

Form 18

‘Educational Purposes – being a Secondary School (years 7 to 13) and an Early Childhood Education Centre (preschool)’

Section 168 of the Resource Management Act 1991

To: **Auckland Council**
Level 23
135 Albert Street
Auckland, 1010

The Minister of Education (Minister) gives Notice of a Requirement for a designation to be shown in the Auckland Unitary Plan for a public work for ‘Educational Purposes – being a Secondary School (years 7 to 13) and an Early Childhood Education Centre (ECE) (preschool)’.

1. The site to which the requirement applies is as follows:

This Notice of Requirement (NoR) applies to a total land area 8.42ha more or less comprising three parcels labelled A, B and C (together called “the Site”) on the Land Requirement Plan included in **Attachment 1**, described as:

- Area A – 4.1ha located at 401 Jesmond Road (legally described as Lot 1 DP 139263, owned by Her Majesty the Queen)
- Area B – 4.2ha located at 281 Jesmond Road (legally described as part of Lot 1 DP 89570, owned by Her Majesty the Queen)
- Area C – 0.1ha (subject to survey) being part of 341 Jesmond Road (legally described as part Lot 2 DP 164625, owned by Elly S Pan and Benjamin Ban Chong Bong)

The relevant Records of Title are included in **Attachment 2**.

The Ministry of Education (Ministry), through the Crown, owns both Areas A and B. The Ministry is currently negotiating with the owners of the property at 341 Jesmond Road for the acquisition of Area C.

The Site is currently zoned ‘Mixed Housing Urban’ under the Auckland Unitary Plan: Operative in Part (AUP: OP) and is located within the Drury 1 Precinct.

The Site is located within a large area of greenfield land under development in Drury West known as Auranga. Section 3 of the attached *Assessment of Environmental Effects* Report (AEE) describes the Site and surrounding environment in more detail.

2. The nature of the proposed public work is:

The Minister proposes to designate the Site for educational purposes for a Secondary School (years 7 to 13) and an ECE.

The NoR provides for construction activities associated with the proposed works and the long-term operation of the school.

The AEE provides further detail on the nature of public work that will take place on the Site. Details regarding the form of buildings on-site and landscaping will be addressed at the Outline Plan stage once the Site has been appropriately master-planned.

3. The nature of the proposed conditions that would apply:

The Minister has standard designation conditions set out in the AUP: OP that apply to all state schools in Auckland. These will be adopted for this designation.

Additional site-specific conditions to govern works on the Site are outlined in section 8 of the AEE.

4. The effects that the proposed works will have on the environment, and the ways in which any adverse effects will be mitigated, are:

Section 4 of the AEE provides a thorough assessment of the potential effects and the proposed measures to avoid, remedy or mitigate any potential adverse effects related to the designation.

The actual and/or potential adverse effects required to be avoided, remedied or mitigated include:

- Landscape and visual effects on amenity and character;
- Traffic – relating to the effects of traffic generation on access and the surrounding transport network;
- Noise – construction and operation; and
- Construction – temporary nuisance effects such as dust and noise.

The assessment concludes that the designation conditions will assist in appropriately avoiding, remedying or mitigating any potential adverse effects caused from the construction, operation and maintenance of the proposed school.

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

Under section 171(1)(b) a territorial authority must have particular regard to whether adequate consideration has been given to alternative sites, routes, or method of undertaking the work if:

- The requiring authority does not have an interest in the land sufficient for undertaking the work;
or
- It is likely that the work will have a significant adverse effect on the environment.

The Crown owns both Areas A and B which provide sufficient land to build a secondary school and ECE. The Ministry is currently negotiating the purchase of Area C to create a continuous landholding allowing greater flexibility for the development and operation of a school.

Area C is part of a right of way which provides access to the land at 341 Jesmond Road. The Crown has an interest in the right of way by virtue of Easement Certificate C164709.3 (in favour of Area A). It is proposed that the Ministry will provide alternative access to 341 Jesmond Road, if that is required in the future.

Section 6 of the AEE does not identify any significant adverse effects on the environment from designating this land for educational purposes.

As the Minister does not have an interest in Area C sufficient for undertaking the work, section 5 of the AEE provides an overview of the alternative sites considered as part of the Site Selection and Evaluation Methodology undertaken by the Ministry to select a new site for a secondary school and ECE in this area.

6. The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

As a Minister of the Crown, the objectives of the Minister are set out in the Education and Training Act 2020 (Education Act). The Minister therefore oversees the government's ownership interest in the Ministry.

The RMA enables the Minister, as a Minister of the Crown and therefore a requiring authority, to designate land for any public work for which the Minister is financially responsible.¹

The Minister is responsible for administering and delivering the state schooling network on behalf of the Crown. The Ministry advises the Government on education policy and ensures that the appropriate policies, funding, infrastructure and systems are in place to enable the effective operation of the education system.

Under the Education Act, the Minister has the power to establish new schools, close existing schools, and determine if any school land held by the Crown can be disposed of if no longer required for educational purposes.² These powers respond to a number of the Education Act's key directions for the education system in New Zealand, including:

- The right for every person who is not an international student to free enrolment and free education at any state school between the ages of five and nineteen;³
- The provision of a schooling network that assist parents in meeting their obligations to enrol their children at school between the ages of six and sixteen;⁴ and
- The efficient and effective use of the government's investment in schooling.⁵

Managing the schooling network is therefore a core part of the Ministry's activities.

The establishment of a new secondary school and ECE in Drury West is required to provide for future students to undertake their education and is provided for under the Education Act. Accordingly, the establishment of a new secondary school catering for students from years 7 to 13 and an ECE catering for preschool children is reasonably necessary in order for the Minister to achieve the objective of providing education facilities in this new area of urban growth.

Designation is considered to be the appropriate mechanism to provide for the establishment and ongoing operation of the school. The Minister requires ongoing certainty that the Site can be developed and used for this purpose. Designation provides the necessary long-term certainty and flexibility for operation of a school on the Site, while also identifying the use of the Site to the general public.

All other State schools within Auckland Council's jurisdiction are designated.

Further detailed background on the necessity for designating land for the stated education purpose, and in the location proposed, is set out in section 1.1 of the AEE.

¹ Resource Management Act 1991, sections 166 and 168.

² Education and Training Act 2020, sections 190, 199.

³ Ibid, section 33.

⁴ Ibid, sections 32(e).

⁵ Ibid, section 32(g).

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

Development related activities for the Site may require resource consents for stormwater discharge, earthworks and dewatering depending on design of the school. If required, these will be applied for once detailed design has been undertaken.

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

Specific consultation regarding the proposal to designate the Site for educational purposes has been carried out with the following Mana Whenua:

- Ngāti Tamaoho (Lucille Rutherford)
- Ngāti Te Ata (Karl Flavell)
- Te Akitai Waiohua (Nigel Denny)

Consultation has also been carried out with the following stakeholders:

- Karaka & Drury Ltd
- Elly S Pan and Benjamin Ban Chong Bong (owners of 341 Jesmond Road)
- Auckland Council
- Auckland Transport
- Waka Kotahi NZ Transport Agency
- Fire and Emergency New Zealand
- Franklin Local Board
- Papakura Local Board
- Watercare

Section 7 of the AEE provides further information regarding the consultation undertaken and the outcomes of that consultation.

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

- Land Requirement Plan including a Schedule of Affected Properties;
- Records of Title;
- An Assessment of Environmental Effects with the following supporting technical reports;
 - Integrated Transport Assessment; and
 - Contamination Report.

SIGNATURE



David Bos
Regional Asset Manager, Education Infrastructure Services Northern Region
Ministry of Education

(Pursuant to a delegated authority)

Date: 05/03/2021

Address for Services

Minister of Education
C/- Beca Ltd
P O Box 6345
AUCKLAND

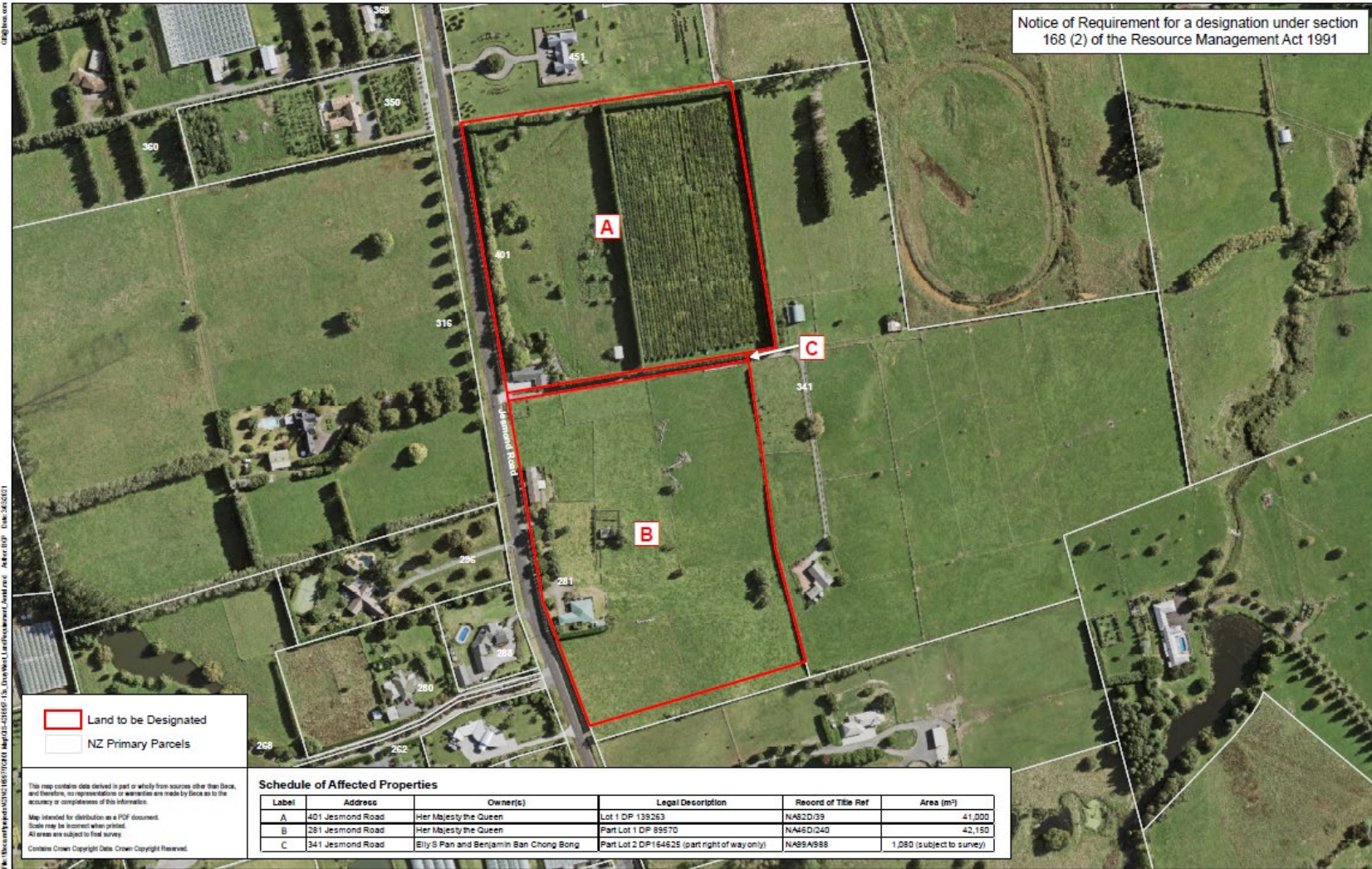
Attention: Kristina Gurshin

Email: kristina.gurshin@beca.com

ATTACHMENT 1

Land Requirement Plan

Notice of Requirement for a designation under section 168 (2) of the Resource Management Act 1991

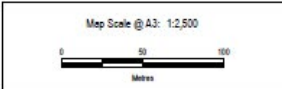


Land to be Designated
 NZ Primary Parcels

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 Map intended for distribution as a PDF document.
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Schedule of Affected Properties

Label	Address	Owner(s)	Legal Description	Record of Title Ref	Area (m ²)
A	421 Jesmond Road	Her Majesty the Queen	Lot 1 DP 138263	NA82D/39	41,000
B	321 Jesmond Road	Her Majesty the Queen	Part Lot 1 DP 88670	NA46D/340	42,150
C	341 Jesmond Road	Eily S Pan and Benjamin San Chong Bong	Part Lot 2 DP164626 (part right of way only)	NA89A/988	1,080 (subject to survey)



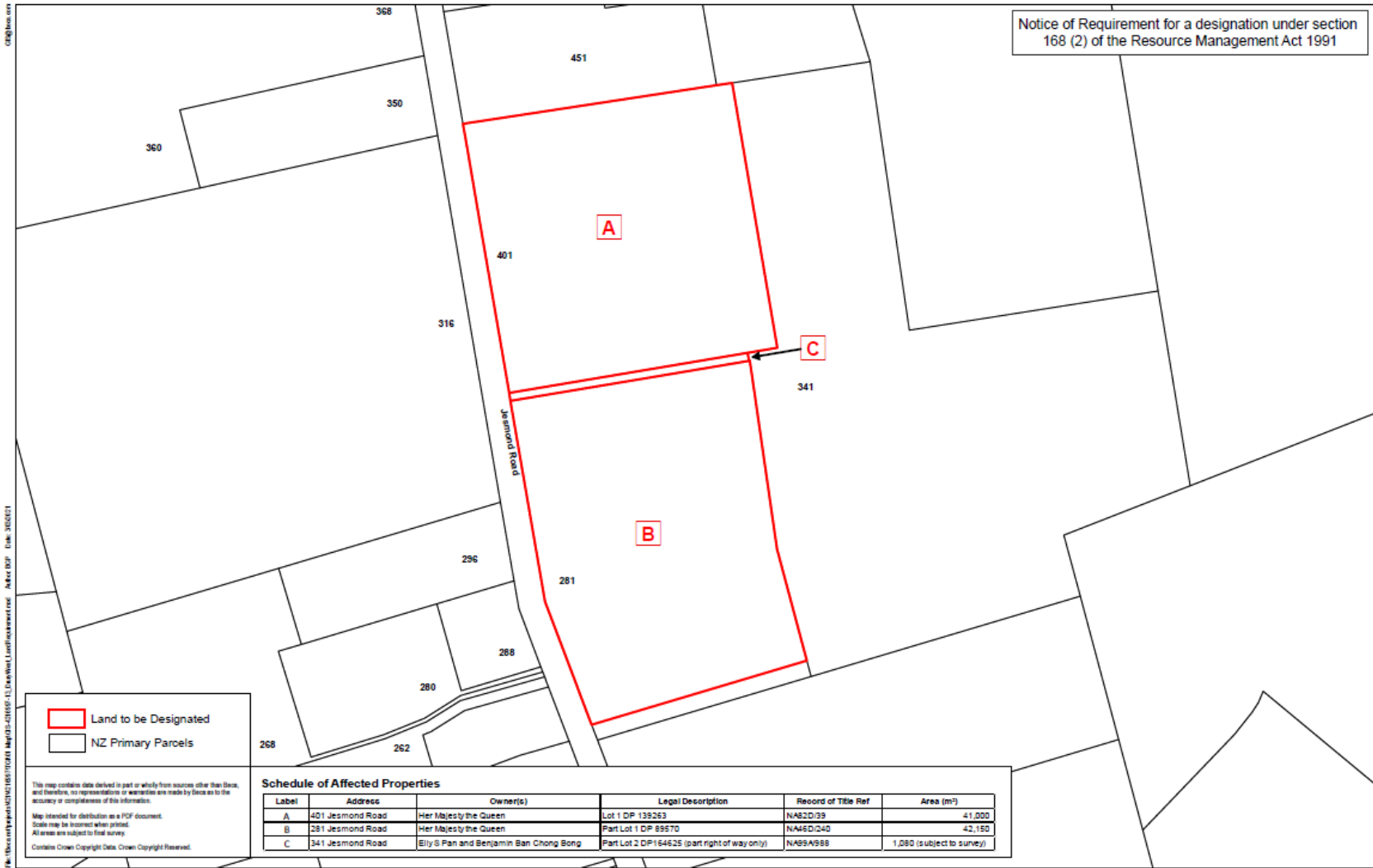
Revised	Author	Method	Approver	Date	Title
2	BDP	RDG	JAS	30/03/2021	
2	BDP	DRAFT	DRAFT	30/10/2020	
1	HEC	DRAFT	DRAFT	30/06/2019	

Drury West Secondary School
 Land Requirement Plan
 Land to be designated "Educational Purposes"

Client: Ministry of Education
 Project: Drury West Notice of Requirement



Discipline: GIS
 Drawing No: GIS-4216997-13a



Land to be Designated
 NZ Primary Parcels

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Label	Address	Owner(s)	Legal Description	Record of Title Ref	Area (m ²)
A	401 Jesmond Road	Her Majesty the Queen	Lot 1 DP 139263	N482D/39	41,200
B	281 Jesmond Road	Her Majesty the Queen	Part Lot 1 DP 89570	N46D/240	42,150
C	341 Jesmond Road	Eily S Pan and Benjamin Ban Chong Bong	Part Lot 2 DP164625 (part right of way only)	N499A/988	1,080 (subject to survey)



Revision	Author	Maker	Approved	Date	Title
2	BP	JSP	JAS	05/03/2021	Drury West Secondary School Land Requirement Plan Land to be designated "Educational Purposes"
2	BP	DM77	DM77	05/03/2021	
1	HD	DM77	DM77	04/03/2021	

Drury West Secondary School
 Land Requirement Plan
 Land to be designated "Educational Purposes"

Client: Ministry of Education
 Project: Drury West Notice of Requirement



Discipline: GIS
 Drawing No: GIS-4216997-13

ATTACHMENT 2

Records of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**

Search Copy




R. W. Muir
Registrar-General
of Land

Identifier NA82D/39
Land Registration District North Auckland
Date Issued 17 July 1990

Prior References
NA62D/580

Estate Fee Simple
Area 4.1000 hectares more or less
Legal Description Lot 1 Deposited Plan 139263
Purpose Education

Registered Owners
Her Majesty the Queen

Interests

Appurtenant hereto is a right of way specified in Easement Certificate C164709.3 - 17.7.1990 at 2.43 pm
The easements specified in Easement Certificate C164709.3 are subject to Section 309 (1) (a) Local Government Act 1974
11239206.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Her Majesty the Queen -
25.9.2018 at 7:00 am



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**
Search Copy



Identifier NA46D/240
Land Registration District North Auckland
Date Issued 15 October 1979

Prior References
NA424/13

Estate Fee Simple
Area 4.4185 hectares more or less
Legal Description Lot 1 Deposited Plan 89570
Purpose Education purposes

Registered Owners
Her Majesty the Queen

Interests

11232462.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Her Majesty the Queen -
18.9.2018 at 7:00 am

11934036.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 20.11.2020 at
10:58 am



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



Identifier NA99A/988
Land Registration District North Auckland
Date Issued 03 April 1995

Prior References
NA82D/40

Estate Fee Simple
Area 8.5860 hectares more or less
Legal Description Lot 2 Deposited Plan 164625

Registered Owners
Elly S Pan and Benjamin Ban Chong Bong

Interests

Subject to a right of way over part marked A on DP 164625 specified in Easement Certificate C164709.3
The easements specified in Easement Certificate C164709.3 are subject to Section 309 (1) (a) Local Government Act 1974
6407750.4 Mortgage to ASB Bank Limited - 5.5.2005 at 9:00 am