

Form 18

Notice of Requirement by the Minister of Education for Designation for “Educational Purposes – School (year 0 to 8) and an Early Childhood Education Centre (ECE)”

Section 168(1) of the Resource Management Act 1991

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

The Minister of Education (The 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 Primary School (years 0 to 8) and an Early Childhood Education Centre (ECE) Centre (preschool)”

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

This Notice of Requirement (NoR) applies to 4.73ha of land in total, across portions of four property parcels labelled A, B, C and D (together called “the Site”) on the Land Requirement Plan included in **Attachment 1**:

- Area A - 0.09ha located at the south-eastern corner of 260 Bremner Road (legally described as Lot 8 DP 12364, owned by LY Owen Redwood Development Limited)
- Area B - 0.34ha located at the south-western corner of 160 Bremner Road (legally described as Part Lot 9 DP 12364, owned by DL & WJ Limited)
- Area C - 0.29ha located along the western boundary of 138 Bremner Road (legally described as Lot 1 DP 376355, owned by L & W Rising Limited)
- Area D – entire 4.01ha site at 41 Burberry Road (legally described as Lot 7 DP 166291, owned by Minying Lu and Fenglan Wang).

The relevant Computer Freehold Registers are included in **Attachment 2**.

The owners of Areas A, B, C and D are listed above. Areas A, B, C are controlled by Karaka & Drury Consultant Ltd, which is a company associated with Charles Ma, the developer undertaking the Auranga Development¹. Area D remains in the control of the registered owners and is not part of the Auranga Development.

The Auranga development relates to a large area of greenfield land in Drury West. The Site will be integrated into the Auranga development and it is intended that two new roads to service the Auranga development will provide access to the Site.

¹ Auranga Development – This development was previously identified as a Special Housing Area (SHA) in the Auckland Unitary Plan: Operative in Part (AUP: OP). Stage 1 of the Auranga development area is broadly depicted in Precinct Plan 1 for the Drury 1 SHA precinct in the AUP:OP. The next stage of the development is undergoing a Private Plan Change 6 Auranga B1 (Auranga B1). The site outlined within this NOR is located between both Auranga stage 1 and Auranga B1 of the Auranga developments.

Area A, B and C are currently zoned "Mixed Housing Urban" under the Auckland Unitary Plan: Operative in Part (AUP: OP). They are also located within the 'Drury 1' Precinct. Area D is currently zoned 'Future Urban'. A private plan change; Private Plan Change 6 Auranga B1 (Auranga B1) is underway to extend Drury 1 Precinct by approximately 86ha. If Auranga B1 is successful, this will result in a rezone of Area D. A decision on Auranga B1 is imminent.

Section 3 of the attached *Assessment of Environmental Effects* Report ('the accompanying 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 new primary school (years 0-8) and an ECE.

The NOR provides for construction activities associated with the proposed works and the long term operation of the primary school and an ECE.

The accompanying AEE provides further detail on the nature of public work taking 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:

Conditions to govern works on the Site are further outlined in section 8 of the accompanying 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 accompanying 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:

- Amenity and character effects;
- Traffic – relating to access and effects on the network;
- Noise – construction and operation; and
- Construction – temporary nuisance effects in particular 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 and ECE.

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 is currently in the process of negotiating the purchase of the site from Auranga (who have Power of Attorney of sites A, B and C) and the private owner of site D. Until such time as the

Crown and owners have signed a sale and purchase agreement it is not considered that the Minister has sufficient interest in the land for undertaking the work. Hence a consideration of alternative sites, routes and methods is therefore required under section 171(1)(b).

Section 5 of accompanying AEE provides an overview of the endorsed Site Selection and Evaluation Methodology undertaken by the Ministry to select a new site for a primary school (years 0-8) and ECE. This methodology is a comprehensive consideration given to alternative sites for the proposed new school and therefore the Minister's interest in the land.

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 of Education are set out in the Education Act 1989 (as amended by the Education (Update) Amendment Act 2017). The Minister of Education therefore oversees the government's ownership interest in the Ministry of Education.

The RMA enables the Minister of Education, as a Minister of the Crown and therefore a requiring authority, to designate land for any public work the Minister is financially responsible for.²

The Minister is responsible for administering and delivering the state schooling network on behalf of the Crown. The Ministry of Education 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 1989, 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.³ 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;⁴
- 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;⁵ and
- The efficient and effective use of the government's investment in schooling.⁶
- Managing the schooling network is therefore a core part of the Ministry's activities.

The establishment of a new 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 1989. Accordingly, the establishment of a new primary school catering for students from years 0 to 8 and an ECE catering

² Resource Management Act 1991, sections 166 and 168.

³ Education Act 1989, sections 71B, 146 and 154.

⁴ Ibid, section 3.

⁵ Ibid, sections 20 and 145AAA(a)

⁶ Ibid, section 145AAA(b).

for preschool children is reasonably necessary in order for the Minister of Education 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 on-going operation of the school and ECE. 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 and ECE 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 background on the necessity for designating land for the stated education purpose, and in the location proposed, is set out in more detail in section 1.1 of the accompanying AEE.

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 solutions pursued. 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:

Regarding the proposal to designate this site for educational purposes specific consultation has been carried out with the following stakeholders:

- Karaka & Drury Consultant Ltd
 - Karaka & Drury Ltd
 - L & W Rising Limited (Landowners of 138 Bremner Road)
 - DL & WJ Limited (Landowners of 160 Bremner Road)
 - LY Owen Redwood Development Limited (Landowners of 260 Bremner Road)
 - Lawyers acting on behalf of Minying Lu and Fenglan Wang (41 Burberry Road)
 - Auckland Council
 - Auckland Transport
 - Fire and Emergency New Zealand
 - Franklin Local Board
 - Papakura Local Board
 - Watercare
 - Mana Whenua:
 - Ngāti Te Ata (Karl Flavell)
 - Ngāti Te Ata (Edith Tuhimata)
 - Ngāti Tamaoho (Lucille Rutherford)
 - Te Ākitai Waiohua (Nigel Denny)
-

- Ngāti Whanaunga (Martin Te Moni)

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

9. The Minister of Education 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:

- Computer Freehold Registers;
- Land Requirement Plan including a Schedule of Affected Properties; and
- An Assessment of Environmental Effects with the following supporting technical reports;
 - Integrated Transport Assessment
 - Contamination Reports
 - Preliminary Geotechnical Assessment
 - Consultation.

SIGNATURE



Rob Giller
Deputy Head – Infrastructure Advisory Services

(Pursuant to a delegated authority)

Date: 26 JUNE 2018.

Address for Services

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

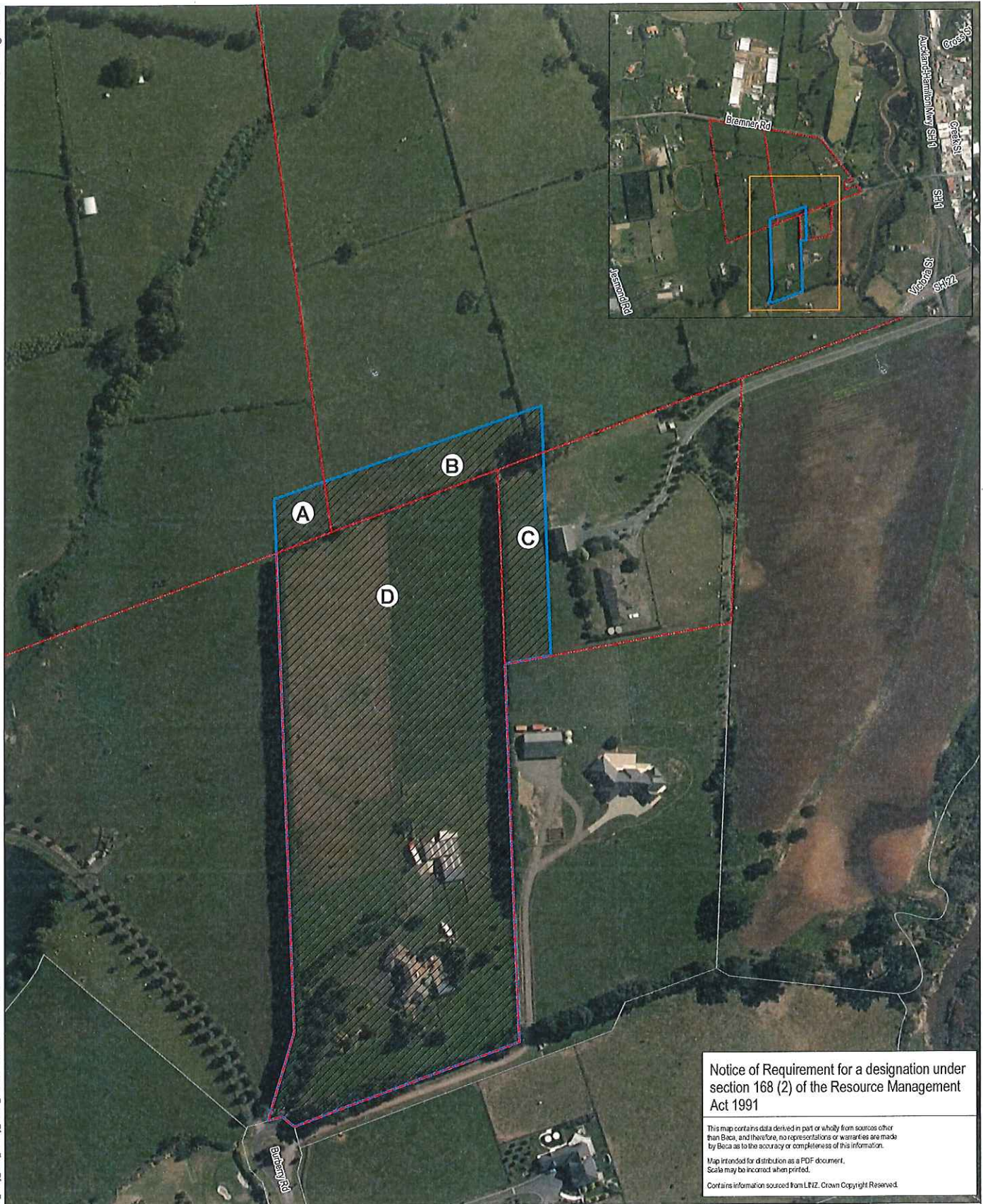
Attention: Ying Liu

Email: ying.liu@beca.com

ATTACHMENT 1

Land Requirement Plan





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

This map contains data derived in part or wholly from sources other than BECA, and therefore, no representations or warranties are made by BECA as to the accuracy or completeness of this information.
 Map intended for distribution as a PDF document.
 Scale may be incorrect when printed.
 Contains information sourced from LINZ. Crown Copyright Reserved.

ID	LAND REQUIRED FOR EDUCATION PURPOSES	LEGAL DESCRIPTION	TITLE NUMBER	TOTAL PARCEL AREA (HA)	REQUIRED AREA (HA)
A	Permanent	Lot 8 DP 12364	NA400/32	10.04	0.09
B	Permanent	Part Lot 9 DP 12364	NA964/54	9.42	0.34
C	Permanent	Lot 1 DP 376355	307027	1.58	0.29
D	Permanent	Lot 7 DP 166291	NA100D/688	4.01	4.01
				Total Area	4.73

Legend

- Affected Parcels
- Proposed Designation
- Permanent Land Requirement
- NZ Primary Parcels

Land from four land parcels, with four different owners, is required to be purchased.

Map Scale @ A3: 1:2,000 0 25 50 Metres	<table border="1"> <thead> <tr> <th>Revises</th> <th>Author</th> <th>Verified</th> <th>Approved</th> <th>Date</th> <th>Title:</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>MS17</td> <td>HC7</td> <td>YL</td> <td>23/09/2018</td> <td rowspan="2">Drury West Primary School Land Requirement Plan Land to be designated "Educational Purposes"</td> </tr> <tr> <td>1</td> <td>MS17</td> <td>HEC</td> <td>YL</td> <td>30/10/2018</td> </tr> </tbody> </table>	Revises	Author	Verified	Approved	Date	Title:	1	MS17	HC7	YL	23/09/2018	Drury West Primary School Land Requirement Plan Land to be designated "Educational Purposes"	1	MS17	HEC	YL	30/10/2018	Client: Ministry of Education Project: MOE Drury West Schools	N 	Discipline: GIS Drawing No: GIS-4216997-10	
Revises	Author	Verified	Approved	Date	Title:																	
1	MS17	HC7	YL	23/09/2018	Drury West Primary School Land Requirement Plan Land to be designated "Educational Purposes"																	
1	MS17	HEC	YL	30/10/2018																		

ATTACHMENT 2

Computer Freehold Registers



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier 307027
Land Registration District North Auckland
Date Issued 24 July 2007

Prior References
NA100D/689

Estate Fee Simple
Area 1.5836 hectares more or less
Legal Description Lot 1 Deposited Plan 376355

Proprietors
L & W RISING LIMITED

Interests

Appurtenant hereto is a right of way and rights to convey electricity and telecommunications specified in Easement Certificate C878364.6 - 16.8.1995 at 12.37 pm

The easements specified in Easement Certificate C878364.6 are subject to Section 243 (a) Resource Management Act 1991

C878364.3 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 16.8.1995 at 12.37 pm

Appurtenant hereto are rights to convey water and store water specified in Easement Certificate C878364.7 - 16.8.1995 at 12.37 pm

The easements specified in Easement Certificate C878364.7 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Transfer C892866.1 - 8.9.1995 at 2.23 pm

7474770.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.7.2007 at 9:00 am

7474770.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.7.2007 at 9:00 am

7474770.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.7.2007 at 9:00 am

10425699.5 Mortgage to FM Custodians Limited - 16.5.2016 at 5:41 pm

10437723.1 CAVEAT BY KARAKA & DRURY CONSULTANT LIMITED - 18.5.2016 at 4:55 pm

Approvals

I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE PAKAPURA DISTRICT COUNCIL PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 4 DAY OF APRIL 2007

[Signature] AUTHORIZED OFFICER

SCHEDULE OF EXISTING EASEMENTS	
PURPOSE	CREATED BY
RIGHT TO CONVEY WATER	C8188445
	C8763647

NOTES.

1) AREAS ①, ② & ③ TO BE SUBJECT TO LAND COVENANTS.

2) THE EASEMENT OVER AREA C HAS BEEN SURRENDERED

New Cst Allocated:
 Lot 1 CT - 307027
 Lot 2 CT - 307028

Class of Survey: I

Total Area **4.1605 ha**

Comprised in CT 100D/689 (ALL)

I, DUNCAN MATTHEW LUCAS, being a person entitled to practice as a Licensed Cadastral Surveyor, certify that the boundaries shown on this plan are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyors General's Rules for Cadastral Survey 2002/1.

(A) This document is accurate and has been created in accordance with the Act and other regulations.

Dated at PAKAPURA this 17th day of APRIL 2007

[Signature]
 Signature

Field Book P. Traverse Book P.

Reference Plans

Examined Correct

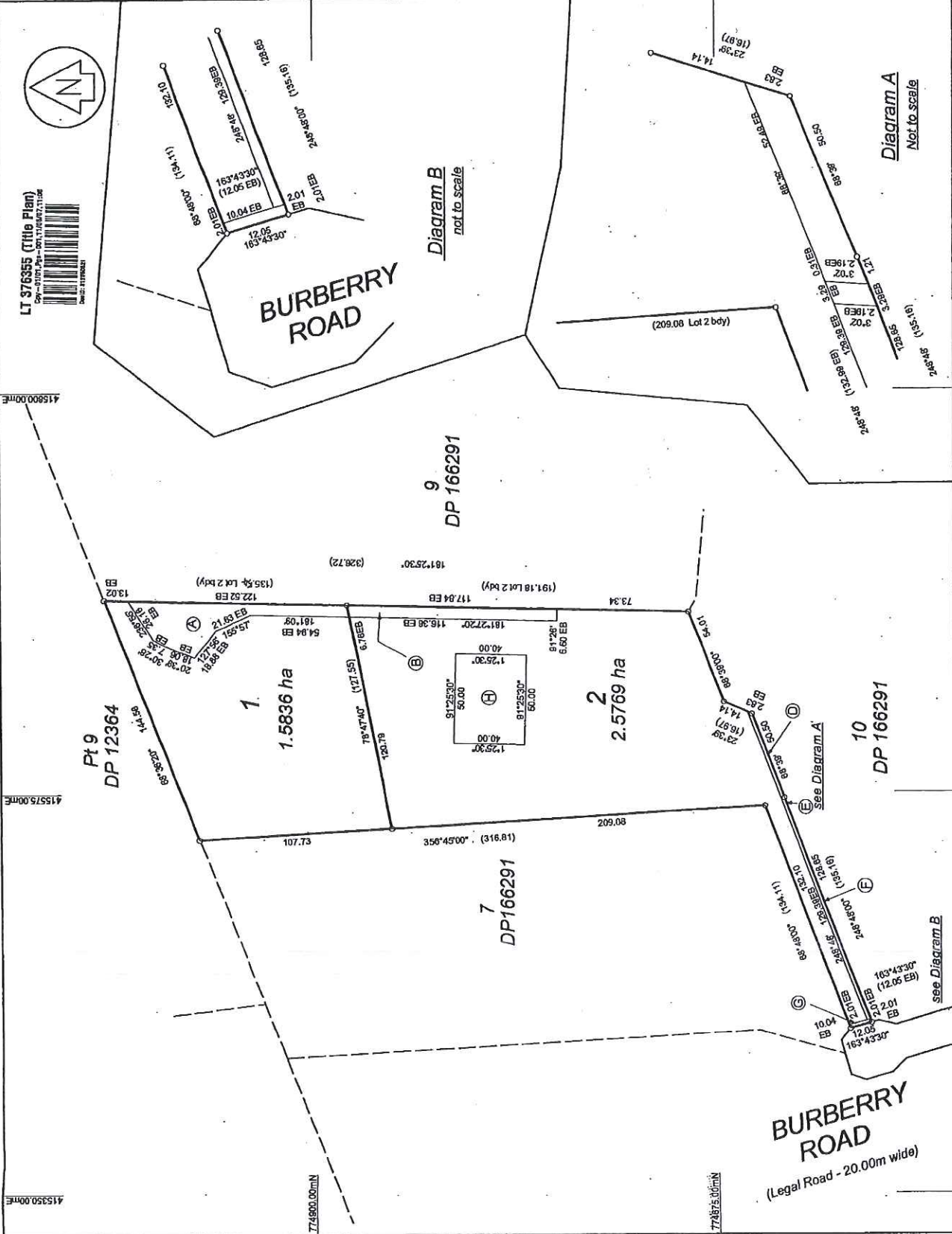
Approved as to Survey by Land Information NZ on 14/5/2007

Deposited by Land Information NZ on 24/7/2007

File 7020

Book 2 APR 2007

DP376355



LAND DISTRICT NORTH AUCKLAND

SURVEY BLK. & DIST. VIII DRURY

NZMS 261 SH1

RECORD MAP No. 300X

Scale 1:1500

Date August 2006

TERRITORIAL AUTHORITY PAKAPURA DISTRICT

Surveyed by MCKINNES READ & LUCAS LTD

SURVEYORS & PLANNERS

Scale 1:1500

Date August 2006



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier NA100D/688
Land Registration District North Auckland
Date Issued 16 August 1995

Prior References
NA8B/1274

Estate Fee Simple
Area 4.0055 hectares more or less
Legal Description Lot 7 Deposited Plan 166291

Proprietors
Fenglan Wang as to a 1/2 share
Minying Lu as to a 1/2 share

Interests

C878364.3 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 16.8.1995 at 12.37 pm
Appurtenant hereto are rights to convey water and store water specified in Easement Certificate C878364.7 - 16.8.1995 at 12.37 pm
Subject to a right to convey water over part marked GG on DP 166291 specified in Easement Certificate C878364.7 - 16.8.1995 at 12.37 pm
The easements specified in Easement Certificate C878364.7 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Transfer C892866.1 - 8.9.1995 at 2.23 pm

CENTIMETERS
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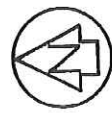
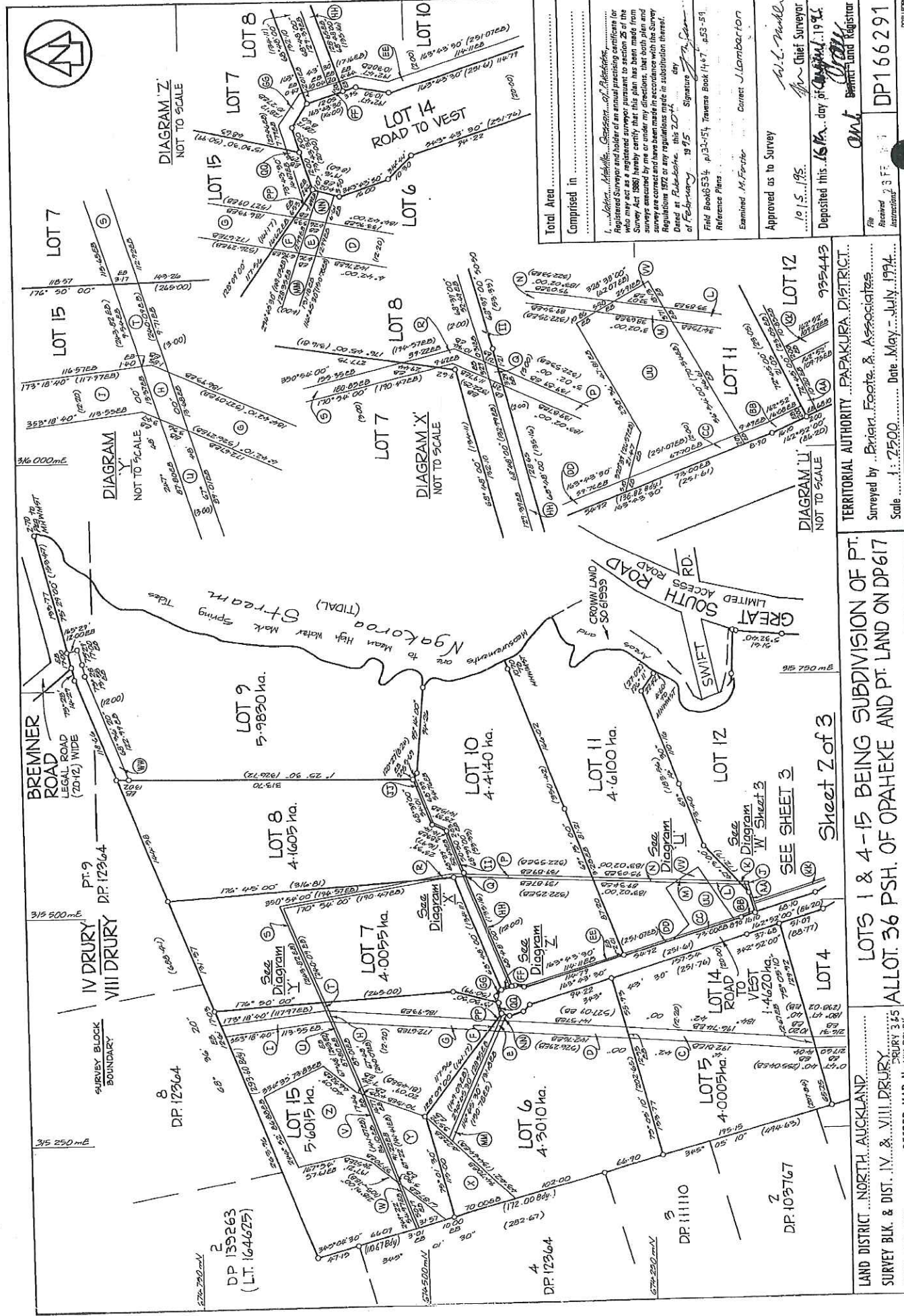


DIAGRAM Z
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**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier NA400/32
Land Registration District North Auckland
Date Issued 10 September 1924

Prior References

NA254/219

Estate Fee Simple
Area 10.0385 hectares more or less
Legal Description Lot 8 Deposited Plan 12364

Proprietors

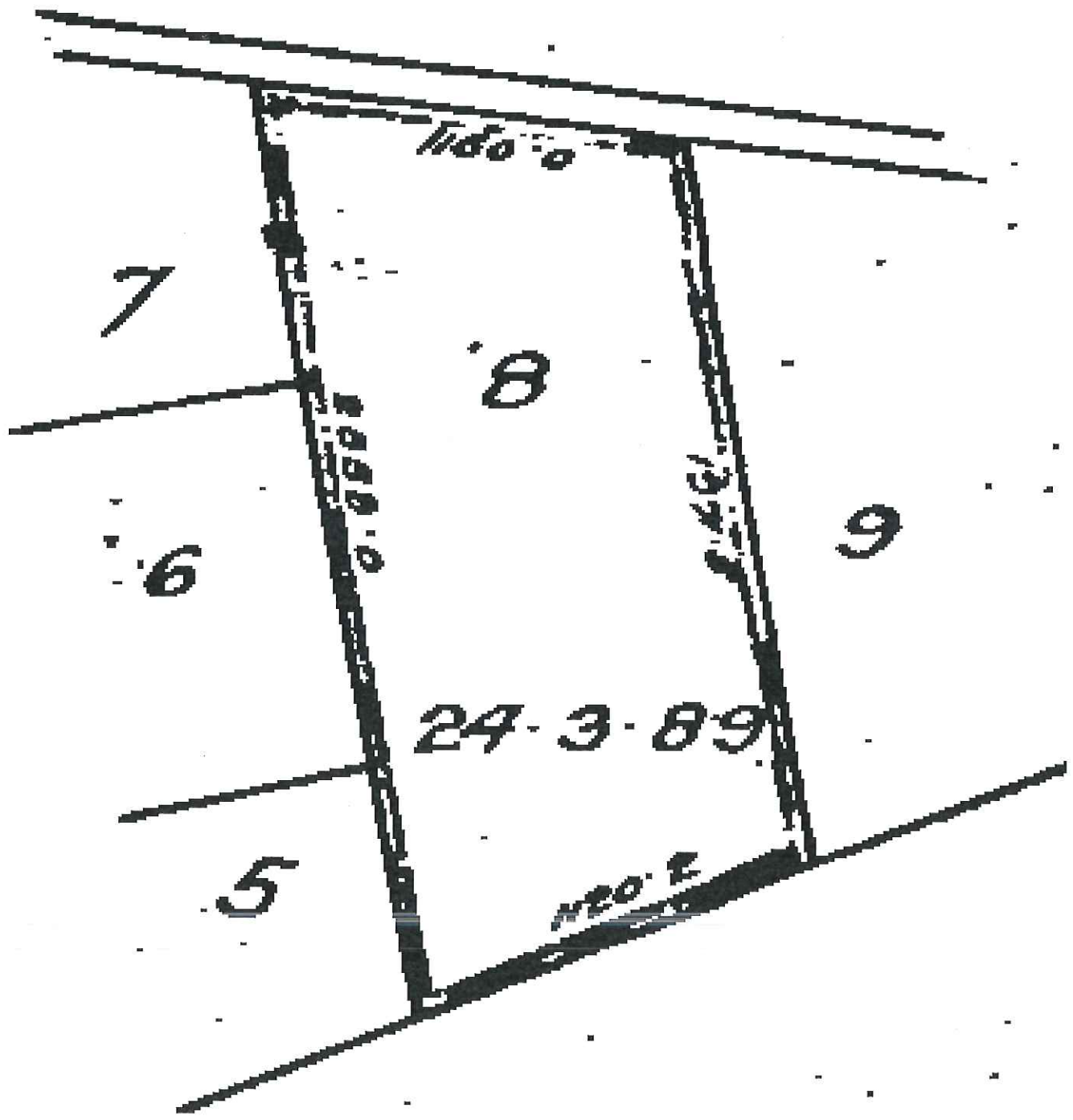
LY Owen Redwood Development Limited

Interests

A302745 A pipeline affects - 30.7.1968 at 9.00 am

B974919.1 Variation of Easement Certificate A302745 - 5.4.1989 at 11.00 am

10066942.1 CAVEAT BY KARAKA & DRURY CONSULTANT LIMITED - 18.5.2015 at 5:44 pm



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**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier NA964/54
Land Registration District North Auckland
Date Issued 14 July 1950

Prior References

NA327/294

Estate Fee Simple
Area 9.3237 hectares more or less
Legal Description Part Lot 9 Deposited Plan 12364

Proprietors

DL & WJ Limited

Interests

Fencing Agreement in Transfer 143470

A302745 A pipeline affects - 30.7.1968 at 9.00 am

C002984.1 Variation of the conditions of Pipeline Certificate A302745 - 13.6.1989 at 10.15 am

10073137.1 Mortgage to Bank of New Zealand - 29.5.2015 at 2:27 pm

10114069.1 CAVEAT BY KARAKA & DRURY CONSULTANT LIMITED - 2.7.2015 at 5:11 pm

11015352.1 CAVEAT BY WATERCARE SERVICES LIMITED - 26.1.2018 at 3:13 pm

2012 11/11/09

Drury S. D.

