
I hereby give notice that a hearing by commissioners will be held on:

Date: Friday 29 July 2022
Time: 9.30am
Meeting Room: Council Chambers
Venue: Level 2, Henderson Civic Building,
6 Henderson Valley Road, Auckland

HEARING REPORT
NOTICE OF REQUIREMENT
DESIGNATION 46 - 2 WAKA MOANA DRIVE,
HOBSONVILLE
(HOBSONVILLE POINT PRIMARY NO.2)
MINISTRY OF EDUCATION

COMMISSIONERS

Chairperson	Karyn Kurzeja
Commissioner	Vaughan Smith

Bevan Donovan
KAITOHUTOHU WHAKAWĀTANGA
HEARINGS ADVISOR

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WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the requiring authority or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the requiring authority or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual procedure for a hearing is:

- **the chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The **requiring authority** or their representative then has the right to summarise the application and reply to matters raised. Hearing panel members may ask further questions. The requiring authority's reply may be provided in writing after the hearing has adjourned.
- **The chairperson** will outline the next steps in the process and adjourn or close the hearing.

**A NOTIFIED NOTICE OF REQUIREMENT TO THE AUCKLAND COUNCIL UNITARY PLAN
BY THE MINISTRY OF EDUCATION**

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Jo Hart, Planner

Reporting on proposed Notice of Requirement (NoR) for a designation for a new primary school catering for school students from Year 0 to Year 8, as well as a new Early Childhood Education Centre (ECE) catering for pre-school children in the Auckland Unitary Plan (operative in part) (AUP) at 2 Waka Moana Drive, Hobsonville, Auckland.

REQUIRING AUTHORITY: MINISTRY OF EDUCATION

SUBMITTERS:	
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Page 101	New Zealand Defence Force
Page 105	Auckland Transport

**Notice of requirement under section 168
of the Resource Management Act 1991 by
the Minister of Education for a new
Primary School and Early Childhood
Education Centre at 2 Waka Moana Drive,
Hobsonville**

To: Independent Hearing Commissioners

From: Jo Hart – Senior Policy Planner, Plans and Places

Report date: 29 June 2022

Scheduled hearing date: 29 July 2022 (if required)

Notes:

This report sets out the advice of the reporting planner.

This report has yet to be considered by the Independent Hearing Commissioners delegated by Auckland Council (the council) to make a recommendation to the requiring authority.

The recommendations in this report are not the decisions on the notice of requirement.

A decision on the notice of requirement will be made by the requiring authority after it has considered the Independent Hearing Commissioners' recommendations, subsequent to the Hearing Commissioners having considered the notice of requirement and heard the requiring authority and submitters.

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Summary

Requiring authority	Minister of Education
Notice of requirement reference	Educational purposes – Primary School (years 0 – 8) and Early Childhood Education (ECE)
Resource consent applications	The relevant regional resource consent applications will be lodged by the requiring authority at the Outline Plan of Works stage. .
Reporting planner(s)	Jo Hart – Senior Policy Planner, Plans and Places, Planning - Regional North, West and Islands
Site address	2 Waka Moana Drive, Hobsonville, Auckland
Lodgement date	1 December 2021
Notification date	24 February 2022
Submissions close date	24 March 2022
Number of submissions received	Total: 7

Report prepared by:

Jo Hart

Senior Policy Planner

Planning – Regional,
North, West, and
Islands

Date: 29 June 2022



Reviewed and
approved for release
by:

Eryn Shields

Team Leader

Planning – Regional,
North, West, and
Islands.

Date: 29 June 2022



Abbreviations

AEE	Notice of Requirement & Assessment of Effects Report for the Minister of Education for a new designation under s168 of the RMA – Primary School (Years 0-8) and Early Childhood Education Centre (ECE) at 2 Waka Moana Drive, Hobsonville, Auckland.
AT	Auckland Transport
AUP	Auckland Unitary Plan (Operative in Part) 2016
ECE	Early Childhood Centre
NoR	Notice of requirement
OPW	Outline plan of works
RMA	Resource Management Act 1991 and all amendments
the council	Auckland Council

1 Introduction

1.1 The notice of requirement

Pursuant to section 168 of the Resource Management Act 1991 (RMA), the Minister of Education (the Minister), as the requiring authority, has lodged a notice of requirement (NoR) for a designation for new primary school catering for school students from Year 0 to Year 8, as well as a new Early Childhood Education Centre (ECE) catering for pre-school children in the Auckland Unitary Plan (operative in part) (AUP) at 2 Waka Moana Drive, Hobsonville, Auckland.

1.2 Locality plan

The land at 2 Waka Moana Drive, Hobsonville is located within Hobsonville Point (refer to Figure 1 below). The site has previously been earth worked and adjacent roads have been constructed in anticipation of future development. The site is currently vacant.

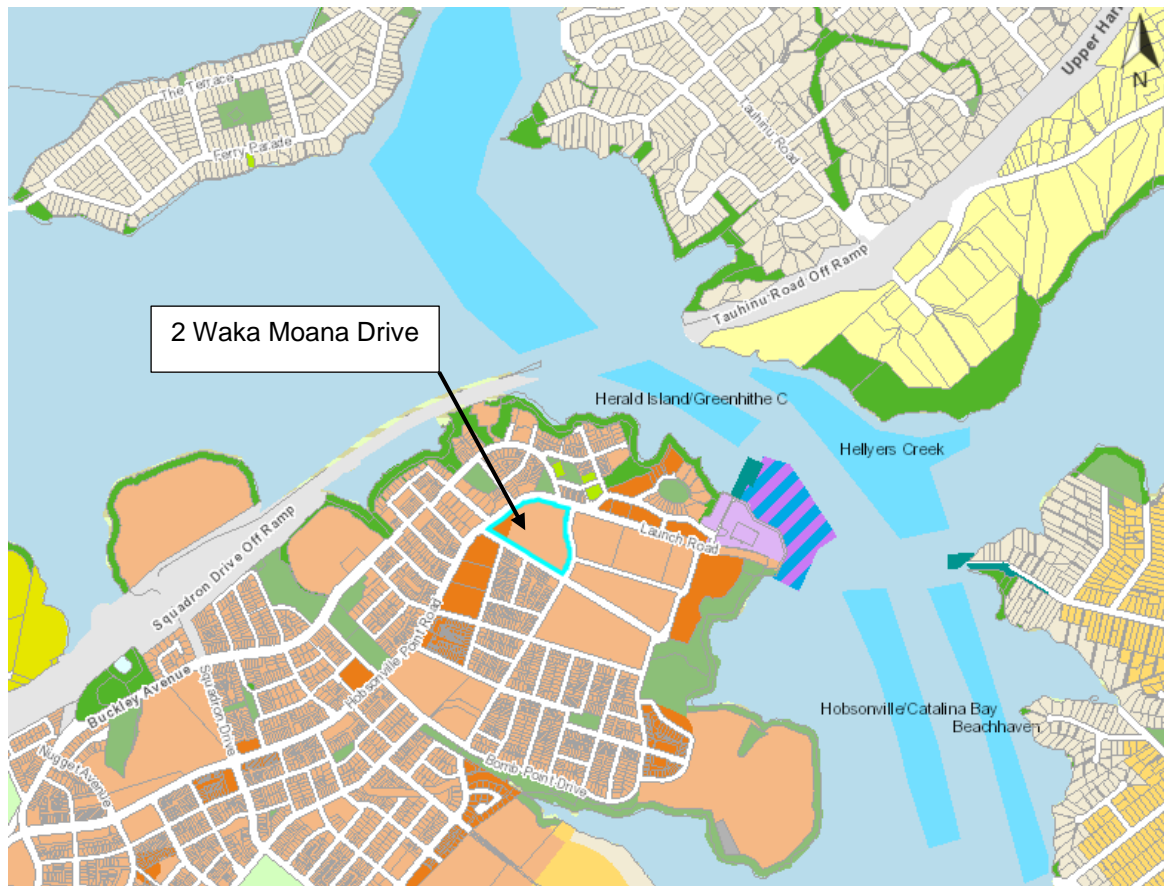


Figure 1: Location of 2 Waka Moana Drive, Hobsonville (outlined in blue) Source: Auckland Council Geomaps 24 May 2022.

1.3 Notice of requirement documents

The lodged notice is comprised of the following documents:

- Notice of Requirement and Assessment of Environmental Effects Report prepared by Chris Horne of Incite Planning dated 29th November 2021
 - Appendix A Designation Plan
 - Appendix B Underlying Title
 - Appendix C Feasibility Plan
 - Appendix D Minister of Education Standard Conditions
 - Appendix E Integrated Transportation Assessment
 - Appendix F Dotterrel Management Plan
 - Appendix G Infrastructure, Contamination, and Flooding Assessment
 - Appendix H Geotechnical Report
 - Appendix I Sun shading study

The above documents are provided in Attachment 1 of this report.

1.4 Section 92 requests and responses

Section 92 of the RMA allows councils to request further information from a requiring authority and/or commission a report, at any reasonable time before the hearing.

The council made further information requests and received responses on the dates in the following table.

Section 92 request	Date of section 92 response
First request for notification assessment made on 28 January 2022	First section 92 response on 10 February 2022

The council's section 92 request and the requiring authority's responses are included in Attachment 2.

1.5 Specialist reviews

The assessment in this report takes into account reviews and advice from the following technical specialists engaged by the council:

Specialist	Specialty
Andrew Temperley Senior Transport Planner Traffic Planning Consultants	Traffic
Rue Statham Senior Ecologist (North/West)	Terrestrial ecology
Susan Andrews Senior Health Waters Specialist	Stormwater, flooding
Frank Havel Geotechnical Practice Lead Ethan Fu Senior Development Engineer	Geotechnical
Ruben Naidoo Specialist Contaminated Land, Air and Noise	Soil contamination

Note that the specialists above have responded via email in regard to their area of expertise (refer to Attachment 06).

2 Notice of requirement description

2.1 Background

Section 1 of the requiring authority's Assessment of Environmental Effects (AEE) provides discussion on the background of the Notice of Requirement. Section 1.1 of the AEE states:

Hobsonville Point is a fast-developing suburb of North-West Auckland. Over the last decade, the former airbase has been redeveloped as a sustainable community with a compatible mix of residential and employment activities largely led by Hobsonville Land Company (HLC) now known as Kāinga Ora. In 2016, the Hobsonville Point Precinct Plan was confirmed as the guiding framework to make efficient use of the land and infrastructure to increase the supply of housing in the Hobsonville area.

Since the redevelopment began in 2011, two new schools were established to meet the predicted education demand based on the initial yields estimated by HLC. These schools are Hobsonville Point Primary (opened in 2013) and Hobsonville Point Secondary School (opened in 2014). Since these schools were established, HLC's anticipated housing yields in the area have increased. Based on the currently known yields, it is estimated that up to 2,600 primary aged students could be living in the new suburbs of Hobsonville and Scott Point by 2043. These yields exclude any additional private development and are beyond the Ministry's master-planned rolls for the existing schools. The pace and scale of development has already placed significant demand on Hobsonville Point Primary School which, as of October 2020, was at 120% space utilisation.

In response to the short-term demand, temporary classrooms are currently being used to accommodate the additional students at the existing Hobsonville Point Primary School. In addition, the nearby Scott Point Primary School, which opened in February 2021, is currently under construction, with temporary classrooms also being utilised on the site until construction is complete. In conjunction with these property approaches, the Ministry undertook a public consultation process with the community to amend the enrolment zones to balance the demand between the two primary schools with the final boundaries confirmed in 2020. While these property and non-property solutions have alleviated some of the immediate pressure, the Ministry has concluded that the long-term education demand will be better served through delivery of an additional site to ensure that education outcomes are not compromised by over-intensification of the existing schools.

2.2 Proposal

The Minister, as the requiring authority, has lodged a NoR to designate land "to enable the establishment of a new primary school catering for school students from Year 0 to Year 8, as well as a new ECE Centre catering for pre-school children" at 2 Waka Moana Drive in Hobsonville in Auckland.

The proposal is described in the Notice of Requirement & Assessment of Environmental Effects Report (NoR report) prepared by Chris Horne of Incite, dated 29th November 2021.

2.3 Affected land

Land requirement plans provided as Appendix A of the NoR together with the description in Section 2.0 of the AEE describes the land that will be directly affected by the designation and associated works.

The extent of the site at 2 Waka Moana Drive, Hobsonville (Section 1 SO 562499) subject to the NoR is shown in Figure 2 below. The area of land, approximately 1.5ha in area, shown within the red boundary, is owned by the Crown for educational purposes. The land was acquired from Eke Panuku Development Auckland (Panuku).

A new title is yet to be issued. Panuku is working through the removal of legacy restrictions on the titles with Auckland Council. Once this process has been completed a new title will be issued for the school site. The balance of the land has been retained by Panuku.



Figure 2: Area of land subject to the NoR (outlined in red) (Source: MoE AEE).

2.4 Site, locality, catchment and environment description

This report relies on the site and environment descriptions provided by the requiring authority as set out in section 2 of the AEE supporting the NoR. Having undertaken a site visit on 23 February 2022, and viewed the subject site from adjacent roads due to Covid-19 restrictions, I concur with the description of the site. It should be noted that development on lots within the vicinity of the subject site has occurred that is not reflected in the Auckland Council Geomap aerials. This includes residential development on the western side of Waka Moana Drive.

2.5 Form 18 and NoR conditions

The MoE submitted a completed form 18 with conditions. At the beginning of the set of conditions, three drafting notes are found, which cover:

- height in relation to boundary
- operational noise to include ECE
- on-site carparking.

Post notification, Auckland Transport suggested an amendment to Condition 5(b)(iv). The MoE considered this request and after further discussion with Auckland Transport, developed a revised condition which was received by council on the 14 April 2022.

Additional conditions beyond those provided by the MoE are recommended to resolve issues raised in submissions. A copy of the amended conditions was forwarded to the Ministry of Education on 8 June 2022 for review. The requiring authority, responded on 21 June 2022, and agrees with the amendments..

For clarification purposes, where conditions are referred to in this report, they are the updated and agreed suite of conditions, and include the condition agreed by AT and MoE, attached as Attachment 4.

2.6 Other designations, notices of requirement and consent applications.

The land within or adjoining the NoR is subject to one existing designation:

- Designation 4311 Whenuapai Airfield Approach and Departure Path Protection.

The purpose of the the designation is 'protection of approach and departure paths'. The conditions include restrictions that require:

- the 'approval in writing of the New Zealand Defence Force (NZDF) is required prior to 'the erection of any building, change in use of any land and building, or any subdivision of land' within areas of the designation shown on the planning maps as 'land use and subdivision subject to the NZDF approval'. These areas are generally within 1,000 metres of runways.
- that no obstacle penetrates the approach and departure path obstacle limitation surfaces shown on planning maps without prior approval of the NZDF. The designation includes an 'Explanation of Protection Surfaces Whenuapai Airfield' and Diagram MD1A. This restriction does not apply to any building that has a height of not more than 9 metres above natural ground level.

There are no unimplemented resource consents.

No other consents are being sought as part of this NoR.

No detailed design of the school and ECE has been undertaken at this stage, and as such there are no plans included with the NoR. A feasibility study was submitted with the NoR. This was only to demonstrate that the site is able to accommodate a primary school and ECE development. Information on the detailed design will be submitted as part of an Outline Plan of Works (OPW) for the works provided for by a confirmed designation. The requiring authority has commented that the relevant regional consents will be sought at that time.

3 Notification and submissions

3.1 Notification

The NoR was publicly notified on 24 February 2022.

The closing date for submissions was 24 March 2022.

3.2 Submissions

There were 7 submissions received on the NoR:

- 5 submissions were received from the public
- 1 submission was received from Auckland Transport
- 1 submission was received from New Zealand Defence Force.

The issues raised in the submissions have been assessed in section 4.2 of this report. A copy of these submissions are included in Attachment 3.

#	Submitter's name	Support/ Oppose	Matters raised
1	Aaron Schiff	Support	Capacity of existing primary school Traffic congestion, safety issues, and support for walking and cycling
2	Adrian Fleming (note that submission states Adrian Flemkmg not Fleming as shown in postal address)	Support	Capacity of existing primary school
3	Guanhong Wang	Support	Capacity of existing primary school
4	Zhan Su	Support	Supports council's recommendation
5	David Toh	Support	Combine existing school with new school
6	New Zealand Defence Force	Neutral	Risk to pilot safety - glare, reflectivity, bird strike potential from development of the site. Consideration of proposed landscaping, roofing, cladding materials and lighting during Outline Plan of Works process. Specific regard to be given to Obstacle Limitation Surface (Designation 4311) in design of buildings and during construction.
7	Auckland Transport	Support	On-site parking On-road interventions School travel plan

4 Consideration of the notice of requirement

4.1 Designations under the Resource Management Act 1991

The RMA provides that the procedures adopted in processing a notice of requirement are generally those adopted for processing a resource consent application. This includes lodgement, requiring further information, notification, receiving and hearing of submissions. In respect of this NoR, all of those procedures have been followed.

The procedure differs from the resource consent process in respect of the council consideration of the NoR. Section 171(1) of the RMA states:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
- (a) *any relevant provisions of—*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

Section 171(1)(a) is addressed in sections 4.4 to 4.9 below. Section 171(1)(b) is addressed in section 4.10 below. Section 171(1)(c) is addressed in section 4.11 below. Section 171(1)(d) is addressed in section 4.12 below.

Section 171(1) is subject to Part 2 of the RMA. Part 2 contains the purpose and principles of the RMA. It has been confirmed by the Environment Court that, in relation to a designation matter:

...all considerations, whether favouring or negating the designation, are secondary to the requirement that the provisions of Part II of the RMA must be fulfilled by the proposal.¹

After considering these matters, the council needs to make a recommendation to the requiring authority under section 171(2) of the RMA which states:

- (2) *The territorial authority may recommend to the requiring authority that it –*
- (a) *confirm the requirement:*
 - (b) *modify the requirement:*
 - (c) *impose conditions:*
 - (d) *withdraw the requirement.*

Reasons must be given for the recommendation under section 171(3) of the RMA. Refer to section 6 below for my recommendation.

4.2 Consideration of submissions and Upper Harbour Local Board views

4.2.1 Submission assessment

There was a total of seven submissions received. Each of the submissions are discussed and considered individually below.

4.2.1.1 Submission 1 – Aaron Schiff

The submitter supports the NoR for the following reasons:

- the current school is over-crowded
- the quality of school has reduced due to large number of temporary classrooms on site to accommodate for all students
- ongoing problem with existing primary school is traffic congestion around 9am/3pm and resulting safety issues 'for kids on foot'
- the need for another primary school to accommodate all the students and improve the quality of their education.

The submitter seeks the following relief:

- that the new primary school is designed to support walking and cycling to school as much as possible and discourage driving
- safe cycling infrastructure such as bikes lanes along length of Wallace Road to encourage students to bike to the new school.

Discussion

The submitter's support of the NoR is acknowledged.

¹ See Estate of P.A. Moran and Others v Transit NZ (W55/99)

Planner Recommendation

That Submission 1 be accepted. The requiring authority's AEE addresses walking and cycling. The purpose of the School Travel Plan in Condition 6(b) 'is to provide specifically for measures to reduce vehicle dependence, including walking school buses, carpooling, the encouragement of the use of public transport, the use of remote pick up/drop off locations if appropriate, and the encouragement of walking and cycling'.

Transport effects are discussed in Section 4.3.5.2 of this report.

4.2.1.2 Submission 2 – Adrian Fleming

The submitter supports the NoR for the following reason:

- the current primary school is already housing more students than it was designed for. A second primary school will further enhance Hobsonville Point as one of Auckland's more desirable suburbs.

The submitter seeks the following relief:

- that the council should strongly support the construction of second primary school at Hobsonville Point.

Discussion

The submitter's support of the NoR is acknowledged.

Planner Recommendation

That Submission 2 be accepted.

4.2.1.3 Submission 3 – Guanhong Wang

The submitter supports the NoR for the following reasons:

- the current primary school is overwhelmed and cannot cater for over 1200 tamariki. The limited size and facilities won't be able to support the growth in pupils in the future

The submitter seeks the following relief:

- combine both the new school and existing school to utilise resources efficiently and effectively.

Discussion

The submitter's support of the NoR is acknowledged.

Planner Recommendation

That Submission 3 be accepted. I have no additional comments. The matters raised in the submission relate to the operation of the new and existing schools rather than a statutory matter requiring assessment under the RMA.

4.2.1.4 Submission 4 – Zhan Su

The submitter supports the NoR. The submission does not provide reasoning for this support. And does not specifically state the relief sought other than 'I follow city council decision'.

Discussion

The submitter's support of the NoR is acknowledged.

Planner Recommendation

That the submission be accepted.

4.2.1.5 Submission 5 – David Toh

The submitter is neutral to the NoR for the following reasons:

- does not want to create separation or zoning for schools in different locations of Hobsonville Point
- 'it would create weird separation of pupils of the same year living approximately in the same location where they should be growing up'.

The submitter seeks the following relief:

- for the new Hobsonville Point Primary to be an extension of the current Hobsonville Point Primary by separating the years. For example, Year 0-3 should be placed in the new primary with age targeted facilities, graduating to the current primary school from Year 4-8.

Discussion

The submitter's comments are noted.

Planner Recommendation

That Submission 5 be accepted. No amendments to the proposed conditions are recommended. The matter relates to the operation of the primary schools at Hobsonville Point rather than a statutory matter requiring consideration under the RMA.

4.2.1.6 Submission 6 – Minister of Defence

The submitter is neutral to the NoR for the following reasons:

- the proposed primary school is located within an area subject to Designation 4311 (Whenuapai Airfield Approach Departure Path Protection)
- the Obstacle Limitation Surface at this location is approximately 60m high and is directly in line with the centre-line of runway RWY 08/26. Temporary or permanent structures within the flight paths of aircraft operation out of the Whenuapai Airbase presents a safety risk for NZDF.
- associated effects of development including risk pilot safety including glare, reflectivity and bird strike
- permanent structure heights are unlikely to be an issue but it could be an issue during construction due to:
 - exposed earth during construction attracting birds

- displacement of birds resulting from loss of existing green space, causing greater numbers of birds to settle on the airfield or in areas that results in birds transiting airfield thresholds or airspace
- new green space, ecological and/or wetland areas and plantings which attract birds
- flat roofed structures which support colonies and attract birds to roost
- urban rubbish which attracts greater numbers of species such as gulls.

The submitter seeks the following relief:

- that measures to avoid risk to pilot safety, including in relation to glare and reflectivity and risk of bird strike, are incorporated into design and construction.
- that careful consideration of proposed landscaping, roofing and cladding materials and lighting during outline plan process
- that specific regard is given to the Obstacle Limitation Surface as set out in Designation 4311 in the design of buildings and particularly through the construction period including the use of cranes
- that the above matters are incorporated into the NoR and subsequent conditions of the designation.

Discussion

The operational requirements of NZDF's Whenuapai Airbase meeting Defence obligations under the Defence Act 1990 is critical. The submission raises valid concerns regarding the development of the site and the potential effects of construction increasing risk to pilot safety.

The submitter states that the landscaping, roofing, cladding material and lighting should be carefully considered. These should also be raised as amendment within a condition to ensure safety of the pilot and aircraft, and the school buildings located beneath the flight path.

Planner Recommendation

That Submission 6 be accepted. In my view, there should be an amendment to Condition 5 Establishment Outline Plan of Works to include the requirement for the consideration of the proposed landscaping, roofing, cladding materials and lighting as part of the Design Concept Plan. This should be accompanied by an advice note that any approvals from, or consultation with, the NZDF if required by the conditions of Designation 4311 in regard to the Obstacle Limitation Surface.

The recommended amendment to Condition 5 is as below:

... 5. Establishment Outline Plan of Works

The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for the construction and development of the school and Early Childhood Education Centre (ECE) which shall include the following further information:

- a) *A Design Concept Plan for the site including:

 - i. *The general location of access points for vehicles, cyclists, scooters and pedestrians, on-site parking areas (including cars, cycle and scooter parks), and on-site pick up and drop off areas;**

- ii. *Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;*
- iii. *General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and*
- iv. *“Indicative” areas accommodating future education purpose growth on this site, including building platforms, car parking areas, vehicular access, maneuvering and circulation areas*
- v. *Measures and treatments for landscaping, roofing, cladding materials, and lighting which reduces glare, reflectivity and risk of bird strikes (for New Zealand Defence Force pilot safety).*

...

Advice note: Approval from, and/or consultation with, the New Zealand Defence Force, as required by Conditions 1 and 2 of Designation 4311 – Whenuapai Airfield approach and Departure Path Protection, may also be required.

The requiring authority was given an opportunity to comment, and provide alternative wording if required, on the proposed amendment to Condition 5. The requiring authority has agreed with the condition as worded above (refer to Attachment 4 Agreed set of conditions).

4.2.1.7 Submission 7 - Auckland Transport

The submitter supports the NoR for the following reason:

- the school facilities and infrastructure are required to address the regional demands associated with Auckland’s growth
- the potential adverse transport effects will be adequately avoided, remedied or mitigated.

The specific issues raised in the submission relate to:

- On-road interventions
- On-site pick-up and drop-off facilities
- Parking requirements
- School travel plan.

The submission seeks the following relief:

- retention of Conditions 3 and 4 as worded in relation to on-site parking
- request for an amendment to On-road interventions Condition 5(b)(iv) as shown in Attachment 1 of the submission (and in Discussion section below)
- retention of Condition 6 as worded in relation to the school travel plan
- retention of Condition 7 as worded.

Discussion

Attachment 1 of Submission 7 sets out, and discusses the reasons, for the relief sought in the submission. In regard to the retention of Conditions 3, 4, 6, and 7, this is not repeated here. Auckland Transport, as an affected party and road controlling authority, is in agreement with the requiring authority.

In regard to Condition 5(b)(iv), Auckland Transport is seeking the following deletion and addition:

- ~~iv. Any on-road interventions required (and subject to approval of Auckland Transport) such as:~~
- ~~a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road;~~
 - ~~b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;~~
 - ~~c) New or upgraded pedestrian crossings on roads directly adjoining the site;~~
 - ~~d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.~~
 - ~~e) Details of the time and means by which these are to be implemented.~~

And add the following condition:

x. The Ministry of Education is responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE (subject to approval of Auckland Transport):

- a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road;
- b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;
- c) New or upgraded pedestrian crossings on roads directly adjoining the site; d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.

Or alternatively, another mechanism could be used that provides certainty that MoE is responsible for the funding and delivery of the listed on-road interventions.

Auckland Transport considers that on-road interventions will be critical in ensuring safe connection points for active mode users accessing the school and promoting the 48% mode share for actives modes outlined in the ITA dated 29 November 2021. Auckland Transport also anticipates that the interventions listed in condition 5(b)(iv) will be required regardless of any design detail submitted by MoE as part of any future OPW.

Planner Recommendation

The Submission 3 be accepted. I understand that Auckland Transport and the requiring authority have agreed on the following amendment to Condition 5(b)(iv):

Condition 5 Establishment Outline Plan of Works

...

- ~~iv. Any on-road interventions required (and subject to approval by Auckland Transport) such as:~~
- ~~a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road;~~
 - ~~b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;~~

- ~~c) New or upgraded pedestrian crossings on roads directly adjoining the site;~~
- ~~d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.~~
- ~~e) Details of the time and means by which these are to be implemented.~~

iv. Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network;

v. The effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:

- visibility and safe sight distances;
- existing and future traffic conditions including speed, volume,
- type, current accident rate, and the need for safe maneuvering;
- proximity to and operation of intersections;
- existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways.

c) Unless already delivered by others or otherwise agreed with Auckland Transport, the Ministry of Education will be responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE:

- a) The signalization of the existing pedestrian crossing facility on Hobsonville Point Road;
- b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;
- c) New or upgraded pedestrian crossings on roads directly adjoining the site;
- d) The implementation of variable speed limit along the road frontage to the site during school start and finish times.

d) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters described below, and effects associated with the school and the ECE on the surrounding existing and future roading network. A copy of the draft Design Concept Plan and draft Traffic Assessment prepared to support the Establishment Outline Plan shall be provided to Auckland Transport for the purposes of this consultation and engagement.

...

I agree with the amendment to Condition 5 in that the appropriate parties to be considering the amendment are Auckland Transport, as an affected party and road controlling authority, and the requiring authority. However, I have not been part of the discussions between Auckland Transport and the requiring authority. I understand, from emails from the requiring authority, that both Auckland Transport and the requiring authority agrees with the amendment. However, I consider that this should be confirmed by both parties.

4.2.2 Upper Harbour Local Board views

In accordance with the Local Government (Auckland Council) Act 2009, the Upper Harbour Local Board provided its views through a resolution at a meeting on 19 May 2022. The resolution from this meeting is shown below:

Resolution number UH/2022/49

MOVED by Chairperson L Whyte, seconded by Member U Casuri Balouch:

That the Upper Harbour Local Board:

- a) receive public feedback on the Notice of Requirement for a new primary school and early childhood education centre at 2 Waka Moana Drive, Hobsonville and note key submission themes highlighted in the report as follows:
 - i) support for a new primary school
 - ii) lack of capacity of the existing Hobsonville Primary School
 - iii) combining the proposed new primary school with the current primary school to:
 - A) utilise resources efficiently and effectively
 - B) avoid separation of students of the same year who are living, and growing up in the same location
 - iv) traffic congestion and safety issues for pedestrians
 - v) support for walking and cycling
 - vi) amendment sought to one of the proposed Notice of Requirement conditions for on-road interventions to ensure safe connections for active mode users
 - vii) risk to aircraft safety at the Whenuapai Airbase, and in particular the approach and departure path, including glare, reflectivity and bird strikes, related to structures particularly during construction.
- b) provide local board views on the Notice of Requirement for a new primary school and early childhood education centre at 2 Waka Moana Drive, Hobsonville as follows:
 - i) support the proposed components that the school is to be made up of, recognising the need for further learning spaces for primary school aged children, as well as the early childhood education center provision
 - ii) request that there be no reliance on local roads to provide for parking and that bus routes and appropriate safe crossing areas are provided
 - iii) request that the Minister of Education considers, at the detailed design stage, the heritage and character area in which the school will be built, including design elements that complement the art-deco look of surrounding properties.
- c) request the opportunity to provide further local board views at the outline plan of works plan stage of the proposal.
- d) appoint a local board member to speak to the local board views at a hearing (if one is held) on the Notice of Requirement if that is considered necessary by the local board.
- e) delegate authority to the chairperson of Upper Harbour Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the hearing (if one is held).

Planner's comment

The above resolution is the views of the Upper Harbour Local Board. Therefore I have no additional comments other than noting the the Local Board's views supporting the NoR.

Item (a) in the resolution relates to the submissions received on the NoR. Consideration of the submissions is in sections 4.2.1.1 to 4.2.1.7 above.

Clarification from the requiring authority is required in regard to the matters in (b)(ii), (b)(iii) and (c). As far as I am aware is that as part of the Auckland Council processing of OPW's, local board views are not sought as it is not a public process. However, clarification from the requiring authority is required as to whether there will be any further engagement with the Upper Harbour Local Board.

4.3 Effects on the environment

4.3.1 Effects to be disregarded – trade competition

In accordance with Section 149ZCE(d) of the RMA, I do not consider that there any trade competition effects that must be disregarded.

4.3.2 Effects that may be disregarded – permitted baseline assessment

There is no permitted baseline relevant to this NoR for the following reasons:

- Education facilities have a discretionary activity status in both the Residential – Terrace Housing and Apartment Building Zone and the Residential – Mixed Housing Urban Zone.
- Education facilities are a restricted discretionary activity in I605 Hobsonville Point Precinct – sub-precinct D.

4.3.3 Effects that may be disregarded – written approvals.

Any effect on a person who has given written approval to the notice of requirement may be disregarded if it is appropriate to do so.

No written approvals were included in the NoR.

4.3.4 Positive effects

Section 6.11 of the AEE describes the positive effects of the project which are summarised as:

- the potential for the site to be a key piece of community infrastructure
- the associated social benefits for wider community in the use of the infrastructure to hold community events and provision of an additional recreational area
- large local catchment which encourages travel to school by walking/cycling and reducing vehicle
- provision of employment opportunities.

I agree with this assessment of the positive effects of the NoR.

4.3.5 Adverse effects

Effects on the environment are addressed in section 6 of the AEE. The following discussion addresses effects in the same order they are addressed in the AEE with additional matters at the end. The relevant specialists responded by email and these are not included here. The specialists had the opportunity to review their relevant sections below and amended accordingly. Submissions have also been considered and are referred to where relevant.

4.3.5.1 Visual and amenity effects

Requiring authority AEE

Section 6.2 of the AEE addresses visual and amenity effects. In summary, the AEE states:

- the current zones of MHU and THAB anticipates a built form which is larger in scale i.e. up to five storeys rather than traditional single to three storey dwellings
- propose school can be well integrated into this visual environment at an appropriate scale
- landscaping and urban design treatments for the site layout and buildings will be addressed at the detailed design stage
- proposed establishment OPW is designed to ensure urban design principles are appropriately taken into account at the project design and implementation phase
- the Council will assess the Design Concept Plan as part of the OPW
- the feasibility plan is only to demonstrate that the site is able to accommodate a primary school and ECE development (refer to Appendix C of the AEE) and the final design may differ. Therefore, a condition which ties the MoE to implementing the feasibility plan will not be accepted.
- a sun shading study (refer to Appendix I of the AEE) assessment shows that the effects of sun shading and building dominance are considered to be compatible with what is envisaged for the underlying zone/precinct
- the provision of open space for outdoor recreation and sports field spaces will provide areas for active recreation and to provide visual relief greater than a residential development enabled through the underlying zones.

In summary, the requiring authority considers that the visual amenity/character effects of any future school and ECE developed on the site can be appropriately managed without detailed controls being included in the designation. And will be compatible with the zoned development opportunities of the adjacent land.

Specialist review

A specialist review of the visual and amenity effects was not undertaken. The OPW process is the appropriate stage for a review of the final design for the works provided with the OPW. However, Ms Susan Ensor, Senior Policy Planner, Plans and Places, with expertise in urban design, did review the requiring authority's sun shading study. Ms Ensor considers that 'the 20m setback provides a good outcome with all the shading effects contained within the site at the 12 noon winter solstice. And even the 6m setback is ok with only a minor shading effect on the adjacent site'.

Ms Ensor did note that there was more outdoor space for students with the 6m setback. Ms Ensor further commented that:

This time of day and year is the best test for shading effects on adjacent sites when it's cold and sun is most needed into sites. It is good that MoE are using winter solstice test. The unitary plan uses the equinox (21 Sept/ 21 March) for assessing residential developments which is a poor measure of shading effects ...'

ling - 12 noon Winter Solstice

Sun Shading Comparison Study with Underlying Zone Building Envelope



Figure 3: Sun shading 12 noon Winter Solstice (Source: AEE - Appendix I Sun Shading study)

Planning review

I agree with the requiring authority in that the OPW process is the appropriate time at which to assess the design elements of the development provided for by a confirmed designation. Designations provide flexibility for a requiring authority to be able to protect the land affected by the designation while still allowing for design changes to occur before construction of a public work, project, or work.

An OPW² must show:

- the height, shape, and bulk of the public work, project, or work
- the location on the site of the public work, project, or work
- the likely finished contour of the site
- the vehicular access, circulation, and the provisions for parking
- the landscaping proposed

² Section 176A Outline Plan. Resource Management Act 1991.

- any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

An OPW must be submitted to the council before construction is commenced. This provides the council the opportunity to assess the ‘Design Concept Plan’ and to request changes to the OPW.

An amendment to Condition 5 is proposed in response to the submission from the NZDF (Submission 6). Further discussion on this matter can be found above in Section 4.2 Consideration of submissions.

4.3.5.2 Traffic effects

Requiring authority AEE

Section 6.3 of the AEE, and associated technical report³, addresses the transport/traffic effects of the NoR. In summary, the AEE states:

- the school site is well-located within the existing and development residential catchment to encourage walking and cycling and maximise accessibility of the site by active modes
- no part of the student catchment zone is expected to be more than a 1.5km walking distance from the school. This is considered to be an acceptable walking distance for school aged children.
- the Hobsonville Point area has been designed to provide a safe, connected network of footpaths for pedestrians and school-aged children on bikes, and to encourage a low-speed environment
- based on traffic modelling results for intersections surrounding the site, it is conclude that all intersections will have spare capacity to accommodate increased traffic volumes generated by the primary school and ECE
- traffic impacts are considered to be no more than minor
- proposal aligns with the overarching objectives and outcomes sought by local and Auckland-wide transport plans and strategies.

The technical report identifies the following transport recommendations for the subsequent OPW process:

- vehicle accessways to be provided from Wallace Road and/or Hobsonville Point Road
- two dedicated pedestrian/cycle entrances to the school are provided from Wallace Road and Hobsonville Road which are separated from the proposed vehicle accessways
- reduced vehicle parking rates (relative to the MoE’s standard designation conditions for educational purposes) are considered appropriate given the high level of accessibility
- carparking is provided on-site at a rate of 1 carpark per teaching space for the primary school as a site-specific condition and that the standard MoD parking designations conditions are applied for the ECE to provide 13 spaces
- a short-stay pick-up and drop-off zone is to be provided within the site with the level of spaces to be investigated during the OPW phase

³ AEE Appendix E Hobsonville Primary School and Early Childhood Centre Designation. Integrated Transportation Assessment. Jacobs. 29 November 2021.

- further development of the feasibility study concept design plan to comply with Auckland Transport's Transport Design Manual – Parking Design Engineering Code guidelines and the AUP Chapter E27 – Transport.

In conclusion, the requiring authority considers that:

...The ITA concludes that the land to be designated for educational purposes and the existing surrounding road network can accommodate the anticipated traffic from both the proposed school and can provide adequate access arrangements. It also concludes that a school on this site can satisfy the outcomes sought by the regional and local transport strategies and plans.

Specialist review

Mr Andrew Temperly, the council's traffic consultant, undertook a review of the AEE, the associated technical report, and the section 92 further information response. Mr Temperly provided his final response in an email dated 2 June 2022.

The RFI requested further information on the following matters related to the AEE and ITA:

- dwelling densities and consequent traffic generation rates
- scope of intersection modelling assessments and the wider network
- scope and staging of transport mitigation measures.

Mr Temperly did not request any additional information in relation to the RFI as the requiring authority's RFI response provided sufficient information to assess the NoR.

Mr Temperley notes that future traffic generation and effects associated with the NoR are inter-dependent on the rate of future residential growth within the catchment area for the school.

Mr Temperley considered that more detailed assessment of transportation matters such as site access and parking would be more appropriately addressed at the Outline Plan of Works (OPW) stage.

Mr Temperley considers that the traffic effects of the NoR are expected to be no more than minor. And that their geographical scope is expected to be principally limited primarily to within 1.5 km of the site, representing the expected catchment area for the school.

Auckland Transport, as is usual procedure before notification of a NoR, was provided an opportunity to review the AEE and ITA. Auckland Transport did not request any further information as they 'have been engaged by the MoE throughout the production of the ITA and are satisfied with the assessment and assumptions provided for by the NoR'.

Auckland Transport did lodge a submission (Submission 7). Auckland Transport and the MoE have been in discussions in regard to an amended Condition 5(b)(iv). This matter is discussed further in Section 4.2.1.7 Consideration of submissions.

Mr Temperly acknowledges the submission from Auckland Transport.

Planning review

I rely on the expertise of Mr Temperley in that the traffic effects of the works provided for by the NoR will be no more than minor. And the expertise of Auckland Transport as an affected party and the road controlling authority responsible for the local roads. I consider that the conditions as amended will ensure that any potential traffic effects will be avoided, remedied or mitigated.

4.3.5.3 Effects on dotterels

Requiring authority AEE

Section 6.4 of the AEE, and associated technical assessment in Appendix F⁴ of the AEE, addresses the effects of the NoR on dotterels. The AEE states that following the sale and purchase agreement of the site, Eke Panuku advised that a pair of dotterel birds had been observed nesting on the site. At the time the AEE was published, the presence of dotterel birds on the site had been confirmed and their nesting onsite was considered possible. Dotterels are protected under the Wildlife Act 1953. Therefore is an offence to disturb dotterel.

The subject site is currently consistent with in-land breeding sites for dotterel, as the lack of vegetation cover and flat topography allow for line of site to be maintained across the site.

The technical assessment considered that once the site is operational for educational purposes, it is considered unlikely that the site would be considered suitable for the dotterels due to anthropogenic disturbance.

The requiring authority considers that while the designation of the site for educational purposes would not disturb dotterel themselves, future construction activity could. A specific designation condition relating to the management of any dotterel on the site at the time of construction has been included with the NoR. Condition 9 Dotterel Management states:

Immediately prior to the first construction phase, a suitably qualified person shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the pre-construction check, a dotterel management plan shall be implemented for the protection of the dotterels during the first construction phase.

If dotterels are found to be present prior to the first construction phase, a dotterel management plan will be implemented. A dotterel management plan can include a range of potential dotterel management options such as:

- Deterrence – deterring prospecting dotterel from the nesting site using various methods such as human and site activity, false hawk/reflective tape, long grass, silt fences and constructing impervious surfaces
- Contingency measures such as avoiding any work that could disturb the dotterel e.g. establishing a physical works exclusion area defined around the nest until any chicks have fledged. This also includes moving or otherwise disturbing features near the nest that could be used by dotterel as visual markers

⁴ Appendix F – Dotterel Management Plan Final. Morphum Environmental Limited. 1 September 2021.

- A Wildlife Act permit from the Department of Conservation to move the nest a short distance. This is the least preferable course of action, and all other measures of management will be investigated and exhausted before relocation of any potential nests is considered.

Specialist review

Mr Rue Statham, the council's terrestrial ecology specialist has reviewed the NoR and responded in an email dated 30 May 2022. Mr Statham has existing knowledge of north, west and north-west Auckland including the site subject to the NoR. His observation on 27 January 2022 was that there were two birds on the site but that they did not seem to be too interested in nesting. He agrees that the approach the applicant will be following uses the generally accepted protocols for dotterel management. However, Mr Statham considers that the Dotterel Management Plan should be submitted to Auckland Council for certification, and that there should be a specific reference to the nesting season. Mr Statham recommends the following amendments to Condition 9 to ensure that the potential adverse effects on the dotterel can be avoided, remedied or mitigated.

Between the months of August to March, and no less than 7 days ~~Immediately~~ prior to the first construction phase, a suitably qualified ~~person~~ ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the pre-construction check, a dotterel management plan shall be submitted to Council for certification, for the protection of the dotterels during the first construction phase. Once certified, the Plan shall be implemented for the protection of the dotterels during the first construction phase.

Planning review

I rely on the expertise of Mr Statham. I agree that the recommended amendments to Condition 9 will ensure that any potential adverse effects on the dotterel can be avoided, remedied or mitigated.

4.3.5.4 Infrastructure and flood effects

Requiring authority AEE

Section 6.5 of the AEE, and associated technical assessment in Appendix G⁵ of the AEE, addresses the effects of the NoR on infrastructure and flooding. The findings of the technical report concluded that there are no fundamental civil infrastructure limitations that would preclude the site from being used for educational purposes. The AEE is separated into the following:

Flooding and Stormwater

In regard to flooding the AEE states:

⁵ Appendix G – Infrastructure, Contamination and Flooding Assessment. Williamson Water and Land Advisory. 2 February 2021.

According to Auckland Council Catchments and Hydrology overlays within the GEOMAPS GIS system, an overland flow path crosses the site from south to north, along the eastern side of the property. There is also a flood plain area adjacent to the eastern boundary of the site. Since this data was published, the site itself and the surrounding areas have undergone significant earthworks and a light recontouring in recent years, and therefore the presence of the floodplain and overland flow paths are no longer expected to be accurate. There are no flood prone areas highlighted within the site. Additionally, any overland flow paths will change to flow around buildings once the site is developed. The Williamson Water and Land Advisory Report concludes that the risk of flooding on the site is considered low.

In regard to stormwater, the AEE states:

The Williamson Water and Land Advisory Report considers that connection to the stormwater network to the north-west of the site would be preferred to avoid any pumping requirements. Subsequent discussions have been held with Healthy Waters who do not anticipate any capacity issues within this stormwater network given the young age of the network and development. This connection north-west of the site could potentially be either through the existing private gravity main that connects to the 750mm stormwater main on the northern side of Hobsonville Road, or through construction of a new connection. The site is also subject to the provisions of the Stormwater Management Area Controls (Flow 1) in the AUP. The retention or detention of stormwater must be provided, either onsite or offsite. Potential options include utilising the connection and existing detention pond to the north on Buckley Avenue/Frances Bryers Road. If this is not possible, the report recommends that onsite detention measures will need to be implemented. It is intended that detailed stormwater design is addressed as part of later detailed design and any effects can be appropriately managed through the outline plan process and any regional consents (if required).

Specialist review

Ms Susan Andrews, the council's Senior Healthy Waters specialist, has reviewed the AEE, associated technical report, and the section 92 response. Ms Andrews relying on the advice of her colleague Mr Danny Curtis, Principal Catchment Planning and catchment manager for the Whenuapai stormwater catchment, 'concurs with the findings of the AEE and associated technical report and considers the flooding and stormwater effects associated with the proposed development of a primary school and ECE centre will be minor, and that the effects can be appropriately managed through the operative provisions of the AUP(OP)'.

Planning review

I rely on the expertise of Ms Andrews, in that the effects of flooding and stormwater can be appropriately managed through the operative provisions of the AUP(OP). In addition to the OPW, any relevant regional resource consents will be required before the works provided for by a confirmed designation can be undertaken.

Wastewater and water supply

Requiring authority AEE

In regard to wastewater, the AEE states:

In 2012, Wastewater Pump Station 3 (WWPS3) was designed and constructed as part of an infrastructure agreement between Auckland Council and the Hobsonville Land Company, now known as Kāinga Ora, to service future residential development within the Marine Precinct area which includes the school site subject to this Notice. As a result of this, an encumbrance was granted in favour of the Council land securing an allocated right to use 61% of WWPS3's capacity. This allocation right represents capacity for peak wet weather flow rate (PWWF) of up to 31.25 (L/s).

The Williamson Water and Land Advisory Report (Appendix GX) confirms there is sufficient wastewater connections to the site and predicts PWWF rate generated by the school at full master plan size to be 1.51 (L/s). As part of the memorandum of agreement between the Crown and Panuku to purchase the site, Panuku are required to ensure ongoing provision of wastewater capacity for school usage of up to 2.32 (L/s). This ongoing provision is greater than the school's predicted usage and is further protected by an encumbrance (10786863.13) that will remain on the title to the school land once a new title is issued by Land Information New Zealand.

As such, it is considered that discharges from the school can be accommodated by the existing wastewater network.

The Ministry has consulted with Panuku, Kainga Ora and Watercare on WWPS3's current capacity and understand that additional wastewater infrastructure (WWPS4) is planned to service future residential development of the Marine Precinct.

In regard to water supply, the AEE states:

Potable water pipes are present on Hobsonville Point Road, Wallace Road and Waka Moana Drive. This allows for connections along any side of the site. Additional assessments part of the detailed design stage will be required to confirm that the minimum flow rates and pressure required for potable water can be met, achieved through actual hydrant tests.

Specialist review

Watercare Services Limited (WSL) were given the opportunity to review the AEE and associated technical report before notification of the NoR. And to request further information as part of the section 92 request.

No additional information to the requiring authority's response was requested. No submissions were received from Watercare Services Limited.

Planning review

I have no further comments to add other than the requiring authority has undertaken consultation with WSL prior to the lodgement of the NoR. And the requiring authority will need to have ongoing engagement with, and approvals from, WSL for any connections to the public wastewater and water supply networks.

4.3.5.5 Geotechnical effects

Requiring authority AEE

Section 6 of the AEE, and associated technical report ⁶ addresses the geotechnical effects of the NoR. The AEE states:

A desktop geotechnical assessment of the site undertaken taken by Wentz Pacific Geotechnical Engineers is included in Appendix H. The assessment did not identify any obvious geotechnical constraints that would preclude the development of a typical school, cause development/foundation issues, or incur significant costs to overcome potential constraints. Further investigations can be undertaken at a later date to inform final site layout and detailed foundation designs.

Specialist review

Mr Frank Havel, council's geotechnical expert, and Mr Ethan Fu, council's development engineer have reviewed the AEE and associated technical reports. Both Mr Havel and Mr Fu provided their responses in an email dated 17 December 2021 and 15 December 2021 respectively.

Neither Mr Havel nor Mr Fu requested further information as part of the section 92 request. Mr Havel considers that the technical report was satisfactory. Mr Fu commented that, from a development engineering perspective, the geotechnical investigation has reasonably analysed and concluded that the site is suitable for the proposed buildings, while details of the matter will be required at the OPW stage.

Planning review

I rely on the expert opinions of Mr Havel and Mr Fu. I agree that the geotechnical effects of the final design will require an assessment as part of the OPW and any relevant regional consents required before the works provided by a confirmed designation can be undertaken.

4.3.5.6 Soil Contamination

Requiring authority AEE

Section 6.7 of the AEE, and associated technical report in Appendix G, addresses soil contamination effects of the NoR. In summary, the AEE states that:

- it was found that there largely is no ground contamination risk to future site users, with soil being able to be reused on site where required
- soil contamination testing found that contaminants are below background levels except in the vicinity of the filled sediment ponds where low levels of PAH were detected
- future resource consents may be required under the NES Soils for soil disturbance as earthworks and volumes may unlikely be able to comply with the permitted activity limits
- it is not necessary to include any designation conditions as designating the site will not preclude any obligations to obtain resource consents for disturbing contaminated soils under the NES Soils or AUP regional rules when future development occurs.

⁶ Appendix H of the AEE. Geotechnical Report. Wentz Pacific. February 2021.

The AEE concludes that ‘the findings of the review of contaminated land information associated with the site concludes that there have been no fundamental findings that would preclude the proposed land use change to a school from occurring.’

Specialist review

Mr Ruben Naidoo, council’s specialist, Environmental Health, reviewed the AEE and associated technical report. Mr Naidoo provided a response in an email dated 22 December 2021. Mr Naidoo’s comments are below:

I have reviewed the application documents including the Ground Contamination, Flood Risk and Infrastructure Capacity Review, WWLA, Feb 2021, and offer the following comments:

Soil contamination testing found that contaminants are below background except in the northern part of the site where former sediment ponds and associated activities occurred. Low levels of PAH were detected in fill up to 1.9 m deep where settlement ponds had been filled and the site relevelled; however, no exceedances of NESCS or AUP criteria were reported. The applicant assessed the proposal as a CA [controlled activity] in terms of the NES and considers that the AUP E30 does not apply.

A site management plan (SMP) for managing potential contamination is required in support of the consent application.

Planning review

I rely on the expert opinion of Mr Naidoo. I agree with the requiring authority that a designation condition is not required as the regional resource consent stage is the appropriate time in which to assess the final design against the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), along with an assessment under section 176A(f) of the RMA as part of the OPW.

4.3.5.7 Hazardous Substances

Requiring authority AEE

Section 6.8 of the AEE states that ‘no storage of hazardous substances over and above materials such as paint for building maintenance, cleaning products or gas bottles are likely to be used and stored on-site’.

Specialist review

No specialist review was sought for this matter.

Planning review

I have no additional comments.

4.3.5.8 Historic Heritage

Requiring authority AEE

Section 6.9 of the AEE states 'There are no known objects or sites of historic or archaeological significance affecting the site. No sites, objects or places of historic heritage are shown in the AUP, and no recorded sites in the New Zealand Archaeological Association (NZAA) are shown as affecting this site.

Specialist review

No specialist review was sought for this matter.

Planning review

I agree with the requiring authority there are no known mapped historic heritage and special character sites, archaeological sites or sites of significance to Mana Whenua shown on the AUP GIS viewer maps. And the site has been subject to past earthworks.

Chapters E11: Land Disturbance – Regional and E12: Land disturbance – District of the AUP relates to the management of the adverse effects of land disturbance, such as the amount of sediment generated through erosion and discharged into water bodies during earthworks. The management of land disturbance during earthworks extends to the impact on historic heritage, special character and Mana Whenua cultural heritage.

Policies 11.2(a) and 12.3(2)(b) require the avoidance, remediation or mitigation of adverse effects on accidentally discovered sensitive material. Policies 11.3(3) and 12.3(4) require the management of earthworks on Mana Whenua cultural heritage that is discovered during land disturbance.

The designation, once confirmed, will sit over the district plan provisions of Chapter E11 of the AUP. However, the requiring authority has identified that a regional resource consent for bulk earthworks will likely be required. Therefore, an assessment against the regional provisions in E12 will be required.

In addition, there is a process required under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act). The HNZPT Act applies to all archaeological sites, as defined by the Act, whether recorded, the site only becomes known about as a result of ground disturbance, or the site is a permitted activity under a district/regional plan or a resource/building consent. In the case of accidental discovery, all works must cease until an Archaeology Authority has been obtained from Heritage New Zealand Pouhere Taonga (HNZPT).

Therefore, for the reasons above, I consider that a designation condition is not required.

4.3.5.9 Cultural effects

Requiring authority AEE

Section 6.2 of the AEE briefly addresses cultural effects. The AEE states that 'there are no sites of significance to mana whenua or archaeological sites affecting the proposed designation area included in the AUP or recorded by the New Zealand Archaeological Association'.

The requiring authority has undertaken consultation with mana whenua up to the point of lodgment. This has not identified any specific cultural effects that cannot be appropriately addressed as part of [the] detailed design and project implementation. This is discussed further in Section 5.1 of the AEE in regard to the statutory consideration of Sections 5 Purpose, 6 Matters of National Importance, 7 Other Matters and 8 Treaty of Waitangi of the RMA.

Specialist review

No specialist review was sought on this matter.

Planning review

I agree with the requiring authority that there are no known mapped sites of significance to mana whenua or archaeological sites shown in the AUP.

Further discussion in relation to the statutory consideration of the RMA can be found in Section 4.14 and an assessment against the relevant regional provisions in Section 4.6 of this report.

All iwi authorities were notified as part of the public notification process. No responses or submissions were received from iwi authorities.

4.3.6 Effects conclusion

I consider that subject to the further amendments to the conditions recommended above and included in section Attachment 4, the effects of the proposed works provided for by a confirmed designation will be avoided, remedied or mitigated.

4.4 National environmental standards

4.4.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES (soil))

The NES (soil) provides a nationally consistent set of planning controls and soil contaminant values to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

These matters have been addressed under section 4.3.5.6 *Soil Contamination Effects* and will not be repeated here.

4.5 National policy statements

Section 171(1)(a)(ii) requires the council to, subject to Part 2, consider the effects on the environment of allowing the notice of requirement, having particular regard to any relevant provisions of a national policy statement.

4.5.1 National Policy Statement on Urban Development (NPSUD) 2020

The consistency of the proposal with the NPSUD is discussed in section 5.2 of NoR AEE report. The proposal will provide social infrastructure to support urban development in the surrounding area. The MoE state under section 5.3 of its AEE that Implementation Provision 3.38 of the NPS-UD requiring the removal of car parking minimums is not applicable to designations. The MoE intend to provide a modified school designation condition of 1 car park per new classroom for this designation in recognition of the walkable catchment that the school is located in.

The AEE states:

It is reasonable to assume that the parking spaces would most likely be used by staff members who may live outside of the school catchment zone and be required to travel greater distances. The provision of a larger number of carparking spaces is likely to induce demand for parking spaces and encourage travelling to school via private vehicle, which ultimately does not align with the objectives set out in the NPS-UD. It should be noted that the feasibility plan indicates that the minimum number of car parks required by the proposed conditions can be accommodated, if not more. However oversupplying carparks would be to the detriment and quality of school/ECE facilities that can be delivered on a smaller than standard primary school site.

Additionally, the promotion of travel demand management measures will be in place to support a well-functioning urban environment. 1 car park per new classroom is consistent with the outcomes envisaged by the NPS-UD. Accordingly, setting a minimum number of carparks per classroom as a designation condition is appropriate in this instance. The condition also enables a lesser amount to

Planning review

The National Policy Statement on Urban Development 2020 (**NPS-UD**) seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

An Environment Court decision⁷ considered the impact of the NPS-UD on a private plan change and the extent to which the NPS-UD objectives and policies apply. While a NoR is subject to a different part of the RMA to a private plan change, the principles of the Environment Court decision are considered to equally apply to the assessment required for a NoR. The Environment Court decision appears to consider that the objectives and policies to be considered are those that include specific reference to 'planning decisions' i.e. Objectives 2, 5 and 7 and Policies 1 and 6. In the absence of the council having completed all the work envisaged by other policies, it appears that currently only some sub-clauses of Policy 6 would apply.

While it is the requiring authority's decision which confirms a notice of requirement, the council is required to 'have particular regard' to any relevant provision of a national policy statement (section 171(1)(a)(i) of the RMA).

In accordance with the Court's direction, I consider that Objectives 5 and 7, and Policy 1 are relevant to the NoR, noting that Auckland is identified as a Tier 1 urban environment.

Objective 5 requires that planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi. Objective 7 requires local authorities to have robust and frequently updated information about their urban environments and use it to inform planning decisions. Policy 1 requires that planning decisions contribute to a well-functioning urban environment.

⁷ NZENVc 082 Eden-Epsom Residential Protection Society Incorporated v Auckland Council [2021]. Dated 9 June 2021 (released by the Environment Court on 15 June 2021).

Part 2 of the RMA, including Section 8 Treaty of Waitangi is discussed below in Section 4.14 of this report. In regard to Policy 1, I consider that the provision of a new primary school and ECE will contribute to a 'well-functioning urban environment' in a location which has enabled a variety of homes that meet the needs of different households.

4.5.2 New Zealand Coastal Policy Statement 2010 (NZCPS)

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the Resource Management Act 1991. The NZCPS contains policies relating to the coastal environment, recognising the Act's sustainable management purpose.

I consider that the NZCPS does not apply to this NoR as the subject site is not within the coastal marine area.

4.5.3 Hauraki Gulf Marine Park Act 2000 (HGMPA)

Section 5.4 of the AEE addresses the Hauraki Gulf Marine Park Act 2000 (HGMPA). In summary, the AEE states:

The sites' location within the Stormwater Management Area Control Flow zone requires the development to have a form of stormwater attenuation which will be undertaken as part of detailed design.

Overall, given the proposal involves a well-designed school development in an urbanised environment, and any adverse effects from construction activity and stormwater discharged will be appropriately managed, it is considered that the proposal is consistent with the relevant objectives of the HGMPA.

Planning review

The purpose of the Hauraki Gulf Marine Park Act 2000 (HGMPA) is to integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments⁸.

For the coastal environment of the Hauraki Gulf, sections 7 and of 8 of the HGMPA must be treated as a New Zealand coastal policy statement issued under the RMA⁹.

The subject site is within the the coastal environment as identified in Schedule 3 of the HGMPA.

The key issue is the extent to which the project or works address the matters set out in sections 7 and 8 of the HGMPA. Section 7 recognises the national significance of the Hauraki Gulf, its islands and catchments, while section 8 outlines the objectives of the management of the Hauraki Gulf, its islands and catchments. The objectives are intended to protect, maintain and where appropriate enhance the life-supporting capacity of the environment of the gulf and its islands.

⁸ Catchment is defined to mean *any area of land where the surface water drains into the Hauraki Gulf*. This includes the catchment within which the project works are located.

⁹ Section 10 Creation of New Zealand coastal policy statement by this Act. Hauraki Gulf Marine Park Act 2020.

In regard to section 7 of the HGMPA, the designation for the construction of a primary school and ECE will provide for the social, economic, recreational, and cultural well-being of people and communities. In regard to section 8 of the HGMPA, the subsequent OPW and regional consents will require the management of any potential adverse effects to protect the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments.

Overall, it is considered that the NoR is generally consistent with the relevant provisions of the HGMPA.

4.5.4 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

The Resource Management (Enabling Housing and Other Matters) Amendment Act 2021 (Enabling Housing Supply Act) amends the RMA by bringing forward and strengthening the NPS-UD. The amendments help to increase housing supply in relevant residential zones within the urban environment.

The NPS-UD definition of the ‘urban environment’ is:

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or intended to be, predominantly urban in character; and
- (b) is, or is intended to, part of a housing and labour market of at least 10,000 people.

In the context of Auckland, Auckland Council has deemed the region as a whole is within the urban environment. Therefore, consideration of the NPS-UD is required.

The statutory requirements of the RMA, relating to the Medium Density Residential Standards (MDRS)¹⁰, are relevant to the underlying zoning of the subject site. The MDRS apply in all relevant residential zones unless there is a qualifying matter. Qualifying matters may make the MDRS and the relevant building height or density requirements under policy 3 (of the NPS-UD) less enabling of development.

There are no qualifying matters identified in Auckland Council’s preliminary response public viewer for the NPS-UD and MDRS¹¹ that affects the subject site. Section 771(g) of the RMA identifies ‘the need to give effect to a designation, or heritage order, but only in relation to the land that is subject to the designation or heritage order’ as a qualifying matter. Therefore, the NZDF’s designation for the protection of the approach and departure paths for the Whenuapai Airfield will still apply as an existing designation in the AUP as a qualifying matter in accordance with 77(g) of the RMA.

In the case of this NoR, the land to be designated has both underlying relevant residential zones and a precinct.

At the time of writing this report, Auckland Council is investigating all of the precincts in the AUP and what effect these may have on the underlying zoning and the MDRS. And whether any amendments are required to the underlying zone or precinct provisions. However, a confirmed

¹⁰ Schedule 3A MDRS to be incorporated by specified territorial authorities. Resource Management Act 1991.

¹¹

<https://aucklandcouncil.maps.arcgis.com/apps/webappviewer/index.html?id=fbdb956a1ddc48799e5cd454d7c6097e>

designation will take precedence over the district plan provisions of the AUP including precinct provisions.

Sections 77M(5) and (6) of the RMA¹² does provide an exemption for Ministry of Education designations if:

- the designation is included in the specified territorial authority’s district plan; and
- the designation applies to land that –
 - is in a relevant residential zone; or
 - adjoins a relevant residential zone

then works undertaken under the designation may rely on the provisions of the relevant residential zone that incorporates the density standards of the MDRS if those provisions are more lenient than the conditions of the designation.

4.6 Regional Policy Statement (Chapter B of the AUP) (RPS)

The RPS sets the strategic direction for managing the use and development of natural and physical resources throughout Auckland.

RPS provisions are addressed in section 5.5 of the AEE. In addition to the provisions identified in the AEE, the provisions in Table 6 below are also considered to be relevant to the NoR. The table is intended to be read in conjunction with section 5.5 of the AEE.

Table 6 Assessment against RPS provisions

Provision	Comment
B10. Environmental Risk	
<p><i>B10.4 Land - contaminated</i></p> <p><u>Objective B10.4.1(1)</u></p> <p>Human health and the quality of air, land and water resources are protected by the identification, management and remediation of land that is contaminated.</p>	<p>This matter is discussed in Section 4.3.5.6 of this report.</p> <p>An assessment against the regional provisions of the AUP, and the NESCS, will be required during the subsequent OPW and regional resource consent processes.</p>
B6 Mana Whenua	
<p><i>B6.3 Recognising Mana Whenua values</i></p> <p><u>Objective B6.3.1(2)</u></p> <p>The mauri of, and the relationship of Mana Whenua with, natural and</p>	<p>Section 9 of the NoR AEE report summaries the consultation that was undertaken with Mana Whenua.</p>

¹² 77M Effect of incorporation of MDRS in district plan on new application for resource consents and on some existing designations.

Provision	Comment
<p>physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.</p> <p><u>Policy B6.3.2(2)</u></p> <p>Integrate Mana Whenua values, mātauranga and tikanga:</p> <p>(a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:</p> <p>(i) ancestral lands, water, sites, wāhi tapu and other taonga;</p> <p>(ii) biodiversity; and</p> <p>(iii) historic heritage places and areas.</p> <p>(b) in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health;</p> <p>(c) in the development of innovative solutions to remedy the long-term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water; and</p> <p>(d) in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.</p> <p><u>Policy B6.3.2(5)</u></p> <p>Integrate Mana Whenua values, mātauranga and tikanga when giving effect to the National Policy Statement on Freshwater Management 2014 in establishing all of the following:</p> <p>(a) water quality limits for freshwater, including groundwater;</p>	<p>The requiring authority has consulted with mana whenua. And intends to undertake ongoing engagement with mana whenua who have expressed an interest in this NoR.</p> <p>As the reporting planner, I note this undertaking in the AEE.</p>

Provision	Comment
(b) the allocation and use of freshwater resources, including groundwater; and (c) integrated management of the effects of the use and development of land and freshwater on coastal water and the coastal environment.	

4.7 Auckland Unitary Plan - Chapter D overlays

There is one overlay which affects the subject site:

- Natural Resources: High-Use Aquifer Management Areas Overlay - Kumeu Waitemata Aquifer

Chapter D provisions considered relevant to the NoR are:

- D1 High-use Aquifer Management Areas Overlay.

Section 6.5 of the AEE, and the associated technical report in Appendix G of the NoR, discusses infrastructure, including stormwater and wastewater. And these are discussed further in section 4.3.5.4 of this report.

However, the provisions of the Chapter D1 are regional provisions. Therefore, an assessment against Chapter D1 will be required at the regional resource consent stage.

I have no further comments to add.

4.8 Auckland Unitary Plan - Chapter E Auckland-wide

The AEE has not specifically addressed the provisions of Chapter E. Consideration of the following provisions will be required as part of a future OPW and regional consent process:

- Chapter E1 Water quality and integrated management
- Chapter E6 Wastewater network management
- Chapter E8 Stormwater – Discharge and diversion
- Chapter E9 Stormwater management area – Flow 1 and 2
- Chapter E11 Land disturbance – Regional.

The district plan provisions of Chapter E, considered relevant to the NoR are summarised in Table 7 below.

Table 7: additional relevant AUP provisions

Provision	Comment
E24 Lighting	
<p><u>Objective E24.2 (1)</u></p> <p>Artificial lighting enables outdoor activities and the security of safety and people</p> <p><u>Objective E24.2 (2)</u></p> <p>The adverse effects of outdoor lighting on the environment and safety of road users are limited.</p> <p><u>Policy E24.3(1)</u></p> <p>Provide for appropriate levels of artificial lighting to enable the safe and efficient undertaking of outdoor activities, including night time working, recreation and entertainment</p> <p><u>Policy E24.3(2)</u></p> <p>Control the intensity, location and direction of artificial lighting to avoid significant glare and light spill onto adjacent sites, maintain safety for road users and minimise loss of night sky viewing.</p> <p><u>Policy E24.3(3)</u></p> <p>Use area or activity specific rules where the particular function or operational needs of the area or activity make such rules appropriate.</p>	<p>The site is within an urban area. While there will be a baseline of effects, with residential lighting and street lighting, the effects of additional lighting should be avoided unless there are other reasons e.g. safety and security of the MoE's infrastructure.</p> <p>I consider that lighting effects should be assessed as part of the final design in the Outline Plan of Works. Lighting was also a matter raised in Submission 6 from the Minister of Defence. A proposed amendment to Condition 5 includes lighting as a matter to be addressed in the Design Concept Plan.</p>
E12 Land disturbance – District	

Provision	Comment
<p><u>Objective E12.2(1)</u></p> <p>Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.</p> <p><u>Policy E12.3(2)</u></p> <p>Manage the amount of land being disturbed at any one time, to:</p> <p>(a) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;</p> <p>(b) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and</p> <p>(c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.</p> <p><u>Policy E12.3(3)</u></p> <p>Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.</p> <p><u>Policy E12.3(4)</u></p> <p>Manage the impact on Mana Whenua cultural heritage that are discovered undertaking land disturbance by:</p> <p>(a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;</p>	<p>The requiring authority considers that future regional resource consents will be required under the regional provisions of the AUP, and the NESCS, as earthworks and volumes may likely be unable to comply with the permitted activity limits.</p> <p>In addition, in accordance with the section 176A of the RMA, an OPW must show, amongst other matters, the likely finished contour of the site (section 176A(c)), and any other matters to avoid, remedy, or mitigate any adverse effects on the environment (176A(f) RMA)).</p> <p>The accidental discovery of sensitive material is unlikely given that the site has undergone previous earthworks. However, in regard to Policies E12.3(2)(b) and (c), and Policy E12.3(4), the Heritage New Zealand Pouhere Taonga Act 2014 applies to all sites, whether recorded, the site only becomes known about as a result of ground disturbance, or the activity on the site is permitted in the AUP.</p>

Provision	Comment
<p>(b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and</p> <p>(c) undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.</p>	
E25 Noise and vibration	
<p>Objective E25.2(4)</p> <p>Construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects.</p>	<p>The requiring authority's proposed conditions include a noise standard for the operation of the school.</p> <p>Construction noise and vibration has not been specifically assessed. However, the requiring authority has proposed a condition for a construction management plan to be provided with the OPW. Section 176A(f) requires the OPW to consider any other matter to avoid, remedy, or mitigate any adverse effects on the environment.</p> <p>I consider that the construction management plan condition is sufficient. However, clarification is required from the requiring authority, that the construction management plan will include an assessment of the anticipated noise and vibration effects of construction activities.</p>
E27 Transport	
<p><u>Objective E27.2(1)</u></p> <p>Land use and all modes of transport are integrated in a manner that enables:</p> <p>(a) the benefits of an integrated transport to be realised; and</p> <p>(b) the adverse effects of traffic generation on the transport network to be managed...</p>	<p>Condition 5(b), as proposed by the requiring authority, requires the preparation of a Transport Assessment which addresses safety and efficiency:</p> <ul style="list-style-type: none"> • safe access and appropriate measures to minimise conflicts between all transport modes • potential effects on surrounding transport network and internal school circulation

Provision	Comment
<p><u>Objective E27.2(2)</u></p> <p>An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.</p> <p><u>Objective E27.2(4)</u></p> <p>The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.</p> <p><u>Objective E27.2(5)</u></p> <p>Pedestrian safety and amenity along public footpaths is prioritised.</p>	<ul style="list-style-type: none"> • alternative transport modes including continuity of cycle and pedestrian facilities. <p>Auckland Transport and the requiring authority have agreed to amended condition for on-road interventions.</p>

4.9 Auckland Unitary Plan - precincts and zoning

Section 5.5 of the AEE addresses the AUP zoning and precincts which apply to the site:

- Chapter H4 Residential – Mixed Housing Urban (majority of site)
- Chapter H6 Residential – Terrace Housing and Apartment Building Zone (western corner of Waka Moana Drive with Hobsonville Road)
- Chapter I605 Hobsonville Point Precinct – sub precinct C (western corner of Waka Moana Drive with Hobsonville Road and sub-precinct D (majority of site).

I concur with the requiring authority's AEE and description of the underlying zoning and precinct provisions. I have no further comments to add.

4.10 Alternative sites, routes or methods – section 171(1)(b)

Section 8 of the AEE addresses alternative locations and methods that were evaluated before seeking a designation at 2 Waka Moana Drive.

The requiring authority has obtained an interest in the land. This is discussed further in Section 2.3 of this report. Therefore, the requirement of section 171(1)(b)(i) has been met.

In addition, the AEE concludes that the work will not have significant effects on the environment and therefore an assessment of alternative sites, routes or methods is not required under section 171(1)(b)(ii). I agree with this conclusion.

A designation is the appropriate statutory method as it provides more certainty than a resource consent that the site can be used for the purpose of the designation. And allows the MoE to provide for ongoing development of the site through the OPW process or alterations to a confirmed designation. Any regional resource consents will still be required.

4.11 Necessity for work and designation – section 171(1)(c)

The requiring authority has set out its specific project objectives in Form 18 and section 1.1 of the AEE. Form 18 states:

The project is required to provide opportunities for students to undertake their studies as provided for under the Education and Training Act 2020. Accordingly, establishment of a school catering for school age children from years 0-8 as well as early education centres catering for preschool children, is reasonably necessary in achieving the objective of the Minister of Education in providing state schooling.

Section 1.1 of the AEE addresses the reasons why a designation is required in the location of the site and that the designation is reasonably necessary to achieve the project objectives.

I consider that the works and designation are reasonably necessary to achieve the requiring authority's objectives.

4.12 Any other matter – section 171(1)(d)

Section 171(1)(d) requires the council to have particular regard to any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement. In this case the non-RMA documents are considered relevant.

The Auckland Plan 2050

The Auckland Plan 2050 replaced the Auckland Plan 2012 and was adopted by Auckland Council in June 2018. It is Auckland's long-term spatial plan that provides for how Auckland is expected to grow and change over the next 30 years and is required by the Local Government (Auckland Council) Act 2009 to contribute to Auckland's social, economic, environmental, and cultural well-being.

Section 5.3 of the AEE addresses the Auckland Plan 2050. The requiring authority considers that the development of a school and ECE on the proposed site is consistent with the relevant provisions of the Auckland Plan. I agree with requiring authority's conclusions and have not included them in this report.

Focus Area 2 of the Auckland Plan 2050¹³ recognises the pressure of population growth and demographic change that will be put on existing services and facilities, including social infrastructure. Varied and accessible services and facilities, including schools, which support the needs of communities 'are essential in helping people to participate in society and create a sense of belonging'.

¹³ Focus Area 2 Provide accessible services and social and cultural infrastructure that are responsive in meeting people's evolving needs. Outcome: Belonging and Participation. Auckland Plan 2050.

I consider the works enabled by the NoR to be consistent with Auckland Plan 2050. The proposed new primary school and ECE is in direct response to the population growth that has been enabled by the AUP. The educational needs of the communities within Hobsonville Point, and surrounding areas, will be supported through the provision of a new primary school and ECE at 2 Waka Moana Drive, Hobsonville.

4.13 Designation lapse period extension – section 184(1)(c)

Section 184 of the RMA states that designations lapse within five years, if not given effect to, or an extension has been obtained under section 184(1)(b), or unless the designation in the AUP sets a different lapse period under section 184(1)(c).

The requiring authority has requested a 10-year lapse period for the NoR.

Section 184 of the Act gives discretion to alter the lapse period for a designation from the default 5 years. The Environment Court decision in *Beda Family Trust v Transit NZ* A139/04 makes the following statement on the exercise of that discretion in considering a longer lapse period:

The decision has to be exercised in a principled manner, after considering all of the circumstances of the particular case. There may be circumstances where a longer period than the statutory 5 years is required to secure the route for a major roading project. Such circumstances need to be balanced against the prejudicial effects to directly affected property owners who are required to endure the blighting effects on their properties for an indeterminate period. The exercise of the discretion needs to be underlain by fairness.

Environment Court decisions on disputed designation lapse periods are noted in the following table for reference purposes.

Case	Requiring authorities requested lapse period	Court decision lapse period
Beda Family Trust v Transit NZ	20 years	10 years
Meridian 37 Ltd v Waipa District Council	15 years	5 years
Hernon v Vector Gas Ltd	10 years	5 years
Queenstown Airport Corporation Ltd	10 years	5 years

Section 1.1 of the AEE states 'it is proposed to open a school on the new site by 2024/2025'. This timeframe is within the statutory 5-year lapse period provided for in section 184 of the RMA. The intention of the requiring authority is to give effect to the designation within a reasonable time given the need for the new primary school and ECE. However this is only a 'potential' opening date.

The requiring authority has advised, in an email dated 7 June 2022, that ‘the MoE is generally seeking 10 year lapse periods for its school designations as a standard request for sites they own or are acquiring in the case there are unforeseen delays in project implementation to ensure the designation does not lapse’.

In this instance, the requiring authority will own the affected land. Therefore, it is not creating a blighting effect for an indeterminate period over privately owned land. A 10-year lapse date provides flexibility, and certainty, to the requiring authority if there are unforeseen circumstances which affect the proposed timeframes to give effect to the designation.

Having regard to these circumstances I recommend a lapse period of 10 years for the designation(s).

4.14 Part 2 of the Resource Management Act 1991

The purpose of the RMA is set out in section 5(1) which is: *to promote the 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 wellbeing 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.*

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for.

Section 7 of the RMA sets out other matters which shall be given particular regard to.

Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.

Planner’s comment:

Section 5.1 of the AEE addresses Part 2 of the RMA.

I concur with the requiring authority’s assessment of Part 2 of the RMA. The construction of the proposed primary school and ECE enables people and communities to provide for their social, cultural, and economic well-being. And the proposed conditions, as amended, will ensure that any potential adverse effects of the NoR can be avoided, remedied or mitigated. Regional resource consents will be required before the works enabled by the NoR can be undertaken. The standard conditions on the regional resource consents will safeguard the life-supporting capacity of air, water, soil and ecosystems.

The requiring authority undertook consultation with mana whenua and will continue to engage with interested mana whenua as the process and works enabled by a confirmed designation progresses.

5 Conclusions

The requiring authority has lodged NoR for a designation under section 168 of the RMA for a Primary School (Years 0-8) and Early Childhood Centre at 2 Waka Moana Drive, Hobsonville.

It is recommended that the requiring authority provide further information at the hearing, if one is required, to clarify the following issues:

- in regard to the Upper Harbour Local Board views:
 - that there be no reliance on local roads to provide for parking and that bus routes and appropriate safe crossing areas are provided
 - that the heritage and character area in which the school will be built, including design elements that complement the art-deco look of surrounding properties, will be considered at the detailed design stage
 - will there be ongoing engagement with the local board?
- confirmation that amendments to Condition 5(b)(iv) and new condition 5(c) have been agreed upon by both Auckland Transport and the requiring authority
- that the construction management plan will include an assessment of the anticipated noise and vibration effects of construction activities.

That the notice of requirement should be confirmed subject to conditions and with modifications, for the following reasons:

- the notice of requirement and associated works are reasonably necessary for achieving the objectives of the requiring authority
- adequate consideration has been given to alternative sites, routes or methods of undertaking the work identified in the notice of requirement
- the notice of requirement is generally consistent with the relevant AUP provisions
- the notice of requirement is generally in accordance with Part 2 of the RMA and; and relevant national environmental standards and national policy statements
- restrictions, by way of conditions, imposed on the designation can avoid, remedy or mitigate any potential adverse environmental effects.

6 Recommendation and conditions

6.1 Recommendation

Subject to new or contrary evidence being presented at the hearing, and the requiring authority supplying adequate responses on issues raised in the body of the report, pursuant to section 171(2) of the RMA, it is recommended that the notice of requirement be confirmed, subject to the amended and additional conditions and modifications.

That pursuant to section 171(3) of the RMA the reasons for the recommendation are as follows:

- the notice of requirement is consistent with Part 2 of the RMA in that it enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety

- the notice of requirement is consistent with and gives effect to the relevant national environmental standards, national policy statements and the AUP
- in terms of section 171(1)(b) of the RMA, adequate consideration has been given to alternative sites, routes or methods for undertaking the work
- in terms of 171(1)(c) of the RMA, the notice of requirement is reasonably necessary to achieve the requiring authority's objectives
- restrictions, by way of conditions attached to the notice of requirement, as amended, have been recommended to avoid, remedy or mitigate adverse environmental effects associated with the works.

6.2 Recommended conditions

The recommended conditions are set out in Attachment 4 and includes:

- a minor amendment to the lapse date to reference the AUP
- Auckland Transport's and the Ministry of Education's agreed amendment to Condition 5(b)(iv)
- an amendment to Condition 5(a) to include a new condition (Condition 5(a)(v)) and an advice note to address the relief sought in Submission 6 (Minister of Defence)
- minor amendment to Condition 9 Dotterel Management.

7 Attachments

Attachment 1	Minister of Education's notice of requirement documents (as notified)
Attachment 2	Section 92 Further information report
Attachment 3	Submissions
Attachment 4	Agreed set of conditions
Attachment 5	Specialist reviews
Attachment 6	Section 42A report author qualifications and experience

ATTACHMENT TWO

SECTION 92 FURTHER INFORMATION REQUEST AND RESPONSE

28 January 2022

Ministry of Education
c/- Incite Auckland
PO Box 3082
Auckland 1140

Attention: Steph Taylor
By email: steph@incite.co.nz

Dear Ms. Taylor

Request for further information in accordance with section 92 of the Resource Management Act 1991

Notice of requirement: Ministry of Education – Hobsonville Point Primary #2 (2 Waka Moana Drive, Hobsonville).

I am writing with respect to the notice of requirement described above.

After completing a preliminary assessment of the notice of requirement documents, it is considered that further information is required to enable an adequate analysis of the proposal, its effects on the environment and the way in which any adverse effects on the environment may be mitigated.

Under section 92 of the Resource Management Act 1991, I request further information as set out in Attachment 1 to this letter. The information requested will enable the council to undertake a full and proper assessment of the notice of requirement and provide a recommendation on it.

The table in Attachment 1 of this letter sets out the nature of the further information required and reasons for its request. In addition, Attachment 1 includes general comments that are for information only.

You must provide this information within 15 working days (before 21 February 2022). If you are unable to provide the information within 15 working days, then please contact me so that an alternative timeframe can be mutually agreed.

If you do not respond within 15 working days, refuse to provide the information or do not meet an agreed alternative timeframe between the council and yourself, this application must be publicly notified as required by section 95C of the Resource Management Act 1991.

In accordance with the Resource Management Act 1991, processing of your notice of requirement will remain on hold until the indicated date, pending your response to this request. Please note that the processing clock will stop as this is the first request for additional information.

If you have any queries regarding the above, please contact Jo Hart on Ph 021 948 783.

Yours sincerely,



Jo Hart
Senior Policy Planner
Planning Regional, North, West and Islands
PLANS AND PLACES

Attachment 1:

Further information requested under Section 92 of the Resource Management Act 1991

Contents

Watercare Services Limited 1

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General comments - Contaminated land – Ruben Naidoo, Contamination, Air and Noise, Auckland Council 6

General comments - Stormwater and flooding matters – Healthy Waters 6

#	Category of information	Specific Request	Reasons for request
Watercare Services Limited			
WSL1	Water/wastewater	Please confirm there is sufficient water and wastewater capacity to enable the development.	<i>Discussions with Watercare Services Limited (WSL) indicated there was a concern in sufficient capacity to provide for the increase from 350 students to 1000 students. If there isn't sufficient capacity then mitigation should be identified and suitable conditions drafted. This should involve engagement with WSL.</i>
WSL2	Water/wastewater	Sections 5.2 and 5.3 of Appendix G included commentary on water and wastewater assets that are visible on Geomaps. Please confirm whether there are any Watercare assets on the site, that may not be visible in Geomaps.	<i>To gain a full understanding of the water and wastewater assets. This should involve engagement with WSL.</i>

#	Category of information	Specific Request	Reasons for request
Traffic matters – Traffic Planning Consultants Limited Review of Integrated Traffic Assessment (Jacobs)			
T1	Dwelling densities and consequent traffic generation rates	<p><u>Gap in the information submitted:</u></p> <p>The ITA report considers two alternative traffic modelling scenarios, one based on Panuku’s trip generation rate of 3.9 trips per day per household, and a second ‘sensitivity test’ at the request of Auckland Transport, based on a higher trip rate, of 6.5 trips per day per household.</p> <p>However, the ITA does not confirm what residential densities these trip rates would be expected to equate to (in terms of numbers of dwellings per hectare) and hence does not confirm whether these trip rates are comparable with:</p> <ul style="list-style-type: none"> a) Recently developed residential areas in the immediate vicinity of the site b) Dwelling densities envisaged in the Hobsonville Point Precinct Plan, in Table I 605.6.1.1. <p><u>Request for information:</u></p>	<p><i>This information is required to confirm that the intersection capacity assessments are underpinned by appropriate future development scenarios that are commensurate with dwelling densities envisaged in the Hobsonville Point Precinct Plan.</i></p>

#	Category of information	Specific Request	Reasons for request
		<p>Confirmation of residential dwelling densities, of both existing nearby residential areas and of expected future residential development underpinning future forecast trip generation rates.</p> <p>In the event that there are notable discrepancies between forecast and existing residential densities, and/or inconsistencies with densities envisaged in the Precinct Plan, alternative trip generation and traffic modelling scenarios should be considered, that are representative of future residential development activities in the area.</p>	
T2	Scope of Intersection Modelling Assessments – wider network	<p><u>Gap in the information submitted:</u></p> <p>The ITA does not consider the traffic impacts of proposed new school and ECE upon the adjoining road network beyond the immediate vicinity of the subject site, while it estimates that the catchment area for the school is expected to extend as far as within 1.5 km of the site.</p> <p><u>Request for information:</u></p>	<p><i>One of the identified functions of the proposed new school and ECE is to relieve pressure on the existing Hobsonville Point Primary School, located around 0.5 km from the subject site and within the estimated 1.5 km catchment area for the proposed new school and ECE. It is thus expected that the proposal could influence significant changes in travel patterns at the intersections identified above.</i></p>

#	Category of information	Specific Request	Reasons for request
		<p>A further assessment of the impacts of traffic generated by the school within the wider catchment area. This should include:</p> <ul style="list-style-type: none"> • Confirmation of additional traffic generated at the intersections of Hobsonville Point Road / De Havilland Road and Hobsonville Point Squadron Road, as the next closest points on the adjoining road network to be affected traffic generated by the proposal. • Undertaking capacity assessments at these intersections, in the event that the proposal is demonstrated to result in significant increases or changes to traffic levels at these locations. 	
T3	Scope and Staging of Transport Mitigation Measures	<p><u>Gap in the information submitted:</u></p> <p>Section 1.1 of the ITA refers to an opening school roll of 350 students, increasing to an ultimate masterplan roll of 1000 students. However, no further information appears to be provided in relation to any intermediate phasings for the school's eventual growth to its full masterplan roll.</p>	<p><i>To confirm that the transportation effects of the proposal can be appropriately mitigated in a timely manner, in line with the growth in the school roll, and in turn, in line with residential growth within the wider area.</i></p>

#	Category of information	Specific Request	Reasons for request
		<p>Section 5.8 discusses recommended transport mitigation measures, including pedestrian crossings, variable speed limits and Travel Demand Management measures. However, the ITA does not confirm the expected timing for implementation of transport mitigation measures and how these would relate to the growth in school roll.</p> <p>It is additionally noted that the ITA does not identify potential mitigation measures for the three intersections for which capacity assessments were undertaken, in the event that the higher forecast levels of local residential trip generation eventuate.</p> <p><u>Request for information:</u></p> <p>Confirmation of expected phasings for growth of the school roll and trigger points for the implementation of transport mitigation measures.</p> <p>Consideration of potential mitigation measures for the intersections of Hobsonville Point Road/ Waka Moana Drive, Wallace Road/ Hudson Bay Road and Waka Moana Drive/Wallace Road, to</p>	

#	Category of information	Specific Request	Reasons for request
		mitigate against a Level of Service 'F' in the event that this eventuates.	
General comments - Contaminated land – Ruben Naidoo, Contamination, Air and Noise, Auckland Council			
CL1	General comments only (not section 92 matters)	<p><i>Soil contamination testing found that contaminants are below background except in the northern part of the site where former sediment ponds and associated activities occurred. Low levels of PAH were detected in fill up to 1.9 m deep where settlement ponds had been filled and the site relevelled; however, no exceedances of NESCS or AUP criteria were reported.</i></p> <p><i>The applicant assessed the proposal as a CA in terms of the NES and considers that the AUP E30 does not apply.</i></p> <p><i>A site management plan (SMP) for managing potential contamination is required in support of the consent application.</i></p>	
General comments - Stormwater and flooding matters – Healthy Waters			
HW1	General comments only (not section 92 matters)	<ul style="list-style-type: none"> <i>All the relevant information has been provided considering the development stage of the NoR. The statement in the AEE that the details of stormwater management can be worked through the design process is supported.</i> <i>The floodplains presented on GeoMaps are dated and do not always reflect the development that has occurred since the catchment model was built.</i> <i>Overland flowpaths will be based on the 2016 LiDAR topography and will not reflect any development that has occurred since 2016. It is recommended that through the design process that a more detailed investigation be undertaken to determine the alignments of flowpaths and magnitudes through the site.</i> <i>The wetland that the MoE site is proposed to connect into is a Healthy Waters asset and should have been sized to provide the necessary stormwater management for the natural catchment draining to it. This includes at least part of this site. This will need to be confirmed through the design process where diversion of runoff from the North Harbour catchment may occur to the Whenuapai catchment.</i> 	

#	Category of information	Specific Request	Reasons for request
		<ul style="list-style-type: none"> • <i>Agreed with the submitted documents that the 750DN pipe is relatively large and should have capacity to drain this site particularly considering the relatively low proposed imperviousness. This should be confirmed through a detailed investigation during the design stage. Public drainage construction in this area often outpaces what is shown on GeoMaps which can result in incorrect connectivity issues and even incorrect pipes. Site investigation to confirm connection recommended early on in the design process.</i> • <i>Note: Relevant AUP rules relating HCGAs will be applicable. If there are any HCGA activities on site these will require GD01 treatment prior to discharging to the public network.</i> • <i>Note: Calculations provided in Appendix G appear to use NIWA's HiRDS data to estimate discharges from the site. It is noted that these rainfall figures appear to not include climate change. Design calculations should use 24-hour rainfall obtained from the TP108 hyetographs and be increased to reflect climate change.</i> 	

10th February 2022

Jo Hart
Senior Policy Planner
Plans and Places
Auckland Council
Level 24
135 Albert Street
Auckland

Dear Jo

RE: Notice of Requirement – Ministry of Education – Hobsonville Point Primary #2 – Section 92 Request

Thank you for your letter dated 28th January 2021 in which you requested further information in relation to the notice of requirement for Hobsonville Point Primary #2. We can respond to the matters raised as follows:

Watercare Services Limited

- 1. Please confirm there is sufficient water and wastewater capacity to enable the development***
- 2. Sections 5.2 and 5.3 of Appendix G included commentary on water and wastewater assets that are visible on Geomaps. Please confirm whether there are any Watercare assets on the site, that may not be visible in Geomaps.***

- The Ministry of Education has an agreement with Panuku regarding wastewater capacity. Panuku has confirmed that the Crown has a share of the capacity in the wastewater infrastructure and that this is sufficient for a primary school. The Ministry acquired 1.5ha of land, which has been calculated as being anticipated as the equivalent of 75 lots of the former superlot the land was within. Peak wastewater flows calculations indicate that a school of 1,000 students will require the ability to discharge 1.51 l/s.
- As part of the memorandum of agreement between the Crown and Panuku to purchase the site, Panuku are required to ensure ongoing provision of wastewater capacity for school usage of up to 2.32 l/s. This ongoing provision is greater than the school's predicted usage and is further protected by an encumbrance (10786863.13) that is on the certificate of title for the site.
- The Ministry is aware via discussions with Panuku that Panuku has received a proposal from H & G Consultants for the design of an upgraded wastewater system, namely a new wastewater pump station. Panuku have advised that they will be sharing more details of this proposal shortly.
- It should be reiterated that the underlying zoning of the site is Residential – Mixed Housing Urban, and the site is located within the wider Hobsonville Point Precinct. This zoning caters for high-intensity development, which in theory should have the required infrastructure to be capable of servicing the envisioned high density housing development within the area. Healthy Waters have also confirmed that they do not anticipate any capacity issues given the young age of the network and aforementioned underlying zoning/precinct that the site is located in.

- The land has been recently subdivided, with a new title issued, and there are no easements on the title suggesting that there would be any Watercare assets on the site. If this is not the case, can Watercare please advise if there are any assets on the site that are not registered on Geomaps.
- It should also be noted that the school has a *planned opening roll* of approximately 350 students, with the potential to grow to a full mater plan roll of 1000 *in the longer term*.

Traffic Matters – Traffic Planning Consultants Limited

- 1. *Dwelling densities and consequent traffic generation rates***
- 2. *Scope of intersection modelling assessments – wider network***
- 3. *Scope and staging of transport mitigation measures***

- Responses to the above questions have been provided by Jacobs and are attached as Appendix A.

In conclusion, I trust that the above information provided is sufficient for the purposes of notification of the notice of requirement.

Should you have any queries relating to this response please do not hesitate to contact me.

Yours sincerely

Incite



Steph Taylor
Resource Management Consultant

steph@incite.co.nz

A40067.00

Appendix A – Traffic Matters

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Subject	Further information requested under Section 92 of the RMA 1991 - traffic matters	Project Name	Hobsonville Primary School and Early Childhood Education Centre Designation
Attention	Jo Hart, Senior Policy Planner (Auckland Council)		
Project No.	IA262100		
From	Kerry King (Jacobs NZ Limited), Achini Liyanagama (Jacobs NZ Limited)		
Date	15 February 2022		
Copies to	Steph Taylor (Incite NZ Limited), Chris Horne (Incite NZ Limited), Brontë Pierson (Ministry of Education), James Puketapu (Ministry of Education)		

1. Introduction

Jacobs NZ Limited ('Jacobs') prepared an Integrated Transportation Assessment (ITA)¹ to support the designation of a site located at 2 Waka Moana Drive, Hobsonville Point, for a new primary school and early childhood education (ECE) facilities.

A request for further information under section 92 of the Resource Management Act (RMA) 1991 was received from Auckland Council and Traffic Planning Consultants Limited in January 2022 following a preliminary review of the notice of requirement documents (attached in Appendix A).

This memorandum has been prepared to address the transport matters raised to enable Auckland Council to fully assess the notice of requirement and provide a recommendation. Further engagement with Auckland Council or Auckland Transport has not been undertaken as part of responding to these further information requests.

¹ Jacobs NZ Limited (November 2021) *Hobsonville Primary School and Early Childhood Centre Designation - Integrated Transportation Assessment*

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2. Traffic and transport matters

The four section 92 requests relating to traffic and transport are outlined in the following subsections, followed by a response.

2.1 Dwelling densities and consequent traffic generation rates

#	Category	Specific request	Reasons for request
T1	Dwelling densities and consequent traffic generation rates	<p>The ITA report considers two alternative traffic modelling scenarios, one based on Panuku's trip generation rate of 3.9 trips per day per household, and a second 'sensitivity test' at the request of Auckland Transport, based on a higher trip rate, of 6.5 trips per day per household. However, the ITA does not confirm what residential densities these trip rates would be expected to equate to (in terms of numbers of dwellings per hectare) and hence does not confirm whether these trip rates are comparable with:</p> <ul style="list-style-type: none"> ▪ Recently developed residential areas in the immediate vicinity of the site ▪ Dwelling densities envisaged in the Hobsonville Point Precinct Plan, in Table I 605.6.1.1. <p>Request for information:</p> <p>Confirmation of residential dwelling densities, of both existing nearby residential areas and of expected future residential development underpinning future forecast trip generation rates. In the event that there are notable discrepancies between forecast and existing residential densities, and/or inconsistencies with densities envisaged in the Precinct Plan, alternative trip generation and traffic modelling scenarios should be considered, that are representative of future residential development activities in the area.</p>	<p>This information is required to confirm that the intersection capacity assessments are underpinned by appropriate future development scenarios that are commensurate with dwelling densities envisaged in the Hobsonville Point Precinct Plan.</p>

Response:

The ITA considered two trip rates for estimating vehicular traffic generated by the school and ECE, including:

- 3.9 trips per day per household based on medium to high-density residential land uses (sourced from Waka Kotahi's *Research Report 453: Trips and Parking Related to Land Use*²)

² Waka Kotahi NZ Transport Agency (2011) *Research Report 453: Trips and Parking Related to Land Use* (site accessed on 02 February 2022 at <https://www.nzta.govt.nz/assets/resources/research/reports/453/docs/453.pdf>)

- 6.5 trips per day per household as sensitivity test, based on medium-density residential land uses typical of three or more-bedroom townhouses and larger units (sourced from the New South Wales Roads and Traffic Authority (RTA) *2002 Guide to Traffic Generating Developments*³).

These trip rates were applied to the numbers of dwellings within the area of interest to estimate background traffic volumes for intersection modelling purposes.

It is noted that much of the school and ECE catchment area within Hobsonville Point is currently under construction and master-planning of the catchment area has progressed further than publicly available information. The most recent numbers of proposed dwellings, typology and number of bedrooms per dwelling were provided by Kāinga Ora and Panuku Development Auckland for each Hobsonville Point super lot area as shown in Figure 2-1. As the area is currently being developed, it was considered more appropriate to estimate traffic generation based on the most recent actual numbers and types of dwellings proposed by Kāinga Ora and Panuku Development for each precinct, as opposed to adopting the numbers of dwellings or dwelling densities which are allowed by the *1605 Hobsonville Point Precinct Plan*⁴. However, it is noted that the actual number of dwellings delivered may be subject to change as development progresses.

³ New South Wales Roads and Traffic Authority (2002) Guide to Traffic Generating Developments Version 2.2 (site accessed on 02 February 2022 at <https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/documents/guides-manuals/guide-to-generating-traffic-developments.pdf>)

⁴ Auckland Council (2016) *Auckland Unitary Plan Operative in Part - 1605 Hobsonville Point Precinct Plan* (site accessed on 02 February 2022 at <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%201%20Precincts/6.%20West/1605%20Hobsonville%20Point%20Precinct.pdf>)



Figure 2-1 Masterplan precincts within the Hobsonville Point area⁵

A desktop assessment was undertaken to determine whether the underlying assumptions used to estimate traffic generation (i.e., the number of dwellings proposed by Panuku and Kāinga Ora and the traffic therefore generated by these same dwellings), are consistent with the numbers of dwellings and dwelling densities allowed for by the *1605 Hobsonville Point Precinct Plan*. Land which is zoned for public roads, open space or non-residential activities was excluded to calculate the dwelling densities for Sub-Precincts D and E.

Based on the desktop assessment summarised in Table 2-1, all Hobsonville Point Sub-precincts except for Sub-precinct B, are consistent with the allowed minimum and maximum number of dwellings and dwelling densities. A considerable portion of Sub-precinct B zoned for 'Residential - Mixed Housing Urban Zone' has been designated for 'Educational purposes' to develop the Hobsonville Point Primary School and Hobsonville Point Secondary School. This is understood to contribute to the inconsistencies between the number of proposed dwellings for Sub-precinct B and the minimum/maximum allowed number of dwellings as per the Hobsonville Point Precinct Plan.

Based on this assessment, it is considered that the traffic generation and modelling scenarios are representative of the future planned residential development activities in the area and that alternative trip generation/modelling scenarios are not considered necessary in this circumstance.

⁵ Hobsonville Point (2022) *Hobsonville Point precincts - masterplan* (site accessed on 01 February 2022 at <https://hobsonvillepoint.co.nz/about/precincts/>)

Table 2-1 Comparison of dwelling minimums/maximums and densities with the proposed number of dwellings

Sub-precinct	Table I605.6.1.1 dwellings/density		Proposed number of dwellings as per Masterplan (Panuku and Kāinga Ora)	Comments
	Minimum	Maximum		
Sub-precinct A	274	N/A	Approximately 481 dwellings (includes Te Uru Stages 1-4 precincts)	Aligns with the minimum and maximum number of dwellings
Sub-precinct B	1,080	1,200	Approximately 430 dwellings (includes the Buckley A and Buckley B precincts)	Does not align with the minimum and maximum number of dwellings
Sub-precinct C	592	1,175	Approximately 975 dwellings (includes the Harrier Point, Hudson, Launch Bay, Retirement Village and Sunderland Block 3 precincts)	Aligns with the minimum and maximum number of dwellings
Sub-precinct D (Residential - Mixed Housing Urban zone)	40 dwellings per hectare net ⁶	150 dwellings per hectare net ⁷	Approximately 890 dwellings (includes the Panuku Airfields precinct)	Aligns with the minimum and maximum dwelling density per hectare (net) - approximately 66 dwellings/ha
Sub-precinct E	40 dwellings per hectare net ⁸	150 dwellings per hectare net ⁹	Approximately 836 dwellings (includes the Catalina, Block 14A and Block 14B precincts)	Aligns with the minimum and maximum dwelling density per hectare (net) - approximately 63 dwellings/ha

⁶ Area excluding land used for public roads, public open space or any other land used for a non-residential activity.

⁷ Area excluding land used for public roads, public open space or any other land used for a non-residential activity.

⁸ Area excluding land used for public roads, public open space or any other land used for a non-residential activity.

⁹ Area excluding land used for public roads, public open space or any other land used for a non-residential activity.

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2.2 Scope of intersection modelling assessments - pick-up/drop-off area

#	Category	Specific request	Reasons for request
T2	Scope of Intersection Modelling Assessments – pick-up/drop-off area (PUDO)	<p>While the ITA's assessment covers SIDRA intersection modelling of the three closest intersections on the existing public road network, it does not include any operational assessment of the proposed PUDO, which will be accessed via a new one-way loop between Wallace Road and Hobsonville Point Road.</p> <p><u>Request for information:</u></p> <p>We would recommend requesting an operational and safety assessment of the PUDO, based on expected levels of vehicular usage during school peak periods.</p> <p>While SIDRA may not necessarily be the most appropriate tool for such an assessment, the assessment should consider operational and safety effects of high parking turnovers during peak times and the likelihood and extent of queueing through the PUDO and onto Wallace Road and other parts of the adjoining public road network.</p>	<p>This information is required to confirm that the PUDO will operate safely without adverse operational or safety effects upon adjoining sections of the public road network.</p>

Response:

The PUDO facility is currently shown in the bulk and location/concept design drawings in the ITA as a one-way system with two proposed vehicle crossings including an entry from Wallace Road and an exit onto Hobsonville Point Road. The design of the school, ECE and associated facilities (including the PUDO area), will be further developed during the Outline Plan of Works (OPW) stage and are subject to change.

It is recommended that an operational and safety assessment is undertaken during the OPW stage once the design of the PUDO area and access arrangements have been confirmed.

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2.3 Scope of intersection modelling assessments – wider network

#	Category	Specific request	Reasons for request
T3	Scope of Intersection Modelling Assessments – wider network	<p>The ITA does not consider the traffic impacts of proposed new school and ECE upon the adjoining road network beyond the immediate vicinity of the subject site, while it estimates that the catchment area for the school is expected to extend as far as within 1.5 km of the site.</p> <p><u>Request for information:</u></p> <p>A further assessment of the impacts of traffic generated by the school within the wider catchment area. This should include:</p> <ul style="list-style-type: none"> ▪ Confirmation of additional traffic generated at the intersections of Hobsonville Point Road / De Havilland Road and Hobsonville Point Squadron Road, as the next closest points on the adjoining road network to be affected traffic generated by the proposal. ▪ Undertaking capacity assessments at these intersections, in the event that the proposal is demonstrated to result in significant increases or changes to traffic levels at these locations. 	<p>One of the identified functions of the proposed new school and ECE is to relieve pressure on the existing Hobsonville Point Primary School, located around 0.5 km from the subject site and within the estimated 1.5 km catchment area for the proposed new school and ECE. It is thus expected that the proposal could influence significant changes in travel patterns at the intersections identified above.</p>

Response:

Traffic modelling has been undertaken for the three intersections surrounding the school/ECE site (including the Hobsonville Point Road/Waka Moana Drive intersection, Waka Moana Drive/Wallace Road intersection and the Wallace Road/Hudson Bay Road intersection), as all vehicle trips will access the site via at least one of these intersections from the wider road network. The wider local road network provides a large number of route options for those who drive to the school/ECE site and there are many options to redistribute vehicle traffic depending on conditions. The distribution of vehicle trips generated by the school and ECE has assumed that trips originate from within the school zone catchment area and this assumption has been incorporated into the traffic modelling undertaken as part of the ITA.

As shown in Figure 2-2, the Hobsonville Point Road/De Havilland Road intersection is located near the boundary of the catchment area. It is considered likely that traffic within the catchment area would already be passing through this intersection to access the existing school/s and additional trips generated by nearby residential areas within the catchment at this intersection are likely to be very low. The Hobsonville Point Road/Squadron Drive intersection is located outside of the catchment zone area and as a result, no additional traffic has been assumed to be generated at this intersection. It is considered that significant increases to traffic volumes at these intersections resulting from the school/ECE development are unlikely

Further information requested under Section 92 of the RMA 1991 - traffic matters

due to their location relative to the catchment area and that further modelling of these intersections is not required.

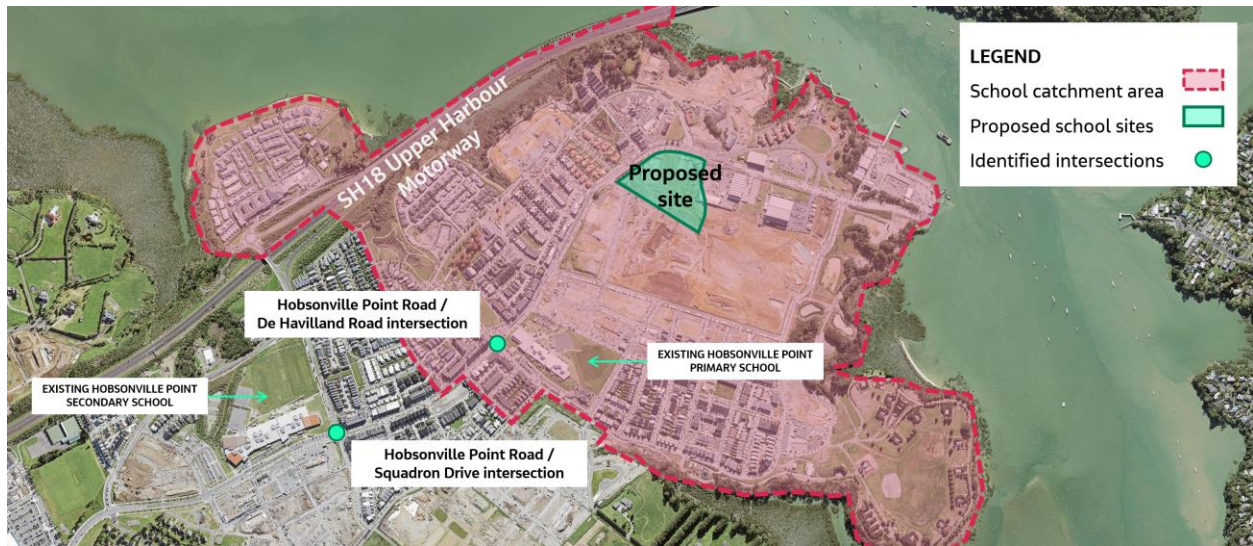


Figure 2-2 Hobsonville Point Road/De Havilland Road and Hobsonville Point Road/Squadron Drive intersections relative to the proposed school catchment zone

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2.4 Scope and staging of transport mitigation measures

#	Category	Specific request	Reasons for request
T4	Scope and Staging of Transport Mitigation Measures	<p>Section 1.1 of the ITA refers to an opening school roll of 350 students, increasing to an ultimate masterplan roll of 1000 students. However, no further information appears to be provided in relation to any intermediate phasings for the school's eventual growth to its full masterplan roll.</p> <p>Section 5.8 discusses recommended transport mitigation measures, including pedestrian crossings, variable speed limits and Travel Demand Management measures. However, the ITA does not confirm the expected timing for implementation of transport mitigation measures and how these would relate to the growth in school roll. It is additionally noted that the ITA does not identify potential mitigation measures for the three intersections for which capacity assessments were undertaken, in the event that the higher forecast levels of local residential trip generation eventuate.</p> <p><u>Request for information:</u></p> <ul style="list-style-type: none"> ▪ Confirmation of expected phasings for growth of the school roll and trigger points for the implementation of transport mitigation measures. ▪ Consideration of potential mitigation measures for the intersections of Hobsonville Point Road/ Waka Moana Drive, Wallace Road/ Hudson Bay Road and Waka Moana Drive/Wallace Road, to mitigate against a Level of Service 'F' in the event that this eventuates. 	<p>To confirm that the transportation effects of the proposal can be appropriately mitigated in a timely manner, in line with the growth in the school roll, and in turn, in line with residential growth within the wider area.</p>

Response:

The development of transport mitigation measures has been based on a school roll of 1,000 students and 50 children attending the ECE as this represents the full future masterplan scenario. However, it is strongly recommended that all transport mitigation measures are in place prior to the opening of the school and ECE to support safe access to and from the site. It is not recommended or anticipated that these measures will need to be staged with growth of the school role.

The network of local roads within Hobsonville Point has been designed with narrower carriageways which typically intersect at right-angles and tight corner radii to reduce vehicle speeds, improve safety for active modes and maximise walkability. These roads and streets provide a local access function and all intersections between local roads are priority-controlled. Hobsonville Point Road is classified as a Collector Road which provides a primary distributor/collector function and links residential areas to key community services and economic areas. Intersections between Hobsonville Point Road and roads which serve a secondary collector function (such as Squadron Drive and De Havilland Road), are typically signalised due to the greater volumes of conflicting vehicle movements at these intersections.

The use of a higher trip rate (6.5 trips per day per household) was undertaken as a sensitivity test as this rate is considered to represent a very conservative traffic modelling scenario. It is only when this higher trip rate is applied that modelling estimates that intersections are operating at a Level of Service F. It is

noted that the traffic modelling is already considered a conservative scenario as it assumes that 30% of total daily traffic volumes allocated to the AM and PM peak periods, and school-related trips have been modelled in addition to the wider network peak traffic volumes. In reality, the network peak periods are likely to occur outside of school peak times.

Potential measures for mitigating significant increases to queue lengths, delay and degree of intersection saturation could include signalising intersections adjacent to the school site or widening the recently constructed road carriageways to provide separate turning lanes/bays on the approaches to intersections. However, this is not considered appropriate within the Hobsonville Point context and does not align with the overarching principles which have been adopted to develop the local road network. Although these measures may improve the level of service of the intersection from a traffic operations perspective, they are considered to have an associated negative impact on active modes and are not recommended at this stage.

3. Summary

We trust that this memorandum answers Auckland Council's further information requests regarding this notice of requirement application. Please do not hesitate to contact us, should you have any further queries.

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Appendix A. Further information requested under Section 92 of the RMA 1991

28 January 2022

Ministry of Education
c/- Incite Auckland
PO Box 3082
Auckland 1140

Attention: Steph Taylor
By email: steph@incite.co.nz

Dear Ms. Taylor

Request for further information in accordance with section 92 of the Resource Management Act 1991

Notice of requirement: Ministry of Education – Hobsonville Point Primary #2 (2 Waka Moana Drive, Hobsonville).

I am writing with respect to the notice of requirement described above.

After completing a preliminary assessment of the notice of requirement documents, it is considered that further information is required to enable an adequate analysis of the proposal, its effects on the environment and the way in which any adverse effects on the environment may be mitigated.

Under section 92 of the Resource Management Act 1991, I request further information as set out in Attachment 1 to this letter. The information requested will enable the council to undertake a full and proper assessment of the notice of requirement and provide a recommendation on it.

The table in Attachment 1 of this letter sets out the nature of the further information required and reasons for its request. In addition, Attachment 1 includes general comments that are for information only.

You must provide this information within 15 working days (before 21 February 2022). If you are unable to provide the information within 15 working days, then please contact me so that an alternative timeframe can be mutually agreed.

If you do not respond within 15 working days, refuse to provide the information or do not meet an agreed alternative timeframe between the council and yourself, this application must be publicly notified as required by section 95C of the Resource Management Act 1991.

In accordance with the Resource Management Act 1991, processing of your notice of requirement will remain on hold until the indicated date, pending your response to this request. Please note that the processing clock will stop as this is the first request for additional information.

If you have any queries regarding the above, please contact Jo Hart on Ph 021 948 783.

Yours sincerely,



Jo Hart
Senior Policy Planner
Planning Regional, North, West and Islands
PLANS AND PLACES

Attachment 1:

Further information requested under Section 92 of the Resource Management Act 1991

Contents

Watercare Services Limited 1

Traffic matters – Traffic Planning Consultants Limited 2

General comments - Contaminated land – Ruben Naidoo, Contamination, Air and Noise, Auckland Council 6

General comments - Stormwater and flooding matters – Healthy Waters 6

#	Category of information	Specific Request	Reasons for request
Watercare Services Limited			
WSL1	Water/wastewater	Please confirm there is sufficient water and wastewater capacity to enable the development.	<i>Discussions with Watercare Services Limited (WSL) indicated there was a concern in sufficient capacity to provide for the increase from 350 students to 1000 students. If there isn't sufficient capacity then mitigation should be identified and suitable conditions drafted. This should involve engagement with WSL.</i>
WSL2	Water/wastewater	Sections 5.2 and 5.3 of Appendix G included commentary on water and wastewater assets that are visible on Geomaps. Please confirm whether there are any Watercare assets on the site, that may not be visible in Geomaps.	<i>To gain a full understanding of the water and wastewater assets. This should involve engagement with WSL.</i>

#	Category of information	Specific Request	Reasons for request
Traffic matters – Traffic Planning Consultants Limited Review of Integrated Traffic Assessment (Jacobs)			
T1	Dwelling densities and consequent traffic generation rates	<p><u>Gap in the information submitted:</u></p> <p>The ITA report considers two alternative traffic modelling scenarios, one based on Panuku’s trip generation rate of 3.9 trips per day per household, and a second ‘sensitivity test’ at the request of Auckland Transport, based on a higher trip rate, of 6.5 trips per day per household.</p> <p>However, the ITA does not confirm what residential densities these trip rates would be expected to equate to (in terms of numbers of dwellings per hectare) and hence does not confirm whether these trip rates are comparable with:</p> <ul style="list-style-type: none"> a) Recently developed residential areas in the immediate vicinity of the site b) Dwelling densities envisaged in the Hobsonville Point Precinct Plan, in Table I 605.6.1.1. <p><u>Request for information:</u></p>	<p><i>This information is required to confirm that the intersection capacity assessments are underpinned by appropriate future development scenarios that are commensurate with dwelling densities envisaged in the Hobsonville Point Precinct Plan.</i></p>

#	Category of information	Specific Request	Reasons for request
		<p>Confirmation of residential dwelling densities, of both existing nearby residential areas and of expected future residential development underpinning future forecast trip generation rates.</p> <p>In the event that there are notable discrepancies between forecast and existing residential densities, and/or inconsistencies with densities envisaged in the Precinct Plan, alternative trip generation and traffic modelling scenarios should be considered, that are representative of future residential development activities in the area.</p>	
T2	Scope of Intersection Modelling Assessments – wider network	<p><u>Gap in the information submitted:</u></p> <p>The ITA does not consider the traffic impacts of proposed new school and ECE upon the adjoining road network beyond the immediate vicinity of the subject site, while it estimates that the catchment area for the school is expected to extend as far as within 1.5 km of the site.</p> <p><u>Request for information:</u></p>	<p><i>One of the identified functions of the proposed new school and ECE is to relieve pressure on the existing Hobsonville Point Primary School, located around 0.5 km from the subject site and within the estimated 1.5 km catchment area for the proposed new school and ECE. It is thus expected that the proposal could influence significant changes in travel patterns at the intersections identified above.</i></p>

#	Category of information	Specific Request	Reasons for request
		<p>A further assessment of the impacts of traffic generated by the school within the wider catchment area. This should include:</p> <ul style="list-style-type: none"> • Confirmation of additional traffic generated at the intersections of Hobsonville Point Road / De Havilland Road and Hobsonville Point Squadron Road, as the next closest points on the adjoining road network to be affected traffic generated by the proposal. • Undertaking capacity assessments at these intersections, in the event that the proposal is demonstrated to result in significant increases or changes to traffic levels at these locations. 	
T3	Scope and Staging of Transport Mitigation Measures	<p><u>Gap in the information submitted:</u></p> <p>Section 1.1 of the ITA refers to an opening school roll of 350 students, increasing to an ultimate masterplan roll of 1000 students. However, no further information appears to be provided in relation to any intermediate phasings for the school's eventual growth to its full masterplan roll.</p>	<p><i>To confirm that the transportation effects of the proposal can be appropriately mitigated in a timely manner, in line with the growth in the school roll, and in turn, in line with residential growth within the wider area.</i></p>

#	Category of information	Specific Request	Reasons for request
		<p>Section 5.8 discusses recommended transport mitigation measures, including pedestrian crossings, variable speed limits and Travel Demand Management measures. However, the ITA does not confirm the expected timing for implementation of transport mitigation measures and how these would relate to the growth in school roll.</p> <p>It is additionally noted that the ITA does not identify potential mitigation measures for the three intersections for which capacity assessments were undertaken, in the event that the higher forecast levels of local residential trip generation eventuate.</p> <p><u>Request for information:</u></p> <p>Confirmation of expected phasings for growth of the school roll and trigger points for the implementation of transport mitigation measures.</p> <p>Consideration of potential mitigation measures for the intersections of Hobsonville Point Road/ Waka Moana Drive, Wallace Road/ Hudson Bay Road and Waka Moana Drive/Wallace Road, to</p>	

#	Category of information	Specific Request	Reasons for request
		mitigate against a Level of Service 'F' in the event that this eventuates.	
General comments - Contaminated land – Ruben Naidoo, Contamination, Air and Noise, Auckland Council			
CL1	General comments only (not section 92 matters)	<p><i>Soil contamination testing found that contaminants are below background except in the northern part of the site where former sediment ponds and associated activities occurred. Low levels of PAH were detected in fill up to 1.9 m deep where settlement ponds had been filled and the site relevelled; however, no exceedances of NESCS or AUP criteria were reported.</i></p> <p><i>The applicant assessed the proposal as a CA in terms of the NES and considers that the AUP E30 does not apply.</i></p> <p><i>A site management plan (SMP) for managing potential contamination is required in support of the consent application.</i></p>	
General comments - Stormwater and flooding matters – Healthy Waters			
HW1	General comments only (not section 92 matters)	<ul style="list-style-type: none"> <i>All the relevant information has been provided considering the development stage of the NoR. The statement in the AEE that the details of stormwater management can be worked through the design process is supported.</i> <i>The floodplains presented on GeoMaps are dated and do not always reflect the development that has occurred since the catchment model was built.</i> <i>Overland flowpaths will be based on the 2016 LiDAR topography and will not reflect any development that has occurred since 2016. It is recommended that through the design process that a more detailed investigation be undertaken to determine the alignments of flowpaths and magnitudes through the site.</i> <i>The wetland that the MoE site is proposed to connect into is a Healthy Waters asset and should have been sized to provide the necessary stormwater management for the natural catchment draining to it. This includes at least part of this site. This will need to be confirmed through the design process where diversion of runoff from the North Harbour catchment may occur to the Whenuapai catchment.</i> 	

#	Category of information	Specific Request	Reasons for request
		<ul style="list-style-type: none"> • <i>Agreed with the submitted documents that the 750DN pipe is relatively large and should have capacity to drain this site particularly considering the relatively low proposed imperviousness. This should be confirmed through a detailed investigation during the design stage. Public drainage construction in this area often outpaces what is shown on GeoMaps which can result in incorrect connectivity issues and even incorrect pipes. Site investigation to confirm connection recommended early on in the design process.</i> • <i>Note: Relevant AUP rules relating HCGAs will be applicable. If there are any HCGA activities on site these will require GD01 treatment prior to discharging to the public network.</i> • <i>Note: Calculations provided in Appendix G appear to use NIWA's HiRDS data to estimate discharges from the site. It is noted that these rainfall figures appear to not include climate change. Design calculations should use 24-hour rainfall obtained from the TP108 hyetographs and be increased to reflect climate change.</i> 	

ATTACHMENT THREE
SUBMISSIONS

From: NoticeOfRequirementOnlineSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: [ID:274] Notice of Requirement online submission - Aaron Schiff
Date: Thursday, 24 February 2022 10:46:50 am

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Aaron Schiff

Organisation name:

Full name of your agent:

Email address: aschiff26@gmail.com

Contact phone number:

Postal address:
28 Plover Road
Hobsonville Point
Auckland 0616

Submission details

Name of requiring authority: Minister of Education

The designation or alteration: NoR – Hobsonville Point Primary #2, 2 Waka Moana Drive, Hobsonville

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we support the Notice of Requirement.

The reason for my or our views are:

I live at the intersection of Plover Road and Wallace Road, and my daughter goes to the existing Hobsonville Point Primary School. The existing school is over-crowded and the quality of the school has reduced due to the large number of temporary classrooms on-site to accommodate all the students. With thousands more houses yet to be built in Hobsonville Point, we really need another primary school to accommodate all the kids and improve the quality of their education.

I or we seek the following recommendation or decision from Auckland Council:

An ongoing problem at the existing primary school is traffic congestion around 9am/3pm and resulting safety issues for kids on foot. To reduce this problem at the new school, I would like to see it designed to support walking and cycling to school as much as possible and to discourage driving. As part of this I think that safe cycling infrastructure such as bike lanes should be built along the length of Wallace Road to encourage kids to bike to the new school.

Submission date: 24 February 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,

- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

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From: NoticeOfRequirementOnlineSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: [ID:278] Notice of Requirement online submission - Adrian Flemkmg
Date: Wednesday, 2 March 2022 9:30:56 pm

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Adrian Flemkmg

Organisation name:

Full name of your agent:

Email address: adrian.flemimg@me.com

Contact phone number:

Postal address:
158 Buckley Av
Hobsonville Point
Auckland 0616

Submission details

Name of requiring authority: Minister of Education

The designation or alteration: NoR – Hobsonville Point Primary #2, 2 Waka Moana Drive, Hobsonville

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we support the Notice of Requirement.

The reason for my or our views are:

The current primary school is already housing more students than it was designed for. The 'Point' is continuing to grow rapidly and we have a high proportion of families with babies and small children. A second primary school will further enhance Hobsonville Point as one of Auckland's more desirable suburbs.

I or we seek the following recommendation or decision from Auckland Council:

Council should strongly support the construction of a second primary school at Hobsonville Point

Submission date: 2 March 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
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From: NoticeOfRequirementOnlineSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: [ID:279] Notice of Requirement online submission - Guanhong Wang
Date: Monday, 14 March 2022 12:16:02 pm

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Guanhong Wang

Organisation name:

Full name of your agent:

Email address: redfieldwang@hotmail.com

Contact phone number:

Postal address:
5/6 Onekiritea Road
Hobsonville
Auckland 0616

Submission details

Name of requiring authority: Minister of Education

The designation or alteration: NoR – Hobsonville Point Primary #2, 2 Waka Moana Drive, Hobsonville

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we support the Notice of Requirement.

The reason for my or our views are:

The current Primary School is overwhelming - cannot cater over 1200 tamariki. The limit size and facilities won't be able to support the growing pupils in the future.

I or we seek the following recommendation or decision from Auckland Council:

As parent of two children who currently study at HPPS, I will recommend to combine both the new school and existing school to utilise all the resources efficiently and effectively to support tamariki's education in local. The possibilities could be: Pupils from Year 1 to Year 5 could stay in the old site; pupils from Year 6 to Year 8 can move to the new site. From the managerial point of view, centralising the teaching resources; from tamariki's educational point of view, children are offered better resources and support for their growth.

Submission date: 14 March 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

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From: NoticeOfRequirementOnlineSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: [ID:280] Notice of Requirement online submission - Zhan Su
Date: Wednesday, 23 March 2022 11:16:35 am

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Zhan Su

Organisation name:

Full name of your agent:

Email address: yoyochan1919@gmail.com

Contact phone number:

Postal address:
36 Liquidambar drive
Hobsonville
Auckland 0616

Submission details

Name of requiring authority: Minister of Education

The designation or alteration: NoR – Hobsonville Point Primary #2, 2 Waka Moana Drive, Hobsonville

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we support the Notice of Requirement.

The reason for my or our views are:
My English is poor don't know how to write

I or we seek the following recommendation or decision from Auckland Council:
I follow city council decision

Submission date: 23 March 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
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From: NoticeOfRequirementOnlineSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: [ID:281] Notice of Requirement online submission - David Toh
Date: Wednesday, 23 March 2022 8:16:18 pm

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: David Toh

Organisation name:

Full name of your agent:

Email address: davidcheryltoh@gmail.com

Contact phone number: 0211189297

Postal address:
51 Peihana Road
Hobsonville
Auckland 0618

Submission details

Name of requiring authority: Minister of Education

The designation or alteration: NoR – Hobsonville Point Primary #2, 2 Waka Moana Drive, Hobsonville

The specific provisions that my submission relates to are:

School should be an extension of current Hobsonville Point Primary School rather than a whole separate entity.

Do you support or oppose the Notice of Requirement? I or we are neutral to the Notice of Requirement.

The reason for my or our views are:

Wouldn't want to create separation or "zoning" for schools in different locations of the Hobsonville Point. Also this would create a weird separation of pupils of the same year living approximately the same location where they should be growing up together.

I or we seek the following recommendation or decision from Auckland Council:

For the NEW Hobsonville Point Primary to be an extension of the CURRENT Hobsonville Point Primary by separating the years. For example Year 0 - 3 should be placed in the NEW Hobsonville Point Primary with that age targeted facilities, graduating to the CURRENT Hobsonville Point Primary from Year 4 - 8. Or to the lines of this. This way all schools will be available to all pupils living in Hobsonville Point and not be separated or factioned.

Submission date: 23 March 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

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From: NoticeOfRequirementOnlineSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: [ID:282] Notice of Requirement online submission - Rebecca Davies
Date: Thursday, 24 March 2022 3:31:08 pm

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Rebecca Davies

Organisation name: New Zealand Defence Force

Full name of your agent: Rubie McLintock (Tonkin & Taylor Limited, email: rmclintock@tonkintaylor.co.nz)

Email address: rebecca.davies@nzdf.mil.nz

Contact phone number:

Postal address:

Submission details

Name of requiring authority: Minister of Education

The designation or alteration: NoR – Hobsonville Point Primary #2, 2 Waka Moana Drive, Hobsonville

The specific provisions that my submission relates to are:

Do you support or oppose the Notice of Requirement? I or we are neutral to the Notice of Requirement.

The reason for my or our views are:

Introduction This is a submission on the Notice of Requirement (NoR) from the Minister of Education for a primary school, at 2 Waka Moana Drive, Hobsonville. The New Zealand Defence Force ('NZDF') operates the Whenuapai Airbase, located to the north-west of the NoR area. Whenuapai Airbase is a significant Defence facility, of strategic importance nationally and internationally. Ensuring that this facility can operate to meet Defence obligations under the Defence Act 1990 is critical. These obligations include the defence of New Zealand, the provision of assistance to the civil power either in New Zealand or elsewhere in times of emergency, and the provision of public service when required. The Whenuapai Airbase is essential in achieving these obligations. Whenuapai Airbase is approximately 311 hectares in size and occupies a significant portion of the Whenuapai area, bound to the south by Brigham Creek Road, and to the north, east and west by the Waitemata Harbour. The Whenuapai Airbase has been operating at the site since 1937. Submission NZDF is neutral on the NoR but notes that it is located within designation 4311 (Whenuapai Airfield Approach Departure Path Protection). The Obstacle Limitation Surface at this location is approximately 60 m high and is directly in line with the centre-line of runway RWY 08/26. Temporary or permanent structures within the flight paths of aircraft operating out of the Whenuapai Airbase presents a safety risk for NZDF. While this is unlikely to be an issue in relation to permanent structure heights, it could be an issue during construction. Therefore, NZDF seeks that regard is given to this constraint, particularly during construction. Bird strike risk is a critical concern for NZDF, particularly where development has the potential to attract birdlife and increase risks associated with bird strike. Risks include the following: • Exposed earth during construction attracting birds; • Displacement of birds resulting from loss of existing green space, causing greater numbers of birds to settle on the airfield or in an area that results in birds transiting airfield thresholds or airspace; • New green space, ecological and/or wetland areas, and open water elements (e.g. stormwater retention ponds, amenity ponds) and plantings attracting birds; • Flat-

roofed structures which support colonies and attract birds to roost; and • Urban rubbish attracting greater numbers of species such as gulls. NZDF requests that the design of the site and construction activities are managed such that they do not result in increased risk from bird strike. Lighting and some building materials and cladding can reflect sunlight and create glare, this can impair the vision of pilots. Therefore, NZDF requests that low reflectivity material is used on the roofs and cladding of any buildings.

I or we seek the following recommendation or decision from Auckland Council:

NZDF seeks those measures to avoid risk to pilot safety, including in relation to glare and reflectivity and risk of bird strike, are incorporated into design and construction. This requires careful consideration of proposed landscaping, roofing and cladding materials and lighting through any subsequent Outline Plan process. NZDF also requests specific regard to the Obstacle Limitation Surface set out in Designation 4311 in the design of buildings and particularly through the construction period including use of cranes. NZDF requests that the above matters are incorporated into the NoR and subsequent conditions of the designation.

Submission date: 24 March 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
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24 March 2022

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142
Attn: Planning Technician

Email: unitaryplan@aucklandcouncil.govt.nz

Re: Notice of Requirement by the Minister of Education for a Primary School and Early Childhood Education facility at 2 Waka Moana Drive, Hobsonville

Please find attached Auckland Transport's submission on the above Notice of Requirement for the Minister of Education.

If you have any queries in relation to this submission, please contact me at sam.mcgough@at.govt.nz or on +64 944 74225.

Yours sincerely



Sam McGough
Planner, Land Use Policy and Planning

Submission by Auckland Transport on a Notice of Requirement by the Minister of Education to enable the establishment of a new primary school and early childhood education centre at 2 Waka Moana Drive, Hobsonville

To: Auckland Council
Private Bag 923000
Auckland 1142

Submission on: Notice of Requirement by the Minister of Education for Educational purposes – Primary School and Early Childhood Education, 2 Waka Moana Drive, Hobsonville

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction:

- 1.1 The Minister of Education ('MoE') has given notice of a requirement ('NOR') for a designation for a primary school and an early childhood education facility ('ECE') at 2 Waka Moana Drive, Hobsonville. This is Auckland Transport's submission on this NOR.
- 1.2 Auckland Transport is a Council-Controlled Organisation of Auckland Council and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.¹ Auckland Transport is responsible for the planning and funding of most public transport; operating the local roading network; and developing and enhancing the local road, public transport, walking and cycling network. Auckland Transport's submission seeks to ensure that the transport related matters raised by the proposal are appropriately considered and addressed.
- 1.3 Auckland Transport is appreciative of the engagement that has been undertaken by MoE on this proposal. MoE has consulted Auckland Transport on this proposal and sought feedback on the suitability of the site for a school prior to its acquisition. Auckland Transport also provided initial high-level feedback on a draft concept plan, the draft Integrated Transport Assessment (ITA), and the draft Form 18 designation conditions prior to notification. Auckland Transport recognises that MoE has incorporated many of the previously suggested changes to the lodged Form 18 designation conditions and ITA.
- 1.4 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

¹ Local Government (Auckland Council) Act 2009, section 39.

2. Specific parts of the Notice of Requirement that this submission relates to:

2.1 The specific parts of the NOR that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport or transport assets and include:

- On-road interventions
- On-site pick-up and drop-off facilities
- Parking requirements
- School travel plan

2.2 Auckland Transport acknowledges that school facilities and infrastructure are required to address the regional demands associated with Auckland's growth. Auckland Transport, therefore, supports the NOR as the potential adverse transport effects of the proposal have been adequately avoided, remedied or mitigated.

2.3 Should any transport related matters evolve throughout the NOR process, including amendments to transport related conditions, Auckland Transport wishes to be notified of such amendments. Auckland Transport will assess the amendments to ensure that any potential adverse transport effects have been appropriately considered.

2.4 Auckland Transport continues to be available and willing to work with the MoE.

3. Recommendation sought:

3.1 The recommendations which Auckland Transport seeks from the Council are set out in **Attachment 1**.

4. Appearance at the hearing:

4.1 Auckland Transport wishes to be heard in support of this submission.

Name: Auckland Transport

Signature:



Christina Robertson
Group Manager, Growth and Urban Planning Integration

Date: 24 March 2022

Contact person: Sam McGough
Planner

Address for service: Auckland Transport
Private Bag 92250
Auckland 1142

Telephone: +64 944 74225

Email: sam.mcgough@at.govt.nz

Attachment 1

Issue	Position	Reasons	Recommendation sought from the Council
General overview	Support	<p>The Minister of Education (MoE) is seeking a Notice of Requirement (NOR) to designate for a primary school and an early childhood education facility ('ECE') at 2 Waka Moana Drive, Hobsonville. The NOR provides for a new 1.53ha designation to accommodate the proposed educational facilities.</p> <p>Auckland Transport supports and recognises the need for this infrastructure to support wider planned growth in the region. This includes enabling local school facilities to support the future population of Hobsonville.</p> <p>Auckland Transport appreciates the opportunity it had to give feedback on the draft Integrated Transport Assessment (ITA) dated 05 October 2021 to work through transport matters and to ensure the effects of the proposal have been appropriately mitigated.</p>	Agreement with the proposal to establish a new designation at 2 Waka Moana Drive.
On-site parking	Support	<p>The NOR proposes to provide carparking for the primary school at a rate of one car park per classroom or new classroom equivalent. This is a deviation from MoE's standard condition for schools to provide carparking at a rate of two carparks per classroom or new classroom equivalent. The ITA dated 29 November 2021, provides justification for this deviation, including noting parking spaces would typically be long-stay for staff members. For this proposal, Auckland Transport accepts the number of spaces supplied should align with the number of proposed school teaching spaces. Auckland Transport therefore considers this car parking rate sufficient.</p> <p>Auckland Transport also supports the retention of MoE's standard condition for on-site car parking for the ECE facility at a rate of one carpark for every 10 children.</p>	Retain Conditions 3 and 4 as worded.
On-road interventions	Support in part	To ensure any effects of the proposal on the surrounding transport network can be adequately mitigated, on-road interventions are	Amend condition 5(b)(iv) as follows:

Issue	Position	Reasons	Recommendation sought from the Council
		<p>required. The ITA dated 29 November 2021, outlines various on-road interventions to support the proposal.</p> <p>These on-road interventions have been reflected in condition 5(b)(iv), which requires the transport assessment as part of the Establishment Outline Plan to address any required on-road interventions, such as:</p> <ul style="list-style-type: none"> a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road; b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road; c) New or upgraded pedestrian crossings on roads directly adjoining the site; d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times. <p>These interventions will also be critical in ensuring safe connection points for active mode users accessing the school and promoting the 48% mode share for actives modes outlined in the ITA dated 29 November 2021.</p> <p>Auckland Transport appreciates that MoE prefers the Outline Plan of Works (OPW) process to agree such on-road interventions. However, Auckland Transport anticipates that the interventions listed in condition 5(b)(iv) will be required regardless of any design detail that will be submitted by MoE as part of any future OPW.</p> <p>Auckland Transport therefore requests an additional condition or alternative mechanism that provides certainty MoE is responsible for the funding and delivery of the interventions listed in condition 5(b)(iv) prior to the opening of the school and ECE.</p>	<p>iv. Any on-road interventions required (and subject to approval of Auckland Transport) such as:</p> <ul style="list-style-type: none"> a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road; b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road; c) New or upgraded pedestrian crossings on roads directly adjoining the site; d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times. e) Details of the time and means by which these are to be implemented. <p>And add the following condition:</p> <p>x. The Ministry of Education is responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE (subject to approval of Auckland Transport):</p> <ul style="list-style-type: none"> a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road; b) A Zebra Crossing located opposite any proposed pedestrian/cyclist

Issue	Position	Reasons	Recommendation sought from the Council
			<p><i>accessway to the site on Wallace Road;</i></p> <p><i>c) New or upgraded pedestrian crossings on roads directly adjoining the site;</i></p> <p><i>d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.</i></p> <p>Alternatively, another mechanism could be used that provides certainty that MoE is responsible for the funding and delivery of the on-road interventions listed in condition 5(b)(iv).</p>
School travel plan	Support	<p>It is noted that school travel plans can provide an effective tool to complement transport infrastructure and services to support overarching outcomes around mode shift and the safety of all users around schools. The school travel plan should be fit for purpose to achieve the high active mode share proposed. The school travel plan will outline measures to reduce vehicle dependence, including walking school buses, carpooling and encouraging the use of public transport / active modes of transport.</p> <p>Auckland Transport supports the provision of a school travel plan prior to the opening of the school and therefore supports condition 6 as it is drafted.</p>	Retain Condition 6 as worded.
On-site pick-up and drop-off	Support	Auckland Transport supports the provision of safe on-site pick-up and drop-off facilities with condition 7 recognising that these facilities will be based on the expected levels of vehicle demand entering and exiting the school site.	Retain Condition 7 as worded.

ATTACHMENT FOUR
AGREED SET OF CONDITIONS

Agreed set of conditions (21 June 2022)

Note: Amendments to the requiring authority's proposed conditions are shown as:

- Agreed changes between Auckland Transport and Ministry of Education – red text strikethrough or underlined
- Auckland Council proposed amendments – black text strikethrough and underlined.

XXXX Primary School and ECE Hobsonville Point

Designation Number	46XX
Requiring Authority	Minister of Education
Location	2 Waka Moana Drive, Hobsonville
Rollover Designation	NA
Lapse Date	The designation shall lapse on the expiry of 10 years from the date on which it is included in the district plan <u>AUP</u> if it has not been given effect to before the end of that period.

Purpose

Educational purposes – Primary School (Years 0-8) and Early Childhood Education (Pre-School).

Conditions

The standard conditions for all Minister of Education designations apply to this designation, except that where any standard condition conflicts with a site-specific condition below, the site-specific condition shall take precedence.

[Drafting note 1 – not to be included in the designation, the standard condition for height in relation to boundary has not been applied to this site given that there are no height in relation to boundary controls in the Auckland Unitary Plan Hobsonville Point Sub-Precinct C and D provisions applying to the underlying zoning].

[Drafting note 2 – not to be included in the designation, the standard noise condition has been modified to ensure the noise restriction also applies to the pre-school.

[Drafting note 3 – not to be included in the designation, the standard on-site carparking – schools' condition has been modified to better represent the proposed primary schools' locality within a highly walkable catchment.]

1. **Building height in relation to boundary**
There shall be no height in relation to boundary controls for this designation.
2. **Noise**

The noise (rating) level arising from the operation of the school and pre-school must comply with the following noise levels when measured at the boundary of any residentially zoned site, or within the notional boundary of any site in a rural zone:

DAY/TIME	NOISE LEVEL
<i>Mon – Sat, 7.00am – 10.00pm (0700 -2200)</i>	<i>55 dB L_{Aeq}</i>
<i>Sunday 9am to 6pm</i>	
<i>All other times</i>	<i>45 dB L_{Aeq} 75 dB L_{AFmax}</i>

These noise limits do not apply to noise from normal school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday.

Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 “Measurement of Environmental Sound” and NZS 6802:2008 “Environmental Noise”.

Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

3. **On-Site Car Parking - Schools**

Additional on-site car parking shall be provided at the rate of one carpark per new classroom or classroom equivalent, except where the council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate. For the avoidance of doubt, this condition shall only apply where there is a net increase in the number of classrooms or classroom equivalents.

4. **On-Site Car Parking – Early Childhood Education (Pre-school)**

In addition to any car parking required for the school, on-site car parking for early childhood education (preschool) shall be provided at the rate of one car park per every 10 children the facility is licensed or designed to accommodate, plus one per each full time equivalent staff member required for the license or design capacity of the centre, except where the Council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate.

5. **Establishment Outline Plan of Works**

The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for the construction and development of the school and Early Childhood Education Centre (ECE) which shall include the following further information:

- a) A Design Concept Plan for the site including:
 - i. The general location of access points for vehicles, cyclists, scooters and pedestrians, on-site parking areas (including cars, cycle and scooter parks), and on-site pick up and drop off areas;
 - ii. Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;

- iii. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and
- iv. “Indicative” areas accommodating future education purpose growth on this site, including building platforms, car parking areas, vehicular access, maneuvering and circulation areas.
- v. Measures and treatments for landscaping, roofing, cladding materials, and lighting which reduces glare, reflectivity, and risk of bird strikes (for New Zealand Defence Force pilot safety).

Advice notes: Approval from, and/or consultation with, the New Zealand Defence Force, as required by Conditions 1 and 2 of Designation 4311 – Whenuapai Airfield approach and Departure Path Protection, may also be required.

- b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Integrated Transport Assessment (ITA) prepared by Jacobs Limited dated 10th November 2021, addresses safety, efficiency and the following specific matters:
 - i. Safe access for pedestrians, cyclists and vehicles (including buses, rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;
 - ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;
 - iii. On-site pick-up and drop-off area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, maneuvering for cars and buses (if required). The following matters shall specifically be addressed as they relate to the school and ECE:
 - a) Potential effects on the safe and efficient operation of the surrounding transport network and the internal school circulation;
 - b) Providing for the continuity of cycle and pedestrian facilities;
 - c) Providing safe separated access points to the school for those who walk or cycle on either side of the pick-up and drop off access; and
 - ~~iv. Any on-road interventions required (and subject to approval by Auckland Transport) such as:

 - ~~a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road;~~
 - ~~b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;~~
 - ~~c) New or upgraded pedestrian crossings on roads directly adjoining the site;~~
 - ~~d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.~~
 - ~~e) Details of the time and means by which these are to be implemented.~~~~

- iv. Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network;
 - v. The effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:
 - visibility and safe sight distances;
 - existing and future traffic conditions including speed, volume,
 - type, current accident rate, and the need for safe maneuvering;
 - proximity to and operation of intersections;
 - existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways.
- c) Unless already delivered by others or otherwise agreed with Auckland Transport, the Ministry of Education will be responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE:
- a) The signalization of the existing pedestrian crossing facility on Hobsonville Point Road;
 - b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;
 - c) New or upgraded pedestrian crossings on roads directly adjoining the site;
 - d) The implementation of variable speed limit along the road frontage to the site during school start and finish times.
- d) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters described below, and effects associated with the school and the ECE on the surrounding existing and future roading network. A copy of the draft Design Concept Plan and draft Traffic Assessment prepared to support the Establishment Outline Plan shall be provided to Auckland Transport for the purposes of this consultation and engagement.

The specific transport matters that will be considered and discussed include:

- i. Measures and treatments to ensure safe access is provided to the school and ECE for all transport modes, including implementation timeframes;
- ii. Measures and treatments to the surrounding road network as they relate to the school and ECE, such as those included in Auckland Transport's Transport Design Manual (TDM) or updated equivalent Auckland Transport design standards which apply at the time of the preparation of the Establishment Outline Plan; and
- iii. Bus access (if any) and the location of bus stops and shelter along the school and ECE road frontages.
- iv. Any agreement reached with Auckland Transport on mitigation measures recommended in the Integrated Transport Assessment (ITA), prepared by Jacobs (dated 10th November 2021) and/or any subsequent transportation assessment, their funding, the authority responsible for their implementation, and the timing for implementation.

6. **School Travel Plan**

- a) Prior to the opening of the school, the requiring authority shall either directly or through the School Board of Trustees, develop a School Travel Plan.
- b) The purpose of the School Travel Plan is to provide specifically for measures to reduce vehicle dependence, including walking school buses, carpooling, the encouragement of the use of public transport, the use of remote pick up/drop off locations if appropriate, and the encouragement of walking and cycling. This Travel Plan shall also specifically address the following matters:
 - i. Safe access to the entry points to the school. Features such as Kea Crossings or Zebra Crossings should be specifically considered;
 - ii. Consistency with or use of Auckland Transport's TravelWise programme, or any equivalent programme adopted;
 - iii. Measures to separate vehicle entry and pedestrian/cyclist entries; and
 - iv. Location and provision on site of any scooter and cycle parking required.
- c) The School Travel Plan shall be developed in consultation with Auckland Transport and shall include a monitoring programme. The School Travel Plan shall be reviewed at the time of submitting each subsequent Outline Plan of Works relating to increased student numbers.
- d) A joint Travel Plan for the school and ECE on the site may be developed.

7. **On-site pick up and drop off**

- a) Vehicular on-site pick-up and drop-off areas for the school shall be provided. The number of pick-up and drop-off bays shall be determined by an assessment of the predicted demand for vehicles entering and exiting the site. This assessment will be undertaken, and the results submitted, as part of any outline plans where there is an increase in teaching spaces. Bays may be provided on a staged basis consistent with each stage of school development.
- b) An assessment of the need for a bus pick-up and drop-off facility for the school shall be submitted as part of any outline plan to increase teaching spaces. Bus facilities may be provided on a staged basis consistent with each stage of school development.

8. **Construction**

A construction management plan shall be prepared and submitted with any outline plan or works for major site works.

9. **Dotterel Management**

Between the months of August to March, and no less than 7 days immediately prior to the first construction phase, a suitably qualified person ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the pre-construction check, a dotterel management plan shall be submitted to the council for certification, for the protection of dotterels during the first construction phase. Once certified, the Plan shall be implemented for the protection of the dotterels during the first construction phase.

ATTACHMENT FIVE
SPECIALIST REVIEWS

Jo Hart

From: Andrew Temperley <andrew@trafficplanning.co.nz>
Sent: Tuesday, 31 May 2022 2:43 PM
To: Jo Hart
Subject: RE: Notice of Requirement - Minister of Ed - 2 Waka Moana Drive, Hobsonville
Attachments: section 42A excerpt_traffic effects for TPC review_AJT.docx

Follow Up Flag: Follow up
Due By: Thursday, 2 June 2022 9:30 AM
Flag Status: Flagged

Hi Jo,

Please find attached a copy of the Section 42A report extract including some suggested additions of my own.

Let me know if you would like to elaborate on particular points or issues.

Kind Regards,

Andrew

Andrew Temperley SENIOR TRANSPORT PLANNER



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E andrew@trafficplanning.co.nz

W www.trafficplanning.co.nz

From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Sent: Thursday, 26 May 2022 5:05 pm
To: Andrew Temperley <andrew@trafficplanning.co.nz>
Subject: Notice of Requirement - Minister of Ed - 2 Waka Moana Drive, Hobsonville

Hi Andrew

I've attached the traffic effects excerpt from my section 42A report – could you please review this and get back to me with any comments/changes. This also includes my section which discusses AT's submission. I've also attached the MoE's further information response again.

I'm trying to complete this report and get it reviewed by mid/end next week. Again – this is similar to the private plan change request – there aren't many submissions so if no-one wishes to be heard then it would be at the discretion of the hearing commissioner whether a physical hearing is required or whether it could be decided on the papers.

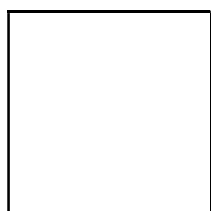
Please contact me if you have any questions.

Jo

Noho ora mai | Stay well

Jo Hart | Senior Policy Planner
Regional, North, West and Islands Planning
Plans and Places
 DDI 09 890 8291 | Mob 021 948783
 Auckland Council, Level 24, 135 Albert Street, Auckland
 Visit our website: www.aucklandcouncil.govt.nz

In the office = ✓ Work from home = WFH				
MON	TUE	WED	THU	FRI
✓	WFH	✓	✓	WFH



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1. Traffic effects

Requiring authority AEE

Section 6.3 of the AEE, and associated technical report¹, addresses the transport/traffic effects of the NoR. In summary, the AEE states:

- the school site is well-located within the existing and development residential catchment to encourage walking and cycling and maximise accessibility of the site by active modes
- no part of the student catchment zone is expected to be more than a 1.5km walking distance from the school. This is considered to be an acceptable walking distance for school aged children.
- the Hobsonville Point area has been designed to provide a safe, connected network of footpaths for pedestrians and school-aged children on bikes, and to encourage a low-speed environment
- based on traffic modelling results for intersections surrounding the site, it is concluded that all intersections will have spare capacity to accommodate increased traffic volumes generated by the primary school and ECE
- traffic impacts are considered to be no more than minor
- proposal aligns with the overarching objectives and outcomes sought by local and Auckland-wide transport plans and strategies.

The technical report identifies the following transport recommendations for the subsequent OPW process:

- vehicle accessways to be provided from Wallace Road and/or Hobsonville Point Road
- two dedicated pedestrian/cycle entrances to the school are provided from Wallace Road and Hobsonville Road which are separated from the proposed vehicle accessways
- reduced vehicle parking rates (relative to the MoE's standard designation conditions for educational purposes) are considered appropriate given the high level of accessibility
- carparking is provided on-site at a rate of 1 carpark per teaching space for the primary school as a site-specific condition and that the standard MoD parking designations conditions are applied for the ECE to provide 13 spaces
- a short-stay pick-up and drop-off zone is to be provided within the site with the level of spaces to be investigated during the OPW phase
- further development of the feasibility study concept design plan to comply with Auckland Transport's Transport Design Manual – Parking Design Engineering Code guidelines and the AUP Chapter E27 – Transport.

In conclusion, the requiring authority considers that:

¹ AEE Appendix E Hobsonville Primary School and Early Childhood Centre Designation. Integrated Transportation Assessment. Jacobs. 29 November 2021.

...The ITA concludes that the land to be designated for educational purposes and the existing surrounding road network can accommodate the anticipated traffic from both the proposed school and can provide adequate access arrangements. It also concludes that a school on this site can satisfy the outcomes sought by the regional and local transport strategies and plans.

Specialist review

Mr Andrew Temperley, the council's traffic consultant, undertook a review of the AEE, the associated technical report, and the section 92 further information response.

The RFI requested further information on the following matters related to the AEE and ITA:

- dwelling densities and consequent traffic generation rates
- scope of intersection modelling assessments and the wider network
- scope and staging of transport mitigation measures.

Mr Temperley did not request any additional information in relation to the RFI as the requiring authority's RFI response provided sufficient information to assess the NoR.

Mr Temperley notes that future traffic generation and effects associated with the NoR are inter-dependent on the rate of future residential growth within the catchment area for the school.

Mr Temperley considered that more detailed assessment of transportation matters such as site access and parking would be more appropriately addressed at the Outline Plan of Works (OPW) stage.

Mr Temperley considers that the traffic effects of the NoR are expected to be ~~less than minor/minor/no more than minor~~... and that their geographical scope is expected to be primarily limited primarily to within 1.5 km of the site, representing the expected catchment area for the school.

Auckland Transport, as is normal procedure before notification of a NoR, was provided an opportunity to review the AEE and ITA. Auckland Transport did not request any further information as they 'have been engaged by the MoE throughout the production of the ITA and are satisfied with the assessment and assumptions provided for by the NoR'.

Auckland Transport did lodge a submission (Submission 7). Auckland Transport and the MoE have been in discussions in regard to an amended Condition 5(b)(iv). This matter is discussed further in Section 4.2 Consideration of submissions.

Mr Temperley acknowledges the submission from Auckland Transport.

Planning review

I rely on the expertise of Mr Temperley in that the traffic effects of the works provided for by the NoR will be ~~less than minor/minor/~~no more than minor. And the expertise of Auckland Transport as an affected party and the road controlling authority responsible for the local roads. I consider that the conditions as amended will ensure that any potential traffic effects will be avoided, remedied or mitigated.

Submission 7 - Auckland Transport

The submitter supports the NoR for the following reason:

- the school facilities and infrastructure are required to address the regional demands associated with Auckland's growth
- the potential adverse transport effects will be adequately avoided, remedied or mitigated.

The specific issues raised in the submission relate to:

- On-road interventions
- On-site pick-up and drop-off facilities
- Parking requirements
- School travel plan.

The submission seeks the following relief:

- retention of Conditions 3 and 4 as worded in relation to on-site parking
- request for an amendment to On-road interventions Condition 5(b)(iv) as shown in Attachment 1 of the submission (and in Discussion section below)
- retention of Condition 6 as worded in relation to the school travel plan
- retention of Condition 7 as worded.

Discussion

Attachment 1 of Submission 7 sets out, and discusses the reasons, for the relief sought in the submission. In regard to the retention of Conditions 3, 4, 6, and 7, this is not repeated here. Auckland Transport, as an affected party and road controlling authority, is in agreement with the requiring authority.

In regard to Condition 5(b)(iv), Auckland Transport is seeking the following amendment:

iv. Any on-road interventions required (and subject to approval of Auckland Transport) such as:

- ~~a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road;~~
- ~~b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;~~
- ~~c) New or upgraded pedestrian crossings on roads directly adjoining the site;~~
- ~~d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.~~
- ~~e) Details of the time and means by which these are to be implemented.~~

And add the following condition:

x. The Ministry of Education is responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE (subject to approval of Auckland Transport):

- a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road;
- b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;
- c) New or upgraded pedestrian crossings on roads directly adjoining the site; d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.

Or alternatively, another mechanism could be used that provides certainty that MoE is responsible for the funding and delivery of the on-road interventions listed in condition 5(b)(iv).

Auckland Transport considers that on-road interventions will be critical in ensuring safe connection points for active mode users accessing the school and promoting the 48% mode share for actives modes outlined in the ITA dated 29 November 2021. Auckland Transport also anticipates that the interventions listed in condition 5(b)(iv) will be required regardless of any design detail submitted by MoE as part of any future OPW.

Planner Recommendation

The Submission 3 be accepted. I understand that Auckland Transport and the requiring authority have agreed on the following amendment to Condition 5(b)(iv):

Condition 5 Establishment Outline Plan of Works

...

- ~~iv. Any on-road interventions required (and subject to approval by Auckland Transport) such as:~~
 - ~~a) The signalisation of the existing pedestrian crossing facility on Hobsonville Point Road;~~
 - ~~b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;~~

- ~~c) New or upgraded pedestrian crossings on roads directly adjoining the site;~~
- ~~d) The implementation of a variable speed limit along the road frontage to the site during school start and finish times.~~
- ~~e) Details of the time and means by which these are to be implemented.~~

iv. Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network;

v. The effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:

- visibility and safe sight distances;
 - existing and future traffic conditions including speed, volume,
 - type, current accident rate, and the need for safe maneuvering;
 - proximity to and operation of intersections;
- c) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways. Unless already delivered by others or otherwise agreed with Auckland Transport, the Ministry of Education will be responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE:
- a) The signalization of the existing pedestrian crossing facility on Hobsonville Point Road;
 - b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;
 - c) New or upgraded pedestrian crossings on roads directly adjoining the site;
 - d) The implementation of variable speed limit along the road frontage to the site during school start and finish times.
- d) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters described below, and effects associated with the school and the ECE on the surrounding existing and future roading network. A copy of the draft Design Concept Plan and draft Traffic Assessment prepared to support the Establishment Outline Plan shall be provided to Auckland Transport for the purposes of this consultation and engagement.

...

I agree with the amendment to Condition 5 in that the appropriate parties to be considering the amendment are Auckland Transport, as an affected party and road controlling authority, and the requiring authority. However, I have not been part of the discussions between Auckland Transport and the requiring authority. I understand, from emails from the requiring authority, that both Auckland Transport and the requiring authority agrees with the amendment. However, I consider that this should be confirmed by both parties.

Jo Hart

From: Andrew Temperley <andrew@trafficplanning.co.nz>
Sent: Tuesday, 14 December 2021 5:52 PM
To: Jo Hart
Subject: RE: Notice of requirement - Ministry of Education - 2 Waka Moana Ave, Hobsonville - traffic specialist brief

Hi Jo,

Further to previous correspondence and discussion in relation to the above NOR, I just wanted to give you a heads up that I have undertaken a preliminary review of the application information, as requested.

I have identified a number of information 'gaps' in relation to being able to complete my assessment of transportation matters, in areas including:

- Dwelling densities and impact on traffic capacity analyses
- Scope of intersection capacity / operational analyses, both with the PUDO and further afield
- Staging of transport mitigation measures in the context of staging for the development – while there are indications of a staged increase in the school roll over time to its full capacity, there doesn't seem to be much detail provided on this, and how any transport measures may be phased around it.

Just to confirm, do you require any further particular details from me at this stage, or are you happy for me to provide fuller detail around my further information requests by the December 20th deadline? I was intending that my S92 Requests would include the above, with fuller detail around reasons and purpose for requests.

Kind Regards,

Andrew

Andrew Temperley SENIOR TRANSPORT PLANNER



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E andrew@trafficplanning.co.nz

W www.trafficplanning.co.nz

From: Andrew Temperley
Sent: Tuesday, 14 December 2021 5:32 pm
To: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Subject: RE: Notice of requirement - Ministry of Education - 2 Waka Moana Ave, Hobsonville - traffic specialist brief

Hi Jo,

Further to previous correspondence and discussion in relation to the above NOR, I just wanted to give you a heads up that I have undertaken a preliminary review of the application information, as requested.

I have identified a number of information 'gaps', in areas including:

- dwelling densities and impact on traffic capacity analyses

Andrew Temperley SENIOR TRANSPORT PLANNER



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From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>

Sent: Thursday, 2 December 2021 3:26 pm

To: Andrew Temperley <andrew@trafficplanning.co.nz>

Subject: Notice of requirement - Ministry of Education - 2 Waka Moana Ave, Hobsonville - traffic specialist brief

Hi Andrew

As discussed yesterday – please find attached a specialist brief for the lodged Ministry of Education NoR for a new primary school and early childhood centre at 2 Waka Moana Drive, Hobsonville.

There is a OneDrive link in the attached document. Please let me know if you have any issues accessing the files.

I spoke to Ciaran yesterday. He didn't think that TPC had provided a quote for this NoR, only the one at Trig Road. Could you confirm this and if one hasn't been provided, could you please provide a quote so that I can set up the statement of works and purchase order.

Note that while I have given timeframes for the first tasks (initial review and section 92 requests), this can be extended if required. I'm trying to get the section 92 requests back to MoE before the Xmas break if possible though.

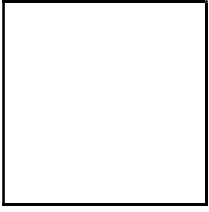
Please contact me if you have any questions.

Jo

Noho ora mai | Stay well

Jo Hart | Senior Policy Planner
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Auckland Council, Level 24, 135 Albert Street, Auckland
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Jo Hart

From: Rue Statham
Sent: Wednesday, 8 June 2022 1:36 PM
To: Jo Hart
Subject: RE: NoR - MoE - 2 Waka Moana Drive, Hobsonville - amended Conditions (word version) 8 June 2022

Hi Jo

Construction can start anytime, but between August and March, but they'll need to deal with the dotterels. If construction starts April – July then this condition doesn't apply

Regards

Rue Statham
Senior Ecologist
Ecology Advice Team
Natural Environment Specialist Services

From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Sent: Wednesday, 8 June 2022 12:25
To: Rue Statham <Rue.Statham@aucklandcouncil.govt.nz>
Subject: FW: NoR - MoE - 2 Waka Moana Drive, Hobsonville - amended Conditions (word version) 8 June 2022

Hi Rue

The planning consultant for the MoE is wanting to understand the timeframes suggested by yourself – see his question below:

[for major site works.]

9. **Dotterel Management**

Between the months of August to March, and no less than 7 days immediately prior to the first construction phase, a suitably qualified person ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the pre-construction check, a dotterel management plan shall be submitted to the council for certification, for the protection of dotterels during the first construction phase. Once certified, the Plan shall be implemented for the protection of the dotterels during the first construction phase.

Is it intended that the condition applies of construction will commence in the months Aug to marchers' the following year inclusive, and not if construction start outside those months?

Just trying the understand the implications of including the date range.

Noho ora mai | Stay well

Jo Hart | Senior Policy Planner
Regional, North, West and Islands Planning
Plans and Places
DDI 09 890 8291 | Mob 021 948783
Auckland Council, Level 24, 135 Albert Street, Auckland
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From: Chris Horne <Chris@incite.co.nz>
 Sent: Wednesday, 8 June 2022 12:22 PM
 To: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
 Cc: Jason Smith <jason.smith@morphum.com>
 Subject: RE: NoR - MoE - 2 Waka Moana Drive, Hobsonville - amended Conditions (word version) 8 June 2022

Hi Jo

I'll need to check in with MoE, but just in regard to the dotterel condition (and Jason FYI):

for major site works.]

9. **Dotterel Management**

Between the months of August to March, and no less than 7 days immediately prior to the first construction phase, a suitably qualified ~~person~~ ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the pre-construction check, a dotterel management plan shall be submitted to the council for certification, for the protection of dotterels during the first construction phase. Once certified, the Plan shall be implemented for the protection of the dotterels during the first construction phase.

Is it intended that the condition applies of construction will commence in the months Aug to marchers' the following year inclusive, and not if construction start outside those months?

Just trying the understand the implications of including the date range

Cheers

Chris Horne
 Director



PO Box 3082
 Auckland 1140
 Phone 09 369 1465
 Mobile 0274 794 980

chris@incite.co.nz
www.incite.co.nz

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From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
 Sent: Wednesday, 8 June 2022 11:05 am
 To: Chris Horne <Chris@incite.co.nz>
 Subject: NoR - MoE - 2 Waka Moana Drive, Hobsonville - amended Conditions (word version) 8 June 2022

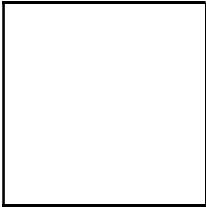
Hi Chris

Please find attached an amended set of conditions to review and provide comment/alternative wording. The amendments include:

- Minor amendment to lapse date wording
- Condition 5(a) – new condition proposed to resolve relief sought in NZDF’s submission
- Condition 5(b)(iv) and new condition 5(c) – agreed condition between AT and MoE
- Condition 9 – minor amendment to condition for dotterel management plan.

Please contact me if you have any questions.

Jo



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Jo Hart

From: Rue Statham
Sent: Monday, 30 May 2022 9:09 AM
To: Jo Hart
Subject: Re: Notice of Requirement for a new designation - Ministry of Education - 2 Waka Moana Drive, Hobsonville - Ecology specialist input
Attachments: Effects on dotterels_RS edit.docx
Follow Up Flag: Follow up
Due By: Monday, 30 May 2022 2:00 PM
Flag Status: Flagged

Morena

I'd suggest that if the find Dotterel(s) then they need to submit a plan for certification; not implement a plan that doesn't exist (yet)
Need to set some parameters too, like the nesting season which is Aug - March - and need to check 7days prior to starting, that way they have some contingency time to work out what to do.

Regards

Rue Statham
Senior Ecologist
Ecology Advice Team

From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Sent: 27 May 2022 17:13
To: Rue Statham <Rue.Statham@aucklandcouncil.govt.nz>; Simon Mills <Simon.Mills@aucklandcouncil.govt.nz>
Subject: RE: Notice of Requirement for a new designation - Ministry of Education - 2 Waka Moana Drive, Hobsonville - Ecology specialist input

Hi Rue

I'm currently writing the hearing report for this NoR. I've attached the proposed wording within the hearing report in relation to the effects on the dotterels.

Please feel free to add/amend wording or provide additional comments before the end of next week if possible.

There were only 7 submissions on this NoR and none raised ecological/dotterel matters. Whether there is a hearing for the NoR will depend on whether there are any submitters who wish to be heard. If there aren't any, then it is at the discretion of the hearing commissioner/s as to whether to make a recommendation on the NoR on the papers without a physical hearing.

Please contact me if you have any questions.

Jo

Noho ora mai | Stay well

Jo Hart | Senior Policy Planner
Regional, North, West and Islands Planning
Plans and Places
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1.1.1.1 Effects on dotterels

Requiring authority AEE

Section 6.4 of the AEE, and associated technical assessment in Appendix F¹ of the AEE, addresses the effects of the NoR on dotterels. The AEE states that following the sale and purchase agreement of the site, Eke Panuku advised that a pair of dotterel birds had been observed nesting on the site. At the time the AEE was published, the presence of dotterel birds on the site had been confirmed and their nesting onsite was considered possible. Dotterels are protected under the Wildlife Act 1953. Therefore is an offence to disturb dotterel.

The subject site is currently consistent with in-land breeding sites for dotterel, as the lack of vegetation cover and flat topography allow for line of site to be maintained across the site.

The technical assessment considered that once the site is operational for educational purposes, it is considered unlikely that the site would be considered suitable for the dotterels due to anthropogenic disturbance.

The requiring authority considers that while the designation of the site for educational purposes would not disturb dotterel themselves, future construction activity could. A specific designation condition relating to the management of any dotterel on the site at the time of construction has been included with the NoR. Condition 9 Dotterel Management states:

Between the months of August to March, and no less than 7 days immediately prior to the first construction phase, a suitably qualified person-ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the pre-construction check, a dotterel management plan shall be submitted to Council for certification, for the protection of the dotterels during the first construction phase. Once certified, the Plan shall be implemented, for the protection of the dotterels during the first construction phase.

If dotterel(s) are found to be present prior to the first construction phase, a dotterel management plan will be implemented. A dotterel management plan ~~will~~ can include a range of potential dotterel management options, such as:

- Deterrence – deterring prospecting dotterel from the nesting site using various methods such as human and site activity, false hawk/reflective tape, long grass, silt fences and constructing impervious surfaces
- Contingency measures such as avoiding any work that could disturb the dotterel e.g. establishing a physical works exclusion area defined around the nest until any chicks have fledged. This also includes moving or otherwise disturbing features near the nest that could be used by dotterel as visual markers

¹ Appendix F – Dotterel Management Plan Final. Morphum Environmental Limited. 1 September 2021.

- A Wildlife Act permit from the Department of Conservation to move the nest a short distance. This is the least preferable course of action, and all other measures of management will be investigated and exhausted before relocation of any potential nests is considered.

Specialist review

Mr Rue ~~Stratham~~Statham, the council's terrestrial ecology specialist has reviewed the NoR. Mr ~~Stratham~~Statham has existing knowledge of the north, west and north-west areas of Auckland including the site subject to the NoR. His observation on 27 January 2022 was that there were two birds on the site but that they did not seem to be too interested in nesting. He agrees that the approach the applicant will be following uses the generally accepted protocols for dotterel management. And that Condition 9, and the Dotterel Management Plan, will ensure that the potential adverse effects on the dotterel can be avoided, remedied or mitigated.

Commented [JH1]: Condition 9 is shown above in yellow highlight.

Planning review

I rely on the expertise of Mr ~~Stratham~~Statham, in that Condition 9, and the Dotterel Management Plan, will ensure that any potential adverse effects on the dotterel can be avoided, remedied or mitigated.

Jo Hart

From: Susan Andrews
Sent: Thursday, 23 June 2022 3:04 PM
To: Jo Hart
Subject: RE: Notice of requirement - MoE - 2 Waka Moana Drive, Hobsonville - stormwater and flood effects - HW review
Attachments: Infrastructure and flood effects - HW review - SA Completed.docx
Follow Up Flag: Follow up
Flag Status: Flagged

A long wait for a few words from me – hoping this looks OK to you?

Next one coming shortly!!

Cheers,

Susan

From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Sent: Monday, 20 June 2022 12:09 pm
To: Susan Andrews <susan.andrews@aucklandcouncil.govt.nz>
Subject: RE: Notice of requirement - MoE - 2 Waka Moana Drive, Hobsonville - stormwater and flood effects - HW review

Hi Susan

How are you going with this one and the private plan change at 751 and 787 Kaipara Coast Highway?

I'll be needing them both this earlier rather than later this week as I need to get both section 42A's report to the team leaders to review. I have a deadline of 9am 30th June to get both reports to the Hearings Unit.

Jo

Noho ora mai | Stay well

Jo Hart | Senior Policy Planner
Regional, North, West and Islands Planning
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1.1.1.1 Infrastructure and flood effects

Requiring authority AEE

Section 6.5 of the AEE, and associated technical assessment in Appendix G¹ of the AEE, addresses the effects of the NoR on infrastructure and flooding. The findings of the technical report concluded that there are no fundamental civil infrastructure limitations that would preclude the site from being used for educational purposes. The AEE is separated into the following:

Flooding and Stormwater

In regard to flooding the AEE states:

According to Auckland Council Catchments and Hydrology overlays within the GEOMAPS GIS system, an overland flow path crosses the site from south to north, along the eastern side of the property. There is also a flood plain area adjacent to the eastern boundary of the site. Since this data was published, the site itself and the surrounding areas have undergone significant earthworks and a light recontouring in recent years, and therefore the presence of the floodplain and overland flow paths are no longer expected to be accurate. There are no flood prone areas highlighted within the site. Additionally, any overland flow paths will change to flow around buildings once the site is developed. The Williamson Water and Land Advisory Report concludes that the risk of flooding on the site is considered low.

In regard to stormwater, the AEE states:

The Williamson Water and Land Advisory Report considers that connection to the stormwater network to the north-west of the site would be preferred to avoid any pumping requirements. Subsequent discussions have been held with Healthy Waters who do not anticipate any capacity issues within this stormwater network given the young age of the network and development. This connection north-west of the site could potentially be either through the existing private gravity main that connects to the 750mm stormwater main on the northern side of Hobsonville Road, or through construction of a new connection. The site is also subject to the provisions of the Stormwater Management Area Controls (Flow 1) in the AUP. The retention or detention of stormwater must be provided, either onsite or offsite. Potential options include utilising the connection and existing detention pond to the north on Buckley Avenue/Frances Bryers Road. If this is not possible, the report recommends that onsite detention measures will need to be implemented. It is intended that detailed stormwater design is addressed as part of later detailed design and any effects can be appropriately managed through the outline plan process and any regional consents (if required).

Specialist review

¹ Appendix G – Infrastructure, Contamination and Flooding Assessment. Williamson Water and Land Advisory. 2 February 2021.

Ms Susan Andrews, the council's Senior Healthy Waters specialist, has reviewed the AEE, associated technical report, and the section 92 response. Ms Andrews relying on the advice of her colleague Mr Danny Curtis, Principal Catchment Planning and catchment manager for the Whenuapai stormwater catchment, concurs with the findings of the AEE and associated technical report and considers... the flooding and stormwater effects associated with the proposed development of a primary school and ECE centre will be minor, and that the effects can be appropriately managed through the operative provisions of the AUP(OP).

Planning review

I rely on the expertise of Ms Andrews, in that the effects of flooding and stormwater can be appropriately managed through the operative provisions of the AUP(OP). In addition to the OPW, any relevant regional resource consents will be required before the works provided for by a confirmed designation can be undertaken.

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Commented [JH1]: Do you agree with the MoE's assessment. Will the effects be minor, less than minor or no more than minor.

Are any conditions required? Or are the provisions of the AUP(OP) which would need to be assessed as part of a regional consent sufficient to avoid, mitigate or remedy any potential adverse effects?

Commented [SA2R1]: No condition required Jo.

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Jo Hart

From: Frank Havel
Sent: Tuesday, 14 December 2021 4:43 PM
To: Jo Hart
Subject: RE: Notice of requirement for a designation - Ministry of Education - 2 Waka Moana Drive, Hobsonville - Geotech input

Follow Up Flag: Follow up
Due By: Friday, 17 December 2021 9:00 AM
Flag Status: Flagged

Hi Jo,

I have reviewed Geotechnical Investigation Report for Site Evaluation and Mater Planning prepared by Wentz-Pacific, reference 1422-01-20 and dated 01 February 2021, and I have found the report satisfactory for the public notification. The report is well prepared and I also do not have any geotechnical s92 request.

I have just one query. Following the report it seems the site has been subdivided with some bulk earthworks around 2017. Do we have any Geotechnical Completion Report (GCR) from the subdivision? It will be very useful to ask Wentz-Pacific for the GCR review (in the case GCR has been prepared) as a part of this application.

Please let me know if we have the GCR and if you need anything more from me.

Regards,

Frank

Dr Frank Havel | Geotechnical Practice Lead
BE, MSc(Hons), PhD, CMEngNZ, CPEng, IntPE(NZ)
Resilient Land & Coasts
Infrastructure and Environmental Services
Mobile +64 21 572 803
Auckland Council, Level 18, 135 Albert Street, Auckland
LinkedIn: www.linkedin.com/in/fhavel/
Visit our website: www.aucklandcouncil.govt.nz

From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Sent: Monday, December 6, 2021 2:11 PM
To: Frank Havel <frank.havel@aucklandcouncil.govt.nz>
Subject: Notice of requirement for a designation - Ministry of Education - 2 Waka Moana Drive, Hobsonville - Geotech input

Good afternoon

I'm the processing planner for a notice of requirement for a new designation (NoR) lodged by the Ministry of Education for a primary school and early childhood education centre at 2 Waka Moana Drive, Hobsonville. MoE have requested that the NoR be publicly notified. An Outline Plan of Works is still required along with any relevant regional consents.

Could you please advise as soon as possible whether you have the capacity to undertake a review of the NoR assessment of effects and associated technical report associated within your area of expertise in regard to geotechnical effects.

Jo Hart

From: Ethan Fu
Sent: Tuesday, 14 December 2021 4:49 PM
To: Jo Hart
Subject: RE: Notice of Requirement - Ministry of Education - 2 Waka Moana Drive, Hobsonville - DE specialist input

Follow Up Flag: Follow up
Due By: Wednesday, 15 December 2021 9:00 AM
Flag Status: Flagged

Hi Jo

I have reviewed the submitted documents from Development Engineering perspective at high level that the infrastructure capacity, flood risk review and geotechnical investigation has reasonably analysed and concluded that the site is suitable to the proposed buildings, while details of the abovementioned matters will be required at OPW stage.

Please let me know if you have any questions.

Thanks.

Ngā mihi,

**Ethan Fu | Senior Development Engineer
Regulatory Engineering North West**

Ph 09 892 4215 | Extn (42) 4215 | Mobile 021 813 203

Auckland Council, Level 2, Waitakere Central, 6 Henderson Valley Road, Auckland

Visit our website: www.aucklandcouncil.govt.nz

Thank you for your email.

As we deal with the impacts of the lockdown, we have had to change the way we do some things. All Auckland Council Service Centres are now closed and our staff are working remotely. However, we remain open for business and we are contactable by email or phone as we continue to deliver our services across our digital channel.

We apologise for any delay in responding to your inquiry and thank you for your continued patience and support.

If your matter is urgent, you can contact me on the mobile number below. You can also visit aucklandcouncil.govt.nz for more information about our response to COVID-19, as well as access to general information and online services. Thank you for your help and understanding in these challenging times. Stay safe, stay well, He waka eke noa (we are all in this together).

From: Ethan Fu
Sent: Friday, December 10, 2021 3:18 PM
To: DEAllocations <deallocations@aklc.govt.nz>; Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Subject: RE: Notice of Requirement - Ministry of Education - 2 Waka Moana Drive, Hobsonville - DE specialist input

Thanks Dolly

Hi Jo

I could provide review earlier next week, I will get back to you next Monday or Tuesday.

Ngā mihi,

Jo Hart

From: Ruben Naidoo
Sent: Wednesday, 22 December 2021 1:40 PM
To: Jo Hart
Subject: RE: Notice of Requirement - Ministry of Education - 2 Waka Moana Drive, Hobsonville - contaminated land specialist input

Hi Jo, (Hijo)

Apologies, this just missed my radar!

Trust you are well, and looking forward to a much deserved break.

I have reviewed the application documents including the Ground Contamination, Flood Risk and Infrastructure Capacity Review, WWLA, Feb 2021, and offer the following comments:

Soil contamination testing found that contaminants are below background except in the northern part of the site where former sediment ponds and associated activities occurred. Low levels of PAH were detected in fill up to 1.9 m deep where settlement ponds had been filled and the site relevelled; however, no exceedances of NESCS or AUP criteria were reported.

The applicant assessed the proposal as a CA in terms of the NES and considers that the AUP E30 does not apply.

A site management plan (SMP) for managing potential contamination is required in support of the consent application.

No further information relating to contamination is required.

Regards,

**Ruben Naidoo |Specialist Environmental Health
Resource Consents**
Ph (09) 353 9078 | Ext (40) 9078 | Mob 027 2413 668
Auckland Council , Level 6, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

PS. Wishing you and your family a merry Christmas and may 2022 be what you expect it to be.

Enjoy your break!

From: Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Sent: Wednesday, 8 December 2021 9:39 AM
To: Ruben Naidoo <Ruben.Naidoo@aucklandcouncil.govt.nz>
Subject: RE: Notice of Requirement - Ministry of Education - 2 Waka Moana Drive, Hobsonville - contaminated land specialist input

Thanks Ruben

Jo

Noho ora mai | Stay well

ATTACHMENT SIX

SECTION 42A REPORT AUTHOR QUALIFICATIONS AND EXPERIENCE

Section 42A Report Author – qualifications and experience statement

1. My full name is Joanna Hart. I am a Senior Policy Planner in the Planning – Regional, North, West and Islands Unit (Plans and Places Department) employed by Auckland Council.
2. I am the Auckland Council reporting planner for the Ministry of Education notice of requirement for a primary school (Years 0-8) and Early Childhood Centre at 2 Waka Moana Drive, Hobsonville.
3. I hold the qualifications of Bachelor of Science from the University of Auckland (1999) and Master of Planning Practice from the University of Auckland (2001). I am an associate member of the New Zealand Planning Institute. I have worked as a planner for 15 years for local authorities including the former North Shore City Council (February 2007 – October 2010) and Auckland Council (November 2010 – present).
4. My key responsibilities in my role as a senior policy planner includes processing and reporting on plan changes and notice of requirements. And contributing to area spatial plans. I wrote evidence and appeared at the Independent Hearing Panel hearings for the Auckland Unitary Plan in 2016. I also provided planning evidence, in support of Auckland Council's submission on the Northern Corridor Improvement Project notices of requirement, to the Board of Inquiry in 2017.

