



PLANNING

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Notice of Requirement pursuant to Section 168 of the RMA

Proposed Primary School (Years 0-8)

121 Murphys Road, Flat Bush

Prepared for

Minister of Education

February 2023

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1 Key Information

Address	121 Murphys Road, Flat Bush
Legal Description	Lot 3 DP 515396
Site Area	3.0608 hectares
Owner	Green City Developments Limited
Occupier	Vacant
Requiring Authority	Minister of Education
Operative District Plan	Auckland Unitary Plan – Operative in Part
Zoning	Residential – Mixed Housing Urban
Precincts	Flat Bush sub-precinct C
Overlays	Aircraft Noise Overlay – Aircraft Noise Notification Area (ANNA), Auckland Airport
Controls	MCI – Rural
Designations	1836, Mill Road – Redoubt Road Corridor Project, Auckland Transport 200, Ardmore Airport – Height Restrictions, Ardmore Airport 1102, Airspace Restrictions, Protection of aeronautical functions – obstacle limitation surfaces Auckland International Airport
Road Classification	Murphys Road is an Arterial road
Proposed Activity	To enable the establishment of a new primary school catering for school students from Year 0 to Year 8. Refer to attached Designation Plan in Appendix 2.
Consent Triggers	No resource consents are being sought as part of this Notice of Requirement – refer below.
Other consents/permits that may be required under legislation	Outline Plan of Works approval will be required for subsequent development in accordance with the proposed designation. Regional resource consents will be required. A building consent will be required under the Building Act 2004.

2 Introduction

This report is submitted as part of the Minister of Education’s (“the Applicant” or “the Requiring Authority”) notice to Auckland Council (“the Council”) of its requirement for a new designation to establish a new primary school at 121 Murphys Road, Flat Bush (“Notice of Requirement”) and (“the site”).

In summary, the designation will enable the establishment of a new primary school catering for school age children from Year 0 to Year 8. The new educational facilities are required to meet expected population growth and related existing school demand in the locale.

The new school is already required to serve an existing shortfall in the school network in and around Flat Bush. In addition, the area around the school site is zoned for residential activity of medium to high density under both the existing provisions of the Auckland Unitary Plan – Operative in Part (“AUP”) and as a result of increase development capacity driven by recent Government-led legislative requirements to increase residential intensity particularly in the nation’s largest and faster-growing cities. Accordingly, the school will ultimately serve the local catchment as the area urbanises and a masterplan roll of up to 1,250 students has been assumed in the longer term.

The Ministry of Education is a Crown entity with its objectives, functions, powers and responsibilities set out in the Education and Training Act 2020. The Minister is also a requiring authority under section 167(3) of the Resource Management Act 1991 (“RMA”).

Section 171 of the RMA sets out the matters the Council shall have regard to in considering this requirement for a new designation and making its recommendation to the Requiring Authority.

In preparing this assessment, I have visited the site, and considered the requirement and its potential environmental effects having particular regard to the matters listed in Section 171 of the RMA as necessary, including assessing the Notice of Requirement against the relevant planning instruments. I have relied on the plans and specialist advice appended to this report for the purposes of the assessment.

3 Existing Environment

3.1 The Site

The site is currently occupied by a single dwelling surrounded by open pasture and is rural-residential in nature, comprising approximately 3ha in area. It is roughly triangular in shape with site topography falling towards the southeast, with steeper land down to the riparian edge and gully feature, including stream, along the southern boundary.

It is understood the former dwelling is no longer occupied and the site therefore sits vacant.

The site is variously described by experts in accompanying reports, with the following summary:

- There are three primary ecological areas on the site – the exotic grasslands; the derelict house and surrounding overgrown garden; and the stream and supporting riparian margin running along the site’s southern boundary.
- The stream is an unnamed tributary of Otara Creek and runs in a west to east direction. The site is within the Otara Creek / Flat Bush stormwater catchment.
- The site has a 110m frontage onto Murphys Road and a 310m northern boundary, most of which will have frontage to a newly constructed road that forms part of the consented residential development of the neighbouring property at 125 Murphys Road.
- Access was formerly gained to the site via driveways through both 117 and 125 Murphys Road, otherwise with no direct vehicular access to Murphys Road. With development on 125 Murphys Road under construction, access to the site is currently gained via an easement over that site to the north.

A record of title is provided as Appendix 1.

Figure 1 – Aerial Photograph of site (outlined in blue)



3.2 Surrounding Area

The site is located in a developing area of south-east Auckland, with a residential character emerging from former rural-residential surrounds. This is evident immediately east along Murphys Park Drive and to the west across Murphys Road and north of Thomas Road. These areas comprise higher density residential development as anticipated by the Residential - Mixed Housing Urban (“MHU”) zone of the AUP.

Further, the property at 125 Murphys Road has resource consent for and is currently under construction to accommodate approximately 160 new dwellings and associated infrastructure as illustrated in Figure 2 below.

Figure 2 – Approved Roading Layout for BUN60370387



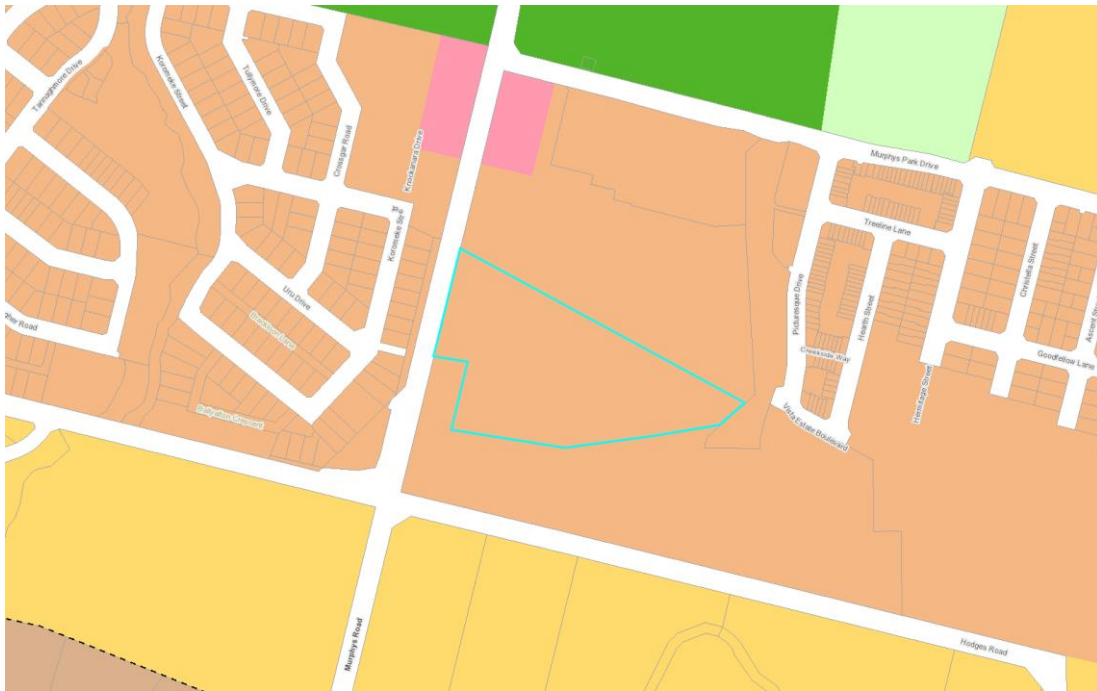
This is relevant given the proposed school site will gain access from approved Road 3 as termed in BUN60370387.

Murphys Road itself however remains relatively rural in character – with one sealed lane in either direction and no kerb and channel, footpath or berm.

3.3 Auckland Unitary Plan Notations

The site is zoned MHU in the AUP, with surrounding land a mix of zones as illustrated in Figure 3.

Figure 3 – Unitary Plan Zoning

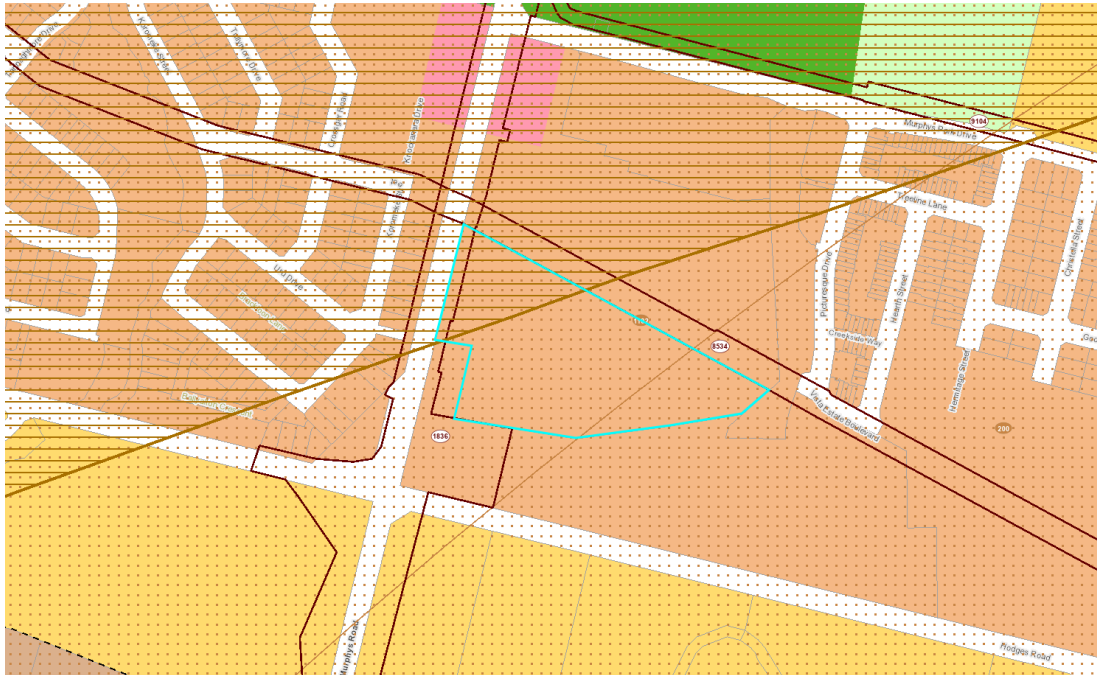


The site is subject to the following designations and other controls:

- 1836, Mill Road – Redoubt Road corridor project, Auckland Transport (refer Figure 4)
- 1102, Airspace Restrictions, Protection of aeronautical functions – obstacle limitation surfaces Auckland International Airport (not affected)
- 200, Height Restrictions, Ardmore Airport
- Flat Bush sub-precinct C
- Aircraft Noise Overlay – Aircraft noise notification area ("ANNA"), Auckland Airport
- MCI – Rural.

Not affecting the site but immediately north, the area denoted as Road 3 in Figure 2 is subject to a designation in favour of Transpower (8534) (also illustrated in Figure 4 overleaf).

Figure 4 – Unitary Plan Notations



3.4 Other Notations

The accompanying Archaeological Assessment (Appendix 11) suggests that the existing dwelling, or parts of it, could pre-date 1900 and the site is subject to an archaeological record (R11/2975). Therefore, further development of the site may require an authority to modify an archaeological feature from Heritage New Zealand Pouhere Taonga. This is further addressed in this report also.

Auckland Council's Geomaps identifies overland flow paths and floodplains within the vicinity, largely contained within the southern gully feature.

The accompanying Flood Assessment (Appendix 6) provides further detail regarding the hydrology of the site.

Finally, the site is or can be serviced through consented (and shortly to be constructed, commissioned and vested) infrastructure within 125 Murphys Road for water, wastewater and stormwater, (which expressly enables connection to the site), albeit the latter will also be managed on-site and through future discharges (to be authorised) to the stream on the southern boundary. These matters are further addressed in the accompanying Civil Engineering Assessment (Appendix 8).

Figure 5 – Flood Hazards (Geomaps)



4 Proposed Designation

4.1 The Minister’s Objectives

The Minister is a requiring authority pursuant to section 166 of the RMA, and has financial responsibility for state owned and funded schools, so may give the Council a notice of requirement for a designation for such works.

The Education and Training Act 2020 requires the Minister of Education to ensure that the School network has sufficient capacity that all school-aged students can enrol in State education. The primary RMA mechanism available to the Minister to provide additional capacity in the School network to respond to population growth and meet the requirements of the Education and Training Act 2020 is to designate land for new schools. Those elected to the Board of Trustees are legally responsible for the management of their school, in the same manner as applies to all other state schools.

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

Designation is considered to be the appropriate mechanism to provide for the establishment and on-going operation of the school for its proposed purpose. The Minister requires ongoing certainty that the site can be developed and used for this purpose. Designation provides the necessary long-term certainty and flexibility for operation of a school on the site, while also identifying the use of the site to the general public. Nearly all other state schools within Auckland Council’s jurisdiction and within New Zealand are designated.

4.2 Overview

The Minister requires the site to be designated for the purpose of “Educational Purposes – Primary School (Years 0-8)”. The land area to be designated is approximately 3ha and is shown on the Designation Plan in Appendix 2. The new school is required to serve an existing shortfall in the surrounding school network given the fast-developing communities in Flat Bush and Ormiston. Accordingly, the school will ultimately serve the local catchment as the area urbanises with an anticipated master plan roll of up to 1,250.

Following designation, it is proposed to construct new buildings to create 53 new teaching spaces, a multi-purpose space, as well as hardcourts, outdoor playing areas, sportsfields, car parking, pick-up and drop-off (“PUDO”) areas and associated landscaping, access and services. An illustration of the feasibility design and a concept site layout are included in Appendix 4 and illustrated below.

Figure 6 – Indicative Site Layout



The hours when classes will be held on site are expected to be similar to most other schools. In general, core teaching hours for schools in New Zealand are undertaken on weekdays and can start between approximately 8:30am – 9.00am and end between 3.00pm – 3:30pm. However, some activities may occur outside of core school hours such as supervised care of school students after school hours, school sporting or cultural events or training, community education (night classes), school fairs etc.

No detailed design of the school has been undertaken at this stage, and as such plans for the development of the site are not included with this Notice of Requirement. This will be addressed at the later approval stages, including the first Outline Plan of Works pursuant to section 176A of the RMA. A Design Feasibility Study has been prepared and is included at Appendix 4.

The Minister would not accept any condition linking the designation to these feasibility plans as these are intended only to inform an assessment to confirm the site is fit for purpose and to provide a realistic framework for assessing the effects of a future school on this site, and may not

reflect the actual design. However, the Design Feasibility Study includes those facilities that would be anticipated for any primary school of this size.

The proposed amendments to the AUP, including the designation purpose and conditions for the proposed new designation, are detailed in the accompanying Form 18 Notice of Requirement. The proposed purpose of the designation is Educational Purposes – Primary School (Years 0-8), noting that the meaning of ‘educational purposes’ is set out within the standard conditions for school designations in Chapter K of the AUP. The standard conditions for schools in the AUP (see Appendix 2) will apply except where modified by the Notice of Requirement. The standard height in relation to boundary control condition is amended to take account of the more enabling recession planes of the underlying AUP zone (MHU), in accordance with sections 77M(5) and (6) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Additional site-specific conditions have been included with the intention that the effects they address will be subject to a further and more detailed design at the outline plan stage following designation of the site. In particular, an ‘establishment outline plan’ condition is included to provide specific guidance on matters that need to be considered and demonstrated as part of the outline plan for the first substantive stage of school development. There is also an obligation for a Travel Plan to be prepared and implemented before the school opens.

Further, a condition is proposed that addresses the need for further transport assessment in a subsequent outline plan of works process should works on the school site result from a change to the student catchment, that has otherwise been assessed as comprising land east of Murphys Road only. The corresponding advice note to proposed condition 5 provides further explanation and this is further addressed in section 7.6 of this report.

Finally, the intention is to include a site-specific condition not promoting any direct pedestrian access to and from the school site to Murphys Road unless supported by a Transport Assessment prepared by a suitably qualified traffic engineer / transportation planner or as otherwise authorised by Auckland Transport. The Council has the ability to make comment and request changes once more detailed information is available, in accordance with section 176A of the Resource Management Act 1991 (“RMA”) and has appeal rights where any requested changes are not adopted.

Specific conditions around potential soil contamination, stormwater discharge, ecology and earthworks are not proposed as part of the designation as they remain subject to other AUP regional consent requirements and National Environmental Standards (where relevant), ensuring

Council retains discretion over assessments of effects that are commensurate with the scale of future development.

4.3 Height, Shape and Bulk

The likely bulk and form of the proposed buildings is shown in the Design Feasibility Study within Appendix 4.

The buildings would likely comprise three storeys in height and are anticipated to be located central to the site with generous setbacks from Road 3 and to the remaining boundaries as follows:

- The 12m wide road widening designation has been accounted for in the indicative site layout, flanked by the proposed playing fields on the Murphys Road side of the site;
- The staff and visitor car park and overrun landscaped open space could be located on the eastern side, aligning with the developing riparian reserve to the north within 125 Murphys Road; and
- Approximately 20m setback has been demonstrated to be achievable to the southern boundary adjoining 117 Murphys Road, owing to the intent to leave a generous riparian margin to the stream and avoid unnecessary building costs associated with construction on the steeper sloping land.

Appendix 4 demonstrates that the potential future building bulk can therefore be generally centralised on the site, compliant with height to boundary controls, albeit potentially exceeding the MHU zone height limit of 11m in nominal areas, again internalised relative to the distant site boundaries.

Materiality and design will follow at the Outline Plan of Works stage and the proposed conditions of the designation enable a robust assessment of urban design matters at that point.

4.4 Location of Works

Site layout and location of buildings are yet to be confirmed however the indicative proposal illustrated in the Design Feasibility Study (Appendix 4) confirms that the site can accommodate the proposed school development in an efficient layout with sensitive relationship to all external boundaries.

4.5 Finished Contours

The project will require earthworks comprising grading, construction of level building platforms, cut and fill. The indicative site layout confirms work on the steeply sloped portion of the site can be avoided with approximately 20m setback from the stream and gully feature. Volumes and areas are unknown at this point and would be addressed through subsequent outline plan of works and regional consent applications. It is expected that the finished contours could be similar to existing.

Earthworks and sediment and erosion control measures would be further detailed in later consenting and approval stages.

4.6 Vehicle Access, Circulation and Parking

4.6.1 Parking

Standard Minister of Education designation conditions in the AUP require that on-site car parking shall be provided at the rate of two car parks 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.

The accompanying Integrated Transport Assessment (“ITA”) (Appendix 5) assesses the parking arrangement for the proposed school, noting that the indicative site layout (Appendix 4) illustrates that 106 spaces could be accommodated, which meets the standard condition ratio for parking for the approximately 53 teaching spaces proposed. This includes approximately 16 PUDO spaces.

4.6.2 Access and Circulation

Again, the ITA addresses proposed vehicle access. Three crossings are proposed on Road 3 – comprising an entry and exit for a larger car park; a PUDO entry further west on the Road 3 frontage and an exit-only crossing at the western end of the Road 3 frontage. One left-out exit only crossing is proposed to Murphys Road directly from the school site. These crossings have been assessed in terms of suitability for access design and safety in Appendix 5. As part of future approval processes more detailed design in respect of widths, gradients, etc will be undertaken.

The ITA identifies that the access points and internal circulation will be designed to accommodate tracking for buses, service vehicles and emergency vehicles.

Pedestrian and cycle access will be separated from vehicle access allowing for a separation between vehicles and school children entering and exiting the school grounds on foot.

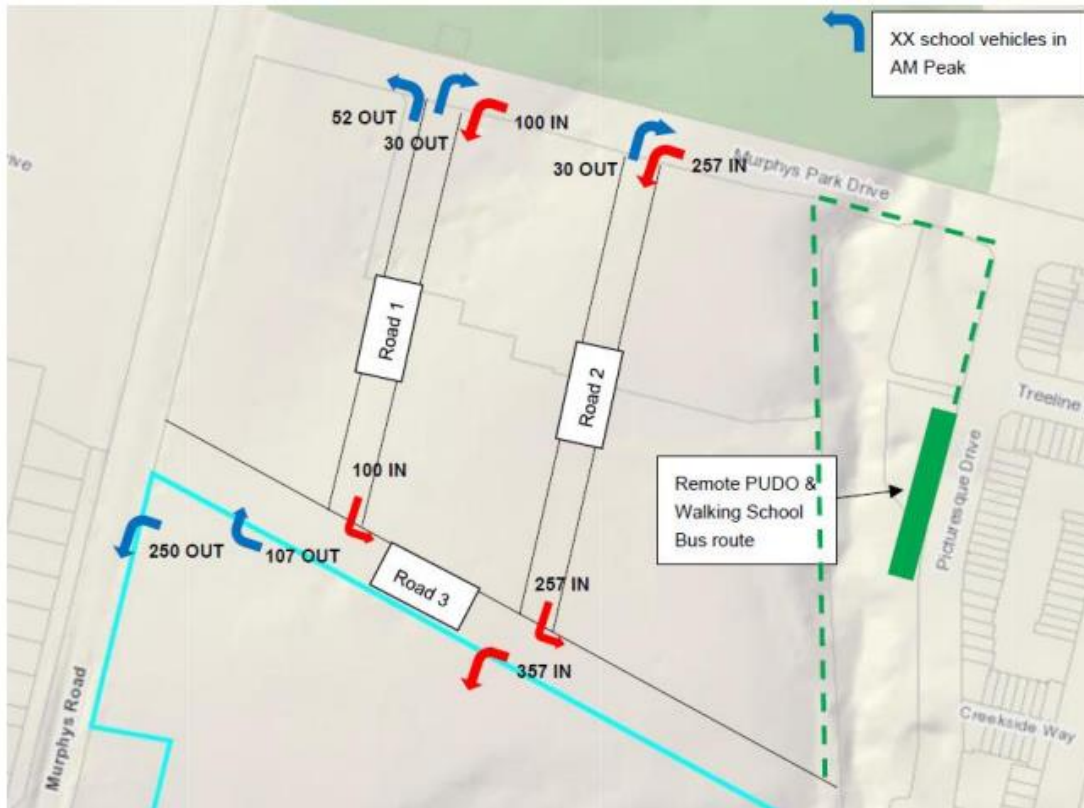
Pedestrian access to and from Murphys Road directly to the school site will not be permitted and a site-specific designation condition is proposed in this regard. This condition will apply until the Murphys Road safety improvements and wider road network upgrades are implemented. This is directly related to the intention that the school's student catchment does not cross Murphys Road to the west, as has been assumed and assessed by the ITA. Again, a designation condition is proposed to address this matter, which requires further assessment of transport safety and efficiency effects before works occur that arise from a change to the student catchment that may affect student safety and access across Murphys Road.

4.6.3 PUDO

The proposal incorporates on-site PUDO with the indicative site layout illustrating how this could be laid out on the site, parallel to the Road 3 frontage, with a one-way circulation system for safety and to accommodate approximately 16 spaces.

In addition, and to cater for the likely ultimate masterplan roll, the Ministry has investigated a remote PUDO area on Picturesque Drive, further detailed in Appendix 5. This option will enable parents to drop their children on the eastern side of the catchment and avoid having to travel through Roads 1 and 2 in 125 Murphys Road. It provides the option to either circulate back out of that area or to turn left out of the school site where they might prefer to return home to the east. Children will be escorted from the remote PUDO via walking school buses, the organisation of which will form part of the school's Travel Plan. Figure 7 illustrates the location relative to the proposed school site.

Figure 7 – Remote PUDO Potential Location



4.7 Landscaping

No Notable trees are present on the site. Nor is any significant vegetation affected within the site by its future development as a school. The existing riparian planting can be retained and enhanced. Further, appropriate hard and soft landscaping around the proposed school buildings can be implemented as illustrated in Appendix 4.

4.8 Infrastructure

The accompanying Civil Engineering Assessment (Appendix 8) identifies the following in respect of services:

- There are no existing public connections for stormwater into the site. The consented drawings at 125 Murphys Road include public stormwater within the road reserves which may provide opportunities for future connection. Alternatively, stormwater discharge permits will be obtained to discharge to the stream on the southern boundary.

- Future stormwater design will need to meet the Stormwater Management Area – Flow 1 (“SMAF 1”) requirements to protect sensitive receiving environments including the stream. SMAF 1 requires treatment, detention of flows and retention of water through the use of stormwater devices such as tanks and bioretention devices. Infiltration where possible should be used or reuse of stormwater where possible. The implications of SMAF for school design include minimising impervious surfaces as much as practicable, capture and re-use of rainwater and the use of tank and in-ground structures to detain water and infiltrate back into the soil.
- A conceptual wastewater layout for the school confirms that gravity wastewater reticulation is considered viable. The proposed connection at 125 Murphys Road has capacity to accommodate the estimated wastewater generated by the school at masterplan roll, noting that the flows estimated for the site by the downstream developer are in excess of the actual flows calculated for the school site.
- A conceptual water supply layout for the school is based on sprinklered school buildings which, given the presence of hydrants, would appear to be supportable from a system pressure perspective. Future hydrant testing would be required. Rainwater harvesting and re-use is recommended to be considered. A public network is considered likely to be available following construction of infrastructure and public network extensions within 125 Murphys Road.

No public infrastructure would therefore be adversely affected by the use of the site for a school, as planned infrastructure already has excess capacity to allow the School to connect. No feasibility issues have been identified and temporary or alternative servicing arrangements are available where required.

The indicative connection arrangements for stormwater, wastewater and water supply are shown on the civil drawings provided in Appendix 8.

5 Statutory Considerations

5.1 Resource Management Act

Council's recommendation on the proposed designation must have regard to the relevant matters in section 171.

5.1.1 Section 171 for Assessment Matters

Of relevance to this application, section 171 of the RMA requires the Council to have regard to the following in making its recommendation:

- (1A) *When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.*
- (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*
 - 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.*
- (1B) *The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that*

will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.

(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.*

(2A) However, if the requiring authority is the Minister of Education or the Minister of Defence, the territorial authority may not recommend imposing a condition requiring a financial contribution.

(3) The territorial authority must give reasons for its recommendation under subsection (2).

A description of the alternatives considered relative to this site is not required to be provided in this case given the Minister has an interest in the land that is sufficient for undertaking the work. Further, the assessment of the effects of the proposal on the environment (provided in section 6 of this report), including positive effects, concludes that the potential school development would not have a significant adverse effect on the environment. An assessment of the proposed designation relative to the statutory documents listed in section 171(1)(a) is provided in section 7 and below. Finally, the necessity of the proposal is addressed in section 4 of this report and following.

5.1.2 Part 2

Section 171 of the RMA requires the Council to consider the proposal subject to Part 2. The following assessment is provided, noting that Part 2 was considered throughout the statutory assessment in this report regarding both relevant plan provisions and effects. In other words, the conclusions reached were tested against Part 2 where necessary.

Section 5 – Purpose

The purpose of the RMA 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.”*

The proposed school is consistent with the purpose and principles of Part 2 of the RMA as it enables the community to provide for its social, cultural and economic well-being by providing necessary community infrastructure to service the projected and existing demand for primary school education in the area. This not only provides for the well-being of the children and students that attend, but also for the wider community, as schools generally become focal points for community interaction (e.g. social interactions with other parents, school sport, fundraising activity etc.). The effects of the designation are evaluated later in this report and demonstrate that any actual and potential adverse effects on the environment will be able to be avoided, remedied or mitigated, and the life-supporting capacity of the site’s environment sustained, including in relation to the stream on the southern boundary.

Section 6 – Matters of National Importance

Section 6(e) requires the following matters of national importance to be recognised and provided for:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

The school project can accommodate a generous riparian margin and protect and enhance the ecological values of the watercourse on the southern boundary, including providing opportunities

for additional planting. This area can also be built into education programmes to provide students with enhanced understanding of the function and importance of the receiving environment. Consultation undertaken with Auckland mana whenua is outlined in the consultation section of this AEE report below and is ongoing.

Section 7 – Other Matters

This section lists certain matters to which particular regard is to be had in making resource management decisions. The relevant matters are as follows:

(a) Kaitiakitanga;

(aa) The ethic of stewardship;

(b) The efficient use and development of natural and physical resources;

(c) The maintenance and enhancement of amenity values;

(d) Intrinsic value of ecosystems;

(f) Maintenance and enhancement of the quality of the environment;

(i) The effects of climate change.

Consultation undertaken with Auckland mana whenua is outlined in the consultation section of this AEE report below and is ongoing. An assessment of the potential effects in respect of natural/physical resources, ecosystems, amenity values and the quality of the environment follows later in this report. The accompanying expert reports, notably in respect of geotechnical matters, flooding, stormwater and other services have confirmed the site can be developed without detriment to the environment including taking into account the effects of climate change.

Section 8 – Te Tiriti o Waitangi

This section requires those exercising powers or functions under the RMA to take into account the principles of Te Tiriti o Waitangi. It is considered that the principles of the Treaty have been taken into account in terms of the consultation undertaken to date with mana whenua, and any ongoing engagement that may be required as a result of this designation process and future project implementation. The site is not identified on Auckland Council's Geomaps as being subject to a Statutory Acknowledgement.

6 Effects on the Environment

6.1 Overview of Approach

Technical reports included to support the Notice of Requirement include the following:

- ITA prepared by Abley;
- Civil Engineering Assessment prepared by Tonkin and Taylor;
- Geotechnical and Contaminated Land Desktop Assessment prepared by Tonkin and Taylor;
- Flood Assessment prepared by Morphum Environmental;
- Ecological Assessment prepared by Morphum Environmental;
- Acoustic Assessment prepared by Bladon Bronka Acoustics; and
- Archaeological Assessment prepared by Clough & Associates.

A bulk and location Design Feasibility Study has also been prepared by Jasmax with inputs from the wider consultant team and the Ministry of Education to confirm the feasibility of accommodating the necessary project components on the site and providing a realistic basis for assessing the effects of works that would be enabled by the designation.

This is not intended to be a firm design and accordingly should not be referred to in any designation conditions. It is intended that the detailed design, including its detailed transport arrangement, urban design and infrastructure are dealt with at future outline plan stages. An establishment outline plan condition, consistent with the approach taken for other recent school designations in Auckland, has been included for this purpose to ensure relevant matters are addressed in the school design phase following designation of the site.

The following assessment of effects therefore addresses the “envelope” of effects arising from the future use of the site as a school, noting that subsequent consenting and approvals processes will follow, allowing Council discretion for further assessment.

6.2 Amenity Effects

6.2.1 Residential amenity

The site is zoned for residential use as MHU. As described in section 3, the surrounding land is generally urbanising in accordance with the anticipated built outcomes for the MHU zone, and

the Flat Bush precinct, such that there is already a noticeable visual change from the former rural character of environment in the vicinity. A proposal for a school on the site will add further to that change, which in itself is not an adverse effect.

Further, the school can be designed to be visually compatible with the anticipated future urban form of the area and will likely provide lower building coverage and more impermeable area than would be expected for medium intensity housing development in MHU.

Indeed, a large proportion of schools in New Zealand are accommodated within residential areas and are an integral and expected component of such areas. They are large sites that provide the opportunity for large areas of open space for active recreation which also mitigates the effects of any larger buildings and ancillary infrastructure such as parking areas associated with schools.

With regard to the height, shape and bulk of the buildings, school buildings can be designed to readily comply with the height in relation to boundary recession plane as required by the proposed conditions of designation (and that of the underlying MHU zone and Flat Bush sub-precinct C). The application of this standard condition ensures that unreasonable dominance or overshadowing of adjoining land can be appropriately avoided or mitigated.

As illustrated in Appendix 4, there is potential for the future built envelope of the 3-storey buildings to project beyond the MHU zone's 11m maximum height limit. The designation is not intended to impose a maximum height limit. Nevertheless, potential adverse effects arising from the potential 3-storey built form are able to be mitigated through design and site layout so as to avoid unacceptable adverse visual dominance or sunlight access effects beyond the site. In particular, Appendix 4 illustrates that the buildings can be sufficiently set back from all external boundaries, as follows:

- 20–30m to the residential property at 117 Murphys Road to the south-west;
- 30 – 40m to residential properties to the north opposite the school site on Road 3;
- nearly 80m to the west owing to the likely location of the playing fields and the width of Murphys Road; and
- a considerably greater distance than those estimated for properties to the east owing to the likely location of the car park on the school site, the 20m riparian setback, the presence of the stream gully itself and Picturesque Drive road reserve beyond.

Furthermore, as noted, the topography of the site is such that it slopes down to the south as does the wider topography to the north, with the school site therefore lower in elevation from adjacent properties.

Appendix 4 also demonstrates that there is adequate space for large permeable areas and generous areas for landscaping. While the detailed design of the school may differ from what is shown, and these concepts have only been provided to demonstrate that the site is able to adequately accommodate a primary school, it is considered the design represents sufficient certainty that effects on visual amenity can be effectively mitigated whilst enabling appropriate school development. Again, any specific building proposal can be assessed by the Council through the outline plan process at each stage of development.

Consideration of amenity should consider noise, which is further addressed below. In brief, aural amenity for nearby residential properties is adequately protected by the standard noise condition applied to schools in the AUP. That standard condition is proposed to be slightly modified for this designation to remove reference to rural zoned land only, i.e. the proposed standards for acceptable noise are standard and intended to apply.

Potential adverse privacy effects on persons located to the south-west, the closest residential neighbours to the likely school buildings, will be mitigated by the setbacks identified above, landscape planting in the intervening area and likely boundary treatment to be confirmed at a later date. Sites to the north will be further separated to mitigate potential privacy or overlooking by the on-site setbacks combined with the width of Road 3 road reserve (itself a relatively wide road owing to the Transpower designation).

Overall, the scale and location of the use of the site for a school, considering the likely location of proposed buildings and site layout in Appendix 4, will have less than minor adverse amenity effects on the surrounding environment and adjacent persons. Furthermore, development of the site is considered to be able to be delivered in a manner that is consistent with the proposed designation conditions and largely consistent with the underlying provisions of the MHU zone, were they to continue to apply.

For the reasons noted, no detailed design control designation conditions are required to be imposed on the proposed designation to address visual or residential amenity. Such conditions would in fact result in inappropriate inflexibility whereas the future outline plan of works processes can comfortably address the above.

6.2.2 Noise

Bladon Bronka Acoustics have assessed potential noise levels from the use of the school site. The accompanying assessment at Appendix 10 concludes that imposition of and compliance with the

standard noise condition for school designations will be readily achievable due to the separation distances between receiver boundaries.

I adopt this assessment and therefore consider potential adverse effects on residential amenity from noise generated by the proposal will be less than minor and that persons occupying residential properties in the immediate vicinity will not be adversely affected.

6.3 Transport Effects

The ITA (Appendix 5) concludes that the land to be designated for educational purposes and the existing surrounding roading network can accommodate the anticipated traffic of the proposed school with the provision of adequate access arrangements.

Key findings from the ITA are summarised below:

- *This report has assessed the full masterplan roll of 1,250 students. It is likely to take many years for the masterplan roll to be reached, at which time significant road upgrades may be in place. However, the traffic generated by the school can be accommodated on the existing road network with the use of a remote PUDO.*
- *The school catchment is anticipated to lie to the south-east of the site and is not expected to result in any school students needing to cross Murphys Road.*
- *The proposed left out only exit on Murphys Road is expected to operate safely and have sufficient capacity to cater for the expected student pick up, drop off demand.*
- *The Road 1 and Road 2 intersections with Murphys Park Drive have been modelled and are expected to operate safely, and have sufficient capacity to cater for the expected student pick up, drop off demand.*
- *The site can cater for the required parking demand for staff, visitors and student pick up and drop off.*
- *Detail of car and cycle parking, access arrangements and pedestrian crossings will be considered further during the OPW stage.*
- *A remote PUDO will be provided on Picturesque Drive, with indented parking bays and restricted parking during school start and finish times.*
- *A Travel Plan for the school will be developed prior to the school opening to promote road safety, encourage active modes, and manage an organised walking school bus between the remote PUDO and the school.*
- *The infrastructure requirements for the school include:*
 - *Pedestrian crossing outside school entrance on Road 3.*

- *Turning heads at both ends of Road 3 if deemed necessary.*
- *Solid central median island on Murphys Road to restrict right turning movements exiting the proposed school access.*
- *Additional indented parking bay and extension of footpath on Picturesque Drive to service remote PUDO.*
- *Parking restrictions (P2 mins) for the remote PUDO on Picturesque Drive at school start and finish times.*

The ITA concludes that Auckland Council can recommend confirmation of the Notice of Requirement to designate the land for educational purposes.

Any school will inevitably have some adverse effects on the transport system in the vicinity of the school, particularly at the school peak morning drop-off times.

It is acknowledged that upgrading of Murphys Road would be a positive outcome for the surrounding environment as regards pedestrian amenity and safety, including in respect of students to the proposed school. However, given the existing condition and lack of pedestrian provision, that more comprehensive upgrade and widening of Murphys Road is acknowledged by Auckland Transport to sit separate from this Notice of Requirement and further, is confirmed in the ITA as not being warranted by this application (refer Appendix 5 and section 8 of this report). At the time of reporting, there is no update forthcoming from the road controlling authorities (Waka Kotahi, New Zealand Upgrade Programme or Auckland Transport) as to how and when the corridor will be upgraded. Thus, the current condition of Murphys Road is a constraint that Abley has considered. As a result, the indicative student catchment (and subsequent management of other schools' catchments in the surrounding area) will be managed to avoid students crossing Murphys Road.

It is anticipated that the proposed establishment outline plan designation condition will require delivery of the recommendations in the ITA, including a travel plan, and remote PUDO to mitigate adverse effects of school-related traffic congestion on the network.

Further, as set out in section 4 of this report, additional site-specific designation conditions are proposed that require further assessment of the network should works on the school result from an amendment to the student catchment to extend west beyond Murphys Road; and to ensure that direct pedestrian access to and from the school site to Murphys Road is not promoted.

For the above reasons, combined with the proposed conditions and the assessment in Appendix 5, it is considered that a school on the site can be appropriately accommodated without

unacceptable or unmitigated adverse effects on the safety, efficiency and function of the surrounding transport network.

6.4 Natural Hazards

The site accommodates overland flow paths and associated flood plains along the southern boundary. The proposal has therefore been assessed by Morphum with respect to the potential for development on the site to create adverse flood effects upstream and downstream of the site.

The Flood Assessment (Appendix 6) concludes that the proposal results in negligible adverse effects from a flood risk perspective for upstream and downstream properties, as follows:

- *Council Geomaps indicates the development site is subject to 1% AEP overland flow and flood plains. However, the flood extent is limited to an incised stream corridor along the southern boundary of the site. The flood level is at approximately RL 56 m. The development will be located outside the flood plain as shown on Council Geomaps and buildings will be provided with a minimum 500 mm freeboard above the flood level.*
- *The 1% AEP peak flow from the proposed development is 1.09 m³/s, an additional 0.15 m³/s from the pre-development scenario. The total 1% AEP peak flow from the upstream OLFP catchment is 8 m³/s. The additional flow from the site is relatively small, considering it is 2% of the total upstream overland flows.*
- *The proposed development impervious area will be within the permitted impervious coverage of the AUP zone and would be accounted for by the Geomaps Flood Hazard Model that incorporates the MPD scenario. Based on this, the 1% AEP runoff from the development is not expected to increase the flood level or extent than what is currently shown on Geomaps. Thus, the proposed development is not anticipated to exacerbate existing flood hazards on properties upstream and downstream of the development site, nor create new flood hazards.*

I adopt this assessment and therefore consider potential adverse flooding effects generated by the proposal will be less than minor and that no persons will be adversely affected, subject to the recommendations above, which could form advice notes to future outline plan of works approvals and once the final design of impervious area and stormwater management are known.

The site has been the subject of a Geotechnical and Contaminated Land Desktop Assessment (Appendix 9). In relation to geotechnical conditions and site stability, the following findings are summarised:

- There is non-engineered fill present across the site which should be inspected during earthworks and if found to be suitable for re-use, could be re-conditioned prior to doing so.
- Development should be built to accord with AS 2879 expansive Site Class M (moderate). No minimum foundation embedment depth was provided.
- Slope stability assessments included an allowance for seismic loading however no liquefaction assessment has been undertaken.
- The site is likely able to support 3 – 5 storey structures, with 3 storey structures likely supported by shallow foundations.

Tonkin & Taylor therefore preliminarily conclude that the site is generally suitable for development from a geotechnical perspective.

Overall, I consider that development of the site for a school will not give rise to new or exacerbate existing natural hazards on or off the site, and appropriate mitigation has been identified by experts that can be comfortably accommodated in future consenting and design stages.

6.5 Effects on Infrastructure

6.5.1 Stormwater

The Civil Engineering Assessment (Appendix 8) establishes the parameters for future development to achieve appropriate hydrological mitigation in accordance with the AUP's expectations for urbanisation within Flat Bush sub-precinct C, which largely mirror Stormwater Management Area – Flow 1 control requirements.

Further, the Civil Engineering Assessment confirms appropriate bioretention devices, rainwater tanks and at-source device options can be accommodated on site, to achieve appropriate stormwater quality and quantity treatment, and to avoid adverse effects on the receiving environment, in respect of ecology and flood hazard mitigation.

Sufficient space can be set aside within future bulk & location plans for the school layout to accommodate stormwater management devices, noting that stormwater discharge consent to

the southern watercourse will be required (and can be assessed in detail at that later consenting stage).

Having regard to the findings of the Civil Engineering Assessment, it is my opinion that there are no adverse effects in relation to stormwater that cannot be managed or mitigated appropriately (and further assessed at a later stage) in relation to a proposed school on the site.

6.5.2 Wastewater

The Civil Engineering Assessment has calculated the estimated peak flows for the proposed school and confirms that wastewater reticulation can be designed and constructed, including connection and ultimate discharge to the existing public network without detriment.

6.5.3 Water

New private water connections to the public reticulation are proposed, with the Civil Engineering Assessment not recording any existing issues with capacity or other network constraints that would otherwise result in adverse effects.

Overall, the proposal is not considered to give rise to any adverse effects on local or public infrastructure.

6.6 Ecological Effects

An Ecological Assessment prepared by Morphem Environmental is attached in Appendix 7. The conclusions and recommendations of that report are:

It is acknowledged that the construction and operation of a school has potential adverse ecological effects. The redevelopment of the subject site would likely require demolition and construction activities involving land disturbance, vegetation clearance and associated noise and vibrations. The operational activities of the school are envisioned to include traffic movements, noise generating activities, and onsite stormwater treatment and disposal. Stormwater infrastructure is subject to the Notice of Requirement; however, stormwater discharge consents are not as they are covered under regional consent. The development of the site also has the potential to improve ecological values.

The magnitude of any effect from any vegetation clearance has been assessed as Low. There is potential for redevelopment landscaping to include native vegetation and increase the

proportion of native vegetation present, such that the actual overall level of effect could be negligible or a net positive.

No suitable native bat roosting sites were identified within the subject site and the site provides limited foraging opportunities; it is considered unlikely that native bats are present on more than an infrequent transient basis. The clearance of site vegetation and construction of a school is limited to the fragmented derelict house garden with the more established/moderately continuous vegetation in the riparian zone to remain. Therefore, the magnitude of impact is negligible, and the level of effect is considered Low on native bats.

The highest potential level of effect within the scope of the assessment undertaken relates to herpetofauna, where the level of effect is described conservatively as High without mitigation. This assessment assumes the highest possible impact, that the site supports populations of threatened native lizard fauna and that suitable lizard habitat is cleared. The Wildlife Act 1953 would require that any such vegetation clearance would require lizard search and salvage be performed, to relocate any lizards present within the impact area. As such, following mitigation, it is considered that the level of effect would be reduced to Low and that no conditions need to be placed on the designation to address this potential effect.

Effects on avifauna have been considered as Low with the removal of some nesting and foraging habitat around the derelict house having a low magnitude of impact. Enhancement of the riparian margin could increase the habitat values for avifauna near the unnamed stream.

The overall level of effect on freshwater habitat is Very Low on the assumption that Auckland Council's Guidance Document 2016/005 for erosion and sediment control is implemented to mitigate/reduce potential sediment discharges associated with earthworks.

Redevelopment of the site provides the opportunity to bring the site's stormwater management approach in-line with current industry best practice water sensitive urban design. Agricultural runoff will also be reduced with the change in land use. As such the overall changes to the stormwater discharge are expected to be Negligible compared to the current baseline.

It is considered that if best practice stormwater management guidelines are implemented, then the impacts of these activities on site water quality and freshwater values will not be discernible, and the level of effect has been assessed as Very Low.

Overall, the level of effect on the site's ecological values from the proposed activities has been assessed as Low – Very Low. The Environmental Institute of Australia and New Zealand Ecological Impact Assessment Guidelines provides a description of Low-level effects as "not normally of

concern”, although normal design, construction and operational care should be exercised to minimise adverse effects. Thus, it is not considered that any ecological specific recommendations are necessary to address any of the potential impacts.

As such it is not considered necessary to recommend any ecology-specific designation conditions to address any of the identified effects, again noting the ability to further consider effects on ecological values at regional consenting stages, and particularly having regard to the requirements of the National Environmental Standard for Freshwater.

6.7 Soil Contamination Effects

The site was subject to a Desktop Assessment relating to contaminated land (Appendix 9). Historical information shows HAIL activities have or may have occurred on site. Subsequently, Tonkin & Taylor recommend that:

- Further on-site testing occur to determine the extent of contamination relative to proposed building platforms, including consideration of fill material;
- Development of a remedial action plan and soil management plan;
- The scale and duration of works should be evaluated against the permitted activity thresholds when development thresholds (detailed design) have been resolved; and
- If remediation is required, confirm the site is left in a clean state via the preparation of a Site Validation Report at the completion of remedial works.

Assessment against the permitted activity requirements of the NES – Contamination and the AUP rules for discharge of contaminants will be required regardless of the proposed designation. Any necessary management measures can be addressed through those processes.

Accordingly, no specific designation conditions are proposed in relation to the disturbance of soils that are potentially contaminated. The Desktop Assessment concludes that the site is generally suitable for the proposed new development from a contaminated land perspective.

6.8 Historic Heritage Effects

The accompanying Archaeological Assessment (Appendix 11) identifies one recorded archaeological site (R11/2975, CHI 20268) which is a historic house. It was recorded by Russell Foster in 2014 and described as follows:

“Two-storey wooden dwelling which dates from the latter part of the 19th century (exact date of construction unknown). According to Mr Bill Burrill (former owner) the house was extensively renovated in the 1920s and then again by Mr Burrill in the early 1980s. The interior has been extensively modified and as a result very few original features are obvious. However, much of the original framing etc will probably have survived and be able to provide evidence of building techniques and material. There are claims that the building has been moved to its present position from elsewhere. However Mr Burrill is adamant that it is at its original location. The house curtilage has been modified”.

The house is not scheduled in the AUP or included in the New Zealand Heritage List. The Archaeological Assessment states further in relation to field survey results from January 2022:

The house appears to be of a style consistent with a late 19th/early 20th century date but a more detailed built heritage assessment would be required to confirm its likely date of construction and assess the extent of surviving original fabric. The driveway and parking area on the western side of the property is shown in Figure 15, and a mound of earth is now present to its west which is likely to result from the construction of the new drive. Barring the immediate vicinity of the house, the property was covered in dense tall grass which hindered the ability to do a proper visual surface inspection. However, none of the larger land contours indicated earlier ground modification. More attention was paid to probing on the southern side of the property where the land slopes down towards the stream (Figure 16), but no archaeological material was identified.

Apart from the house nothing of archaeological interest was identified on the property.

Noting the requirement to demolish the dwelling to make way for a future school development (or any future site development), the report recommends suitable photographic records be prepared prior to demolition as pragmatic mitigation of effects on historic heritage values. Owing to the finding that the dwelling is a common site type and that there are no other values of historic significance associated with the dwelling and site, it is considered that mitigation is appropriate.

With the exception of the above, there are no known objects or sites of historic or archaeological significance affecting this site. No sites, objects or places of historic heritage are shown in the AUP.

For these reasons, it is considered that effects on heritage values can be adequately mitigated, and no specific designation conditions are required.

6.9 Effects on Mana Whenua Values

A summary of the consultation with mana whenua is detailed in Section 8 below and a record of consultation contained in Appendix 12. No specific cultural values or recommendations in regard to the proposed designation were identified as part of that consultation, albeit that consultation is ongoing.

There are no sites of significance to mana whenua affecting the proposed designation area included in the AUP or recorded by the New Zealand Archaeological Association.

The Minister’s representatives will continue to engage with any mana whenua who express an interest in this project either as a direct response to communications set out by the Ministry of Education or through the formal designation process. Effects on the adjacent watercourse from land disturbance and future stormwater discharge will be relevant factors in regional resource consents that will be required for project implementation subsequent to a designation being confirmed, and themselves require further consultation to confirm effects on mana whenua values are appropriately considered.

6.10 Future Construction Effects

6.10.1 Construction Noise

Future outline plans of work processes could incorporate advice notes requiring the preparation of a Construction Management Plan (“CMP”) to ensure that the construction is carried out in accordance with best practice and to enable Council the opportunity to certify construction methodology to manage noise, traffic, dust and any other nuisance effects relative to surrounding residential properties and the local road network. The standard noise designation condition also addresses construction noise, requiring compliance with NZS 6803:1999.

6.10.2 Construction Traffic

Likewise, future outline plans of work processes could incorporate an advice note requiring the preparation and certification of a Construction Traffic Management Plan (“CTMP”) prior to construction works commencing. This would ensure that the adverse effects arising from construction traffic can be safely managed subject to the preparation and implementation of a CTMP.

Overall, subject to the implementation of the construction management plans above, potential adverse effects arising during construction of the new buildings and associated works post-designation can be managed with no adverse effects on the surrounding environment and without the requirement for site-specific designation conditions.

6.11 Reverse Sensitivity Effects

Part of the site is located within the ANNA overlay, which relates to aircraft noise relative to the Auckland International Airport. This is illustrated in Figure 4 above. The ANNA overlay (D24 in the AUP) does not include any rules or requirements relative to management of activities sensitive to noise.

Teaching spaces and associated school environments are deemed to be sensitive to aircraft noise under the AUP. However, an assessment by Bladon Bronka Acoustics (Appendix 10) confirms no reverse sensitivity effects arise in this instance for the following reasons:

Upon review of the site in relation to the ANNA and MANA contours, it is estimated that aircraft noise is between an effective 50-56dB Ldn contour covering part of the site. Classrooms, libraries and halls within this area would require the external building fabric to provide a reduction of 15-16dB from aircraft noise to meet the internal noise limit of 40dB Ldn.

An open window used for natural ventilation/cooling typically provides a noise reduction of 15-17dBA from outside to inside depending on the orientation of the window/hinge/open area. This demonstrates that the internal noise criterion of 40dB Ldn can be readily achieved with natural ventilation via open windows based on the external aircraft noise levels of 55- 56dB Ldn across part of the site.

With closed windows and typical lightweight façade constructions found in MoE school designs (i.e. timber framed external walls, warm roof and CAC 35+ ceiling tiles and 4mm glass / 12mm airspace / 4mm glass double glazing), noise reductions of 25dB or more are easily achievable.

The findings of this assessment confirm there is no reverse sensitivity effect arising from the proposed school on a site partially within the ANNA. I therefore conclude that no designation condition is required to control reverse sensitivity noise effects.

6.12 Summary of Effects

The actual and potential effects arising from the proposed development of the site for a school are appropriate as future buildings and site layout can be designed to comply with building bulk and character as anticipated by the MHU and Flat Bush sub-precinct C. Effects on amenity associated with the school buildings and activities contained within them can also be appropriately managed with regard to their location, bulk and design relative to residential properties in the vicinity. Effects in relation to natural hazards, soil contamination, transport, ecology, historic heritage, civils, reverse sensitivity and future construction can be effectively mitigated through future consenting processes and in accordance with best practice, where applicable. Effects on mana whenua values continue to be assessed in consultation with iwi.

The proposal will also generate positive effects through the provision of a new school facility that will alleviate pressure on existing schools, provide for new teaching spaces and learning environments in-situ for the growing community, consistent with the Minister’s recommendations for quality learning spaces.

7 Policy Framework

7.1 National Policy Statements

7.1.1 The National Policy Statement on Urban Development 2020

The proposal is consistent with the National Policy Statement on Urban Development 2020 (“NPS-UD”). The proposal will provide critical social infrastructure to support urban development to occur in accordance with growth enabled in adjacent areas under the AUP in a manner that will create a well-functioning urban environment (per Objective 1).

Objective 4 anticipates that the urban environment will change over time in response to the diverse and changing needs of people, communities and future generations. The use of this site for a school to service the growing and urbanising community around it is an example of that change.

Further, use of the site for the school demonstrates achievement of Objective 8 in relation to a reduction in greenhouse gas emissions by making a school facility available for walking and cycling within its indicative catchment, thus reducing vehicle kilometres travelled; and by being able to develop on the site with climate change resilience, i.e. not exacerbating natural hazards that are affected by climate change.

Implementation Provision 3.38 of the NPS-UD requires Auckland Council to remove any rules from the AUP that have the effect of requiring a minimum number of car parks (other than accessible car parks). This provision does not apply to designations. The Minister is providing the standard Auckland school designation condition of two car parks per new classroom for this designation in recognition that the current local road network including Murphys Road may not provide suitable on-street car parking capacity and further given the lack of public transport provision in this area at the present time. Accordingly, setting a minimum number of car parks per classroom as a designation condition is considered to be appropriate in this instance.¹

The standard condition enables a lesser amount to be considered in the future (via the preparation of a parking study) if the local infrastructure will support less on-site car parking.

¹ It is further noted that the Ministry may pursue a broader change to the standard designation conditions that removes the car parking condition from future designations (or existing designations in the AUP). This is therefore a matter for that global review, rather than to challenge in relation to this singular designation.

In this way the proposed school use and corresponding designation are considered to be consistent with the NPS-UD.

7.1.2 National Policy Statement on Freshwater Management

The National Policy Statement on Freshwater Management (“NPS-FM”) provides direction to local authorities on managing activities that affect the health of freshwater. It came into force on 3 September 2020 and was amended in February 2023. Requirements of the NPS-FM include:

- Managing freshwater in a way that gives effect to Te Mana o te Wai through involving tangata whenua and working with the community to set long term visions in regional policy statements
- Improving degraded water bodies
- Avoiding any further loss or degradation of wetlands or streams, mapping existing wetlands and encouraging their restoration
- Monitoring and reporting annually on freshwater.

The NPS-FM is implemented by the National Environmental Standard, addressed below. This policy statement is relevant in respect of the works that may be required near the watercourse on the site in seeking to transition to school use. Expert analysis accompanying this application (Appendix 7) has confirmed that the site has low ecological value, and that the areas of ecological interest, specifically in respect of freshwater ecosystems, are able to be maintained as illustrated by the Design Feasibility Study (Appendix 4). Further, the Civil Engineering Assessment (Appendix 8) and Flood Assessment (Appendix 6) identify that development can occur in an integrated manner with on-site stormwater management and flood hazard mitigation such that no further assessment of the NPS-FM is required at this time. Future regional consenting will ensure the anticipated outcomes of both this Notice of Requirement and the NPS-FM will be achieved.

7.2 National Environmental Standards

7.2.1 National Environmental Standard for Freshwater

The National Environmental Standard for Freshwater (“NES-F”) regulates activities that pose risks to the health of freshwater and freshwater ecosystems. It came into force on 3 September 2020 and was amended in 2022, and sets requirements for carrying out certain activities, including compliance with standards to:

- Protect existing inland and coastal wetlands
- Protect urban and rural streams from in-filling
- Ensure connectivity of fish habitat
- Other rural and agricultural-related restrictions.

The accompanying Ecological Assessment (Appendix 7) confirms that there are no natural wetlands on the site and that the existing watercourse is of low ecological value. Further, the Ecological Assessment identifies there are opportunities to enhance ecological values, and certainly to avoid detrimental effects on the stream, whilst still enabling a school development on the site. Consents under the NES-F and regional plans will be applied for in the future, as required.

7.2.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The purpose of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES – Contamination”) is to provide a nationally consistent approach to the assessment and management of contaminants in soil for the protection of human health.

The NES – Contamination does not include a policy framework to guide the assessment of applications, however, it does identify the matters that will be taken into account when a consent is required.

In this case, the accompanying Contaminated Land Desktop Assessment (Appendix 9) concludes that the NES – Contamination applies, and further, that a Detailed Site Investigation and soil sampling is recommended to ascertain the concentrations of contaminants on the site, considering its previous HAIL use.

Future consenting will be required to undertake the reporting and testing recommended by the Desktop Assessment but at this stage, no further assessment under the NES – Contamination is required, and that Assessment confirms the proposed future development is not precluded by any unmitigated contamination hazards.

7.3 Regional Policy Statement and Plans

The AUP is a unitary plan which means it combines regional policy statement, regional plan provisions and district plan provisions.

The following provisions of the Regional Policy Statement (Chapter B of the AUP) are of particular relevance to the proposal.

B2 Issues of regional significance – Tāhuhu whakaruruhau ā-taone » 2.1 Urban growth and form
Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities and services. Growth needs to be provided for in a way that does all of the following:

- *enhances quality of life for individuals and communities.*
- *supports integrated planning of land use, infrastructure and development.*
- *optimises the efficient use of the existing urban area.*
- *encourages the efficient use of existing social facilities and provides for new social facilities.*
- *maintains and enhances the quality of our environment, both natural and built.*
- *enables Mana Whenua to participate and their culture and values to be recognised and provided for.*

B.2.8.1 Social Facilities – Objectives

- (1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.*
- (2) Social facilities located where they are accessible by an appropriate range of transport modes.*
- (3) Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.*

B.2.8.2 Social Facilities – Policies

- (1) Enable social facilities that are accessible to people of all ages and abilities to establish in appropriate locations as follows:
 - (a) Small-scale social facilities are located within or close to their local communities**
- (2) Enable the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.*
- (3) Enable intensive use and development of existing and new social facility sites.*
- (5) Enable the efficient and flexible use of social facilities by providing on the same site for:*

a) Activities accessory to the primary function of the site; and

b) In appropriate locations, co-location of complementary residential and commercial activities.

(6) Manage the transport effects of high trip-generating social facilities in an integrated manner

Social facilities include education facilities. The proposal will provide essential education facilities to a planned growth area. A school within the indicative catchment is intended to take pressure off existing facilities and to provide for the anticipated demand from a growing area, thus helping to manage travel demand by avoiding a need to travel to other schools in the wider area. The facility therefore promotes the social well-being of the community.

The development will provide a facility that will benefit the community, not only in terms of the educational benefits for children, but also in terms of employment opportunities and the provision of a facility that will act as a community focal point for social interaction. The potential adverse effects of the facility can be appropriately managed through the proposed conditions on the designation, appropriate design and future resource consents that may be required.

In terms of appropriate location, the site is located within the MHU zone under the AUP. Education facilities are a discretionary activity in this zone. Residential areas are typical locations for schools throughout New Zealand and locating schools in these areas promotes alternative transport modes and sustainable catchments. The zone includes a suite of objectives and policies to enable a reasonably high intensity residential zone with development up to three storeys high and a variety of built form including detached dwellings, terrace housing and low-rise apartments. Non-residential activities to provide for the community's social, economic and cultural wellbeing are envisaged (and further addressed in the following section) provided they are compatible with the scale and intensity of development anticipated in the zone.

It is my view that the proposed school development can be appropriately designed and can internalise potential adverse effects on neighbouring residential amenity through setbacks, design detail and maintaining a sense of spaciousness within the site as a result of the functional requirements of a school, and the scale of the 3ha site. In this way, school buildings are anticipated to be fully compatible with development anticipated by the zone, and the large site and existing topography will ensure a generally lower extent of coverage by buildings and impervious surfaces than might otherwise be enabled by residential development in accordance with the zone.

Consents will be required under the regional plan provisions of the AUP and assessments can therefore be carried out at the later date of consenting in relation to those matters.

7.4 District Plan Objectives and Policies

7.4.1 Auckland-wide

District level Auckland-wide provisions in Chapter E of the AUP will cease to apply once the designation is included. This includes matters in relation to Chapters E12 Land disturbance – District, E25 Noise and Vibration, E27 Transport, and E36 Natural hazards and flooding.

Notwithstanding, it is considered that the preceding assessment of effects, the accompanying expert reports and the proposed designation conditions will assist in delivery of an end outcome for the site as a new school that is generally consistent with the provisions of these sections of the AUP. The overarching intent is that the future development of the site will avoid, remedy or mitigate adverse effects on the environment including in relation to the above-listed matters, either through best practice or in accordance with the proposed designation conditions.

Regional level Auckland-wide provisions will continue to apply post-designation implementation and can be assessed at later consenting stages – including in relation to water quality, contaminant discharge, regional land disturbance, stormwater management, groundwater and other discharges where relevant. The proposed use of the site for a school, and the associated designation as proposed, is not considered to prejudice either the application of or compliance with these provisions of the Auckland-wide chapter of the AUP. No further assessment is considered necessary at this stage.

7.4.2 MHU Zone

The Residential – MHU zone is a reasonably high-intensity zone enabling a greater intensity than previously provided for. The AUP (H5.1) acknowledges therefore that over time, the appearance of neighbourhoods within this zone will change, with development typically up to three storeys in a variety of sizes and forms.

The preceding assessment of effects has considered whether the potential development of the site for a school would give rise to adverse effects in relation to residential amenity, and has considered the anticipated built outcomes of the MHU zone, including in consideration of the consented development on the neighbouring property at 125 Murphys Road.

Having regard to that assessment and the relevant objectives and policies at H5.2 and H5.3 of the AUP, the following comments are made:

- A school development on the site could achieve Objective H5.2(2) in that Appendix 4 has demonstrated how a predominantly three-storey building format surrounded by open space can be delivered;
- Non-residential activity that provides for the community's social, economic and cultural well-being is anticipated by the zone under Objective H5.2(4), so long as it is compatible with the scale and intensity of development and contributes to the amenity of the neighbourhood. The proposal is considered to be able to do so.
- Policy H5.3(2) requires the height, bulk, form and appearance of development and the provision of sufficient setbacks and landscaped areas to achieve an urban character. To the extent possible, a school development can achieve these requirements on the site, as demonstrated by Appendix 4. The potential for centralised building location surrounded by perimeter landscaping and grassed sportsfields and ancillary open space delivers or exceeds the anticipated character and appearance.
- Policy H5.3(4) requires the height, bulk, form and location of development to maintain a reasonable standard of sunlight access and privacy, and to minimise visual dominance effects to adjoining sites. These effects have been considered in section 6 of this report and found to be acceptable relative to how a school development might be delivered on the site, noting its context relative to road boundaries and the stream gully providing significant setbacks to sensitive activities.
- Policy H5.3(10) recognises the functional and operational requirements of activities and developments, which is favourable in respect of non-residential activities in the zone. Plainly there are bespoke requirements of a school in order to deliver a functional and safe learning environment for students, and for staff to manage and operate the education facility accordingly; the indicative site layout incorporates such requirements.
- Stormwater can be appropriately managed on-site as anticipated by Policy H5.3(7).
- Policy H5.3(8) provides for non-residential activities that support the social well-being of the community, are in keeping with the scale and intensity of development anticipated by the zone, avoid, remedy or mitigate effects on residential amenity and will not detract from the vitality of centre zones. A school use is consistent with this policy.

Acknowledging that a designation by definition excludes any requirement for development of the site to strictly consider the above district-level plan provisions, it is helpful at this stage to note that the preceding assessment therefore concludes that a school development would ultimately not result in an unacceptable outcome relative to the character of development anticipated by the MHU zone.

7.4.3 Flat Bush Sub-Precinct C

The site and surrounding environment is subject to the Flat Bush sub-precinct C. This is a former special housing area (enshrined in the AUP under the now defunct Housing Accords and Special Housing Areas Act 2013 (“HASHAA”).

Section 6.6 of the AUP sets out that the sub-precinct encompasses land to the south of Murphys Bush, in proximity to Thomas and Murphys Roads. It primarily has a residential emphasis and the precinct description acknowledges the presence of the National Grid (which does not implicate the site). Objectives relevant to the proposal are listed below:

- 1. A well-connected, adaptable, safe, attractive and healthy environment for living, working and movement with an emphasis on the importance of the public realm, is achieved.*
- 2. An appropriate range of physical and social infrastructure and facilities enhance the resulting urban environment and address any adverse effects of urbanisation.*
- 3. Ecology of remnant native vegetation and waterways are protected, sustained, restored and enhanced.*
- 5. A safe, efficient, well-connected and integrated transport system is established within and beyond the Flat Bush area that provides a choice of travel modes.*
- 7. Stormwater runoff is managed to enable the maintenance and enhancement of natural waterways, native forest and wetlands and to provide passive recreational opportunities as well as pedestrian and cycle access.*

Associated policies support the above objectives and seek to deliver integrated medium to high density residential development, promoting increased housing supply, variety and choice and ultimately affordability.

The proposed use of the school site is not considered to prejudice the ability of the remainder of the Precinct to deliver on the above objectives and policies, noting too that the non-residential objectives are considered to be achieved by the proposal – being an appropriate social

infrastructure or educational facility that protects and enhances the ecology of the site, including the on-site watercourse, including through appropriate stormwater management (to be designed in the future).

The stormwater provisions of the Precinct will be enshrined in future development of the site, given that they accord with SMAF controls and best practice, and can further enhance learning opportunities for the school.

The site is not located within the Moderate Aircraft Noise Area such that the precinct-specific rules around reverse sensitivity and noise sensitive uses do not apply to the proposal. Nor do the proposed residential density controls, which themselves are now at odds with the AUP and the MDRS.

Height in relation to boundary controls in the sub-precinct differ from the underlying MHU zone – specific to the site these are as follows:

- No height in relation to boundary control to the street boundaries;
- On the shortest side boundary (in this case to the east) a height in relation to boundary recession plane of 2.5m plus 45 degrees;
- On the rear (southern) boundary a height in relation to boundary recession plane of 2.5m plus 35 degrees within 8m of the rear boundary.

Notwithstanding, the Design Feasibility Study in Appendix 4 confirms that the school can be laid out so as to achieve compliance with the intended designation height to boundary condition.

To the extent relevant, it is considered that the Flat Bush sub-precinct C provisions do not preclude development of the site for a school and there is no specific requirement within the precinct provisions that would be prejudiced by the proposed school development therefore.

7.5 Plan Changes to the AUP

7.5.1 Plan Change 78

Auckland Council notified Plan Change 78 to the AUP on 18th August 2022. The Council was required to notify this intensification plan change in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The plan change seeks to “up-zone” residential areas within Auckland so as to deliver the Medium Density Residential Standards (“MDRS”).

Currently, the plan change does not implicate the planning framework for the subject site as Council has deemed the Flat Bush sub-precinct C a qualifying matter that precludes immediate implementation of the MDRS.

Notwithstanding, the MDRS and MHU have similar anticipated built outcomes and it is considered that the implementation of MDRS relative to the subject site in the future would not result in a different weighting consideration or deemed acceptable outcome for development of the site.

No further assessment of this plan change is warranted therefore.

7.6 Proposed Designation Conditions

Chapter K of the AUP explains the standard conditions for all Minister of Education designations. These conditions are intended to be adopted, with the exception of site-specific amendments as set out below. The following analysis confirms the extent to which a future outline plan of works to establish the school on this site will comply with all intended conditions of the designation.

Site-Specific Conditions

1. *Building height in relation to boundary*

Any new building or building extension (excluding goal posts and similar structures) shall comply with the height in relation to boundary controls of adjoining residential zones insofar as they relate to any adjoining land zoned primarily for a residential or outdoor space/outdoor recreation purpose.

Response

The standard condition for school designations regarding height in relation to boundary has been modified to better reflect the AUP controls for residential zones and in accordance with sections 77M(5) and (6) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. Appendix 4 illustrates how future three-storey development on the site can achieve compliance with the most stringent height to boundary controls of the MHU and Flat Bush sub-precinct C as set out in section 7 of this report.

2. *Noise*

The noise (rating) level arising from the operation of the school must comply with the following noise levels when measured at the boundary of any residentially zoned site:

<i>DAY/TIME</i>	<i>NOISE LEVEL</i>
<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”.

Response

The standard condition for school designations regarding noise has been modified and streamlined to remove unnecessary reference to notional boundaries in rural zones which is not applicable in this instance. Otherwise, this condition is unchanged from the standard noise condition. Further, the accompanying Preliminary Acoustic Design by Bladon Bronka Acoustics (Appendix 10) concludes that compliance with this condition is readily achievable.

3. *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 initial construction and development of the school.

The outline plan of works shall include the following information:

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

the efficiency and safety of the surrounding transport network;

- *Unless already delivered by others, details of any on-road interventions and the time and means by which these are to be implemented. On-road interventions may include:*
 - *Installation of pedestrian crossing on Road 3 (consented east-west cul-de-sac road along northern frontage of site)*
 - *On-road physical prevention measures to prevent right-turn manoeuvres into and out of the site to and from Murphys Road*
 - *Road 3 (consented east-west cul-de-sac road along northern frontage of site) cul-de-sac turning heads (if required)*
 - *Extension of footpath on Picturesque Drive to service remote pick-up / drop-off area*
 - *Parking restrictions (P2 mins) at school pick-up and drop-off times for intended parking bays on Picturesque Drive*

- c) *A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters addressed in (b) above and effects associated with the school 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.*

Response:

The intent of this condition is to address the unique transport characteristics of the surrounding network and to ensure those identified effects from the ITA (Appendix 5) can be appropriately addressed through subsequent reporting and design at the outline plan of works stage. The ITA has concluded there are no “showstoppers” from a transport perspective, however the details above are appropriately included as a site-specific condition to ensure that the safety, efficiency and function of the surrounding road network, as well as the safety and amenity of pedestrians and cyclists are provided for and maintained.

4. *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 pedestrian access to the entry points to the school;*
 - 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*
 - v. Remote pick-up / drop-off management.*
- c) The School Travel Plan shall be developed in consultation with Auckland Transport. The School Travel Plan shall be reviewed at the time of submitting each subsequent Outline Plan of Works relating to increased teaching spaces.*

Response:

As above, and as a result of experience with a number of recent designations in Auckland, ongoing travel plan conditions enable the Council to require schools to continue to encourage measures that reduce vehicle dependence and also to ensure ongoing safety for students entering and exiting the school site.

In this circumstance, the remote PUDO plays a part in managing the effects of the ultimate masterplan roll relative to the immediate transport environment, acknowledging the limited routes for vehicles relative to school and homes within the indicative catchment. Thus, the site-specific transport conditions will enable delivery of this component of the proposal and govern its ongoing safe operation.

5. *Student Catchment*

The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for any construction works required as a result of an alteration to the student catchment to include land to the west of Murphys Road.

That Outline Plan of Works shall include the following information:

- a) A Transport Assessment prepared by a suitably qualified traffic engineer / transportation planner which addresses the effects of this change on the transport environment and what mitigation is appropriate, specifically to address safety and efficiency for pedestrian and vehicular movements along and across Murphys Road.*
- b) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters addressed in (a) above and effects associated with the school on the surrounding existing and future*

roading network. A copy of the Transport Assessment prepared to support the Outline Plan shall be provided to Auckland Transport for the purposes of this consultation and engagement.

Advice Note:

Condition 5 recognises that the roading network present at the time of the lodgement of the Notice of Requirement for this designation was not considered adequate to provide safe pedestrian access across Murphys Road to and from the school site. It acknowledges that works on the school site that arise from the student catchment changing to include land to the west of Murphys Road should only be implemented following the requirements of condition 5 or in response to an upgrade of the roading network to satisfy safety concerns.

Response:

The intent of this condition is to address the unique transport characteristics of the surrounding network and to ensure those identified effects from the ITA (Appendix 5) can be appropriately addressed through subsequent reporting and design at the outline plan of works stage. The ITA assumes the student catchment does not extend beyond Murphys Road to the west. Therefore any works on the site that arise from the student catchment changing to include land to the west of Murphys Road must be accompanied by a suitably detailed transport assessment to ensure that the safety, efficiency and function of the surrounding road network, as well as the safety and amenity of pedestrians and cyclists are provided for and maintained.

6. *Pedestrian Access to Murphys Road*

The Ministry shall not promote direct pedestrian access to and from the school to Murphys Road, unless this activity is supported by:

- a) A Transport Assessment prepared by a suitably qualified traffic engineer / transportation planner which addresses the effects of this access and what mitigation is appropriate, specifically to address safety and efficiency for pedestrian movements.*
- b) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the matters addressed in (a) above and effects associated with the school on the surrounding existing and future roading network.*

Response:

The intent of this condition is to respond to the existing condition of Murphys Road and to ensure, alongside the Travel Plan, that access to and from the school is safe and considered.

Standard Conditions

1. Height in relation to boundary

Refer above.

2. Noise

Refer above.

3. On-Site Car Parking – Schools

Additional on-site car parking shall be provided at the rate of two carparks 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.

Response

Car parking has been demonstrated to be able to be provided at the required ratio (53 teaching spaces and 106 car parks) and therefore future development of a school can comply with this condition. No alterations to the condition are required.

4. On-Site Car Parking – Early Childhood Education (Preschool)

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.

Response

Not applicable – The proposal does not involve Early Childhood Education activities.

5. Scheduled Trees

No tree or group of trees specifically scheduled in the Unitary Plan may be cut, damaged, altered, injured, destroyed or partly destroyed, or works undertaken within the drip line of any such tree(s), other than in accordance with an outline plan submitted and processed in accordance with the s176A of the Resource Management Act 1991. This condition shall not apply to minor trimming

or maintenance undertaken by hand operated secateurs or pruning shears in accordance with accepted arboricultural practice, or where removal or trimming is required to safeguard life or property.

Response

Not applicable – There are no notable / scheduled trees located within the site and the application does not involve any works to scheduled trees accordingly.

6. Outline Plans

That an outline plan of works shall not be required for:

- a. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;*
- b. General building maintenance and repair work including but not limited to re-painting, re-cladding and re-roofing;*
- c. Installing, modifying and removing playground furniture and sports structures (e.g. goal posts);*
- d. Amending any internal pedestrian circulation routes/pathways;*
- e. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;*
- f. Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan for other works;*
or
- g. General site maintenance and repair work, or boundary fencing otherwise permitted by the Unitary Plan.*

Response

Condition 6 explains the scope of works that do not require Outline Plan of Works applications. This is useful for future school maintenance and operation and is an appropriate condition to apply without further modification.

Overall, the proposal for a school on this site will be able to comply with the standard conditions of all education designations (except as modified or replaced) and proposed site-specific conditions of the new designation.

8 Consultation

8.1 Mana Whenua

An information package was emailed to all mana whenua groups identified by Auckland Council as having an interest in the area on 16 September 2022, with a follow up sent on 7 October to all iwi. These groups included:

- Ngāi Tai Ki Tāmaki
- Ngāti Maru
- Ngāti Pāoa (iwi and Trust Board)
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata
- Ngāti Whanaunga
- Te Ahiwaru - Waiohua
- Te Ākitai Waiohua
- Te Patukirikiri
- Waikato Tainui

Four responses were received - one each from Waikato Tainui and Te Ahiwaru confirming deferral to other iwi with no interest in further engagement.

A third response was received from Ngāti Whanaunga on 8 October confirming interest in assisting the Minister with an understanding of cultural or mana whenua values relative to the site and proposal. Subsequent to that response, the Minister's representatives have sought to engage Ngāti Whanaunga to complete a review but have not yet been able to confirm engagement or progress. A copy of the consultation to date is included in Appendix 12.

A fourth response was received from Ngāi Tai Ki Tāmaki on 9 November seeking to understand the thinking that has gone into the site selection for a school, noting Murphys Road's busy traffic status. At the time of writing this report, this consultation is ongoing.

No other responses have been received at the time of completing this report for lodgement.

Separately, the Minister's representatives have engaged with mana whenua, with the following summary provided most recently by Ken White, Senior Advisor – Network Planning, within the Ministry of Education:

Before a new school can be established, section 209 of the Education and Training Act 2020 requires the Minister to consult the boards of all state and state integrated schools whose rolls might be affected by the proposed establishment. Consultation with Iwi and Mana Whenua is also undertaken. The Ministry carries out this consultation on the Minister's behalf.

On 7 November 2022, we wrote to Iwi and Mana Whenua groups seeking views on the establishment of a Year 1-6, co-educational state school, with a proposed opening roll of 600. No feedback was received, however Ngāi Tai Ki Tāmaki responded to advise they are the iwi taketake, ahikāroa of Otara (Flat Bush) and manaaki the Flat Bush schools, being Te Uho, Ormiston Schools, Mission Heights and Baverstock Primary School. They wanted to learn more about the proposed location. An offer to meet to provide more information received no reply.

On 14 November we wrote to 12 local schools whose rolls might be affected by establishing the new school. No feedback was received but Te Uhu O Te Nikau's Board responded with questions about the establishment process and time frames.

The Minister's representatives will continue to engage with any mana whenua who express an interest in this project either as a direct response to communications set out by the Ministry of Education or through the formal designation process.

8.2 Auckland Transport

Project representatives met with Auckland Transport pre-application. The feedback provided was considered in the preparation of the ITA and access strategy. A draft copy of the ITA was provided prior to formal lodgement and a response to the preliminary feedback received is included in both Appendix 13 to this report and in the ITA (Appendix 5).

8.3 Auckland Council

A pre-application meeting was held with Auckland Council Plans and Places. The constructive comments received have been considered in the preparation of this report, including the inclusion of desktop level analysis regarding contamination, geotechnical engineering and civil engineering. So too the inclusion of an Acoustic Assessment and a copy of the Archaeological Assessment.

Further, a “soft lodgement” of expert reporting that supports this application occurred, with feedback provided prior to lodgement. Response to that preliminary feedback is included in Appendix 13.

8.4 Auckland International Airport

Given the location of part of the site within the ANNA overlay, the Ministry will provide a copy of this application, including the Acoustic Assessment, to Auckland Airport as a courtesy.

The Acoustic Assessment concludes that part of the site being located within the ANNA overlay does not warrant any bespoke designation conditions to manage reverse sensitivity given the ability standard construction methodologies to achieve suitable internal amenity, even with natural ventilation. This is due to the estimated aircraft noise contours affecting the site not exceeding 50 – 56dB and the expectation that an open window provides a noise reduction of 15 – 17 dB such that internal noise limits of 40dB for classrooms, halls and other learning environments located within the ANNA overlay would still be achieved.

Any response received from the Airport will be forwarded to the Council for consideration.

8.5 Local Community

No wider consultation has yet occurred with the local community, noting the opportunity to participate in this formal process post-lodgement. Further, there has been some consultation by existing school boards regarding the likely amendments to existing student catchments to accommodate the new school in due course. That consultation is ongoing.

9 Conclusion

The Requiring Authority has assessed the relevant matters as set out in section 171 of the RMA and concludes that it is appropriate for the designation to be confirmed subject to conditions as proposed.

The designation will enable the delivery of essential community infrastructure to support population growth in the Flat Bush area. The Minister does not require any change to the standard lapse period of 5 years before the designation is given effect to.

The Minister requests notification of the Notice of Requirement.


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