

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 074 Designations

Minister of Education

Designations with modifications and
submissions from Minister of Education and
Auckland Council

Report first prepared by Murray Kivell in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 28 August 2015 and updated 13 October 2015 16 December 2015.

Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.

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1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party;
- ii. modification to a designation that will result in more than minor effects and with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions.

2. Assessment

The assessment will address:

- i. effects on the environment of allowing the modification or requirement;
- ii. mitigation measures proposed by requiring authority including any proposed conditions;
- iii. other section 171 matters or section 168A(3) (if the requiring authority is Auckland Council) matters where relevant;
- iv. whether land is owned by the requiring authority.

See section 9 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that the following modifications/requirements should be modified as recommended in the section 9 assessment checklist.

3. Expert input

Not applicable.

4. Mediation required

Based on the responses of the requiring authority as detailed in section 9, there are no matters that have been identified that would benefit from mediation:

5. Hearing required

Based on the responses of the requiring authority as detailed in section 9, there are no matters identified to progress to a hearing.

6. Recommendation to Panel

That the Panel confirms the designation modifications.

Author	Murray Kivell
Author's Signature	
Date	28 August 2015 and updated 13 October 2015 with changes, and updated 16 December 2015 with changes.

7. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the notices of requirement for to the designations listed in Annexure 1, subject to the further modifications shown in Attachment 1 and Attachment 2.

This recommendation applies to the designations listed in Annexure 1.

8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	18 May 2016

9. Assessment of modifications and submissions

The Minister of Education requested that the over 400 education facilities with existing designations included in the operative plan which have not lapsed be included in the Proposed Auckland Unitary Plan.

The Minister seeks that the designations be included in the Proposed Auckland Unitary Plan in a standardised form that includes consistent designation descriptions and terms/conditions.

The report considers the list of designations with modifications that are requested to adopt the standard set of conditions provided for in Schedules 1, 2 and 3 to the Notice of Requirement by the Minister of Education regarding the inclusion of existing designations in the Auckland Unitary Plan (the Minister's notice of requirement), for which the requiring authority (Minister of Education) and Auckland Council have lodged submissions to correct or modify some provisions.

This is the second of three reports prepared to consider the Minister's designations.

Requiring authority	Minister of Education
Designation numbers	Refer Annexure 1
Designation purpose	Refer Annexure 1
Location	Refer Annexure 1
Designation given effect to	Yes, except for 4645 and 4700. The Minister has given notice of intention to remove all of designation 4645 and part of 4700. Refer to report three for a specific discussion of 4700.
Lapse date in operative plan	
Rollover designation with no modifications	Not applicable
Description of the modifications	The designation rollover modifications summarised in Annexure 1 are the same as those set out in full in the first of the three reports on modifications to the Minister's designations. Annexure 1 is a separate document referenced as IHP Report to AC_074 Minister of Education submissions from MOE and AC_Annexure 1_2016-05-18.
Notice of requirement	NA
Land ownership	NA
Land owned by the requiring authority	All land subject to designations is owned by the requiring authority.
Submitters	Ministry of Education and Auckland Council
Matters addressed in submission	These submissions request changes to the modified designations in three circumstances: <ul style="list-style-type: none"> i. purpose statements to: <ul style="list-style-type: none"> • correct errors to reflect the educational purposes occurring on the site; • narrow or make specific the description of the school age based clientele; • correct errors on property addresses; ii. schedules to correct errors in cross referencing of

	<p>conditions;</p> <p>iii. plan maps to correct designation boundaries on the maps (extend or reduce) to align with the relevant plans presented in the notice of requirement or confirmed under the operative district plans.</p> <p>The requiring authority provided a substantial spreadsheet tabulating all information for every school designation in the region. This was appended to the authority’s Memorandum to the Panel dated 17 July 2015. That document is not appended given its bulk.</p> <p>Documentation dealing with minor alterations and corrections to boundaries was lodged in August 2012; referenced by the requiring authority as ‘Schedule 4 Designation Plans’.</p> <p>Annexure 1 includes the relief requested in submissions shown in red text.</p>
Engagement by requiring authority with report writer	There have been extensive discussions to establish an efficient, robust and considered framework for the assessment and reporting on these designations.
Assessment and reasons: modifications	The assessment of the modifications and reasons for the recommendations are the same as those set out in section 9 of the first of the three reports on modifications to the Minister’s designations.
Assessment and reasons: submissions - purpose statements	The submissions are for existing designated sites. The change to the purpose statement in each case is to address errors made in the ‘rollover’ notices and or their incorporation into the Proposed Auckland Unitary Plan. The modifications narrow or make specific the nature of the educational services provided at all designated school sites. These changes are assessed as administrative changes and will not result in any substantive changes to, or environmental effects arising from, these sites. These changes are recorded in Annexure 1. The changes to text are recorded under the header “Description of Modification”.
Assessment and reasons: submissions – schedules of conditions	<p>Designation 4639: Ranui Campus: (AC 5716) submitted to delete reference to condition 11 as follows:</p> <p>6. The Requiring Authority shall provide written confirmation from a Chartered Professional Engineer (with experience in geotechnics, and familiarity with the report review detailed in <u>Condition 5</u> Condition 11 have been fully satisfied).</p> <p>Designation 4502: Albany Senior High School: (MOE 884-45) submitted to correct an error in condition cross referencing as follows:</p> <p>14. The war memorial plinth located between the trees identified in Condition 19 Condition 11 above shall be retained in its existing position as at 1 June 2007.</p>

	<p>These are administrative matters to address a correction and so the modifications are accepted.</p> <p>These changes are referenced in Attachment 1.</p>
Assessment and reasons: submissions – plan maps and locations details in text	<p>The modifications, record corrections to plan maps and can be regarded as administrative changes only. There are no changes to the environmental effects resulting from the operation of each educational facility.</p> <p>This is an administrative matter to address a correction and so the modification is accepted.</p> <p>However, the requiring authority needs to provide marked up maps for the Panel’s consideration.</p> <p>These changes are provided in map form in Attachment 2.</p>
Recommendation	<p>It is recommended that the modifications listed and described above be accepted.</p> <p>It is also recommended that the Minister of Education’s submissions be accepted, relating to:</p> <ol style="list-style-type: none"> i. purpose statements to: <ul style="list-style-type: none"> • correct errors to reflect the educational purposes occurring on the site; • narrow or make specific the description of the school age based clientele; • correct errors on property addresses; all as set out in Attachment 1. ii. schedules to correct errors in cross referencing of conditions as set out in Attachment 1; iii. plan maps to correct designation boundaries on the maps (extend or reduce) to align with the relevant plans presented in the notice of requirement or confirmed under the operative district plans, as set out in Attachment 2.
Recommendation to Panel	<p>That the Panel recommends to the Council that these designations with modifications included in the Schedule of Designations in the Proposed Auckland Unitary Plan be confirmed subject to amendments in accordance with the submissions and subject to the requiring authority providing copies of marked up amendments to designation maps to the Panel’s satisfaction.</p> <p>That the Panel recommend to the Auckland Council that the following amendment to designation conditions be confirmed:</p> <p>Designation 4639: Ranui Campus:</p> <p style="text-align: center;">6. The Requiring Authority shall provide written</p>

	<p>confirmation from a Chartered Professional Engineer (with experience in geotechnics, and familiarity with the report review detailed in <u>Condition 5</u> Condition 14 have been fully satisfied.</p> <p>Designation 4502: Albany Senior High School:</p> <p>14. The war memorial plinth located between the trees identified in Condition 19 Condition 11 above shall be retained in its existing position as at 1 June 2007.</p> <p>These changes are referenced in Attachment 1.</p>
Response from requiring authority	<p>Agrees with the above recommendations to Panel (in letter from Ellis Gould 11 September 2015) except for the following omissions:</p> <p>Designation 4628: Massey Primary School Submission 884-61 sought amendment to reflect the specific education purposes on the site. Amended wording to read (with additions in underlining): <u>Education Purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).</u></p> <p>The Ellis Gould memorandum also noted that the following recommendations were not accepted:</p> <p>Designation 5000 –Te Matauranga; Designation 5007 – Willowbank Primary School; Designation 5022 Mansell Senior School; Designation 5044 – Pukekohe Intermediate School; Designation 5027 – Rosehill College.</p> <p>In each case the Auckland Council has submitted (5716-minor amendment) seeking to amend the designation purpose statement to which the requiring authority is opposed as the proposed amendments are inconsistent with the current operation of each educational facility.</p> <p>No further information has been received from the submitter to clarify these requested amendments. On this basis, and consistent with the requiring authority's view, there is no reason to amend the purpose statements for these designations in the Proposed Auckland Plan.</p>
Report writer's comments	<p>The report writer acknowledges this omission regarding Massey Primary School.</p> <p>It is therefore recommended that the recommendations in this report also apply to Designation 4628: Massey Primary School.</p> <p>The report writer does not consider there is sufficient evidence to amend the purpose statements for the following designations: Designation 5000 –Te Matauranga;</p>

	<p>Designation 5007 – Willowbank Primary School; Designation 5022 Mansell Senior School; Designation 5044 – Pukekohe Intermediate School; Designation 5027 – Rosehill College.</p> <p>It is therefore recommended the purpose statements for these designations remain as set out in the Proposed Auckland Unitary Plan.</p> <p>The recommendation above is reaffirmed for: Designation 4628: Massey Primary School; Designation 4639: Ranui Campus; and Designation 4502: Albany Senior High School.</p>
Report writer's final comments	<p>Auckland Council (AC 5716) lodged a number of submission points that are recorded in the right -hand column of the spreadsheet in the original submission. The nature of these changes is described as 'minor amendments' and was intended to capture clause 16, Schedule 1 RMA minor amendments, and is a point made by Mr Bain Cross in his statement of evidence (Part B, paragraph 10) dated 5 November 2015 on behalf of Auckland Council.</p> <p>Ms. Orchid Atimalala discusses the reasons for the Ministry of Education not accepting these submission points in her statement of evidence dated 21 October 2015 at paragraphs 10.11-10.16.</p> <p>Auckland Council confirms that it no longer wishes to pursue its submission points to Designations 5000, 5007, 5022, 5044 and 5027. The evidence of Mr Cross (5 November 2015) also confirms that the Auckland Council will not be pursuing any amendments in the list that requiring authorities oppose (again in paragraph 10.3) and specific reference is made to the Ministry of Education in this regard.</p> <p>Finally, legal submissions for the Minister (30 November 2015) confirms that there are no outstanding matters apart from the provision of the mapping corrections to the relevant designations referenced above. These are provided in Attachment 2 below.</p> <p>It is recommended that the Panel recommend the following changes to the Proposed Auckland Unitary Plan:</p> <ol style="list-style-type: none"> 1. The changes recorded in Attachment 1 concerning the purpose statements to the designations; 2. The changes to the schedule of conditions recorded in Attachment 1; and 3. The changes to the maps provided in Attachment 2.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Panel Reasons	The Panel agrees with the report writer's reasons.

10. Attachment 1 changes to the text of the Proposed Auckland Unitary Plan

Designation 4502:

Amend condition 14 to read:

14. The war memorial plinth located between the trees identified in ~~Condition 19~~ Condition 11 above shall be retained in its existing position as at 1 June 2007.

Designation 4507:

Amend purpose to read:

Educational purposes – ~~intermediate~~primary school (yrs 07-8)

Designation 4511:

Amend purpose to read:

Educational purposes - secondary school (years 7 - 13) and may include Early Childhood Education (pre-school).

Designation 4533:

Amend purpose to read:

Educational purposes - secondary school (years 7 - 13) and may include Early Childhood Education (pre-school).

Designation 4534:

Amend purpose to read:

Educational purposes – primary school (0-8), intermediate school (years 7-8) and may include Early Childhood Education (pre-school).

Designation 4556:

Amend purpose to read:

Educational purposes – ~~primary school (0-8)~~special school (years 0-13).

Designation 4589:

Amend purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4604:

Amend purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4605:

Amend purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4628:

Amend the statement of purpose to read:

Education Purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4637:

Amend the statement of purpose to read:

Education Purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4639:

Amend condition 6 to read as follows:

6. The Requiring Authority shall provide written confirmation from a Chartered Professional Engineer (with experience in geotechnics, and familiarity with the report review detailed in Condition 5 ~~Condition 14~~ have been fully satisfied).

Designation 4640:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4642:

Amend purpose to read:

Educational purposes - secondary school (years 7 - 13) and may include Early Childhood Education (pre-school).

Designation 4655:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4704:

Amend the statement of purpose to read:

Educational purposes - secondary school (years 7 - 13), intermediate school (years 7-8) and may include Early Childhood Education (pre-school).

Designation 4725:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4726:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4747:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8), intermediate school (years 7-8, secondary school (years 7-13) and may include Early Childhood Education (pre-school).

Designation 4773:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school).

Designation 4790:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8) and may include Early Childhood Education (pre-school)".

Designation 4936

Amend purpose to read:

Educational purposes - secondary school (years 7 - 13) and may include Early Childhood Education (pre-school).

Designation 4950:

Amend the statement of purpose to read:

Educational purposes – primary school (years 0-8), secondary school (years 7-13) and may include early childhood education (preschool).

Designation 4953:

Amend the statement of purpose to read:

Educational purposes – ~~primary school (years 0-8)~~ and secondary school (years 7-13) and may include early childhood education (preschool).

Designation 4965:

Amend the statement of purpose to read:

Educational purposes – ~~primary school (years 0-8)~~secondary school (years 7-13) and may include early childhood education (preschool).

Designation 4970:

Amend purpose to read:

Educational purposes - secondary school (years 7 - 13) and may include Early Childhood Education (pre-school).

Designation 4991:

Amend purpose to read:

Educational purposes - secondary school (years 7 - 13) and may include Early Childhood Education (pre-school).

Designation 4992:

Amend the statement of purpose to read:

Educational purposes – ~~primary school (years 0-8) and may include Early Childhood Education (pre-school)~~special school (years 0-13).

Designation 4998:

Amend the statement of purpose to read:

Educational purposes - kura kaupapa Māori (years 0 - 13) and may include Early Childhood Education (pre-school).

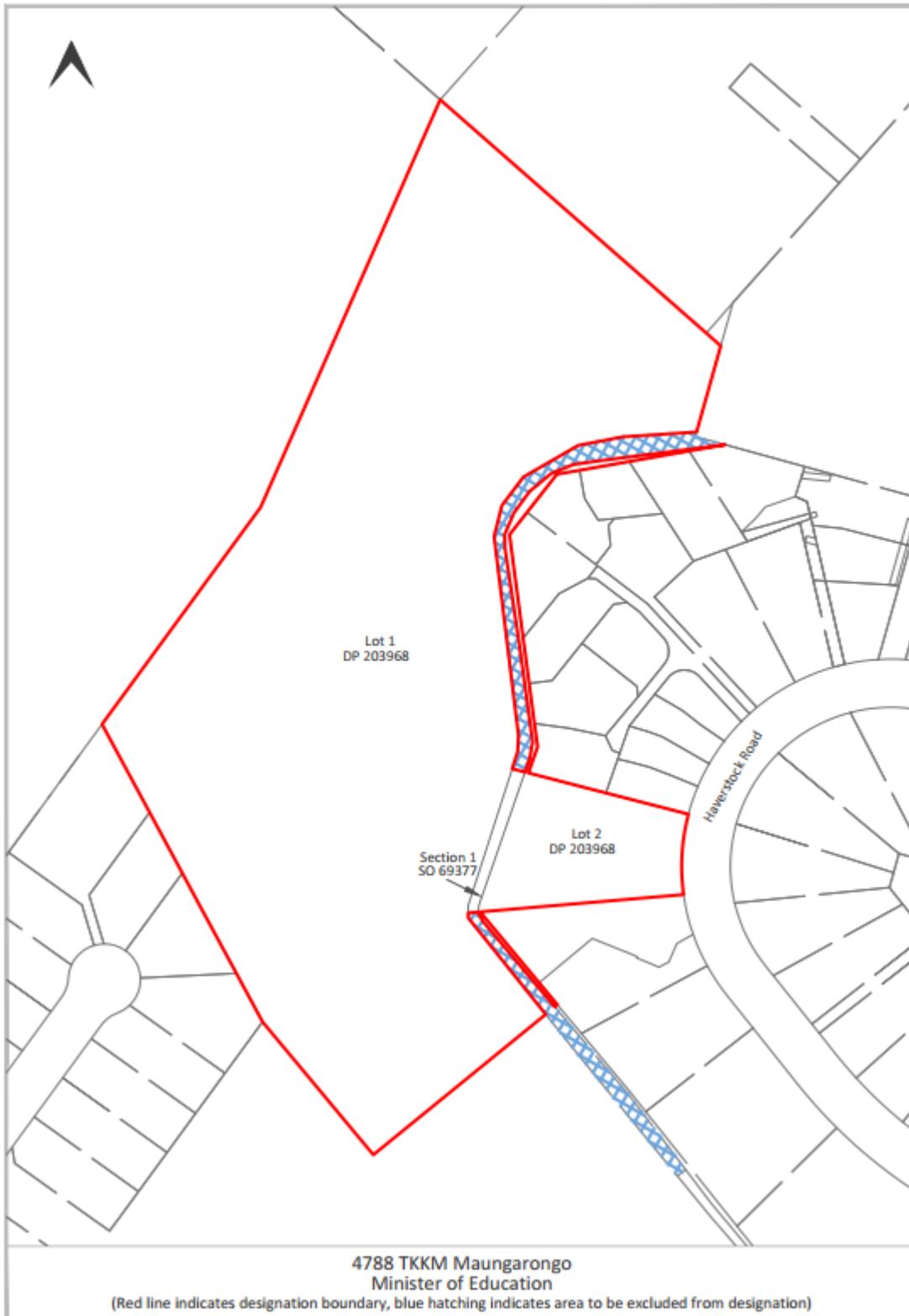
Designation 5049:

Amend the statement of purpose to read:

Educational purposes – ~~primary school (years 0-8)~~secondary school (years 7-13) and may include early childhood education (preschool).

11. Attachment 2 changes to the maps of the Proposed Auckland Unitary Plan

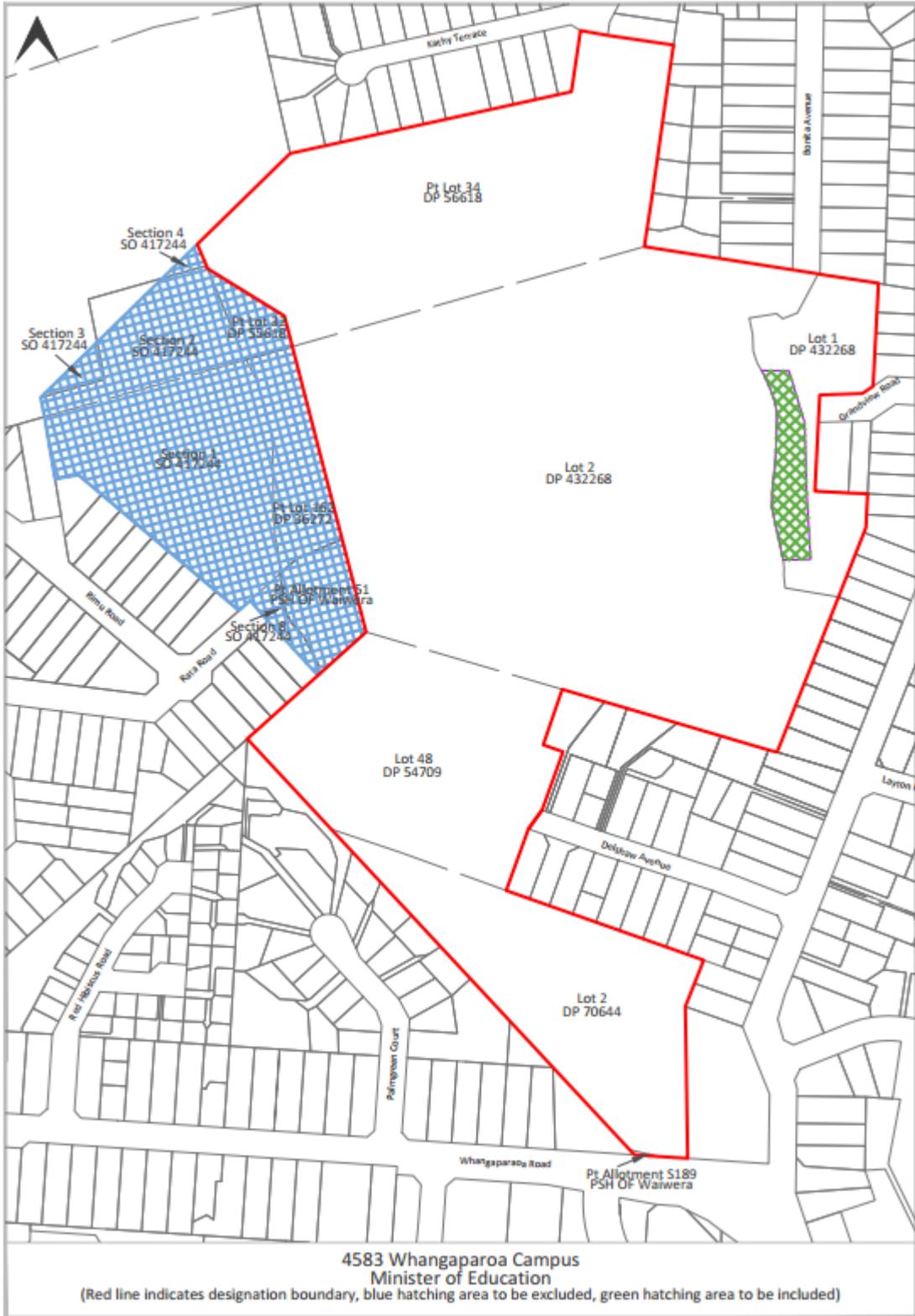
Amend designations as set out below:

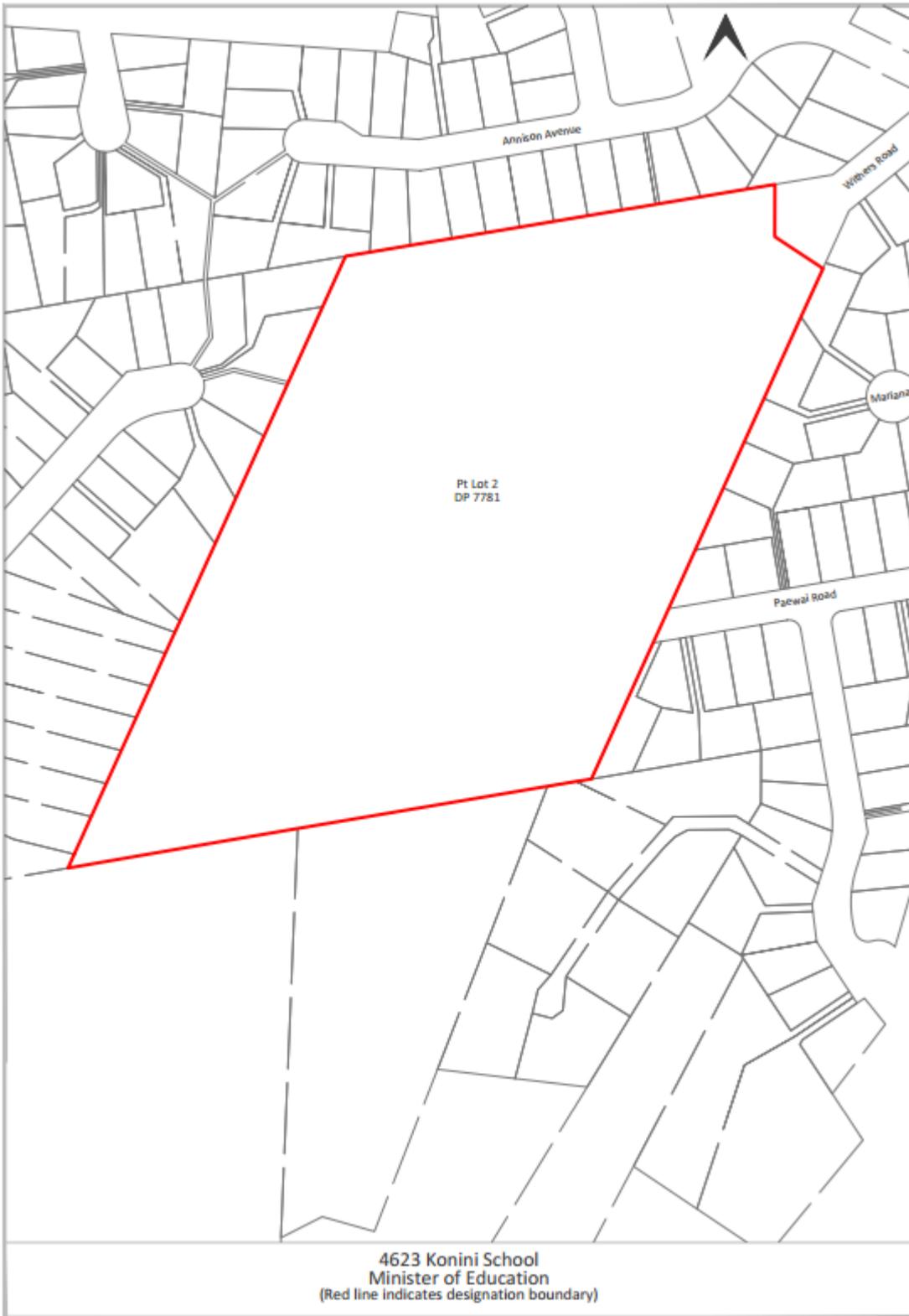


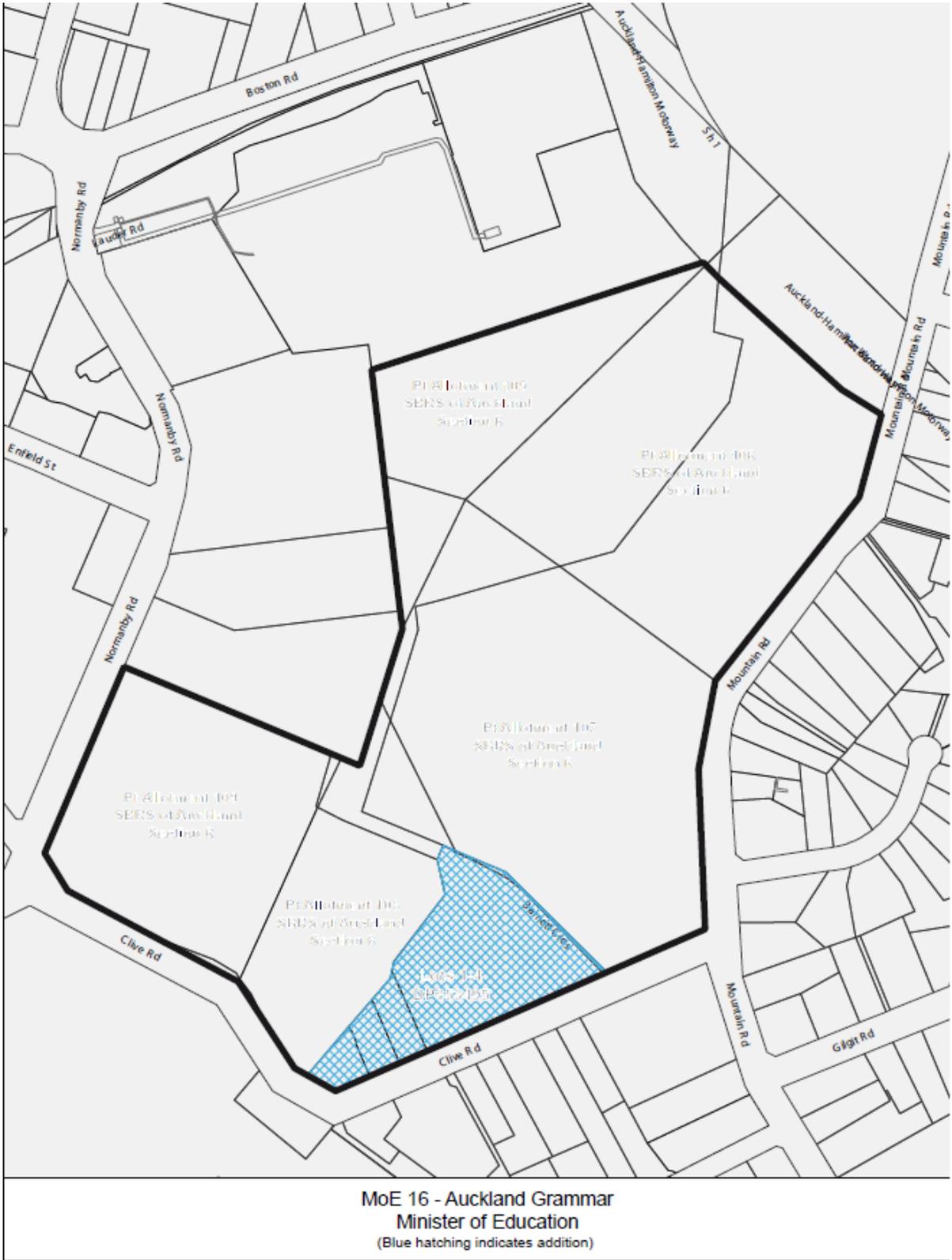








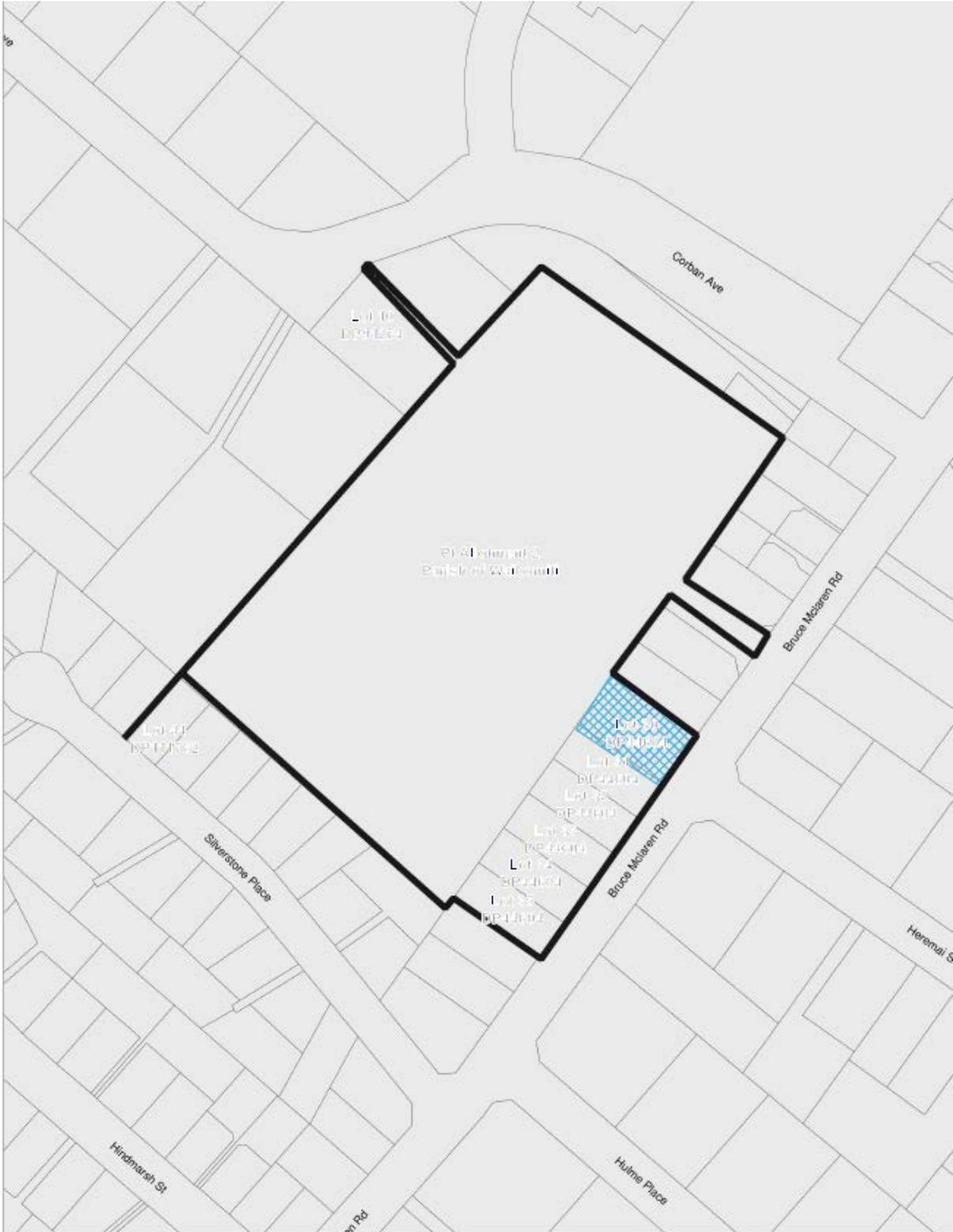




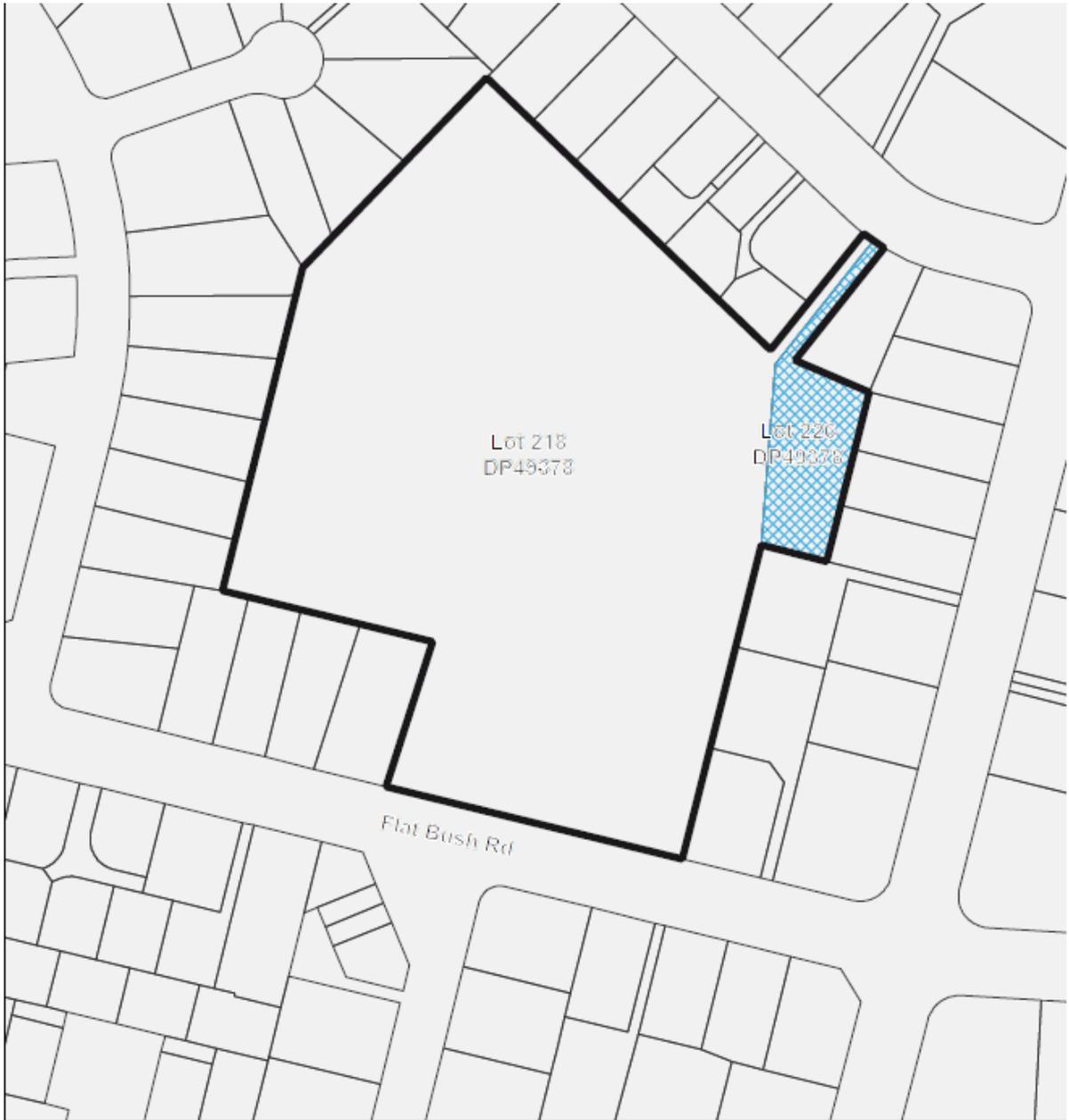


MoE 18 - Avondale College
Minister of Education
(Blue hatching indicates addition)

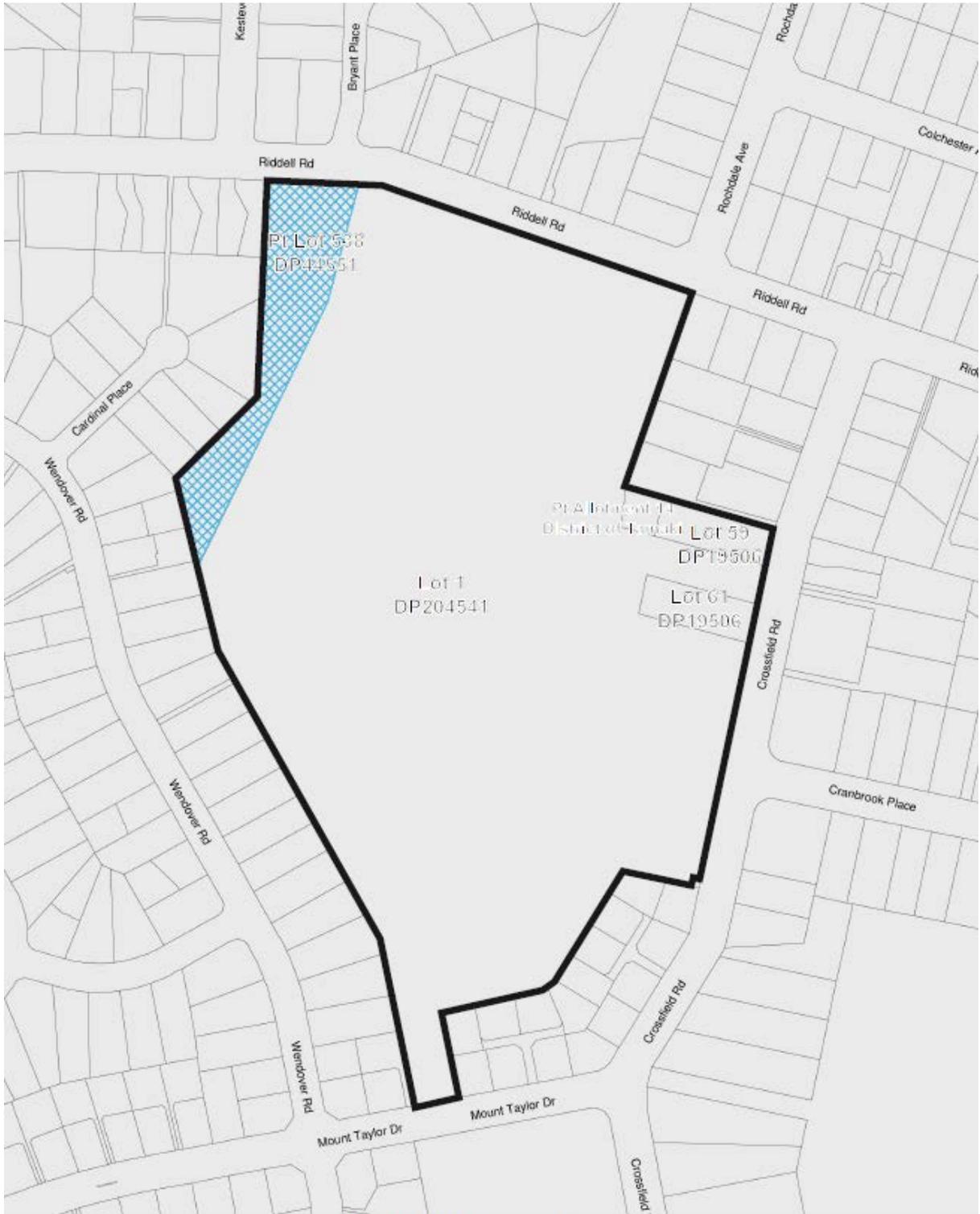




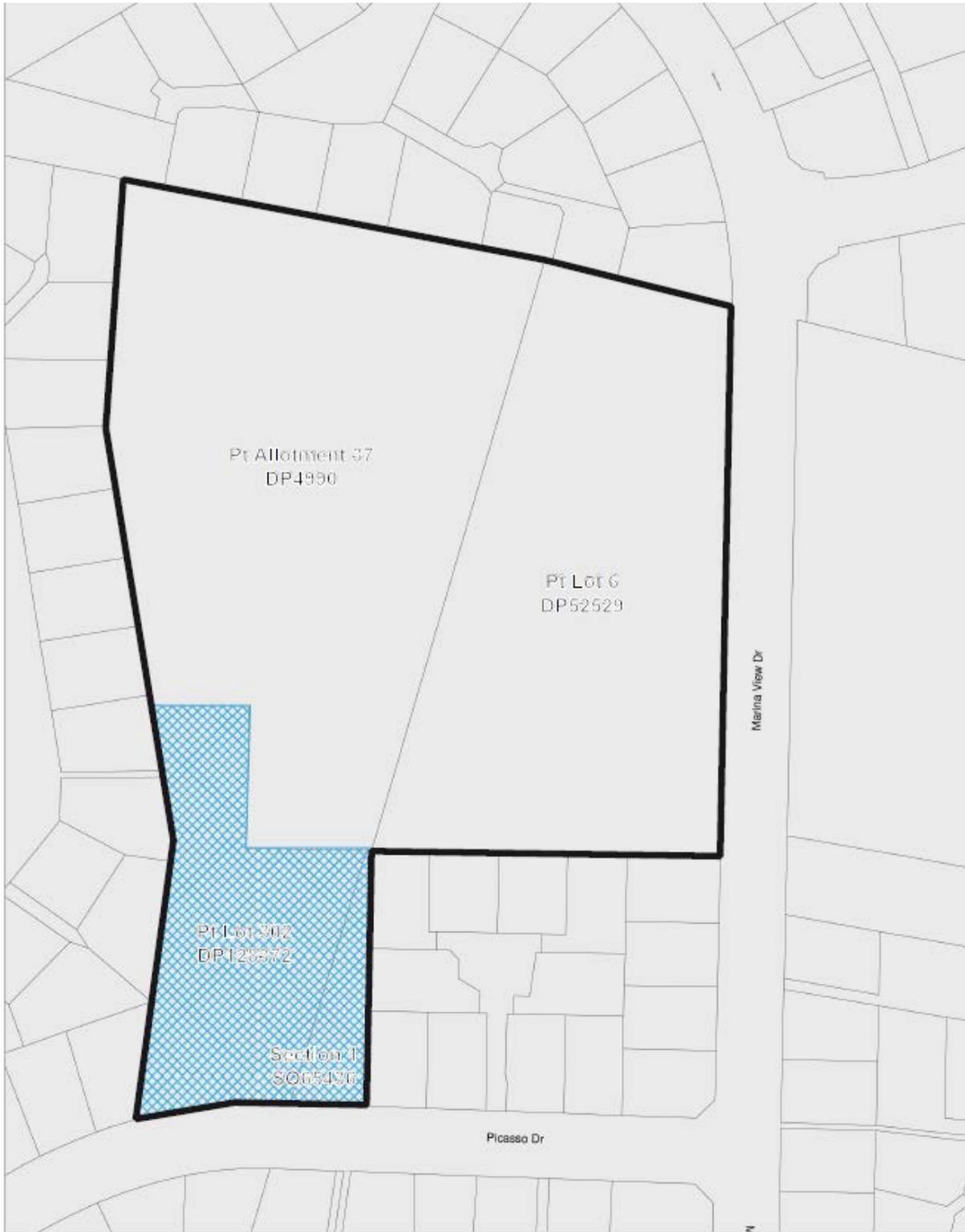
MoE 45 - Bruce McLaren Intermediate School
Minister of Education
(Blue hatching indicates addition)



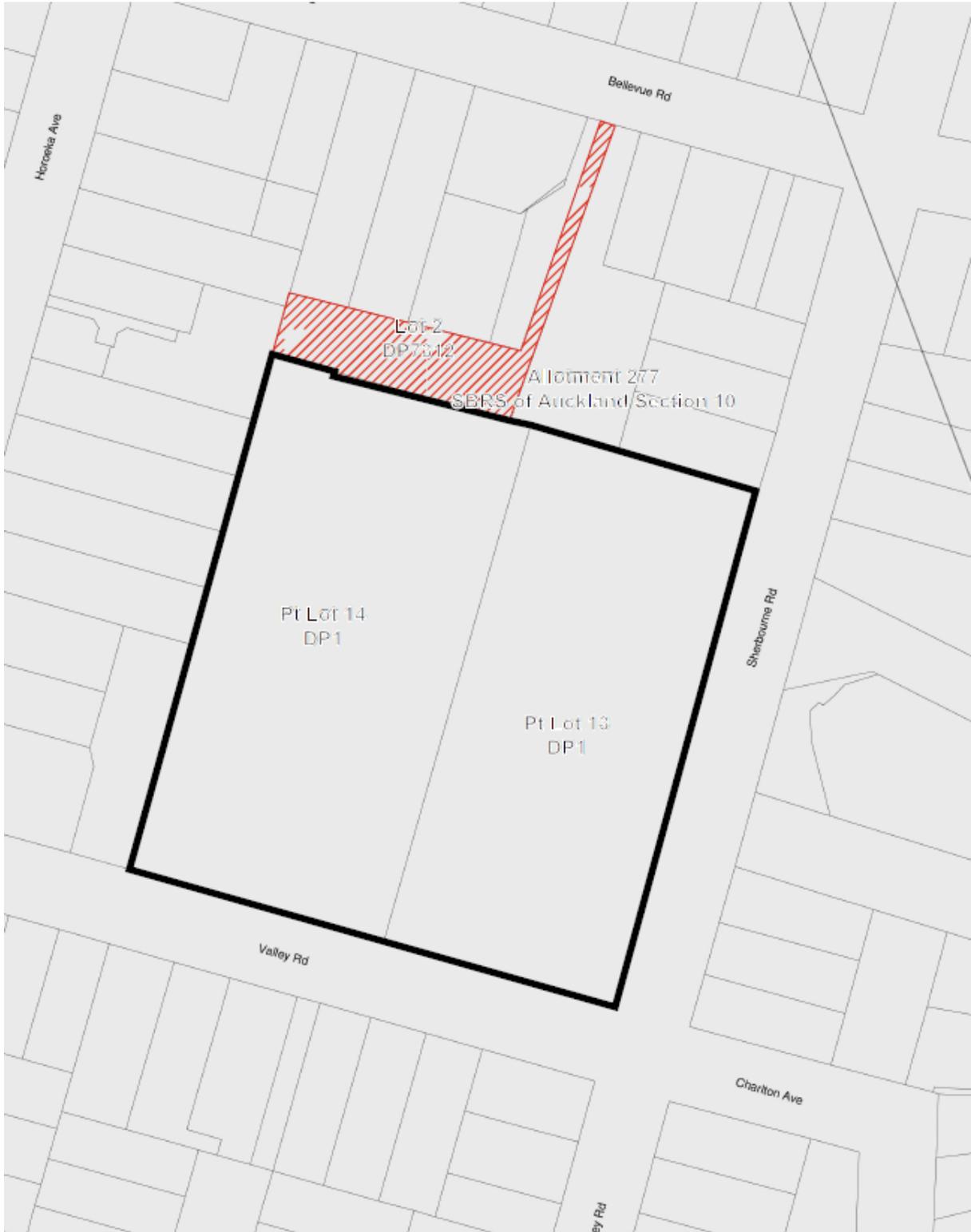
MoE 88 - Flat Bush School & ECE
Minister of Education
(Blue hatching indicates addition)



MoE 104 - Glendowie College
Minister of Education
(Blue hatching indicates addition)



MoE 183 - Marina View School
 Minister of Education
 (Blue hatching indicates addition)



MoE 200 - Mt Eden Normal School
Minister of Education
(Red hatching indicates removal)



**MoE 202 - Mt Roskill Primary, Intermediate and Grammar Schools
Minister of Education**

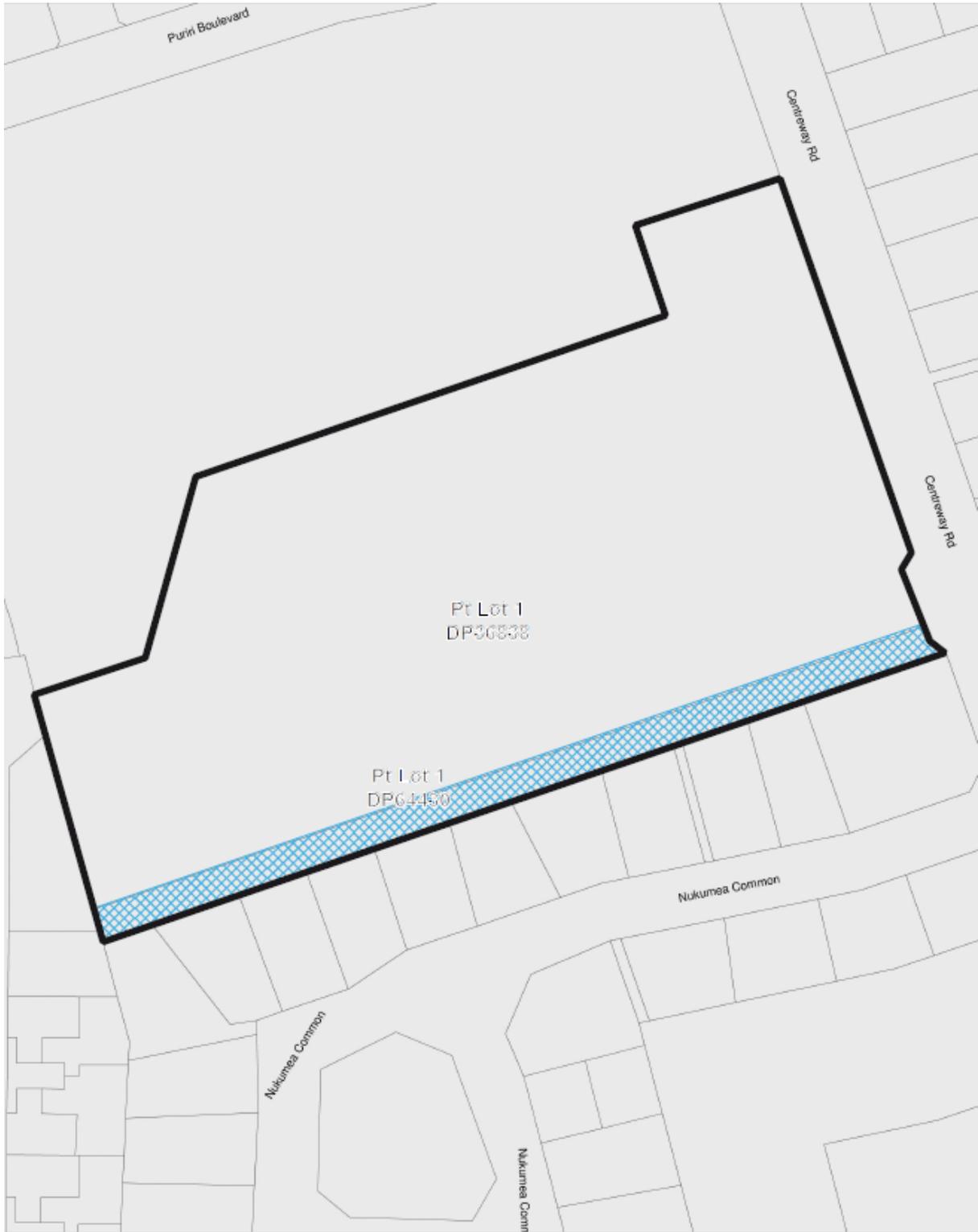
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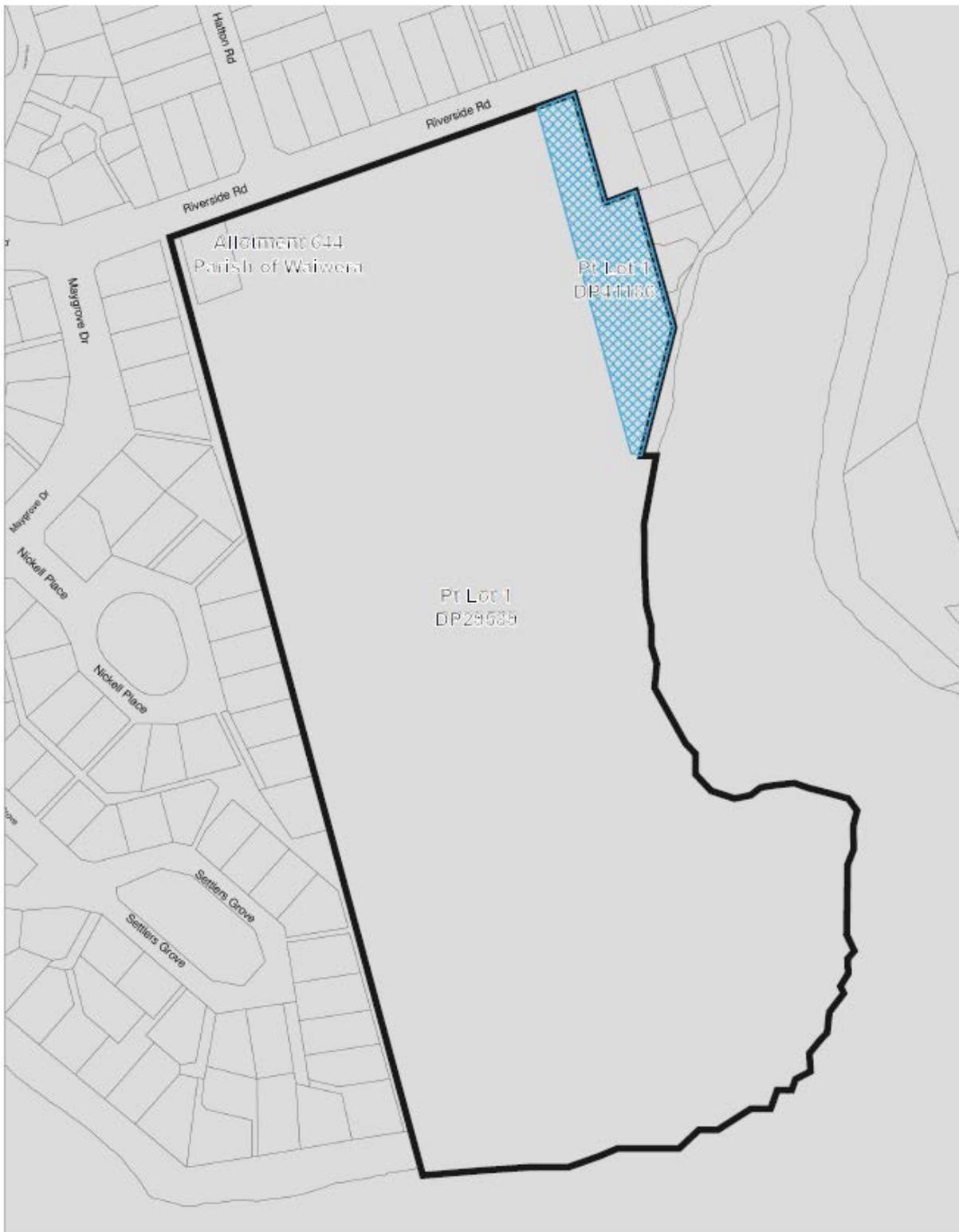
MoE 208 - Newton Central School
 Minister of Education
 (Blue hatching indicates addition)



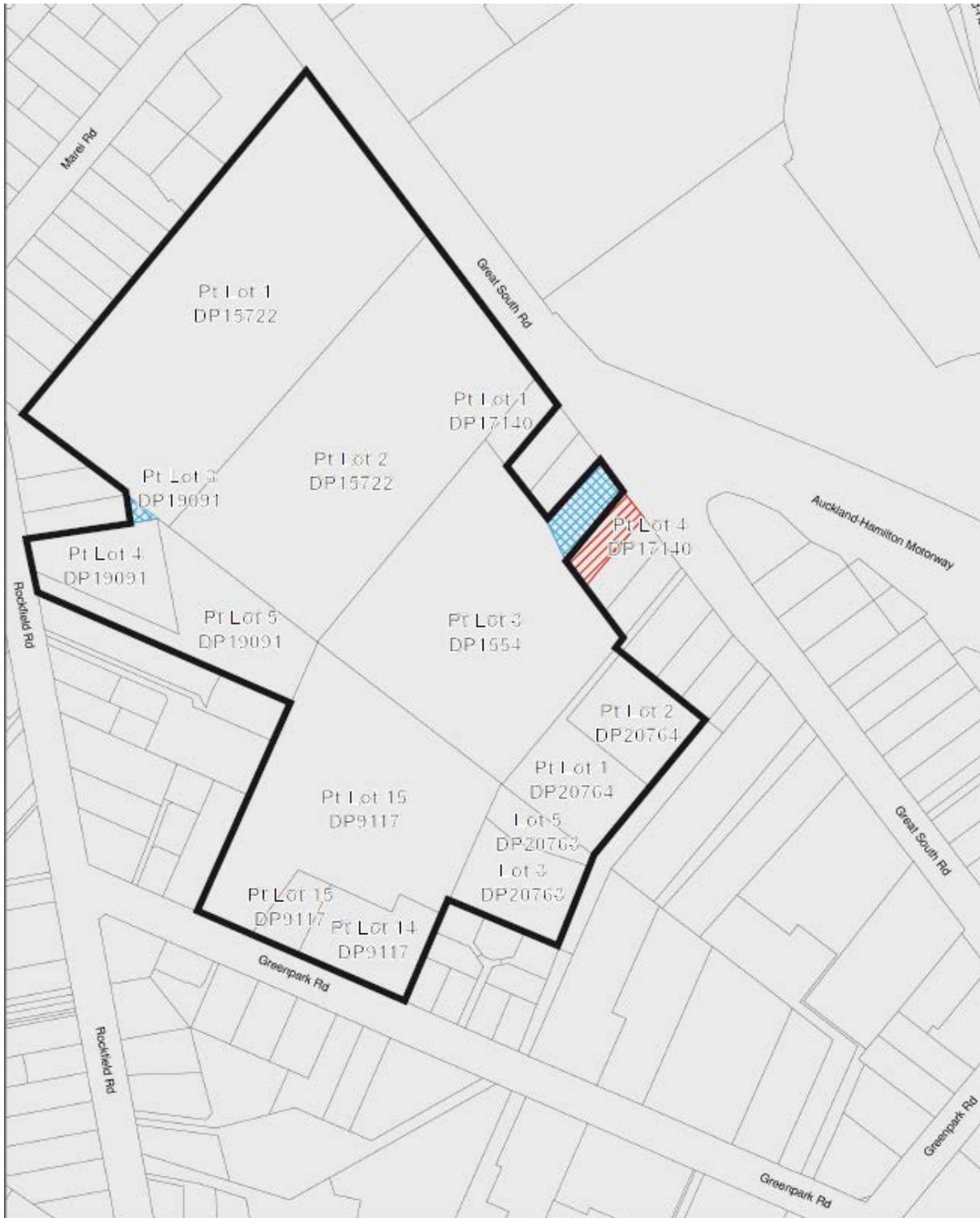
MoE 221 - Oranga School
Minister of Education
(Blue hatching indicates addition)



MoE 224 - Orewa North Primary School
Minister of Education
(Blue hatching indicates addition)



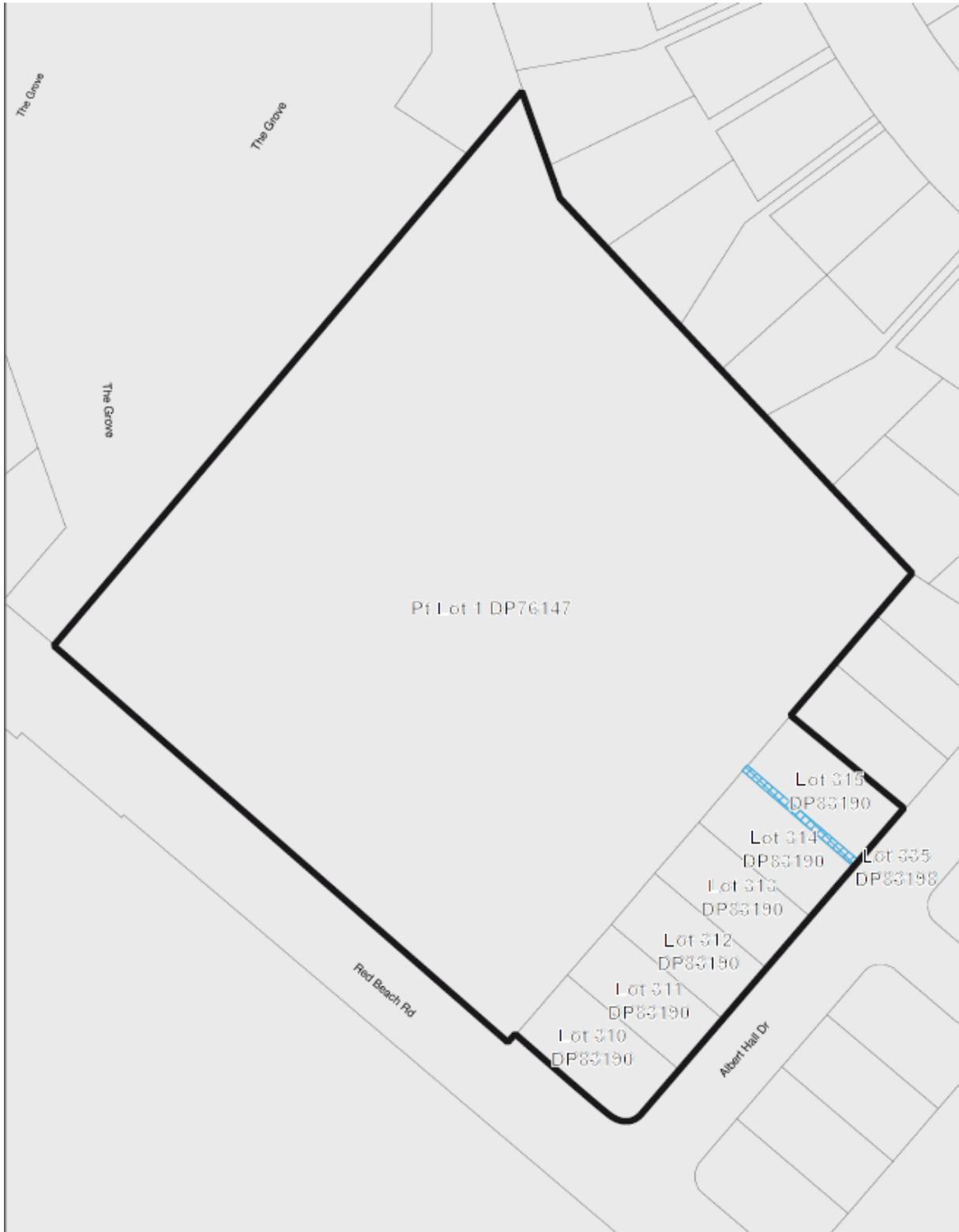
MoE 225 - Orewa College and Primary School, and Orewa Training Centre
Minister of Education
(Blue hatching indicates addition)



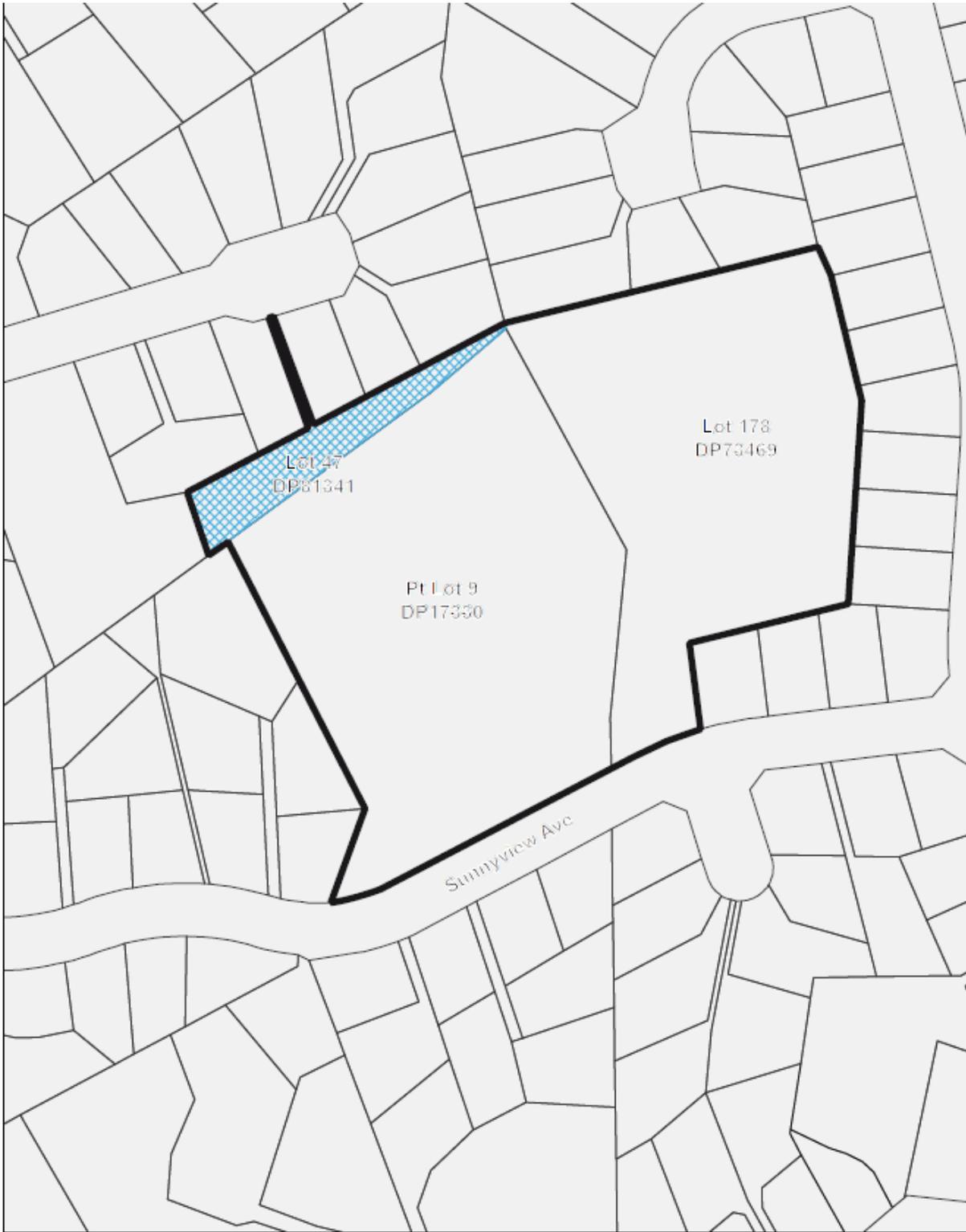
MoE 260 - One Tree Hill College
Minister of Education
 (Blue hatching indicates addition, red hatching indicates removal)



MoE 288 - Rangeview Intermediate School
 Minister of Education
 (Blue hatching indicates addition)



MoE 292 - Red Beach School
Minister of Education
 (Blue hatching indicates addition)

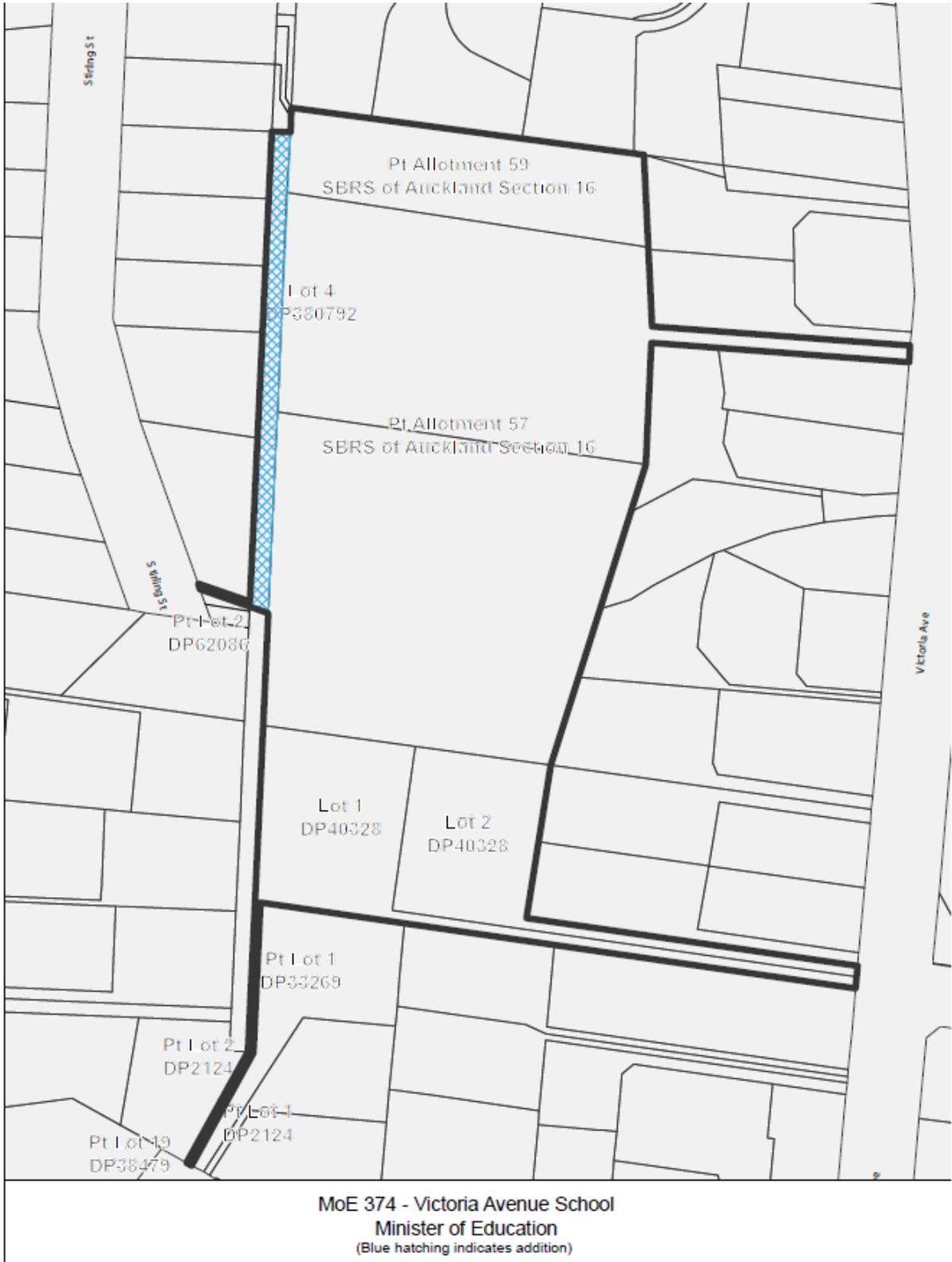


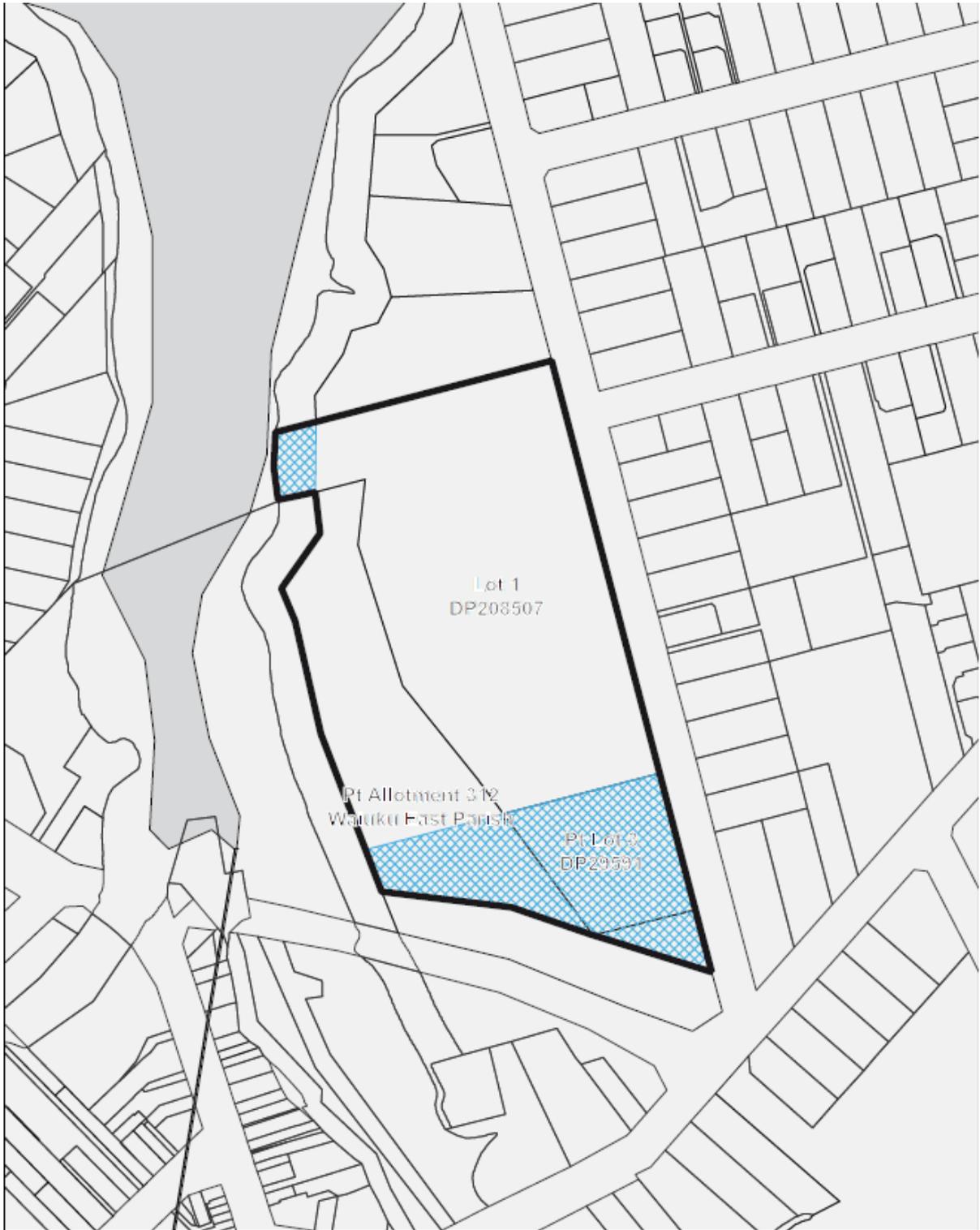
MoE 321 - Shelly Park School
Minister of Education
(Blue hatching indicates addition, red hatching indicates removal)



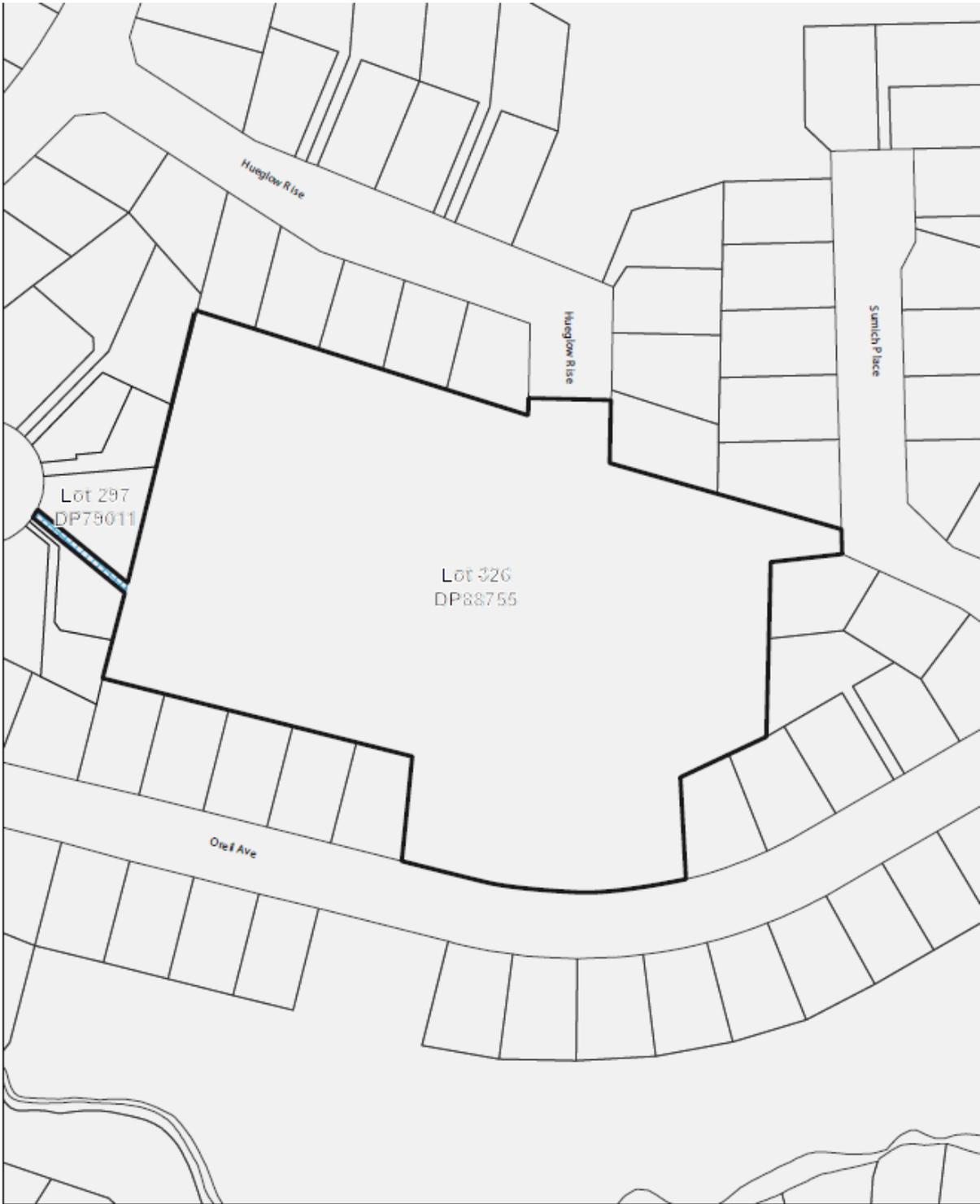


MoE 362 - Te Kura Akonga O Manuwera
Minister of Education
(Blue hatching indicates addition)





MoE 375 - View Road School
Minister of Education
(Blue hatching indicates addition)



MoE 398 - West Harbour Primary School
Minister of Education
(Blue hatching indicates addition)



12. Annexure 1

Annexure 1 contains designation numbers, names, locations, purposes and other information. It is a separate report referenced as IHP Report to AC_074 Minister of Education submissions from MOE and AC_Annexure 1_2016-05-18.