



NOTICE OF REQUIREMENT

Applicant: Minister of Education
Address: (Part of) 17 Old Pine Valley Road, Wainui
Date: 19 February 2020

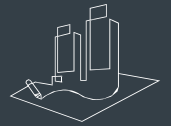


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DOCUMENT CONTROL

Title	Notice of Requirement to designate part of 17 Old Pine Valley Road, Wainui for a new primary school and ECE.
Client	Minister of Education
Our Ref.	715432
Prepared by	Natasha Rivai (BPlan, MLS, Int. NZPI), Senior Planner <i>Natasha</i>

1.0 NOTICE OF REQUIREMENT DETAILS

Requiring Authority:	Minister of Education (refer to Form 18 at Appendix 1)
Territorial Authority:	Auckland Council
Nature of the Notice:	A Notice of Requirement (NOR) to designate land for “ <i>Educational Purposes – Primary School and Early Childhood Education (ECE)</i> ”
Notice Details:	School roll of 800 primary school students and 50 ECE children
Address for Service:	The Property Group Limited PO Box 104 Shortland Street, Auckland 1140 Attention: Natasha Rivai

Ministry of Education Site Details

Site address:	Argent Lane, Milldale
Registered Owner:	Her Majesty the Crown (Compensation Certificate Ref: 11426722.1)
Designation Site Area:	3.7480 ha

Parent Site Details

Site address:	17 Old Pine Valley Road, Dairy Flat
Legal Description:	Lot 8 DP 136559 and Lot 1 DP 63393 (refer to Appendix 2)
Registered Owner:	Fulton Hogan Land Development Limited
Total Site Area:	36.0592 ha
Overall Location:	Refer to Appendix 3 for Site Plan

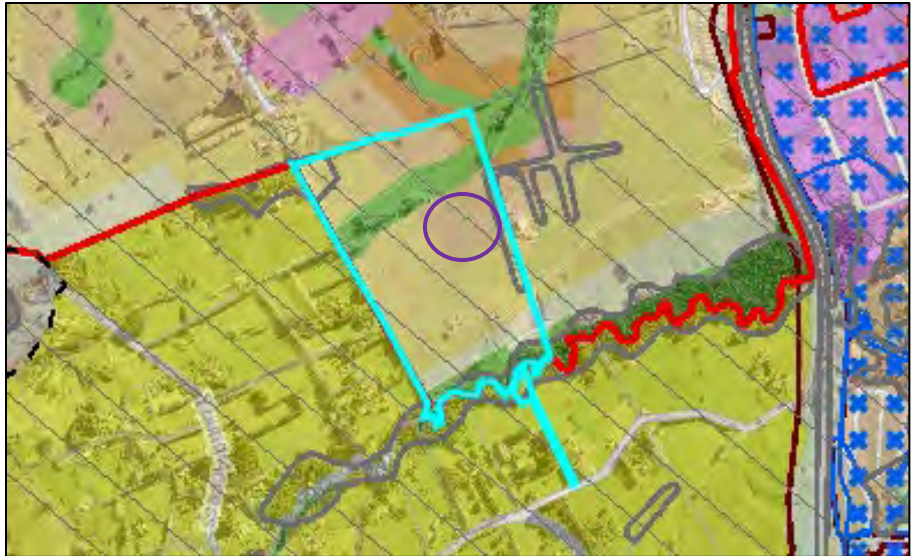


Figure 1 – AUP OP Site Zoning Aerial; Outline blue is parent site, prior to Fulton Hogan plan change, and purple circle is the school site.

Auckland Unitary Plan

(Operative in Part) Zoning:

Residential – Mixed Housing Urban

Natural Hazards:



Figure 2 – Natural Hazards Overlay, prior to Fulton Hogan plan change and subdivision.

2.0 INTRODUCTION

The Minister of Education (Minister) has acquired a 3.7480ha site in FH's Milldale development and intends to designate the site for a primary school and ECE. The site is located east of the recently established Argent Lane, Milldale. The primary school will be developed to provide for up to 800 students, with capacity for 370 at opening (expected in 2023). In addition, provision will also be made to accommodate an early childhood education centre for up to 50 children.

This Notice is provided to the Auckland Council, in accordance with *Part 8 Designations and Heritage Orders* - specifically Section 168 of the RMA - and in the prescribed form (Form 18) as set out in the Regulations (2003) of the Act.

This document particularly sets out:

- the nature of the public work (education purposes) on this site,
- an assessment of the effects of the education designation and therefore the nature of any proposed conditions for the designation,
- the ways in which any adverse effects will be mitigated,
- any alternatives considered,
- the necessity of the designation in achieving the Minister's objectives, and
- any consultation undertaken.

3.0 DESCRIPTION OF SITE, REQUIREMENT, AND SURROUNDS

3.1 Subject Site

The Ministry has acquired a site is on the eastern side of (to be completed) Argent Lane, Wainui (refer to **Appendix 3**). The proposed school site is 3.74840ha in area and contained within a larger lot is currently legally described as part of Lot 8 DP 136559 and Lot 1 DP 63393 (part of 17 Old Pine Valley Road).

The registered owner of those lots is Fulton Hogan Land Developments Ltd, which has sold the proposed school site to MOE. A Compensation Certificate (ref: 11426722.1) has been registered on the relevant certificate of title recording MOE's purchase of the relevant part of the land (**Appendix 2**).

The proposed school site forms part of a large new development accommodating over 4,500 residential

lots including commercial activities, roading, reserves/parks and infrastructure. The enabling and site works for the Milldale development are being undertaken by Fulton Hogan Land Developments Limited.

Site Conditions

The site has been earthworked as part of the original earthworks consents and has a relatively flat topography, falling slightly towards the north. Auckland Council's GIS shows the site as being subject to a number of natural hazards. As shown on the GIS, there were numerous overland flow paths that traverse the site, particularly towards the north eastern end across to the south western parts of the site, which have been diverted and realigned as part of the broader earthworks consent by Fulton Hogan.

Any further earthworks to be undertaken on the site to provide building platforms for school buildings and amenities will be part of a future and separate earthworks resource consent application by MOE.

A Geotechnical Investigation Report for the wider Stages 2 & 3 (Wainui East) development (which encompasses the subject site) has been undertaken by CMW Geosciences, dated 22 June 2017, and is attached at **Appendix 4**. It is acknowledged that whilst the Report was prepared to facilitate the residential development by Fulton Hogan, it does relate to the ground conditions and establishment of buildings on the proposed school site. Site specific and detailed geotechnical recommendations would be expected at OPW stage when the school layout has been developed.

Various Ground Contamination Assessments have been undertaken across the Wainui East area between 2015 and 2017. Tonkin and Taylor have undertaken a Ground Contamination Assessment of the Wainui East Earthworks Area 2 (refer to **Appendix 5**), which includes the proposed school site. It is reported that subject to localised areas of rubbish and potential ACM being removed in the wider Earthworks 2 Area, *no unexpected (potentially contaminated) materials have been encountered during earthworks to date.*

3.2 Proposed Requirement

Education Purposes

This Notice is for the designation of the subject site for a primary school and ECE. This NOR stage is for the 'setting aside' of the land for future development. An Outline Plan of Works (OPW) will be submitted in the future and will detail the proposed site development including building locations, sport fields and associated accesses and parking, which meets the school's opening roll requirements. The OPW will be submitted as per the requirements of s176A of the RMA, once the Minister's designation is confirmed. The RMA defines the Outline Plan as "an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the requiring authority to the territorial authority to allow the territorial authority to request changes before construction is commenced".

Further assessment of MOE's requirements is provided in Section 4.0 of this Report.

As assessed in Section 6.0 of this Report, Section 171(1)(b) of the RMA requires a territorial authority to

consider whether adequate consideration has been given to alternative sites, routes and methods only if the requiring authority does not have significant interest in the land sufficient for undertaking the work or if the work will have significant effect on the environment. As recorded in the Certificate of Compensation registered against the Record of Title, the Ministry has purchased the site and accordingly has sufficient interest in the land to undertake the public work. Therefore, consideration of alternatives sites, routes and methods is not required by the territorial authority.

As assessed in Section 7 of this Report, below, Section 171(1)(c) of the Act requires that when considering a NOR, the Council must have regard to whether the designation is reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. The designation is necessary to achieve the objectives of the Ministry.

Under Section 184(1)(c) of the RMA, the Minister requests a 10 year period after the date it is included in the District Plan to give effect to this designation. The Ministry intends to give effect to the designation as soon as possible with the school opening currently proposed for 2023. However, the Ministry is seeking a 10 year lapse period to give some flexibility should residential growth not proceed at the expected pace in the Milldale area, which will impact on the opening date of the school. It is not unusual for the Ministry to seek a 10 year lapse period for new school developments, and given its interest in the land there is no prejudice to the landowner.

MOE accepts their standard conditions, contained in the AUP OP as conditions of this designation.

Site Servicing

In terms of servicing of the site, Woods Consultants have provided an Infrastructure Memo dated 14 August 2019, for the proposed Milldale School attached at **Appendix 6**. A stormwater manhole to a 750mm diameter pipe is located at the north east corner of the site, which will allow for future connection and discharge of stormwater from the site. Public wastewater reticulation will be made available at the north east corner of the site and will have sufficient capacity for the proposed school. Pressurised public water supply is located within all the adjoining road reserves and will be available for the school. Power and telephone cables are likely to be laid along Argent Lane and Roads 11 and 18 and can be incorporated into the school layout/design at OPW stage.

Transportation Network

An Integrated Traffic Assessment has been prepared by Abley Transportation Engineers in support of this Notice (refer to **Appendix 7**). The Assessment has been prepared based on a school roll of 800 primary school students and 50 ECE children, with the student catchment expected to be from the immediate Milldale development area. As part of their assessment, consultation has been undertaken with Auckland Transport (AT), Supporting Growth Alliance (SGA), and the New Zealand Transport Authority (NZTA).

The site has frontage to four public roads being, Argent Lane to the southwest, Stream Edge Road to the

northwest, suburban (local) roads (Road 11 and Road 18) to the southeast and northeast and a local access (JOAL) on the northern corner of the site. Main vehicle access to the school site is likely to be off Road 11. All roads in the Milldale development will have footpaths on both sides of the road, with the key routes (Argent Lane and Stream Edge Road) having additional facilities for bus, cycling, and scooting. It is expected that the future public bus route would run along Argent Lane. As the Milldale development supports a highly residential environment, the roading network has been designed to encourage low vehicle speeds which also ensure a safe environment for the school.

To assess the trip generation impacts of the school, the ITA uses a 55% mode share for private motor vehicle trips to school. Pick up and drop off is expected to be primarily accommodated onsite. To further encourage walking and cycling, devising a school travel plan is recommended 6 months after the school opening, once the addresses of the children attending the school, and their travel methods are known.

As with all new MOE designations, a subsequent Traffic Impact Assessment (TIA) is expected at OPW stage to provide further traffic management advice as further details of the school roll, layout and operation unfold.

3.3 Surrounding Environment

The area surrounding the proposed school site has been rural in character in the past due to its previous Future Urban zoning under the legacy Auckland Council District Plan (Rodney Section). However, the Milldale locality has been up zoned to various urban zonings through Fulton Hogan's master planning of the residential development and associated commercial and community activities. As a result, the area is going through a rapid transformation to residential development for the Milldale township. MOE considers a new school is a necessity to support and complement the growing community.

The site has been extensively earthworked and works to install infrastructure and roads are underway. The areas around the Milldale development are rural in character, however the residential suburb of Millwater is located towards the east across SH1.

4.0 NATURE OF PROPOSED DESIGNATION

4.1 Designation Purpose

The Minister of Education, as a Requiring Authority gives Notice of his intention to designate an area of 3.7480ha of land next to the new Argent Lane for education purposes (primary school and ECE). The land requirement and location plan is attached at **Appendix 3**.

Specifically, and as included in 1.0 above, the designation purpose to be included in the Auckland Unitary Plan: Operative in Part will be *“Educational Purposes – Primary School and Early Childhood Education*

(ECE)”

“**Educational Purposes**” for the purposes of these designations shall, in the absence of specific conditions to the contrary:

- a. Enable the use of the facilities on the designated site by and for the educational benefit of any school age students (ie: years 0 to 13) regardless of whether they are enrolled at an institution located on that designated site.
- b. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.
- c. Enable the provision of community education (eg: night classes for adults) outside school hours in school facilities.
- d. Include but not be limited to the provision of academic, sporting, social and cultural education including through:
 - i. Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;
 - ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours; and
 - iii. The provision of specialist hubs and units (including language immersion units and teen parenting units) for students with particular educational requirements or special needs.
- e. Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.
- f. Enable the provision of associated administrative services; car-parking and vehicle manoeuvring; and health, social service and medical services (including dental clinics and sick bays).
- g. Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretakers) and their families.

The education purpose designation will best enable the Minister to provide for education activities and facilities for school aged children including but not limited to learning / teaching spaces (classrooms), formal and informal sport and recreation, cultural, health / medical, social service and specialist unit facilities and activities, halls and gymnasiums, administrative services, vehicular parking / access / manoeuvring areas etc.

4.2 Designation Conditions

The Minister proposes that the designation is subject to the standard MOE conditions contained in Chapter K of the AUP OP. These are attached at **Appendix 10** of this Report for ease of reference.

The following site-specific condition in relation to a School Travel Plan is proposed to further encourage

alternative modes of transport to and from school.

School Travel Plan

- (a) Within six (6) months of the School opening, the requiring authority shall, through the School Board of Trustees, develop a School Travel Plan.*
- (b) The purpose of the School Travel Plan is to provides specifically for measures to reduce vehicle dependence, including walking school buses, car pooling, the encouragement of the use of public transport, and the encouragement of walking and cycling. This Travel Plan shall also specifically address the following matters:*
 - i. Safe access to the entry points of the school. Features such as Kea Crossings or Zebra Crossings should be specifically considered;*
 - ii. Consistency with or use of Auckland Transport’s TravelWise Programme, or any equivalent programme adopted;*
 - iii. Measures to separate vehicle entry and pedestrian/cyclist entries; and*
 - iv. Location and provision on site of any scooter and cycle parking required.*
- (c) This Plan shall be developed in consultation with Auckland Transport and shall be revised at the time of submitting each subsequent Outline Plan of Works relating to increased student capacity.*
- (d) A joint Travel Plan for the school and early childhood education centre on the site may be developed.*

5.0 EFFECTS OF THE DESIGNATION ON THE ENVIRONMENT

The following assessment of effects on the environment is provided as a result of designating the subject site for education purposes.

5.1 Visual and Amenity Effects

The proposed school site is located in an area undergoing significant urban development as reflected by the up-zoned provisions of the AUP OP. In particular, the approved development of 4,500 residential dwellings and a commercial centre are anticipated for the new Milldale suburb.

The MHU zoning of the subject site and its surrounding area mean that the proposed school will sit comfortably within this urban environment as a necessary physical resource that will serve its community. As demonstrated in the Civil and Traffic Engineering reports, the established service networks (i.e. roading and infrastructure) mean that the site and area can be adequately accessed and serviced.

The school anticipates opening for 2023 (dependent on residential growth in Milldale), and as such, it is expected that in that time the immediate area will establish itself as a residential suburb which would be complemented by the proposed school.

The overall bulk, form and layout of the school will be documented in a future OPW utilising the parameters offered by the standard MOE conditions (i.e. height in relation to boundary, landscaping). This will ensure that the school would be designed to be both sympathetic and complementary to its immediate residential environment and overall consistent in the scale and character with the new urban environment. It is specifically noted that the school site is bound by roading on all boundaries, providing that physical separation or buffer of school activities from the adjacent residential environments. Development in accordance with the proposed designation conditions will ensure any potential external effects of the activity are avoided or mitigated.

As discussed further in this Report (below), consultation has been undertaken with stakeholders and interested parties. Specifically, the landowner and developer of the adjoining and surrounding land has provided their written approval to the proposed Notice, and accordingly any potential adverse effects on them are disregarded.

Overall, it is considered that the proposed school designation to accommodate future education buildings and activities will have less than minor adverse visual and amenity effects and no persons are considered to be adversely affected to a degree that is more than minor.

5.2 Geotechnical Effects

A Geotechnical Investigation Report for the wider Stages 2 & 3 (Wainui East) development (which encompasses the subject site) has been undertaken by CMW Geosciences, dated 22 June 2017, and is attached at **Appendix 4**. The Report draws on various geotechnical investigations undertaken across the Milldale development and wider area dating back to 2002.

The ground conditions of the proposed school site itself (undertaken within Stage 2 of earthworks) consists of Motatau Complex Overburden which is a combination of clay and gravel material. The site is bound by the Waterloo Stream along the western boundary, where the approved 'stream edge road' lies. Earthworks to form the larger development area have included easing of the overall gradients by the filling of the low-lying areas adjacent to the stream, which has resulted in a predominantly level site for the proposed school. A separate earthworks resource consent application will be prepared by MOE to form the required building platforms to accommodate the future school buildings.

As part of the OPW phase, further geotechnical advice is likely to be required once detailed design of the school buildings has been undertaken. However, based on the investigation to date, and subsequent review at detailed design stage, it is considered that any effects of ground instability and potential natural hazards can adequately be avoided and mitigated, to have overall less than minor adverse effects on the environment.

5.3 Infrastructure Effects

Woods Engineers have provided an Infrastructure Memo for the proposed school site, attached at

Appendix 6. A description of the anticipated services to and around the site is provided in their Report.

The findings of the report conclude that the site can be reasonably serviced by the public network for the proposed school use and designation. Power and telecommunication requirements will be developed as part of the Outline Plan of Works.

5.4 Transportation Effects

The Integrated Transport Assessment (ITA) has been prepared by Abley Transportation Engineers and is attached at **Appendix 7**. The proposed school is located within a future roading network for the immediate residential area. As the proposed school site forms part of a wider new residential (and commercial) development, the new roads and accesses will be formed to a high standard with the arterial roads having appropriate and safe cycling, walking and bus stop facilities.

It is notable that the school is located adjacent to Stream Edge Road, which provides for a pleasant 3m shared path through stream-side reserves that meander through the broader Milldale area. This will be an important link for children that cycle, walk or scoot to school and provide a direct and safe route for a large proportion of the children in the school catchment.

It is expected that the main access to the school site will be off Road 11.

As a condition of the designation, the School Board of Trustees will develop a School Travel Plan (STP) tailored to the needs of students and staff which will encourage/promote shared car journeys, car-pooling, walking school bus, which will limit potential effects on the local roading network.

Relying on the detailed investigation and findings of the ITA, the following conclusions have been reached:

- In relation to traffic generation, *it is expected to have low impact on the overall vehicular traffic volumes thought Milldale.*
- In relation to access arrangements, *there are no issues with the planned school that would prevent the safe and appropriate design of access at the site.*
- In relation to parking, *it is expected that pick-up and drop-off will primarily take place on-site.*
- In relation to cycling and walking, *the location provides for excellent access.*

Overall, it is concluded that the transportation effects from the proposed school designation are such that no persons will be adversely affected, bearing in mind that mitigation measures will be available when the detailed design goes through the OPW process.

Looking at effects on the transport network at a broader scale, the establishment of a primary school in Milldale will have positive effects: it will reduce the number and distance of school-related trips undertaken by local residents, who would otherwise transported schoolchildren to some more distant school, and ameliorate transport-related effects at those schools.

5.5 Noise Effects

Given the nature of education facilities, the activity will generate some degree of noise. However, this noise is only likely to be noticeable during play times, lunch time and during outdoor activities. There is unlikely to be any significant noise during classroom-based activities. The proposed conditions for the designation include a condition that the school activity must meet noise standards of the AUP OP. Demonstration that this condition can be met will be included at the OPW stage of the development.

As the school site is bounded by roads on all sides it has no immediate neighbours. The site is also generously sized, regularly shaped and has easy topography. This means that there will be ample scope to design the site layout with regard to locating the main noise sources so as to ensure compliance with the proposed noise condition. The noise condition will achieve an appropriate balance between enabling school activities to occur whilst providing adequate levels of acoustic amenity for adjacent residential neighbours.

However, it is specifically noted that as the school site is bound by roads on all boundaries there may be reverse sensitivity (noise) effects from the roading environment that will need to be considered and mitigated in the school design.

Overall, the proposed school will be designed in a manner that meets the standard condition for noise, to ensure any potential for noise effects are less than minor.

5.6 Cultural Effects

Consultation with the interested iwi groups has been undertaken. Only one response was received from Ngaāti Whanaunga Incorporated on 17 July 2019 and subsequent engagement with them on 28 August 2019 and a site meeting and visit attended on 12 September 2019. They have provided their comments in **Appendix 9**.

It is noted that the site forms part of Fulton Hogan's larger (recent) earthworks area to enable the future development, and the original consents had not raised any cultural concerns or effects.

Accordingly, there are not considered to be adverse cultural effects as a result of the proposal.

5.7 Social and Community Effects

Designating this land for a future school site is considered to have the following social and community effects:

- The school has the potential to become a key piece of community infrastructure for the new community by acting as a focal point of the local area;
- The school is likely to have wider benefits for community for public meetings and as a recreational area;

- Establishes a future site for an important physical resource (being an educational facility) to enable the new community to provide for their wellbeing;
- The strategic location will provide consequential social benefits such as enabling a large catchment of pupils to travel to school by walking or cycling. This is likely to have positive effects for both student health and the perceived safety of local area and potentially reduce the number of vehicles travelling to school in peak am and pm periods.

5.8 Economic Effects

New schools are usually seen as “community anchors” and catalysts for economic growth to newly established greenfield communities, as they represent new purpose-built facilities and allow the newly established local community to access education locally.

5.9 Positive Effects

The proposed location of the school to have considerable positive effects for the new residential community that will establish in Milldale. Pursuant to Section 171(1B) of the RMA, the designation will have the following positive effects:

- It establishes a future site to provide a physical resource to cater to the new Milldale community to provide for the social well-being;
- The school will provide a key community infrastructure and focal point for the new Milldale community;
- Its location surrounded by a new residential area will mean that children will be able travel shorter distances to their local school and a higher proportion are likely to cycle, scoot or walk;
- The school will cater to its immediate community, relieving potential growth pressure and transportation effects on existing schools and traffic networks in the wider area.

6.0 ALTERNATIVES CONSIDERED

At the time the NOR was lodged the Crown had already purchased the site. The Ministry therefore has significant interest in the site for the future development for education purposes. Therefore, in the absence of any significant adverse environmental effects, the Council is not required to consider whether adequate consideration has been given to alternative sites, routes and methods.

6.1 Alternative Sites

The process for site selection involved an analysis of 11 (of an initial 70) potential sites within the Wainui area against the Ministry’s school location criteria. These include location, site area and geology, access, physical constraints, potential areas of contamination, transportation, District Plan and acquisition issues.

Each site was allocated a scoring on each of these criteria and as a result five sites were recommended for further consideration. All recommended sites scored similarly through a series of site review processes and due diligence. As a result of the detailed site due diligence process, it is considered that adequate consideration has been given to alternative sites, should that be considered necessary.

6.2 Alternative Methods

Designations are the mechanism used widely by the Minister of Education as part of a national strategy for establishing, maintaining and operating school sites. The primary reasons for adopting this technique are:

- The RMA anticipates designations as the primary resource management method to be utilised by requiring authorities such as the Minister of Education;
- The Ministry of Education has a national policy to designate all its school sites;
- Designations provide greater certainty in terms of future management operations for site, because it allows the Ministry to carry out development of the site in accordance with the designation purpose indefinitely;
- The designation will allow the Ministry to undertake the project or work in accordance with the designation, notwithstanding anything to the contrary in the relevant District Plan;
- A designation provides land use certainty for large capital works projects, and an essential future community infrastructure;
- It provides flexibility for the operational performance of the site from year to year when a greater amount is known about the characteristics of the student catchment and desires of the community; and
- Designations recognise the long-term commitment to the particular sites, as well as identifying the site on the District Plan maps.

In addition, designations allow the setting aside of land for future work, in this case education purposes, with certainty as to its ability to be used for that purpose irrespective of any changes to the Unitary Plan in the meantime.

An alternative to designating the proposed school site would be for the Ministry to apply for resource consent. An application for resource consent would require the Ministry to determine a much greater level of detail with respect to the design of the school than is currently available or necessary. Establishing a school through the resource consent process also doesn't provide the certainty or flexibility required for the school infrastructure to adapt to changes or growth in the community.

For the above reasons, it is considered that the use of the designation process, as specifically provided for in the Resource Management Act, is the appropriate mechanism.

7.0 NECESSITY OF THE DESIGNATION

Form 18 requires the Minister to state the reasons as to why the designation is “...*reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought*”.

The Minister is a requiring authority pursuant to Section 166 of the Act. The Minister has the financial responsibility for state owned and funded schools, so may give a territorial authority a NOR for a designation for such works.

The Notice is required to enable the Minister to provide for effective education facilities throughout New Zealand. The Minister seeks the proposed designation to allow the construction of the new school to meet the primary school (and early childhood education) needs of the Milldale area where significant residential development is underway and is expected to continue over the next few years.

The Minister has lodged this Notice of Requirement to achieve the following objectives:

- To provide for the efficient and adaptable management of a nationwide portfolio of education facilities.
- In particular to provide new education facilities to the Milldale catchment to serve the education needs of this new community; and
- To allow land required for education purposes to be identified in the AUP OP and to give a clear indication to the public of its presence.

Therefore, the designation is deemed reasonably necessary.

8.0 CONSULTATION

8.1 Written Approval

Affected Party Written Approval was obtained from Fulton Hogan Land Development Limited as owner of the adjoining / adjacent land holdings on 6 June 2019. This is attached at **Appendix 9**.

8.2 Iwi Consultation

On 16 July 2019 an email was sent to the following mana whenua groups advising of the proposed school at Milldale and the intention of the Ministry to submit a NOR. The letter invited comment from these mana whenua groups.

Mana Whenua Group	Contact Details	Response
Ngai Tai Ki Tamaki	Ngāi Tai Ki Tāmaki Tribal Trust kaitiaki@ngaitai-ki-tamaki.co.nz	No response received
Ngati Manuhiri	Manuhiri Kaitiaki Charitable Trust P.Tuinder@ngatimanuhiri.iwi.nz	No response received
Ngati Maru	Ngāti Maru Rūnanga Trust office@ngatimaru.iwi.nz	No response received
Ngati Paoa	Ngāti Paoa Iwi Trust kaiarahi@ngatipaoaiwi.co.nz	No response received
Ngati Paoa	Ngāti Paoa Trust Board NPTB@ngatipaoatrustboard.co.nz	No response received
Ngati Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua taiao@ngatiteata.iwi.nz	No response received
Ngati Wai	Ngati Wai Trust Board kris.macdonald@ngatiwai.iwi.nz mmacdonald@ngatiwai.iwi.nz	No response received
Ngati Whanaunga	Ngāti Whanaunga Incorporated hrenata@ngaatiwhanaunga.maori.nz mbaker@ngaatiwhanaunga.maori.nz	Response received on 17 July 2019 requesting engagement on NOR (see below).
Ngati Whatua o Kaipara	Nga Maunga Whakahii o Kaipara Development Trust tetaritaiao@kaiparamoana.com	No response received

Ngati Whatua Orakei	Ngāti Whātua Ōrākei Trust tokitaiao@ngatiwhatuaorakei.com	No response received
Te Akitai Waiohua	Te Akitai Waiohua Iwi Authority 021 400 921 kaitiaki@teakitai.com	No response received
Te Kawerau a Maki	Te Kawerau Iwi Settlement Trust scott.lomas@tekawerau.iwi.nz robin.taua-gordon@tekawerau.iwi.nz	No response received
Te Runanga o Ngati Whatua	Te Rūnanga o Ngāti Whātua 0274 702 921 tame.terangi@ngatiwhatua.iwi.nz	No response received

Engagement with Mike Baker of Ngaati Whanaunga Inc Soc was undertaken on 28 August 2019, and a site meeting and visit attended on 12 September 2019. They have provided their comments in **Attachment 9**.

8.3 Auckland Council and Related Organisations

Auckland Council

An informal pre-application meeting has been attended on 19 June 2019 with Team Leader Peter Vari, and Senior Planner, Dave Paul of Auckland Council. The general nature of the proposal was discussed, as well as the technical input required and consultation to be undertaken.

Rodney Local Board

Consultation with the Jonathan Hope of the Rodney Local Board (via email) has been undertaken on 17 July 2019, and a follow up email sent on 21 August 2019. No response has been received at the date of serving of this Notice.

Auckland Transport

As part of the assessment undertaken by Abley Transportation Consultants, engagement with Auckland Transport, NZTA and the Special Growth Alliance was undertaken on 19 June 2019 and 12 December 2019. Outcomes of these discussions have been incorporated into their Assessment in **Appendix 7**.

9.0 OTHER MATTERS

9.1 Part 2 Matters

Section 171 of the RMA requires territorial authority consideration of a Notice of Requirement subject to Part 2 (the purposes and principles of the RMA).

Section 5: Purpose

The purpose of the RMA is to promote 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 well-being 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 Notice of Requirement will provide for the future educational needs in the local community and will provide for the community’s social, economic and cultural wellbeing. The effects of the designation and activity have been discussed in Section 5.2 of this report where it was concluded that any potential for adverse effects are able to be avoided, remedied or mitigated through the design of the school. In addition, the life supporting capacity of air, water, soil and ecosystems is maintained. For these reasons the proposed designation is consistent with the sustainable management purpose of the RMA as defined in section 5 of the Act.

Section 6: Matters of National Importance

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. None of these matters are relevant to this proposal.

Section 7: Other Matters

The Section 7 matters relevant to this proposal are:

- (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:*

With regard to Section 7(b) the proposed designation is considered to be an efficient use of natural and physical resources as it will provide for the well-being of the community by providing education facilities for local students both at primary and early childhood levels. The protection of the land for the purpose of school development within an area of future residential development is an efficient use of land. The school will be located in close proximity to the new residential catchment.

With regard to Section 7(c) amenity values are defined in the Act as:

“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

The school will be designed to have large areas of open spaces coupled with comprehensive landscaping throughout the site and as such will have a lower density overall than what could be expected under the Mixed Housing Urban zoning of the surrounds. The proposed designation conditions relating to height and noise have been designed to minimise the adverse effects on amenity values and the quality of the environment whilst recognising the Minister’s objective of establishing educational facilities on the site. In addition, the assessment of effects above indicates that adverse effects will likely be minor, and can be adequately avoided, remedied or mitigated and through a more detailed OPW process.

Similarly, the quality of the environment can be maintained and enhanced through the development of the school.

Section 8: Treaty of Waitangi

This Section of the Act requires those exercising powers and functions under the RMA to take into account the principles of the Treaty of Waitangi. Consultation with iwi groups has formed part of the overall strategy for this designation process as recorded in the above assessment. As such, the proposed designation and future establishment of a school on this site is not considered to be in conflict with the principles of the Treaty.

Overall, the proposal is considered to be consistent with Part 2 of the RMA.

9.2 Notification

Pursuant to Section 169(1) of the RMA, a Territorial Authority must decide whether to notify the notice under sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, within 10 working days of receiving the Minister’s Notice.

As outlined above, the Ministry has undertaken consultation with the affected persons / parties. Responses from these parties have been outlined above.

An assessment of effects on the environment including effects and any persons has been considered in Section 6 of this Report. It is concluded that the adverse effects on the environment will be less than

minor overall and can be avoided, remedied or mitigated through conditions of designation and through the OPW process.

Pursuant to s 149ZCE(e), effects on any person who has given written approval in relation to a proposal are to be disregarded. Written approval has been received from Fulton Hogan Land Development Limited, being the landowner of the site and surrounding properties.

The Minister therefore requests the Council consider the NOR **non-notified** because:

a) Public notification is unnecessary given:

- As per the AEE, any adverse effects on the environment beyond land adjacent to the proposed school site will not exceed the “minor” threshold;
- The extent and scope of consultation undertaken with “affected persons” and iwi;
- Relevant NESCS and regional rules of the AUP OP does not require public notification.

b) Limited notification is unnecessary because:

- as per the AEE, any effects on “affected persons” are likely to be less than minor;
- the owner of all the surrounding land has consented to the proposal.

10.0 CONCLUSION

The Minister requests that Auckland Council process this Notice of Requirement pursuant to Section 169 of the RMA and in accordance with relevant provisions of Part 8 of the RMA; And anticipate Council’s recommendation pursuant to Section 171(2) and (3).

Subsequently, and on the basis that that this NOR addresses all the relevant matters under the Part 8 of the RMA, the Minister seeks that the designation for *Educational Purpose – Primary School and Early Childhood Education (ECE)* on part of Lot 8 DP 136559 and Lot 1 DP 63393 (part of 17 Old Pine Valley Road), be recommended to be confirmed.

APPENDIX 2

RECORD OF TITLE

APPENDIX 3 SITE PLAN

APPENDIX 4 GEOTECHNICAL INVESTIGATION REPORT

APPENDIX 5 GROUND CONTAMINATION ASSESSMENT

APPENDIX 6 INFRASTRUCTURE MEMO

APPENDIX 7 INTEGRATED TRAFFIC ASSESSMENT

APPENDIX 8 WRITTEN APPROVAL AND CONSULTATION DOCUMENTS

APPENDIX 10 DESIGNATION CONDITIONS
