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19 February 2019

Auckland Council  
North, West and Islands Planning: Plans and Places  
**AUCKLAND 1142**

**Attention:** Peter Vari – Team Leader

Dear David

**NOTICE OF REQUIREMENT TO DESIGNATE LAND AT 263 SUNNYHEIGHTS ROAD, OREWA FOR EDUCATIONAL PURPOSES: SECTION 181 OF THE RESOURCE MANAGEMENT ACT 1991**

The Minister of Education (“the Minister”) hereby gives notice of a requirement to designate a part of 263 West Hoe Heights, Orewa (Lot 800 DP 523423) for Educational purposes - primary school (years 0 – 8) and may include Early Childhood Education (preschool) for Orewa North West Primary School.

Attached to this letter is the required Form 18 documentation which details the proposed designation, site assessment of effects and alternatives considered.

The address for service for the requiring authority is:

The Property Group Limited  
PO Box 104 Shortland Street  
Auckland 1140  
Attn: Natasha Rivai

Should you have any questions with respect to this application please do not hesitate to contact me. We look forward to receiving notification of the Councils s169 notification determination soon.

Yours sincerely



**NATASHA RIVAI**  
Senior Planner

M 027 293 3190

Email [Nrivai@propertygroup.co.nz](mailto:Nrivai@propertygroup.co.nz)

**FORM 18**

**NOTICE OF REQUIREMENT BY THE MINISTER OF EDUCATION FOR DESIGNATION**

**Section 168 and Clause 4 of the First Schedule, Resource Management Act 1991**

To: Auckland Council

The Minister of Education (“the Minister”) gives notice of a requirement for a designation for “*Educational purposes – Primary School (years 0 – 8) and may include Early Childhood Education (preschool)*”.

The site to which the requirement applies is at part of 263 Sunnyheights Road, Orewa, legally described as Lot 800 DP 523423 CT 839068, described and detailed in the attached documentation.

The attached documentation contains all necessary information required to satisfy all Form 18 requirements set out in *Resource Management (Forms, Fees, and Procedure) Regulations 2003* and in accordance with Schedule 1 of the Resource Management Act 1991.

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Signed By: **Sandra Orr**  
**REGIONAL INFRASTRUCTURE MANAGER, NORTHERN**  
**EDUCATION INFRASTRUCTURE SERVICES**

Date: **18 February 2019**

# **NOTICE OF REQUIREMENT**

FOR

OREWA NORTH WEST PRIMARY SCHOOL

AT

263 West Hoe Heights, Orewa

AUCKLAND

**MINISTER OF EDUCATION**

February 2019



## Quality Control

Title	Notice of Requirement to designate part of 263 Sunnyheights Road, Orewa for a new primary school.
Client	Minister of Education
Job No.	714486
Prepared by	Natasha Rivai – Senior Planner
Signature	
Reviewed by	Lahiru Wijewardhana
Signature	

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## 1.0 NOTICE OF REQUIREMENT DETAILS

Requiring Authority:	Minister of Education
Territorial Authority:	Auckland Council
Nature of the Notice:	A Notice of Requirement (NOR) to designate land for “ <i>Educational Purposes – Primary School (years 0 – 8) and may include Early Childhood Education (ECE)</i> ”
Address for Service:	The Property Group Limited PO Box 104 Shortland Street Auckland 1140 Attention: Natasha Rivai
Site address:	(Part of) 263 West Hoe Heights, Orewa
Legal Description:	Lot 800 DP 523423 (refer to <a href="#">Appendix 1</a> )
Proposed Designation	
Site Area:	2.8930ha
Overall Location:	Refer to <a href="#">Appendix 2</a> for Site Area Plan.



Figure 1 – Greater Site Aerial

Auckland Unitary Plan	
(Operative in Part) Zoning:	Residential – Single House Zone (Orewa 2, sub-precinct A)

## 2.0 INTRODUCTION

The Minister of Education (Minister) seeks a designation to enable a primary school to be developed on a 2.8930ha northern part of 263 West Hoe Heights, Orewa. The primary school will be developed to provide for up to 800 students. In addition, provision will also be made to accommodate an early childhood education centre for up to 50 children. It is expected that a new primary school will open on the site in 2020.

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 education public work 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 & SURROUNDS

#### **Subject Site**

The subject site is located at the northern end of Sunnyheights Road, off West Hoe Heights (refer to [Appendix 2](#)). The proposed school site area is 2.8930ha from the parent site that is legally described as Lot 800 DP 523423 (West Hoe Heights). The proposed school site forms part of a large new residential subdivision accommodating over 300 residential lots including roading, reserves/parks and infrastructure.

The site has been earthworked as part of the original subdivision and has sloping topography, falling towards the south. Auckland Council's GIS shows the site as being subject to a number of natural hazards. There are numerous overland flow paths that traverse the site, particularly towards the north eastern end across to the south western parts of the site. Earthworks to be undertaken on the site to provide a finished benched ground levels for the future school buildings and amenities, will be part of a future/separate earthworks resource consent application by MOE. Diversion and management of the overland flow paths have been addressed and dealt with in this future application.

In terms of servicing of the site/development, CKL Engineers have undertaken engineering design investigation attached at [Appendix 4](#). A stormwater manhole is located at the south eastern corner of the site, which will allow for future connection and discharge of stormwater from the site. Runoff from the site will discharge into 'Wetland A' which provides water quality treatment. Public wastewater reticulation will be made available at the site boundary to support the proposed school site. Similarly, public water supply will be made available at the site boundary from Sunnyheights Road and Crozier Place.

The site has frontage to Sunnyheights Road to the north, and a secondary access from an internal road at the south eastern part of the site. As discussed further below, an Integrated Traffic Assessment has been prepared by Flow Transportation Engineers to support this Application (refer to [Appendix 5](#)).

The surrounding area has been rural in character in the past due to its zoning under the Auckland Council District Plan (Rodney Section). However, the area was rezoned as Single House under the Auckland Unitary Plan, and as a result, is going through a rapid transformation in to residential development. Given the recent intensification of the area, a new school is considered as a necessity for the growing community.

#### **Surrounding Environment**

The predominant land use activities surrounding the subject site have, until more recently, have been rural in nature, separated by low density urban residential development of Orewa to the east.

As a result of the recent up-zoning to residential land and anticipated growth in population, key social infrastructure such as schools and community facilities amenities such as local shops, community centres, and services are required in Orewa North West to support these communities.

#### **4.0 NATURE OF PROPOSED DESIGNATION**

The Minister of Education, as Requiring Authority gives Notice of his intention to designate an area of 2.8930ha of land at Sunnyheights Road for an educational purpose (primary school) public work. The land requirement and location plan is attached at [Appendix 2](#).

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 (years 0 – 8) and may include Early Childhood Education (ECE)”*

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.

The Minister seeks a lapse date for the designation, of 10 years after the date it is included in the Unitary Plan.

As this Notice is only for the designation of the subject site, there is currently no detailed information available around the master planning and proposed site development including building locations, sport fields and associated accesses and parking etc. This information will only be available at detailed design stage and be submitted with the Outline Plan of Works under s176A, once the Minister’s designation is confirmed and the school’s Establishment Board of Trustees appointed by the Minister.

## 5.0 NATURE OF PROPOSED DESIGNATION CONDITIONS

The Minister proposes that the designation is subject to a number of conditions. As provided under the AUP OP, the following conditions are adopted.

<p><i>Purpose</i></p>	<p><i>“Educational Purposes” for the purposes of these designations shall, in the absence of specific conditions to the contrary:</i></p> <ul style="list-style-type: none"> <li><i>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.</i></li> <li><i>b. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.</i></li> <li><i>c. Enable the provision of community education (eg: night classes for adults) outside school hours in school facilities.</i></li> <li><i>d. Include but not be limited to the provision of academic, sporting, social and cultural education including through:</i> <ul style="list-style-type: none"> <li><i>i. Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;</i></li> <li><i>ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours; and</i></li> <li><i>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.</i></li> </ul> </li> <li><i>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.</i></li> <li><i>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).</i></li> <li><i>g. Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretakers) and their families.</i></li> </ul>
<p><i>The standard conditions for all Minister of Education designations shall apply to this designation.</i></p>	
<p><i>Where any standard condition below conflicts with a specific condition on a designation, the site specific condition takes precedence</i></p>	

Additional site-specific conditions in relation to engineering requirements (i.e. Geotechnical investigation, travel management plan, etc.) will also be anticipated below.

<p>1. <i>Geotechnical</i></p>	<p><i>All site development shall meet the recommendations of the Geotechnical Investigation prepared by Coffey (Appendix 4 of the Notice of Requirement application).</i></p>
<p>2. <i>School Travel Plan</i></p>	<p><i>Within six (6) months of the School opening, the requiring authority shall either directly or through the School Board of Trustees, develop a Travel Plan which 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></p> <ul style="list-style-type: none"> <li><i>i. Safe access to the entry points of the school. Features such as Kea Crossings or Zebra Crossings should be specifically considered.</i></li> <li><i>ii. Consistency with or use of Auckland Transport’s TravelWise Programme, or any equivalent programme adopted.</i></li> </ul>

	<p><i>iii. Measures to separate vehicle entry and pedestrian/cyclist entries. 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.</i></p>
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## 6.0 EFFECTS OF THE DESIGNATION ON THE ENVIRONMENT

### Visual and Amenity Effects

The site and its immediate area have historically been used for rural-type activities and the rezoning now anticipates a significant change in character to accommodate Auckland's projected growth. The proposed school site is located in an area undergoing significant urban development as reflected in the up zoned provisions of the AUP OP and particularly, the recent 300 plus lot residential subdivision of the sites' immediate area. The substantial earthworks being undertaken in the area is further reflective of the intended urban development of the immediate area. Specifically, this is consistent with and an extension of the established residential to the south and east of the site, where to the north of the site is lower density residential (albeit Single House zoned).

The Single House zoning of the site and surrounding area means that the proposed school will sit comfortably within this anticipated growth area being able to serve its immediate community. As demonstrated in the Traffic and Civil Engineering reports, the upgrades to service networks (i.e. roading and infrastructure) means that the site and area can be adequately serviced.

The school anticipates opening for 2021, and as such, over the next two years, it is expected that the immediate area will begin to establish itself as a residential suburb which would be complemented by the proposed school environment. The transition from its previous rural character to a more urban residential environment as anticipated and intended by its Single House zoning under the AUP OP. The overall bulk, form and layout of the proposed school will be documented in a future Outline Plan of Works Application, however would be designed to be both sympathetic and complementary to its immediate residential environment. The ultimate school development will be consistent in scale and character with this urban environment. Development in accordance with the proposed designation conditions above ensure any potential external effects of the activity are avoided or mitigated.

Rural and Future Urban zoned areas that are located west of the site, across State Highway 1, are visually mitigated by any future development on the site, by the visual and physical separation and presence of the motorway environment.

As discussed further in this Report (below), consultation has been undertaken with the adjacent residential landowners, where no response was received. Further, the land owner and developer of the adjoining residential properties within the remainder of 263 West Hoe Heights, has provided their written approval to the proposed Notice.

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.

### **Geotechnical Effects**

Further Geotechnical Investigation undertaken for the site (and the wider Stage 2 residential development) has been undertaken by Coffey (dated 16 November 2016, following on from the 2013 Investigation) and is attached at [Appendix 3](#).

Given the weak ground conditions and presence of historic landslides, it is recommended that at design stage, additional ground investigation and testing be undertaken to determine the design of building foundations and earthworks required. It is expected that further earthworks in the form of retaining and terracing of the site will be required to establish building platforms, parking areas and playfields for the new School. As a condition of the designation (noted above), recommendations from the Geotechnical Investigations by Coffey are adhered to.

A separate earthworks resource consent application will be prepared by MOE to form level building platforms to accommodate the future school buildings, as well as redirection and management of the overland flow path that traverses the site.

Overall, based on the broader geotechnical investigations undertaken by Coffey for the site area and recommendations outlined, it is considered that 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.

### **Infrastructure Effects**

CKL Engineers have provided an Engineering Design Memo for the proposed school on the site which is attached at [Appendix 4](#). A description of the proposed servicing of the school site is provided in their Report and in this Report (above).

The findings of the report conclude that the site can be reasonably serviced for the proposed school use and designation by the public network. Overall, it is determined that there will also be little or no any potential adverse effects on the environment. Power and telecommunication requirements will be developed as part of the Outline Plan of Works.

### **Traffic Related Effects**

An Integrated Transport Assessment has been prepared by Flow Transportation Specialists and is attached at [Appendix 5](#).

The site only has frontage to Sunnyheights Road and a secondary road termed 'Street A'. Whilst the site is not currently served by public transport, public bus service is anticipated in the near future that will run along Celestial Crescent. Improved integrated transportation (i.e. footpaths (walking,

cycling, bus routes) is anticipated for the area and can reasonably be anticipated as further development is established in the immediate area.

The proposed school site will provide a closer and more walkable schooling option for residents of north-west Orewa but is unlikely to generate traffic movements from further afield due to the school's confined catchment. The consented subdivision would have anticipated 477 daily vehicle trips for the 53 residential lots, the proposed school area will occupy. The proposed school (and ECE) is anticipated to generate between 242 and 273 vehicle trips at peak periods. Because the proposed school would generate trips at different times and/or in different directions to peak traffic, replacement of the consented subdivision with the proposed school is expected to reduce traffic effects on the wider transport network.

It is expected that the main access to the school site will be off Sunnyheights Road, with a secondary or staff access of 'Street A'. As part of managing trip generation for the activity, the school will devise a travel management plan (as recommended by the Traffic Engineer, see below) to manage potential effects on the local roading network as well as encourage a safer vehicle-pedestrian environment for its school community.

As a condition of designation, the proposed school will develop A Comprehensive 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. The STP is necessarily a collaborative document between the Board of Trustees and the Community Transport division of AT.

The proposed school is located within a future roading network for the immediate residential area and as investigated and assessed by Flow Engineers, the school traffic will not adversely affect the safety and efficiency of the local roading network.

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 outline plan of works process.

### **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 class-room 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 need to be included at the Outline of Works stage of the development.



Although a concept plan for the future school has not yet been finalised the size, shape and topography of the site is such that it will enable the site layout to have regard to locating the main noise sources away from immediate proximity to adjacent properties, to ensure compliance with the proposed noise condition. The proposed noise condition will achieve an appropriate balance between enabling school activities to occur whilst providing adequate level of acoustic amenity for adjacent residential neighbours. The proposed noise condition is consistent with those agreed with Auckland Council through the Unitary Plan process for schools throughout the Auckland region. It is also noteworthy that under the approved subdivision, Sunnyheights Road adjoins the northern boundary, and recreation reserve adjoins most of the western and southern boundaries. Roading and access routes adjoin the eastern boundary.

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.

### **Cultural Effects**

Consultation with the interested iwi groups has been undertaken. No communication has been received back in the intervening 7-8 months and it is therefore assumed that no iwi have specific interest that would be affected. This is documented in the following section.

Further, as the site forms part of a recent subdivision, and the original subdivision consent did not raise any significant cultural effects the same is considered here.

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

### **Social/Community Effects**

Designating this land for a future school site is considered to have the following positive social 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 school site has been selected following a comprehensive site selection process and as a result, will be strategically located in an area identified for future residential development; and
- 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 or 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.

**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.

## **7.0 ALTERNATIVES CONSIDERED**

### **Alternative Sites**

The Ministry of Education commissioned a site selection process for the purpose of determining a new site appropriate for the establishment of a primary school (and possible early childhood education). The location of the shortlisted sites is provided in the Frequency Report dated June 2017 (attached in [Appendix 6](#)).

The process for site selection involved an analysis of 14 sites within the Orewa North West 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 5 sites were recommended for further consideration.

The subject site consistently scored highly through a series of site review processes and due diligence and resulted in the site having the overall highest score (of the five sites assessed). As a result of the detailed site due diligence process, it is considered that adequate consideration has been given to alternative sites.

### **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 a large capital works project, 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. This is particularly important in this case, as the school may not be progressed for some time (depending on demand), but the opportunities to acquire a suitable site may be lost with on-going urban residential development in the Orewa North West area.

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.

## **8.0 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 possible early childhood education) needs of the Orewa North West area where significant residential development is underway and is expected to continue over the next few years.

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

- To designate the land to provide for the efficient management of a nationwide portfolio of education facilities. In particular to provide new education facilities to the Orewa North West area and the surrounding catchment to serve the education needs of this growing community; and
- To allow land required for education purposes to be identified in the District Plan to give a clear indication to the public of its presence.

Therefore, the designation is deemed reasonably necessary.

## 9.0 CONSULTATION

### Affected Property Owners

On 27 June 2018 an email was sent to the following neighbouring property owners advising of the proposed school at Sunnyheights Road, Orewa and the intention of the Ministry to lodge a NOR.



Figure 2 – Adjacent Properties (MOE site highlighted in yellow)

The copy of the Ministry for the Environment: The Designation Process (An Everyday Guide to the RMA) document accompanied the letter explaining the NOR process. The letter invited comment from these property owners.

Address	Owner	Response
60 Sunnyheights Road (Pt Lot 1 DP 116996)	Penelope Jean Gray	No response received
52 Sunnyheights Road (Pt Lot 3 DP 203050)	Ren Li Liang	No response received
Lot 900 DP 510693	Orewa Developments Limited (Landowner/Developer)	Written Approval Provided (9 July 2018).
44 Sunnyheights Road (Lot 1 DP 203050)	Pacific Heights Limited	No response received
48 Sunnyheights Road (Lot 2 DP 203050)	Siew Lan Cheng, Wei-Chhi Cheng	No response received

### Iwi Consultation

On 27 June 2018 an email was sent to the following mana whenua groups advising of the proposed school at Orewa North West and the intention of the Ministry to lodge a NOR. The letter invited comment from these mana whenua groups.

<b>Mana Whenua Group</b>	<b>Contact Details</b>	<b>Response</b>
Ngai Tai Ki Tamaki	Ngāi Tai Ki Tāmaki Tribal Trust 09 537 9485 <a href="mailto:kaitiaki@ngaitai-ki-tamaki.co.nz">kaitiaki@ngaitai-ki-tamaki.co.nz</a>	No response received
Ngati Manuhiri	Manuhiri Kaitiaki Charitable Trust 09 422 6548 Fiona McKenzie <a href="mailto:f.mckenzie@ngatimanuhiri.iwi.nz">f.mckenzie@ngatimanuhiri.iwi.nz</a>	No response received
Ngati Paoa	Ngāti Paoa Iwi Trust 021 028 41017 <a href="mailto:admin@ngatipaoaiwi.co.nz">admin@ngatipaoaiwi.co.nz</a>	No response received
Ngati Maru	Ngāti Maru Rūnanga Trust 07 867 9104 <a href="mailto:office@ngatimaru.iwi.nz">office@ngatimaru.iwi.nz</a>	No response received
Ngati Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua 021 208 5606 <a href="mailto:teararangatu15@gmail.com">teararangatu15@gmail.com</a>	No response received
Ngati Wai	Ngati Wai Trust Board 09 430 0939 <a href="mailto:kris.macdonald@ngatiwai.iwi.nz">kris.macdonald@ngatiwai.iwi.nz</a>	No response received
Ngati Whanaunga	Ngāti Whanaunga Incorporated <a href="mailto:hrenata@ngaatiwhanaunga.maori.nz">hrenata@ngaatiwhanaunga.maori.nz</a>	No response received
Ngati Whatua o Kaipara	Nga Maunga Whakahii o Kaipara Development Trust 09 420 8410 Ext. 4503 <a href="mailto:tetaritaiao@kaiparamoana.com">tetaritaiao@kaiparamoana.com</a>	No response received
Ngati Whatua Orakei	Ngāti Whātua Ōrākei Trust 09 336 1670 <a href="mailto:tokitaiao@ngatiwhatuaorakei.com">tokitaiao@ngatiwhatuaorakei.com</a>	No response received
Te Akitai Waiohua	Te Akitai Waiohua Iwi Authority 021 400 921 <a href="mailto:kaitiaki@teakitai.com">kaitiaki@teakitai.com</a>	No response received
Te Kawerau a Maki	Te Kawerau Iwi Settlement Trust <a href="mailto:scott.lomas@tekawerau.iwi.nz">scott.lomas@tekawerau.iwi.nz</a>	No response received
Te Patukirikiri	Te Patukirikiri Incorporated <a href="mailto:admin@patukirikiri.iwi.nz">admin@patukirikiri.iwi.nz</a>	No response received
Te Runanga o Ngati Whatua	Te Rūnanga o Ngāti Whātua 0274 702 921 <a href="mailto:tame.terangi@ngatiwhatua.iwi.nz">tame.terangi@ngatiwhatua.iwi.nz</a>	No response received

## **Auckland Council and Related Organisations**

### Auckland Council

An informal pre-application meeting has been attended on 14 May 2018 with Team Leader Peter Vari, and Planner, Kimberley Edmonds of Auckland Council. The general nature of the proposal was discussed, and the technical input required as well as consultation undertaken. Prior to submission of the NoR, a further pre-application meeting was attended with the same Council officers to run through the draft application documentation.

### Upper Harbour Local Board

Consultation with the Hibiscus and Bays Local Board (via email) has been undertaken on 30 October 2018, and an email response received on 14 November 2018, advising that the Local Board had no comment to make on the Application.



## 10.0 OTHER MATTERS

### 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 local 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 Single House 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 Outline Plan 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. No responses providing comment to the proposal have been received. In addition, there are no known sites of cultural significance on the proposed site. 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.

#### **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 Outline Plan of Works 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 Orewa Developments Limited, being the landowner of the site and immediately surrounding properties to the west, south and east of the site.

The only possible adverse effects of potential relevance are therefore those that might relate to the landowners to the north of Sunnyheights Road or the wider area. In those regards it is noted:

- The approved subdivision shows physical separation of the proposed school site by reserves and roads from adjacent residential allotments, providing a reasonable level of buffer/separation and ensuring any visual or noise impacts are less than minor.
- Consultation has been undertaken with the landowners north of Sunnyheights Road, and no response was received.
- School-related traffic movements including any potential queuing, will form part of the traffic volumes anticipated within the public road network.
- The proximity of the school to its users and the replacement of consented residential development with the proposed school site will have a positive traffic impact overall.

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.

## 11.0 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 therefore anticipating 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 of the RMA, the Minister seeks that the designation for *Educational Purpose – Primary School (years 0 – 8) and may include Early Childhood Education (ECE)* on part of the site at 263 Sunnyheights Road, Orewa, Lot 800 DP 523423; be recommended to be confirmed.

**APPENDIX 1 – COMPUTER FREEHOLD REGISTER**

## **APPENDIX 2 – SITE PLAN**

## **APPENDIX 3 – GEOTECHNICAL REPORT**

## **APPENDIX 4 – ENGINEERING DESIGN MEMO**



## **APPENDIX 5 – INTEGRATED TRAFFIC ASSESSMENT**

## **APPENDIX 6 – ALTERNATIVE SITES**

## **APPENDIX 7 – CONSULTATION DOCUMENT**