



14/02/2024

Auckland Council
Private Bag 92300
AUCKLAND 1142

Attention: Craig Cairncross VIA Email

Tēnā koe

Decision of the Minister of Education regarding a notice of requirement under Section 168 of the Resource Management Act 1991 for a designation for “Educational Purposes – Primary School (Years 0-8)” at 121 Murphys Road, Flat Bush.

Thank you for your letter dated 18 December 2023 advising of Auckland Council’s (**Council**) recommendation (**Recommendation**) in accordance with section 171 of the Resource Management Act 1991 (**RMA**) to confirm the above notice of requirement (**NOR**), subject to the imposition of conditions.

In accordance with section 172(1) of the RMA, the Minister of Education (**Minister**) advises the Council that the Recommendation is accepted in whole, with the Minister agreeing with the Recommendation’s conclusions, that:

- The work proposed by the designation is consistent with Part 2 of the Act in that it enables people and communities to provide for their social, economic, and cultural wellbeing.
- The notice of requirement is consistent with and gives effect to the relevant national environmental standards, national policy statements and the relevant objectives and policies of the Auckland Unitary Plan.
- In terms of section 171(1)(b) of the RMA, it is not necessary to consider alternative sites as the Minister has an interest in the land which has been acquired for educational purposes and the work is not likely to have significant adverse environmental effects.
- With respect to section 171(1)(c) of the RMA, the notice of requirement is reasonably necessary to achieve the requiring authority’s objectives.
- Restrictions, by way of conditions attached to the notice of requirement, and as amended, will avoid, remedy or mitigate adverse environmental effects associated with the works.



The Minister subsequently confirms the NOR designating Lot 3 DP 515396 for “Education Purpose – Primary School (Years 0-8)”.

The Minister confirms that the Auckland Unitary Plan (Operative in Part) be amended as set out in Attachment [A] to:

- Include a new designation “Educational Purposes – Primary School (Years 0-8)”.

Please note that a number of minor capitalisation inconsistencies within Attachment [A] of the Recommendation have been amended and included in Attachment [A] of this letter.

Please notify this decision to all submitters in accordance with s173 of the RMA.

Nāku noa, nā



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Appendix A – Designation and Recommended Conditions

49XX Primary School Flat Bush	49XX
Designation Number	
Requiring Authority	Minister of Education
Location	121 Murphys Road, Flat Bush
Rollover Designation	N/A
Lapse Date	The designation shall lapse on the expiry of 5 years from the date on which it is included in the district plan if it has not been given effect to before the end of that period.

Purpose

Educational Purposes – Primary School (Years 0-8)

Conditions

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

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.

2. Noise

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

DAY/TIME	NOISE LEVEL
Mon – Sat, 7.00am – 10.00pm (0700-2200)	55 dB _{LAeq}
Sunday 9am to 6pm	
All other times	45 dB _{LAeq} 75 dB _{LAFmax}

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 6802:2008 “Measurement of Environmental Sound” and NZS 6802:2008 “Environmental Noise”.

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

3. 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 Establishment Outline Plan of Works shall include the following information:

- a) A Design Concept Plan for the site including:
 - i. The general location of access points for vehicles, cyclists, scooters and pedestrians, with due consideration of how these integrate with the road layout for Te Ara Nikau (consented east-west cul-de-sac road along northern frontage of site) including its intersections with Te Ara Totara and Te Ara Rimu (the roads that run perpendicular to Te Ara Nikau and connect with Murphys Park Drive);
 - ii. The general location of a safeguarded future access point to and from Murphys Road to the school frontage for pedestrians, cyclists and scooters that can be provided at such time that the condition of Murphys Road enables safe active mode travel to and from the school;
 - iii. The general location of on-site pick up and drop off areas;
 - iv. Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;
 - v. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and
 - vi. "Indicative" areas accommodating future education purpose growth development on this site, including building platforms, car parking areas, vehicular access, manoeuvring and circulation areas.
- b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Integrated Transport Assessment (ITA) prepared by Abley Ltd dated January 2023, addresses transport network safety, efficiency and the following specific matters:
 - i. Safe access for pedestrians, cyclists and vehicles (including buses (if required), rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;
 - ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;
 - iii. On-site pick-up and drop-off (PUDO) area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, manoeuvring for cars and buses (if required). Any on-site PUDO shall be provided with controlled egress (via a physical barrier or gate) to ensure any exit onto Murphys Road is only accessible during school drop off and pick up times;

- iv. The following matters shall specifically be addressed as they relate to the school, including any measures required to mitigate or address these matters:
 - a. Potential effects on the safe and efficient operation of the surrounding transport network and the internal school circulation;
 - b. Providing for the continuity of cycle and pedestrian facilities; and
 - c. Providing safe separated access points to the school for those who walk or cycle.
 - v. Any impediments on the safe and efficient movement of pedestrians and cyclists as they relate to the school within the surrounding transport network and any measures required to mitigate these;
 - vi. Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network.
- 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 Transport Assessment prepared to support the Establishment Outline Plan shall be provided to Auckland Transport for the purposes of this consultation and engagement.

4. **Subsequent Outline Plan of Works**

Where any subsequent proposal to increase the number of teaching spaces or to modify any vehicle access, parking or vehicle circulation feature arises, the Requiring Authority shall, submit an Outline Plan of works which includes the following information:

- a) A Design Concept Plan for the site including:
 - i. The general location of access points for vehicles, cyclists, scooters and pedestrians including a safeguarded future access point to and from Murphys Road to the school frontage that can be provided at such time that the condition of Murphys Road enables safe active mode travel to and from the school;
 - ii. The general location of on-site parking areas (including cars, cycle and scooter parks), and on-site and off-site pick up and drop off areas;
 - iii. Measures and treatments at all existing and new access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;
 - iv. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and

- v. “Indicative” areas accommodating future education purpose growth development on this site, including building platforms, car parking areas, vehicular access, manoeuvring and circulation areas.
- b) An updated Transport Assessment prepared by a suitably qualified traffic engineer / transportation planner, which addresses all matters listed in Condition 3(b) and the actual demand derived from surveys of the current school for PUDO parking on the school site, in nearby streets, and in remote PUDO locations;
- c) A summary of engagement and consultation with Auckland Transport in accordance with Condition 3(c).

5. 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 to provide specifically for operational and management measures including (upon review) identification of measures necessary to reduce vehicle movements on the local road network, including through active school promotion and support for walking school buses, carpooling, the encouragement of the use of public transport, the use of remote pick up/drop off locations, and the encouragement of walking and cycling.

The school shall operate in accordance with the approval School Travel Plan and its monitoring and review programme at all times.

- b. This School Travel Plan shall also specifically address the following matters:
 - i. Set sustainable travel mode goals of the school and identify and deliver mechanisms to address poor numbers of active mode trips to school or any other adverse transport network effects identified as attributable to school operations;
 - ii. Safe pedestrian access to the entry points to the school. Features such as kea crossings or zebra crossings should be specifically considered;
 - iii. Consistency with or use of Auckland Transport’s TravelWise programme, or any equivalent programme adopted;
 - iv. Measures to separate vehicle entrance and pedestrian/cyclist entries;
 - v. Location and provision on site of any scooter and cycle parking; and
 - vi. The adequacy of on-site and remote pick-up / drop-off arrangements and management including an assessment of the existing and planned peak demand, alongside consideration of the need for additional remote pick-up / drop-off in suitable locations.

- c. The School Travel Plan and any subsequent reviews shall be developed and revised in consultation with Auckland Transport and shall include a monitoring and review programme. As a minimum the School Travel Plan shall be revised at the time of submitting each subsequent Outline Plan of Works relating to increased teaching spaces.

6. Student Catchment

- a) Until such time as Murphys Road is upgraded, the Requiring Authority, either directly or through the School Board of Trustees, shall monitor the school catchment and any out of zone enrolments, and shall provide the results of this monitoring to Auckland Transport at least every school term.
- b) Where the results of monitoring pursuant to Condition 6(a) above identifies any students travelling to or from the school along or across Murphys Road, prior to the upgrade of Murphys Road, the Requiring Authority will, either directly or through the School Board of Trustees, undertake a review of the Travel Plan required by Condition 5 within three months, in consultation with a suitably qualified traffic engineer / transportation planner.
- c) The purpose of the Travel Plan review pursuant to Condition 6(b) above will be to identify, adopt and incorporate any necessary transport mitigation measures into the Travel Plan and Condition 5.
- d) Any Outline Plan of Works for construction works required as a result of an alteration to the student catchment to include any land located west of Murphys Road shall include:
 - i. 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.
 - ii. 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 6 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 6 or in response to an upgrade of the roading network to satisfy safety concerns.

7. Pedestrian Access to Murphys Road

The Requiring Authority shall not promote direct pedestrian, cyclist or scooter access to and from the school from 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, cyclist and scooter 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.

8. On-road Interventions

Unless already delivered by others, the following on-road interventions must be provided by the Requiring Authority prior to first operation of the school (and may be informed by the Transport Assessment required as part of the Establishment Outline Plan of Works):

- a) Extension of footpath on Picturesque Drive to service the remote pick-up / drop-off area;
- b) Construction of parking bays on Picturesque Drive to service the remote pick / drop-off area;
- c) Parking restrictions (P2 mins) at school pick-up and drop-off times for intended remote pick up / drop-off parking bays on Picturesque Drive;
- d) The installation of on-road physical measures to:
 - i. Prevent right-turn manoeuvres into and out of the school site from Murphys Road;
 - ii. Installation of pedestrian crossing on Te Ara Nikau;
 - iii. Te Ara Nikau cul-de-sac turning heads (if required).