

FORM 18

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

Section 181 of the Resource Management Act 1991

To: Auckland Council

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

The site to which the requirement applies is known as Chapel Downs School and described as follows:

170 Dawson Road, Flat Bush, Auckland

Pt Lot 1 DP 79052

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

To 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 nature of the proposed conditions that would apply are:

Existing designation 4912 is subject to standard and specific conditions in the Auckland Unitary Plan. No changes are proposed to the mapped extent of designation 4912. The following amendments are proposed to the designation conditions. Additions are shown as underline (underline) and deletions as strikethrough (~~strikethrough~~).

Alter **Chapter K Designations** as follows:

4912 Chapel Downs School

| | |
|----------------------|---|
| Designation Number | 4912 |
| Requiring Authority | Minister of Education |
| Location | 170 Dawson Road, Flat Bush |
| Rollover Designation | Yes |
| Legacy Reference | Designation 12, Auckland Council District Plan (Manukau Section) 2002 |
| Lapse Date | Given effect to (i.e. no lapse date) |

Purpose

Educational Purposes – Primary School (Years 0-~~8~~10) and may include early childhood education (preschool).

Conditions

The standard conditions for all Minister of Education designations and the existing site-specific conditions that apply to this designation are replaced in their entirety with the following conditions.

[Drafting Note – not to be included in the designation, the standard condition for Ministry of Education designations regarding height in relation to boundary has been modified to better reflect the Auckland Unitary Plan controls for residential zones and in accordance with Sections 77M(5) and (6) of the Resource Management Act 1991 as introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021]

1. Building height in relation to boundary

Any new building or building extension (excluding goal posts and similar structures) shall comply with the height in relation to boundary controls of 60 degrees measured from a point 4m vertically above ground level at the boundary of any adjoining land zoned residential or open space.

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 L _{Aeq} |
| Sunday 9.00am – 6.00pm | |
| All other times | 45 dB L _{Aeq} 75 dB L _{AFmax} |

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 n~~Noise 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”.~~

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 NZS 6803:1999, except that the limits between 7.30 am

and 6.00 pm on Monday to Saturday may be exceeded by up to 10 dB 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.

4. On-site Car Parking – Schools

Additional on-site car parking shall be provided at the maximum rate of ~~two~~ one carparks 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 an 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.

5. On-site Car Parking – ECE

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 an lesser alternative level is appropriate.

~~6. **Scheduled Trees**~~

~~No tree or group of trees specifically scheduled in the Unitary Plan may be cut, damaged, altered, injured, destroyed or partly destroyed, or works undertaken within the drip line of any such tree(s), other than in accordance with an outline plan submitted and processed in accordance with the s176A of the Resource Management Act 1991. This condition shall not apply to minor trimming or maintenance undertaken by hand operated secateurs or pruning shears in accordance with accepted arboricultural practice, or where removal or trimming is required to safeguard life or property.~~

6. Outline Plans

Provided it does not conflict with any other conditions of designation 4912, That an outline plan of works 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 circulation 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).

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 concept building location and 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 mitigated as far as practicable – for example through site design, 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

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.

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.

10. Site Specific Acoustic Condition

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 noise criteria in Table 1 an internal 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 61dB LAeq (6 hours) of Ldn 40dBA and the following frequency spectrum:

| | | | | | | |
|--------------|---------------|---------------|---------------|--------------|--------------|--------------|
| <u>63 Hz</u> | <u>125 Hz</u> | <u>250 Hz</u> | <u>500 Hz</u> | <u>1 kHz</u> | <u>2 kHz</u> | <u>4 kHz</u> |
| <u>58 dB</u> | <u>62 dB</u> | <u>61 dB</u> | <u>58 dB</u> | <u>55 dB</u> | <u>55 dB</u> | <u>48 dB</u> |

Table 1: Design Sound Level Range

| <u>Space</u> | <u>Design Sound Level Range (dB LAeq(6 hours))</u> |
|---|--|
| <u>Gyms</u> | <u>45-50</u> |
| <u>Learning spaces</u> <u>Technology Spaces</u> <u>Laboratories</u> <u>Libraries</u> <u>Teacher workspaces</u> <u>Staff rooms</u> <u>Meeting rooms</u> <u>Offices</u> <u>Breakout spaces</u> <u>Music teaching rooms</u> <u>Music practice rooms</u> <u>Whare</u> <u>Assembly Halls</u> | <u>35-40</u> |
| <u>Auditoria</u> | <u>30-35</u> |
| <u>Multimedia rooms</u> <u>Recording rooms</u> | <u>25-30</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 teaching spaces listed in the table above and not covered in clause (c) below, 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 which where~~ 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 teaching space~~ 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 35dB A LAeq (1 min)~~ in each ~~classroom teaching space, and~~ no more than ~~Leq 40dB A LAeq (1 min)~~ in each library ~~and no more than Leq 40dB A LAeq (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 assembly halls and auditoria 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 space 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 space 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 35dB A LAeq (1 min) in each hall and no more than Leq 40dB LAeq (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 35dB A LAeq (1 min) in each hall and no more than Leq 40dB LAeq (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.

11. **Site Specific Acoustic Condition**

Where Condition 10 requires the Minister to install acoustic treatment and related ventilation measures the Minister shall obtain a certificate from a suitably qualified independent person (or persons) nominated by the Minister and approved by the Council ("an approved person"), certifying that the proposed acoustic treatment and related ventilation measures are sufficient to achieve the internal acoustic environment and ventilation requirements specified in this condition, and where the Minister installs any acoustic treatment and or ventilation or air conditioning measures, the Minister shall:

- a. provide the Council with a certificate from an approved person that the design and installation has been ~~properly~~ undertaken in accordance with ~~sound-good~~ practice and complies with condition 10; and
- b. not be in breach of Condition 10 where the internal noise standards and related ventilation requirements are not met in each instance provided the relevant certificate required in subclause (a) of this condition (Condition 11), above, has been provided to the Council.

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;
- 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;
- v. a statement that external windows and doors in buildings need to remain closed to achieve the required noise reduction; and
- vi. a procedure for the Board of Trustees to assist constructively in the management of any written complaints received from the school community in relation to aircraft noise at the site.

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. A copy of the first Communications Plan shall be supplied to AIAL and the Board of Airline Representatives New Zealand. When changes are made to this Communications Plan following a review process, a copy shall also be provided to AIAL and the Board of Airline Representatives New Zealand.

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

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

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

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

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

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

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

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

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

The project is required to provide opportunities for students to undertake their studies as provided for under the Education and Training Act 2020. Accordingly, alteration to the existing designation to enable the site to cater for school age children from years 0-10 is reasonably necessary in achieving the objective of the Minister of Education in providing state schooling.

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

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

- Regional-scale earthworks
- Disturbance of contaminated soil (to be confirmed following soil sampling)
- On-site stormwater discharge.

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

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

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

Notice of Requirement - Assessment of Environmental Effects prepared by Forme Planning dated February 2024 and all appended technical reports and supporting documents.



Signed by Clive Huggins

Director Land Investment and Planning

Te Pou Hanganga, Matihiko | Infrastructure and Digital

Ministry of Education

(under delegated authority from the Minister of Education)

10/5/24

Date