbance, stormwater management, groundwater and other discharges where relevant. The ongoing use of the site for school facilities, and the associated designation as proposed to be altered, is not considered to prejudice either the application of, or compliance with, these provisions of the Auckland-wide chapters of the AUP. No further assessment is considered necessary at this stage.

7.4.3 Aircraft Noise – MANA Overlay

The site is subject to the statutory overlay regarding Aircraft Noise relative to Auckland Airport. Chapter D24 of the AUP outlines that the purpose of this overlay is to “manage the subdivision of land and location of activities sensitive to aircraft noise in the areas of high cumulative noise around the region’s airports and airfields, so that the continued operation of those airports and airfields is not compromised, and reverse sensitivity issues are addressed”.

Specifically, the site is subject to the Moderate Aircraft Noise Area (**MANA**) overlay.

The two objectives are addressed below:

- (1) *Airports and airfields are protected from reverse sensitivity effects.*

Response: The existing site-specific conditions for Designation 4912 require that appropriate acoustic insulation for new teaching spaces and ancillary educational facilities designed to accommodate activities sensitive to aircraft noise. The proposed alteration retains these conditions, albeit with an updated reference to the DQLS’ mandatory requirements for indoor ambient noise levels, and with meaningful and effective measurements and limits. These edits were prepared with advice from Styles Group and in consultation with Marshall Day, Auckland Airport’s acoustic engineers. The Acoustic Assessment at **Appendix 6** further articulates the benefit of the changes in order to address the technical aspects of the condition amendments relative to reverse sensitivity.

Furthermore, the proposed alteration seeks to impose a new condition on Designation 4912 akin to other schools within the MANA – being the requirement to produce and make available to its community (students, staff, families) a Communications Plan outlining and assisting with awareness of the presence of aircraft noise in the vicinity. That Plan is required to be developed

in consultation with the Board of Airline Representatives and was deemed acceptable to address reverse sensitivity effects for Designation 5058 (Te Uho o Te Nikau Primary School at 187 Flat Bush School Road).

In this way, the proposal is considered to be consistent with this objective.

(2) The adverse effects of aircraft noise on residential and other activities sensitive to aircraft noise are avoided, remedied or mitigated.

Response: Styles Group acknowledges that the potential effects of aircraft noise on school activities can be managed through the appropriate acoustic insulation and design of teaching spaces, and ancillary spaces already addressed above.

Further, Styles Group also identify that aircraft noise can adversely affect outdoor activities on a school site, at levels described as annoyance or disruption to communication. Styles Group considers that the proposed conditions of the altered designation will appropriately avoid or mitigate those potential effects arising from noise exposure.

Relevant policies are addressed below.

Policy D24.3(3)(b) seeks to avoid establishing activities sensitive to aircraft noise within the area between the 60dB Ldn and 65dB Ldn contours, such as Chapel Downs School, unless the effects can be adequately remedied or mitigated through various restrictions and through providing acoustic treatment (including mechanical ventilation) of buildings containing activities sensitive to aircraft noise. The proposal is consistent with this policy, noting that the intention is to extend an existing school facility, rather than establish a wholly new activity sensitive to aircraft noise in this location.

Policy D24.3(5) seeks to manage activities sensitive to aircraft noise within areas identified for accommodating urban growth in a way that avoids reverse sensitivity effects as far as practicable, and avoids, remedies or mitigates adverse aircraft noise effects on people and communities. For the reasons noted in relation to the overarching objectives in D24, the proposal is consistent with this policy.

7.4.4 Residential – Mixed Housing Urban zone

The Residential – MHU zone is a reasonably high-intensity zone enabling a greater intensity than previously provided for. The AUP (H5.1) acknowledges therefore that over time, the appearance of neighbourhoods within this zone will change, with development typically up to three storeys

in a variety of sizes and forms. The preceding assessment of effects has considered whether the potential continuation of development of the site for (extended) school activities would give rise to adverse effects in relation to residential amenity, and has considered the anticipated built outcomes of the MHU zone.

Having regard to that assessment and the relevant objectives and policies at H5.2 and H5.3 of the AUP, the following comments are made:

- Future school development on the site could achieve Objective H5.2(2) in that **Appendix 4** has demonstrated how a predominantly three-storey building format surrounded by open space can be delivered;
- Non-residential activity that provides for the community's social, economic and cultural well-being is anticipated by the zone under Objective H5.2(4), so long as it is compatible with the scale and intensity of development and contributes to the amenity of the neighbourhood. The preceding assessment of residential amenity effects confirms the proposal is considered to be able to do so.
- Policy H5.3(2) requires the height, bulk, form and appearance of development and the provision of sufficient setbacks and landscaped areas to achieve an urban character. To the extent possible, a school development accommodating Years 0 – 10 can achieve these requirements on the site, as demonstrated by **Appendix 4**. The potential for centralised building locations surrounded by perimeter landscaping and grassed sportsfields and ancillary open space delivers or exceeds the anticipated character and appearance.
- Policy H5.3(4) requires the height, bulk, form and location of development to maintain a reasonable standard of sunlight access and privacy, and to minimise visual dominance effects to adjoining sites. These effects have been considered in section 6 of this report and found to be acceptable relative to how a school development might continue to be delivered on the site, noting its context relative to road boundaries and the Open Space zoned land to the north providing significant setbacks to sensitive activities in large stretches of the boundary.
- Policy H5.3(10) recognises the functional and operational requirements of activities and developments, which is favourable in respect of non-residential activities in the zone. Plainly there are bespoke requirements of a school in order to deliver a functional and

safe learning environment for students, and for staff to manage and operate the education facility accordingly; the indicative site layout incorporates such requirements.

- Stormwater can be appropriately managed on-site as anticipated by Policy H5.3(7).
- Policy H5.3(8) provides for non-residential activities that support the social well-being of the community, are in keeping with the scale and intensity of development anticipated by the zone, avoid, remedy or mitigate effects on residential amenity and will not detract from the vitality of centre zones. The preceding assessment of residential amenity effects confirms the ongoing school use is consistent with this policy.

Acknowledging that a designation by definition excludes any requirement for development of the site to strictly consider the above district-level plan provisions, it is helpful at this stage to note that the preceding assessment therefore concludes that ongoing and extended school development would ultimately not result in an unacceptable outcome relative to the character of development anticipated by the MHU zone.

7.5 Plan Changes to the AUP

7.5.1 Plan Change 78

Auckland Council notified Plan Change 78 to the AUP on 18 August 2022. The Council was required to notify this intensification plan change in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The plan change seeks to “up-zone” residential areas within Auckland so as to deliver the Medium Density Residential Standards (MDRS).

PC78 seeks to retain the MHU zone for the site, albeit with the introduction of MDRS that slightly alter the permitted bulk and location of buildings for the zone. Notwithstanding, the existing and proposed zones have similar anticipated built outcomes and therefore it is not considered there is a weighting exercise to be carried out in respect of the plan change and proposed designation alteration.

Further, PC78 has been extended in process, with decisions not required until 2025 and a recent request made by Council to the Minister for the Environment to extend the process timeframe for a further year to March 2026.

There are no other relevant plan changes. No further assessment is warranted, therefore.

7.6 Proposed Designation Conditions

Chapter K of the AUP explains the standard conditions for all Minister of Education designations. These conditions are extant on Designation 4912 as it relates to the existing Chapel Downs School, alongside two site-specific conditions that relate to the site’s location within the MANA and the subsequent need to consider acoustic insulation for teaching spaces relative to aircraft noise.

The accompanying Form 18 sets out the proposed new suite of conditions in detail which are intended to wholly replace the existing mix of standard and site-specific conditions that currently apply to Designation 4912. Additions are shown in underline (underline) and deletions as a strikethrough (~~strikethrough~~).

Condition 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 60 degrees measured from a point 4m vertically above ground level at the boundary of any adjoining land zoned residential or open space.

Assessment:

The standard condition for school designations regarding height in relation to boundary has been modified to better reflect the AUP controls for residential zones and in accordance with sections 77M(5) and (6) of the RMA which provides that designations may rely on the MDRS if those provisions are more lenient than conditions included in the designation. **Appendix 4** illustrates how future three-storey development on the site can achieve compliance with the more stringent height to boundary controls of the MHU as set out in section 7 of this report.

Condition 2 – Operational Noise

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

DAY/TIME	NOISE LEVEL
Mon – Sat, 7.00am – 10.00pm (0700 – 2200)	55 dB LAeq
Sunday 9.00am – 6.00pm	
All other times	45 dB LAeq 75 dB LAFmax

These noise limits do not apply to noise from normal school sports and school recreational activities occurring between 8.00am and 6.00pm Monday to Saturday.

~~Operational nNoise levels shall be measured and assessed in accordance with NZS 6801:2008 "Acoustics – Measurement of eEnvironmental sSound" and NZS 6802:2008 "Acoustics – Environmental nNoise".~~

~~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".~~

Assessment:

The changes to this standard condition are recommended by Styles Group for clarity and accuracy. The Minister also proposes to delete reference in this condition to construction noise and address that in a new condition that enables exceedances of the referenced NZS as it is intended to apply. Currently, the wording would require a resource consent where short (and largely permitted) exceedances are predicted, negating the ability to rely on the designation for suitable works.

New Condition 3 – Construction Noise

~~Construction noise must be measured and assessed in accordance with NZS 6803:1999 "Acoustics – Construction noise". Construction noise must comply with the guideline upper limits of NSZ 6803:1999, except that the limits between 7.30am and 6.00pm on Monday to Saturday may be exceeded by up to 10dB where compliance with the guideline upper limits is not practicable.~~

~~A Construction Noise and Vibration Management Plan (CNVMP) must be submitted to Auckland Council for certification before any construction works that cannot comply with the guideline upper limits of NZS 6803:1999 are undertaken. The objective of the CNVMP is to identify and require the adoption of the best practicable option to minimise construction noise and vibration effects and enable compliance with Condition 2.~~

Assessment:

This is a new construction noise condition that replaces the standard overall noise designation condition, in combination with the amendments to condition 2, relating to operational noise. This wording builds on other designation condition wording (e.g. Designation 5058) relating to construction noise, outlining that a CNVMP is not required for all works, only where exceedances have been identified or are predicted to occur for periods of time, and to appropriately mitigate the effects from those exceedances.

Condition 4 – On-site Car Parking – Schools (renumbered from standard condition 3)

Additional on-site car parking shall be provided at the maximum rate of ~~two~~ one car parks per new classroom or classroom equivalent, except where the Council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser alternative level is appropriate. For the avoidance of doubt, this condition shall only apply where there is a net increase in the number of classrooms or classroom equivalents.

Assessment:

The standard car parking condition is edited to achieve a reduction or restriction of on-site parking as recommended by the ITA, largely in respect of restricting or controlling vehicle movements to and from the site via the Chapel Road access. This in turn manages and mitigates efficiency and safety effects on the road network relative to the school growth and development. The intention of this condition and the restricted parking supply approach is intended to work alongside the School Travel Plan condition (see below). Overall, the Minister considers the most effective approach to managing transport effects is to focus on behavioural management that encourages modal shift by the school community from private vehicles to alternative modes of transport. The framework of conditions (also see below) does not preclude consideration of alternative means of mitigation, namely physical works and changes to physical access or design, however these are most suitably determined at either establishment or subsequent OPW stage, as outlined.

Condition 5 – On-site Car Parking – ECE (renumbered from standard condition 4)

In addition to any car parking required for the school, on-site car parking for ECE (preschool) shall be provided at a rate of one car park for every 10 children the facility is licensed or designed to accommodate, plus one per each FTE staff member required for the license or design capacity of the centre, except where the Council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser alternative level is appropriate.

Assessment:

The proposed change to this condition seeks simply to align the wording and approach with the revised condition 4 in relation to parking for the school.

Condition 5 – Scheduled Trees

This condition is proposed to be deleted given the intention to replace all standard and site-specific conditions with those proposed in this NOR and noting there are no notable trees on the designated site.

Condition 6 – Outline Plans

That an outline plan shall not be required for:

- a) Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;
- b) General building maintenance and repair work including but not limited to re-painting, re-cladding and re-roofing;
- c) Installing, modifying and removing playground furniture and sports structures (e.g goal posts);
- d) Amending any internal pedestrian circulate routes / pathways;
- e) Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;
- f) Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan for other works; ~~or~~
- g) General site maintenance and repair work, or boundary fencing otherwise permitted by the Unitary Plan; or
- h) Any temporary or mobile facilities or structures (e.g. oral health clinic, life education class, emergency generator).

Assessment:

Standard condition 6 sets out those circumstances where the requirement for Outline Plans can be waived. One amendment is proposed to this waiver condition to identify that where temporary or mobile facilities or structures are required, an OPW will not be required. This is considered to be commensurate with respect to the anticipated negligible scale of effects arising from such activities so as to avoid the need for further assessment as and when.

New Condition 7 Establishment Outline Plan of Works – Years 9 and 10

The Requiring Authority shall submit an Outline Plan of Works for initial construction and development of school facilities for years 9 and 10 students.

The Establishment 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;
 - ii. The general location of on-site parking areas (including cars, cycle and scooter parks), and on-site and off-site pick up and drop off areas (if required);
 - iii. Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;
 - iv. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and
 - v. “Indicative” areas intended to accommodate future buildings and facilities, including building platforms, car parking areas, vehicular access, manoeuvring and circulation areas.
- b) An acoustic assessment of aircraft noise levels experienced on the site. This assessment will inform building design to create appropriate indoor acoustic environments in accordance with conditions 10 and 11. This assessment will also identify and recommend how effects of aircraft noise on outdoor educational activities will be managed – for example through site design, creation of flexible spaces or other physical design responses; or by school management of outdoor curriculum, or other means.
- c) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which addresses transport network safety, efficiency and the following specific matters:
 - i. Safe access for pedestrians, cyclists and vehicles (including buses (if required), 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 (PUDO) area(s), if required, including ensuring their design manages demand (to the extent enabled by the School Travel Plan), including vehicular access, circulation, manoeuvring for cars and buses (if required).
 - iv. The following matters shall specifically be addressed as they relate to the school, including any measures required to mitigate or address these matters:
 - 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.
 - v. 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:

- vi. Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network;
- d) A summary of the consultation and engagement with Auckland Transport. 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.

Assessment:

The intent of this condition is to address the unique characteristics of the site and elevate the importance of considering transport and acoustic matters at the concept design stage associated with Outline Plans.

The proposed wording builds on similar conditions from recent designations, including Flat Bush Primary School and Redhills School in respect of transport – ensuring those identified effects from the ITA (**Appendix 5**) can be appropriately addressed through subsequent reporting and design. The ITA has concluded there are no “showstoppers” from a transport perspective and that an iterative management approach to transport effects relative to growth and future development proposals is the most appropriate way to mitigate those effects. In this way, the site-specific condition ensures that the safety and amenity of vehicles, scooters, pedestrians and cyclists are provided for and maintained. This includes consideration of effects on the safety and efficiency of the transport network having regard to all those effects addressed in Appendix 5, and specifically considered in the condition – namely, a reduction in on-site PUDO compared to that which would be required under the existing car parking condition; continued use of on-street parking for PUDO; safe access to and from school, be it via school bus, walking school bus, remote PUDO locations or other means. Further, the condition anticipates (and essentially requires) ongoing engagement with Auckland Transport with respect to the preparation of and findings of future transport assessments, as does the School Travel Plan condition (see below).

Turning to the inclusion of an acoustic assessment in preparing for Outline Plans, the intent is to ensure awareness at the early design stage of aircraft noise so as to include appropriate design responses to that unique characteristic for the school environment. This is considered to be one of three “prongs” in the conditions that address acoustics, as a belt-and-braces approach to ensuring the school can develop in the future with appropriate learning environments, cognisant of the need for acoustic treatment to achieve that indoors, and equally, to ensure that outdoor spaces are designed and subsequently used in a manner that acknowledges the potential residual effects of aircraft noise on educational activities on the site.

For the avoidance of doubt, this relates to the establishment of education cohorts 9 and 10 which are not already present on the site. The designation already provides for education years 0 – 8 such that any proposals for those cohorts can be appropriately addressed either via the section 176A process or proposed condition 8 below.

New Condition 8 Subsequent Outline Plan of Works

Where any subsequent proposal arises that increases the number of teaching spaces by six or more, or modifies any vehicle access, the Requiring Authority shall submit an Outline Plan of Works which includes 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;
 - ii. The general location of on-site parking areas (including cars, cycle and scooter parks), and on-site and off-site pick up and drop off areas;
 - iii. Measures and treatments at all existing and new access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;
 - iv. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and
 - v. “Indicative” areas intended to accommodate future buildings and facilities, including building platforms, car parking areas, vehicular access, manoeuvring and circulation areas.
- b) An acoustic assessment of aircraft noise levels experienced on the site. This assessment will inform building design to create appropriate indoor acoustic environments in accordance with conditions 10 and 11. This assessment will also identify and recommend how effects of aircraft noise on outdoor educational activities will be managed – for example through site design, creation of flexible spaces or other physical design responses; or by school management of outdoor curriculum, or other means.
- c) An updated Transport Assessment prepared by a suitably qualified traffic engineer / transportation planner, which addresses all matters listed in condition 7(c);
- d) A summary of engagement and consultation with Auckland Transport in accordance with condition 7(d).

Advice Note:

For the avoidance of doubt, a proposal that increases the number of teaching spaces by fewer than six is subject to the Outline Plan process pursuant to section 176A of the RMA, noting that standard condition 6 does not waive the requirement to submit Outline Plans for these proposals.

Assessment:

The intent of this condition is to set out expectations, similar to the Establishment Condition 7, for the information required at subsequent Outline Plans of significance in scale, i.e. an increase

in more than 6 teaching spaces, and to ensure that the identified matters of importance – transport and acoustic effects – are appropriately considered, addressed and mitigated at design stage.

For both the Establishment and Subsequent Outline Plan conditions, an expectation of engagement with Auckland Transport regarding transport assessments and travel management has been outlined.

Smaller scale projects can rely solely on an assessment in accordance with Section 176A, which the advice note clarifies. This approach has been adopted elsewhere – most recently at Mangere College. A threshold of six teaching spaces aligns with expected staging of delivery at Chapel Downs School (and elsewhere) and is also supported from an effects perspective in the ITA.

New Condition 9 School Travel Plan

- a) The Requiring Authority shall either directly or through the School Board of Trustees, develop a School Travel Plan. The purpose of the School Travel Plan is to set sustainable travel mode goals to reduce vehicle dependence and reduce the impact of vehicle movements on the local road network, including through active school promotion and support for walking school buses, carpooling, the encouragement of the use of public transport, the use of remote pick up/drop off locations, and the encouragement of walking and cycling.
- b) This School 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;
 - iv. Location and provision on site of any scooter and cycle parking; and
 - v. The adequacy of on-site pick-up / drop-off arrangements and management including an assessment of the existing and planned peak demand, alongside consideration of the need to prioritise use by younger students.
 - vi. The necessity for additional remote pick-up / drop-off in suitable locations.
- c) The School Travel Plan and any subsequent reviews required by condition 9(d) below shall be developed and revised in consultation with Auckland Transport and shall include a monitoring and review programme.

- d) As a minimum the School Travel Plan shall be revised at the time of submitting each subsequent Outline Plan of Works relating to increased teaching spaces. The purpose of revising the School Travel Plan will be to:
- i. Identify the degree to which the school is meeting its sustainable travel mode goals; and
 - ii. Where necessary, adopt and incorporate transport mitigation measures into the School Travel Plan to achieve those goals, and specifically to ensure safe access to and from the school.

Assessment:

As a result of experience with a number of recent designations in Auckland, ongoing travel plan conditions enable the Council to require schools, with Ministry support or involvement, to continue to encourage measures that reduce vehicle dependence and also to ensure the ongoing safety for students, staff and family entering and exiting the school site.

The ITA (**Appendix 5**) has acknowledged that the proposed alteration to allow a wider range of school students, and the associated growth of educational facilities on the site, will result in an increase in traffic generation. Further, that assessment acknowledges that existing network constraints and lack of capacity in that network necessitate a cap in the number of vehicle movements accommodated by the Chapel Road access into and out of the school site.

As set out in the assessment of proposed condition 4, which seeks to alter the car parking ratio to become a maximum, the intention is to avoid the oversupply of parking on-site as a tool to reduce vehicle dependency for the school community. In other words, if the parking spaces are not available, it follows that there will be a reduction in the number of vehicles accessing the site, thus avoiding or mitigating adverse transport network effects in respect of safety and efficiency.

The corollary of that approach is that the school and the Ministry must then implement the School Travel Plan to encourage alternative modes of transport to and from school. In this circumstance, it is likely that existing on-road PUDO will continue to play a part, as will the potential to consider remote PUDO (with identification of associated safe routes to and from school). These matters have been canvassed extensively in the effects assessment and in the ITA.

Ultimately, the intent of the School Travel Plan condition is to recognise that the Ministry is not the road-controlling authority and its influence regarding transport effects must focus on travel patterns and behavioural management in the first instance, with consideration of the need for and the ability to provide physical upgrades being secondary. In other words, it may be that a

future growth proposal on the site is accompanied by an assessment that concludes the “tipping point” for a signalised crossing at the Chapel Road access has been reached. The onus at that point will be on the Ministry to determine whether it can facilitate that crossing or whether it can continue to influence travel behaviour through the Travel Plan to the extent that physical upgrades are not necessary. The suite of conditions addressing transport effects ensures this consideration is not overlooked at future Outline Plan stages.

Turning to the detail of the condition, it has been drafted building on lessons learned at Flat Bush Primary School and elsewhere, and specifically, streamlined to identify that its focus is on ensuring sustainable travel goals are first set, and then met. The development and ongoing monitoring of the Travel Plan is required to be in consultation with Auckland Transport – including confirming the appropriate interval or time period for regular reviews.

Further, as alluded to above, sub-clause (d)(ii) identifies that each time the Travel Plan is revised and submitted with an Outline Plan, should that review identify that additional transport mitigation measures are required to meet the Travel Plan’s sustainable travel goals, these measures can be broadly defined. Again, the intent of the Minister is that these measures will most likely be management measures as a first focus. Notwithstanding, the condition wording (which has adopted the accepted wording of Flat Bush Primary School), does not preclude delivery of physical measures if required in the future and this will only be ascertained at those future Outline Plan stages, when a proposal has been designed and the constraints of the transport network of the time have been assessed.

Condition 10 Site Specific Acoustic Condition (revised and renumbered from 1)

The following acoustic and related treatment measures ~~shall~~ **must** be installed in any new space or relocated classrooms, libraries or halls or in any classrooms, libraries or halls that are the subject of additions or alterations:

- a. Acoustic insulation and related ventilation and/or air conditioning systems to reduce aircraft noise to achieve the following indoor an-internal acoustic environment in each classroom, library and hall (with all external doors and windows of the classrooms, libraries and halls closed). The building design must be based on external aircraft noise levels of 60dB LAeq,(15 min) of Ldn 40dBA;

<i>Space</i>	<i>Maximum indoor noise level</i>
<i>Gyms</i>	<i>50 dB LAeq(15 min)</i>

<u>Circulation spaces</u>	
<u>Learning spaces >300 m³</u> <u>Technology Spaces</u> <u>Laboratories</u> <u>Libraries</u>	<u>45 dB LAeq(15 min)</u>
<u>Learning spaces <300 m³</u> <u>Breakout spaces</u> <u>Music teaching rooms</u> <u>Music practice rooms</u> <u>Teacher workspaces</u> <u>Staff rooms</u> <u>Meeting rooms</u> <u>Offices</u> <u>Whare</u>	<u>40 dB LAeq(15 min)</u>
<u>Auditoria</u> <u>Assembly Halls</u>	<u>35 dB LAeq(15 min)</u>
<u>Multimedia rooms</u> <u>Recording rooms</u>	<u>30 dB LAeq(15 min)</u>

Any bathroom, water closet, laundry, corridor, hallway, lobby, stairwell, garage or other space of a specialised nature not listed above that is occupied neither frequently nor for extended periods of time is excluded.

- b. In the case of classrooms and libraries, air conditioning and/or mechanical ventilation systems for each classroom and library, that are:
 - i. designed to achieve indoor air temperatures not less than 16 degrees Celsius in winter and not greater than 27 degrees Celsius in summer at 5% ambient design conditions as published by the National Institute of Water and Atmospheric Research ("NIWA")(NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000); and - capable of providing outdoor air ventilation at the rate of 8 litres of air per second per person for the maximum number of people able to be accommodated in any such room at one time ("the required airflow");
 - ii. capable of enabling, (in the case of classrooms or libraries in which only mechanical ventilation systems are used to satisfy the above temperature and outdoor air requirements), the outdoor airflow to be controlled across the range, from the maximum airflow capacity down to the required airflow when all external doors and windows of the classroom or library are closed;

- iii. otherwise complying with the New Zealand Standard NZS 4303:1990 Ventilation for Acceptable Indoor Air; and
 - iv. capable of creating no more than ~~Leq~~ 35dBA $L_{Aeq}(1\ min)$ in each classroom, no more than ~~Leq~~ 40dBA $L_{Aeq}(1\ min)$ in each library, and no more than ~~Leq~~ 40dBA $L_{Aeq}(1\ min)$ in any hallway or corridor. These noise limits do not apply during the initial room-cooling phase. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- c. In the case of halls either:
- i. a mechanical ventilation system or mechanical ventilation systems for each hall capable of:
 - providing at least 12 litres of outdoor air per second per square metre with all external doors and windows of the hall closed;
 - enabling the outdoor airflow to be controlled across the range, from the maximum airflow down to the rate of 8 litres of outdoor air per second per person for the maximum number of occupants able to be accommodated in the hall at one time; otherwise complying with the New Zealand Standard NZS 4303: 1990 Ventilation for Acceptable Indoor Air Quality; and
 - creating no more than ~~Leq~~ 35dBA $L_{Aeq}(1\ min)$ in each hall, and no more than ~~Leq~~ 40dBA $L_{Aeq}(1\ min)$ in any hallway or corridor. These noise limits do not apply during the initial room-cooling phase. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser; or;
 - ii. air conditioning plus mechanical outdoor air ventilation designed to provide 8 litres per second per person of outdoor air, and internal air temperatures in each hall not greater than 27 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmospheric Research ("NIWA")(NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000). The mechanical system shall create no more than ~~Leq~~ 35dBA $L_{Aeq}(1\ min)$ in each hall, and no more than ~~Leq~~ 40dBA $L_{Aeq}(1\ min)$ in any hallway or corridor. These noise limits do not apply during the initial room-cooling phase. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from the diffuser. These systems shall otherwise comply with the New Zealand Standard NZS 4303: 1990 Ventilation for Acceptable Indoor Air Quality.

Assessment:

The intent of the changes to the above condition are technical and relate to applying an appropriate standard and acoustic limit to acoustic insulation and its required ambient indoor design. Styles Group details the technical considerations in **Appendix 6**, noting that the current site-specific condition's use of L_{dn} limits will not necessarily deliver the internal noise environments that the Minister already requires based on mandatory application of its own DQLS requirements.

The proposed implementation of DQLS references in the condition is expected to better and more effectively deliver the anticipated outcome of appropriately designed and insulated learning spaces that prevent annoyance or disruption from external aircraft noise.

Finally, the Acoustic Assessment articulates that achieving compliance with the DQLS and subsequent internal noise limits is largely achievable through modern building design practices (including mechanical ventilation that would already be required for multi-storey buildings such as that likely to be constructed on Chapel Downs School). The most stringent requirements for noise-sensitive spaces such as multimedia and recording rooms can be achieved through careful design and location of these spaces, e.g. minimal external windows and being located on the ground floor. Those considerations would come to the fore at design stage, noting that proposed conditions 7 and 8 will require acoustic assessment prior to Outline Plan submission.

Condition 11 Site Specific Acoustic Condition (renumbered from 2)

No changes are proposed to this existing site-specific condition except to reference condition 10 instead of condition 1. Refer Form 18.

New Condition 12 Communications Plan

In conjunction with the first Outline Plan of Works, the Requiring Authority shall, in consultation with the school Board of Trustees, develop a Communications Plan, the purpose of which is to ensure that the school community is aware of the noise environment that the school operates within.

The Communications Plan shall include:

- i. a record of consultation with Auckland International Airport and the Board of Airline Representatives New Zealand;
- ii. a statement that the site is located in proximity to the Airport and the airport operations will necessarily involve aircraft noise;
- iii. a statement that the Airport is authorised to operate at the noise levels provided for in Designation 1100 to the Unitary Plan and that current noise levels may increase to these limits as a result of increased airport operations to support the growth of the Airport; and
- iv. information regarding the mitigation measures that the Minister has undertaken to mitigate the effects of aircraft noise on the site, including the acoustic insulation of buildings within the MANA.

The Requiring Authority shall, either directly or through the school Board of Trustees, provide a copy of the Communications Plan in any enrolment or induction document for any new students or staff upon the commencement of their enrolment or employment and publish the Communications Plan on the school website. The Communications Plan shall be reviewed at the time of submitting each subsequent OPW relating to increased student capacity.

Assessment:

This is a new condition that has been adopted at other designations in the MANA, notably the nearby Te Uho o Te Nikau School (Designation 5058). This is the third “prong” of the three-pronged condition approach to management of aircraft noise and careful consideration of increased educational facilities within an area identified as being subject to aircraft noise.

The condition requires the school, with support from the Minister, to develop a communications plan that ensures the school community is aware of the noise environment that the school operates within. This directly responds to concerns regarding reverse sensitivity relative to Airport operations. The school already has protocols and induction processes for new teachers which cover management techniques for classrooms and outdoor environments. The communications plan will record these practices, and the preparation of the plan, in consultation with the Board of Airline Representatives and Auckland Airport will engender an opportunity to foster relationships between the Airport and the school community.

Overall, this report concludes that the revised suite of conditions is appropriate and effective for managing effects whilst giving effect to that designation for education purposes.

Further, the alteration is consistent with the broader resource management hierarchy and statutory framework as assessed in this section.

8 Consultation

8.1 Auckland Council

A pre-application meeting was held with Auckland Council Plans and Places. The constructive comments received have been considered in the preparation of this report. So too the inclusion of an Acoustic Assessment and Transport Assessment.

Further, a “soft lodgement” of expert reporting that supports this NOR occurred, with feedback provided prior to lodgement. Response to that preliminary feedback has been addressed throughout this document and in detail within the ITA (**Appendix 5**) on transport matters.

Council’s consultant transport engineer provided recommendations and comments on the proposed conditions that were provided pre-application. A response to those comments follows:

- *Condition 4 On-site Car Parking:* Mr Peake accepts the proposed wording and approach to limiting on-site car parking to a maximum ratio, noting the condition enables flexibility in application to address external transport effects in the future. **No change required.**
- *Condition 7 Establishment Outline Plan (Years 9 – 10):* Mr Peake identifies in (c)(iii) that, in relation to provision for on-site PUDO, that the wording “to the extent enabled by the School Travel Plan” is not clear. The condition has been amended to clarify that the intent is for the School Travel Plan to implement whatever management techniques are required to restrict on-site PUDO relative to the ITA’s assessment and in accordance with Condition 4 above. **The change to condition wording therefore identifies that the PUDO design must “manage” that use (and restriction) rather than “sufficiently catering” for demand.**
- *Condition 7 Establishment Outline Plan (Years 9 – 10) continued:* Mr Peake seeks clarity over the meaning of the word “continuity of cycle and pedestrian facilities” in (c)(vi). It is noted this wording was specifically requested by Auckland Transport on another project in Drury West and was accepted at Flat Bush. The intent is that there are safe and linked access routes for cyclists and pedestrians to and from school, either through physical provision or management, e.g. supervised walking school buses. **Therefore, no change is proposed to this wording.**
- *Condition 9 School Travel Plan:* Mr Peake suggests the travel plan review frequency should include after an appropriate period following an increase in teaching spaces. It is noted that (c) of this proposed condition requires that the monitoring and review programme be developed and revised in consultation with Auckland Transport. That

review may well confirm Mr Peake’s suggested frequency and trigger, however it is not considered necessary to pre-judge and dictate in the designation condition that detail.

Therefore, no change is proposed to this wording.

- *Condition 9 School Travel Plan continued:* Mr Peake acknowledges that the School Travel Plan review is intended to identify the degree to which the school is meeting its sustainable travel mode goals but is concerned that (d)(ii), which notes that following that review, where necessary, the school adopt and incorporate transport mitigation measures into the School Travel Plan to achieve those goals, does not necessarily enable Council or Auckland Transport to ensure implementation of physical measures that might be identified as necessary. This concern is understood and was canvassed in detail through the Flat Bush NOR, where the proposed wording was accepted. The intent of the School Travel Plan is to adopt a management approach first, given the iterative and uncertain nature of growth in the surrounding area, the network conditions themselves and in terms of the school development. In other words, the School Travel Plan will always seek to implement management measures and behavioural changes first, before pursuing physical changes to public assets. This is because the school and Ministry cannot necessarily deliver the latter on their own. Such measures may also be adopted into future transport plans or upgrades by Auckland Transport. Further, the suite of transport-related conditions in the NOR does not preclude the identification of necessary physical upgrades relative to school projects in the future, nor does the School Travel Plan prevent their implementation. **Therefore, no change is proposed to this wording.**
- *Condition 9 School Travel Plan continued:* Finally, Mr Peake identifies that the goals of the Travel Plan should not be limited to just safe access. This is agreed, noting that the wording “and specifically to ensure safe access to and from the school” is an inclusive note, not intended to be exclusive. Further, this wording was accepted in the Flat Bush NOR and other projects. **Therefore, no change is proposed to this wording.**

Finally, Council’s Senior Specialist (Noise) provided feedback which confirmed no significant objection to the proposed conditions regarding acoustic matters. Mr Gordon suggested minor edits to proposed condition 3 (construction noise) and revised condition 10 (site-specific acoustic), **which have been adopted in Form 18**. No changes have been made in response to comments on condition 11, noting this is as existing in the AUP and through many designations that require additional acoustic insulation as set down in condition 10.

8.2 Auckland Transport

Project representatives met with Auckland Transport pre-application. The feedback provided was considered in the preparation of the ITA and proposed conditions. A draft copy of the ITA was provided prior to formal lodgement and a response to the preliminary feedback received is included in the Transport Assessment (**Appendix 5**).

As a general response to the feedback received, a number of the requests related to detail that would follow the NOR stage, and indeed beyond OPW – for example provision of no stopping lines on-street; consideration of footpath widths etc. It is considered that the assessment framework to be established by the NOR in relation to transport matters will not preclude these details but that they are not required to be considered in this process.

I note that Auckland Transport did not provide any specific feedback on the draft conditions themselves. However, with respect to those proposed designation conditions, there is clear intent within the NOR that engaging with Auckland Transport through the preparation of transport assessments and school travel plans will occur on an iterative and ongoing basis as the school is developed. I consider this will further facilitate meaningful engagement with Auckland Transport.

8.3 Auckland International Airport

Given the location of the site within the MANA, the Ministry has engaged with representatives of Auckland International Airport on a number of occasions prior to lodgement of this NOR.

Most recently, the Ministry provided a copy of the draft acoustic assessment and conditions set to the Airport for consideration.

Further, a copy of this NOR will be provided to the Airport as a courtesy, upon lodgement.

Any response received from the Airport will be forwarded to the Council for consideration.

8.4 Mana Whenua

Representatives of the Ministry sent an information package outlining the project and a proposed masterplan to all mana whenua groups identified by Auckland Council as having an interest in the Chapel Downs area in September 2023, listed below:

- Ngāi Tai ki Tāmaki
- Ngāti Maru

- Ngāti Pāoa
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata Waiohua
- Ngāti Whanaunga - Coromandel
- Te Ahiwaru - Waiohua
- Te Ākitai Waiohua
- Waikato - Tainui
- Te Patukirikiri.

From that initial approach, five iwi requested further information and ongoing engagement. Of those, Te Ākitai Waiohua prepared a Cultural Values Assessments (**CVA**) and Ngāi Tai ki Tāmaki met with the Ministry to discuss the project. The main points of discussion included stormwater treatment, erosion and sediment control, native planting and incorporating Māori values and concepts within the design aspects of the development. These requirements can be accommodated and implemented in the design and development of the project's future delivery stages.

In addition, Ngāti Tamaoho and Ngāti Whanaunga – Coromandel have responded confirming an interest in discussing some aspects of the project and the Minister's representatives continue to engage with these iwi.

Broadly, the Minister's representatives will continue to engage with any mana whenua who express an interest in this project either as a direct response to communications set out by the Ministry of Education or through the formal designation process.

8.5 Local Community

No wider consultation has yet occurred with the local community, noting the opportunity to participate in this formal process post-lodgement. Further, there has been some consultation by existing school boards regarding the likely amendments to student catchments to accommodate the revised designation in due course. That consultation is ongoing.

9 Conclusion

The Requiring Authority has assessed the relevant matters as set out in Section 171 of the RMA and concludes that it is appropriate for the alteration to Designation 4912 to be confirmed subject to conditions as proposed.

The altered designation will enable the efficient, safe and controlled use of the existing school site to better support the ongoing operation and anticipated growth in demand of school facilities, as required by both the designation and the Minister’s obligations.

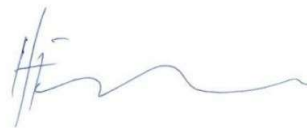
The Minister requests notification of the Notice of Requirement.

Prepared by:



Kay Panther Knight
Director

Reviewed by:



Hannah Edwards
Director