

## Form 18

### *'Educational Purposes – being a Secondary School (years 7 to 13) and an Early Childhood Education Centre (preschool)'*

Section 168 of the Resource Management Act 1991

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

The Minister of Education (Minister) gives Notice of a Requirement for a designation to be shown in the Auckland Unitary Plan for a public work for 'Educational Purposes – being a Secondary School (years 7 to 13) and an Early Childhood Education Centre (ECE) (preschool)'.

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

This Notice of Requirement (NoR) applies to a total land area 8.31ha more or less comprising three parcels labelled A, B and C (together called "the Site") on the Land Requirement Plan included in **Attachment 1**, described as:

- Area A – 3.9 ha located at 401 Jesmond Road (legally described as Lot 1 DP 139263, owned by Her Majesty the Queen)
- Area B – 4.2ha located at 281 Jesmond Road (legally described as part of Lot 1 DP 89570, owned by Her Majesty the Queen)
- Area C – 1086m<sup>2</sup> (subject to survey) being part of 341 Jesmond Road (legally described as part Lot 2 DP 164625, owned by Elly S Pan and Benjamin Ban Chong Bong)

The relevant Records of Title are included in **Attachment 2**.

The Ministry of Education (Ministry), through the Crown, owns both Areas A and B. The Ministry has recently purchased Area C from the owners of 341 Jesmond Road.

The Site is currently zoned 'Mixed Housing Urban' under the Auckland Unitary Plan: Operative in Part (AUP: OP) and is located within the Drury 1 Precinct.

The Site is located within a large area of greenfield land under development in Drury West known as Auranga. Section 3 of the attached *Assessment of Environmental Effects* Report (AEE) describes the Site and surrounding environment in more detail.

#### **2. The nature of the proposed public work is:**

The Minister proposes to designate the Site for educational purposes for a Secondary School (years 7 to 13) and an ECE.

The NoR provides for construction activities associated with the proposed works and the long-term operation of the school.

The AEE provides further detail on the nature of public work that will take place on the Site. Details regarding the form of buildings on-site and landscaping will be addressed at the Outline Plan stage once the Site has been appropriately master-planned.

### **3. The nature of the proposed conditions that would apply:**

The Minister has standard designation conditions set out in the AUP: OP that apply to all state schools in Auckland. These will be adopted for this designation.

Additional site-specific conditions to govern works on the Site are outlined in section 8 of the AEE.

### **4. The effects that the proposed works will have on the environment, and the ways in which any adverse effects will be mitigated, are:**

Section 4 of the AEE provides a thorough assessment of the potential effects and the proposed measures to avoid, remedy or mitigate any potential adverse effects related to the designation.

The actual and/or potential adverse effects required to be avoided, remedied or mitigated include:

- Landscape and visual effects on amenity and character;
- Traffic – relating to the effects of traffic generation on access and the surrounding transport network;
- Noise – construction and operation; and
- Construction – temporary nuisance effects such as dust and noise.

The assessment concludes that the designation conditions will assist in appropriately avoiding, remedying or mitigating any potential adverse effects caused from the construction, operation and maintenance of the proposed school.

### **5. Alternative sites, routes, and methods have been considered to the following extent:**

Under section 171(1)(b) a territorial authority must have particular regard to whether adequate consideration has been given to alternative sites, routes, or method of undertaking the work if:

- The requiring authority does not have an interest in the land sufficient for undertaking the work;  
**or**
- It is likely that the work will have a significant adverse effect on the environment.

The Crown owns both Areas A and B and has recently purchased Area C which provide sufficient land to build a secondary school and ECE. Therefore, the Minister does have sufficient interest in all land parcels as the landowner.

Section 4 and 6 of the AEE does not identify any significant adverse effects on the environment from designating this land for educational purposes.

### **6. The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:**

As a Minister of the Crown, the objectives of the Minister are set out in the Education and Training Act 2020 (Education Act). The Minister therefore oversees the government's ownership interest in the Ministry.

The RMA enables the Minister, as a Minister of the Crown and therefore a requiring authority, to designate land for any public work for which the Minister is financially responsible.<sup>1</sup>

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<sup>1</sup> Resource Management Act 1991, sections 166 and 168.

The Minister is responsible for administering and delivering the state schooling network on behalf of the Crown. The Ministry advises the Government on education policy and ensures that the appropriate policies, funding, infrastructure and systems are in place to enable the effective operation of the education system.

Under the Education Act, the Minister has the power to establish new schools, close existing schools, and determine if any school land held by the Crown can be disposed of if no longer required for educational purposes.<sup>2</sup> These powers respond to a number of the Education Act's key directions for the education system in New Zealand, including:

- The right for every person who is not an international student to free enrolment and free education at any state school between the ages of five and nineteen;<sup>3</sup>
- The provision of a schooling network that assist parents in meeting their obligations to enrol their children at school between the ages of six and sixteen;<sup>4</sup> and
- The efficient and effective use of the government's investment in schooling.<sup>5</sup>

Managing the schooling network is therefore a core part of the Ministry's activities.

The establishment of a new secondary school and ECE in Drury West is required to provide for future students to undertake their education and is provided for under the Education Act. Accordingly, the establishment of a new secondary school catering for students from years 7 to 13 and an ECE catering for preschool children is reasonably necessary in order for the Minister to achieve the objective of providing education facilities in this new area of urban growth.

Designation is considered to be the appropriate mechanism to provide for the establishment and ongoing operation of the school. 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.

All other State schools within Auckland Council's jurisdiction are designated.

Further detailed background on the necessity for designating land for the stated education purpose, and in the location proposed, is set out in section 1.1 of the AEE.

**7. The following resource consents are needed for the proposed activity and have (or have not) been applied for:**

Development related activities for the Site may require resource consents for stormwater discharge, earthworks and dewatering depending on design of the school. If required, these will be applied for once detailed design has been undertaken.

**8. The following consultation has been undertaken with parties that are likely to be affected:**

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<sup>2</sup> Education and Training Act 2020, sections 190, 199.

<sup>3</sup> Ibid, section 33.

<sup>4</sup> Ibid, sections 32(e).

<sup>5</sup> Ibid, section 32(g).

Specific consultation regarding the proposal to designate the Site for educational purposes has been carried out with the following Mana Whenua:

- Ngāti Tamaoho (Lucille Rutherford)
- Ngāti Te Ata (Karl Flavell)
- Te Akitai Waiohua (Nigel Denny)

Consultation has also been carried out with the following stakeholders:

- Karaka & Drury Ltd
- Elly S Pan and Benjamin Ban Chong Bong (owners of 341 Jesmond Road)
- Auckland Council
- Auckland Transport
- Waka Kotahi NZ Transport Agency
- Fire and Emergency New Zealand
- Franklin Local Board
- Papakura Local Board
- Watercare

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

**9. The Minister attaches the following information required to be included in this notice by the district plan, regional plan, or regulations made under the Resource Management Act 1991:**

- Land Requirement Plan including a Schedule of Affected Properties;
- Records of Title;
- An Assessment of Environmental Effects with the following supporting technical reports;
  - Integrated Transport Assessment; and
  - Contamination Report.

**SIGNATURE**



David Bos  
Regional Asset Manager, Education Infrastructure Services Northern Region  
Ministry of Education  
(Pursuant to a delegated authority)

**Date: 16/6/2023**



***Address for Services***

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

Attention: Sian Stirling

Email: [sian.stirling@beca.com](mailto:sian.stirling@beca.com)

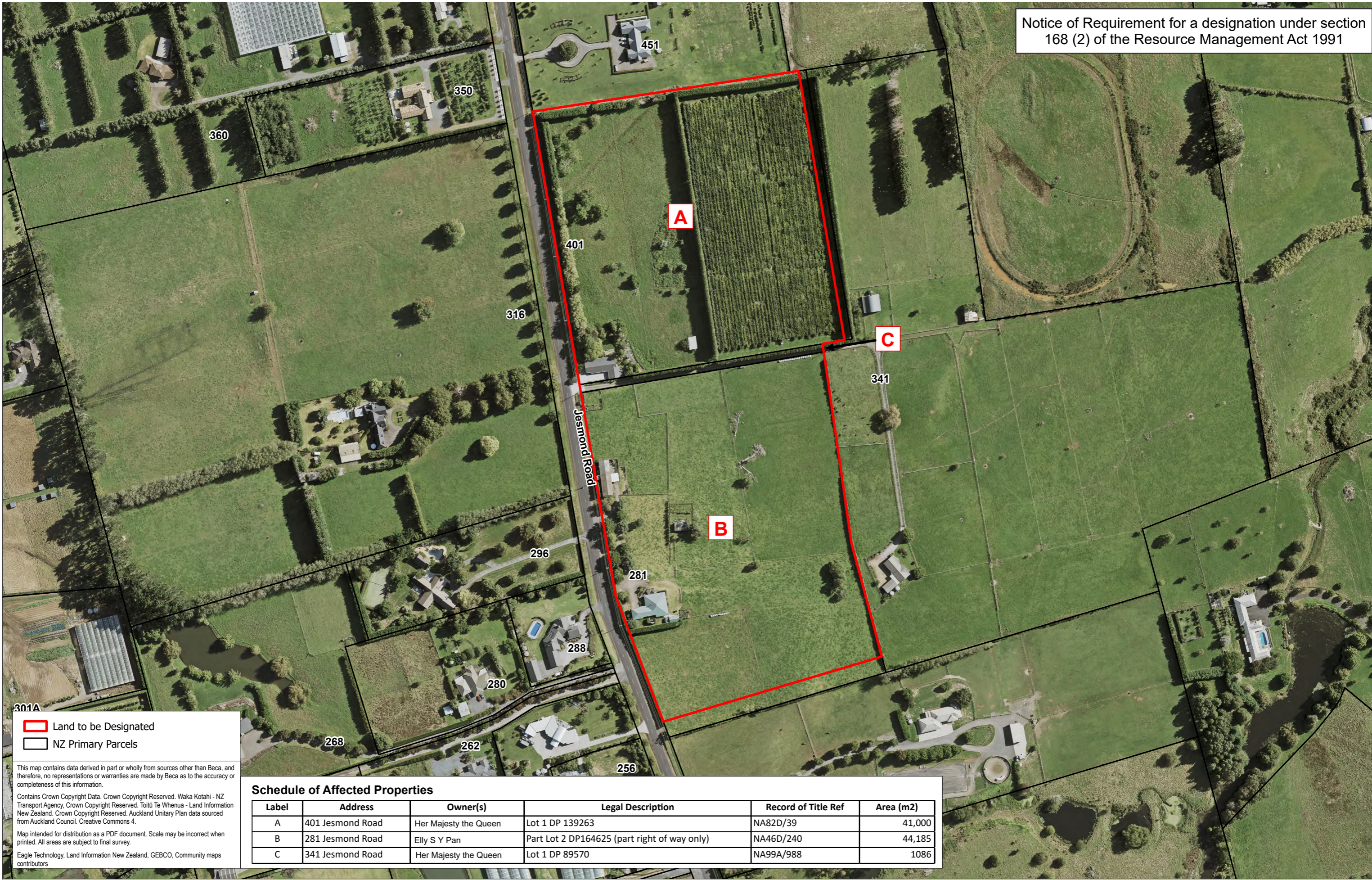
**ATTACHMENT 1**

Land Requirement Plan



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

File: P:\4216216897\GIS\4216897-13\_DruryWest\_LandRequirement\_Update.aprx Date: 23/05/2023  
 Author: TCS



Land to be Designated  
 NZ Primary Parcels

This map contains data derived in part or wholly from sources other than Beca, and therefore, no representations or warranties are made by Beca as to the accuracy or completeness of this information.

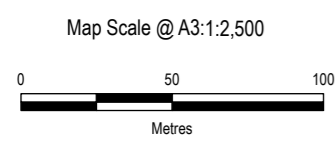
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Map intended for distribution as a PDF document. Scale may be incorrect when printed. All areas are subject to final survey.

Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors

**Schedule of Affected Properties**

Label	Address	Owner(s)	Legal Description	Record of Title Ref	Area (m2)
A	401 Jesmond Road	Her Majesty the Queen	Lot 1 DP 139263	NA82D/39	41,000
B	281 Jesmond Road	Elly S Y Pan	Part Lot 2 DP164625 (part right of way only)	NA46D/240	44,185
C	341 Jesmond Road	Her Majesty the Queen	Lot 1 DP 89570	NA99A/988	1086



Revision	Author	Verified	Approved	Date	Title:
4	TCS	BGP	JAS	23/05/2023	<b>Drury West Secondary School</b> Land Requirement Plan Land to be designated "Educational Purposes"
3	BGP	RR9	JAS	01/03/2021	
2	BGP	DRAFT	DRAFT	20/11/2020	
1	HEC	DRAFT	DRAFT	04/04/2019	

Client: Ministry of Education  
 Project: Drury West Notice of Requirement



Discipline: GIS  
 Drawing No: GIS-4216997-13b



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



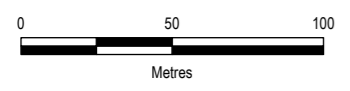
Land to be Designated  
 NZ Primary Parcels

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Map Scale @ A3:1:2,500



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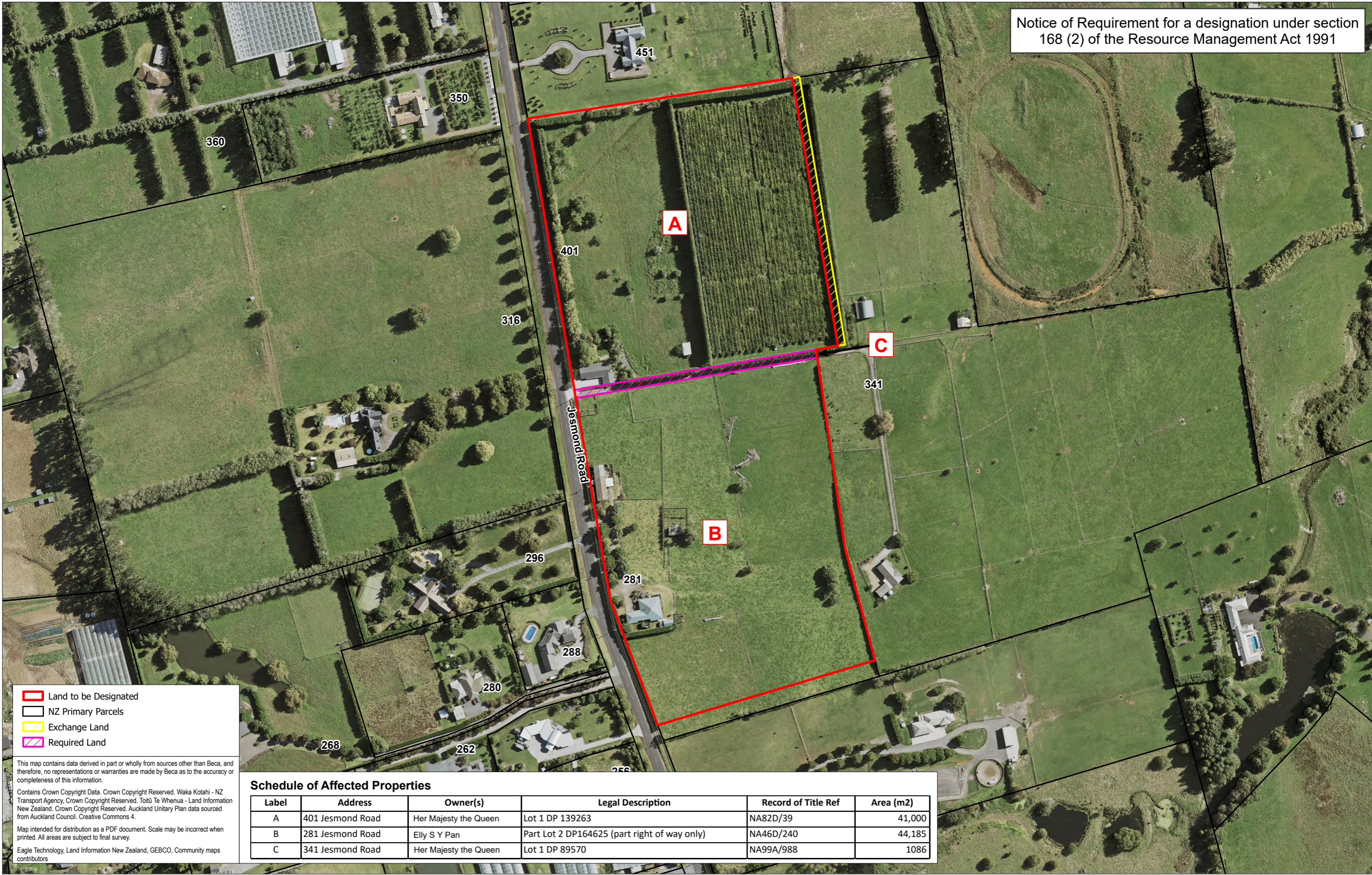
Discipline: GIS

Drawing No: GIS-4216997-13a



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

File: P:\4216997\GIS\Map\GIS-4216997-13\_DruryWest\_LandRequirement\_Update.aprx4216997-13c Author: TCS Date: 23/05/2023  
 GIS@beca.com



- Land to be Designated
- NZ Primary Parcels
- Exchange Land
- Required Land

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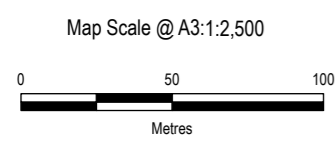
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3	BGP	RR9	JAS	01/03/2021
2	BGP	DRAFT	DRAFT	20/11/2020
1	HEC	DRAFT	DRAFT	04/04/2019

Title: **Drury West Secondary School**  
 Land Requirement Plan  
 Land to be designated "Educational Purposes"

Client: Ministry of Education  
 Project: Drury West Notice of Requirement



Discipline: GIS  
 Drawing No: GIS-4216997-13c



**ATTACHMENT 2**

Records of Title



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA46D/240  
**Land Registration District** North Auckland  
**Date Issued** 15 October 1979

**Prior References**  
NA424/13

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**Estate** Fee Simple  
**Area** 4.4185 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 89570  
**Purpose** Education purposes

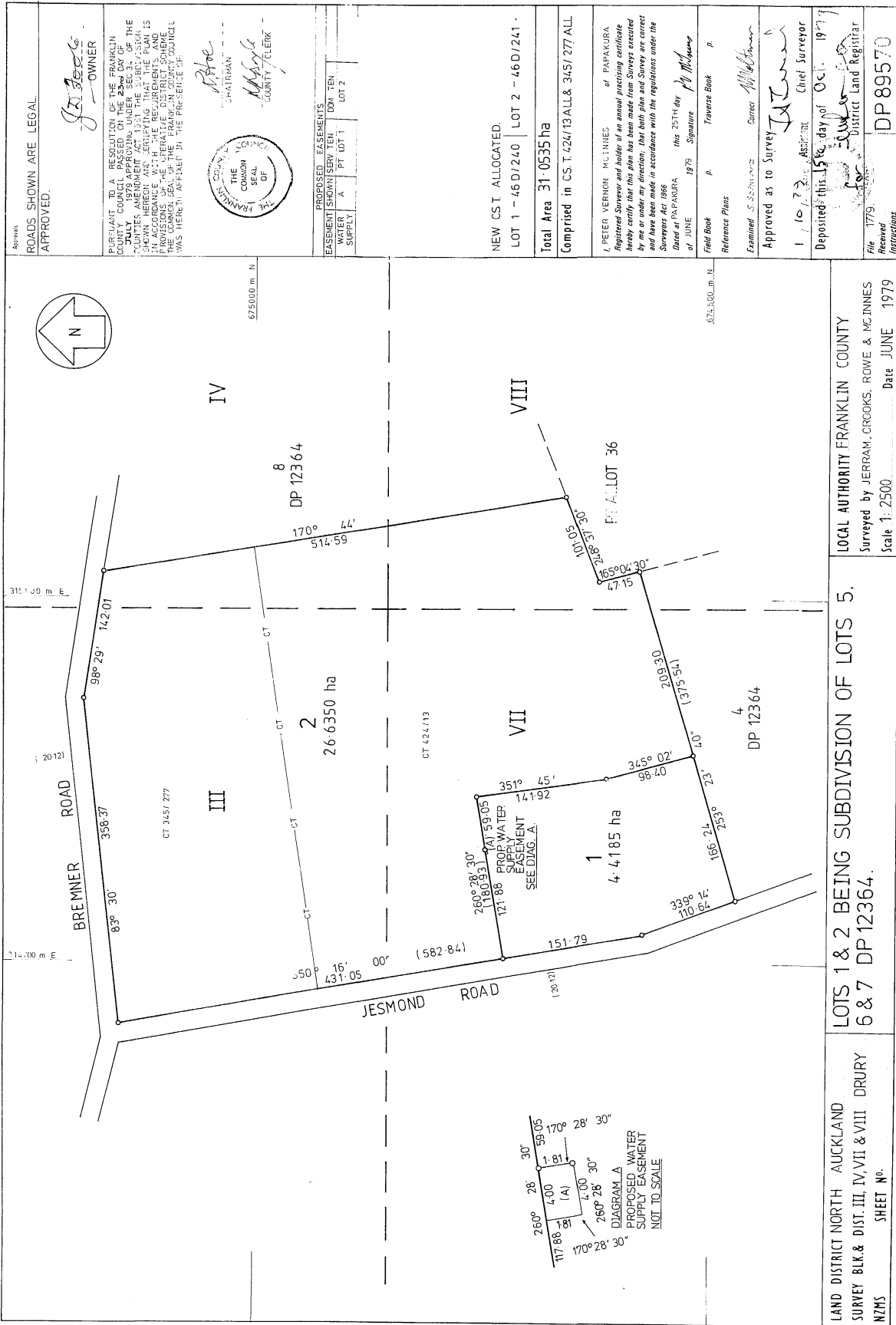
**Registered Owners**  
Her Majesty the Queen

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**Interests**

11232462.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Her Majesty the Queen - 18.9.2018 at 7:00 am

11934036.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 20.11.2020 at 10:58 am



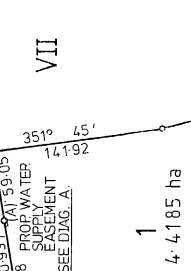
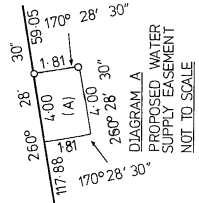
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CENTIMETRE: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51

LAND DISTRICT NORTH AUCKLAND  
SURVEY BLK & DIST. III, IV, VII & VIII DRURY  
NZMS SHEET NO.

LOCAL AUTHORITY FRANKLIN COUNTY  
Surveyed by JERRAM, CROOKS, ROWE & MCINNES  
Scale 1:2500 Date JUNE 1979

LOTS 1 & 2 BEING SUBDIVISION OF LOTS 5, 6 & 7 DP 12364.







**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **NA82D/39**  
**Land Registration District** **North Auckland**  
**Date Issued** 17 July 1990

**Prior References**  
NA62D/580

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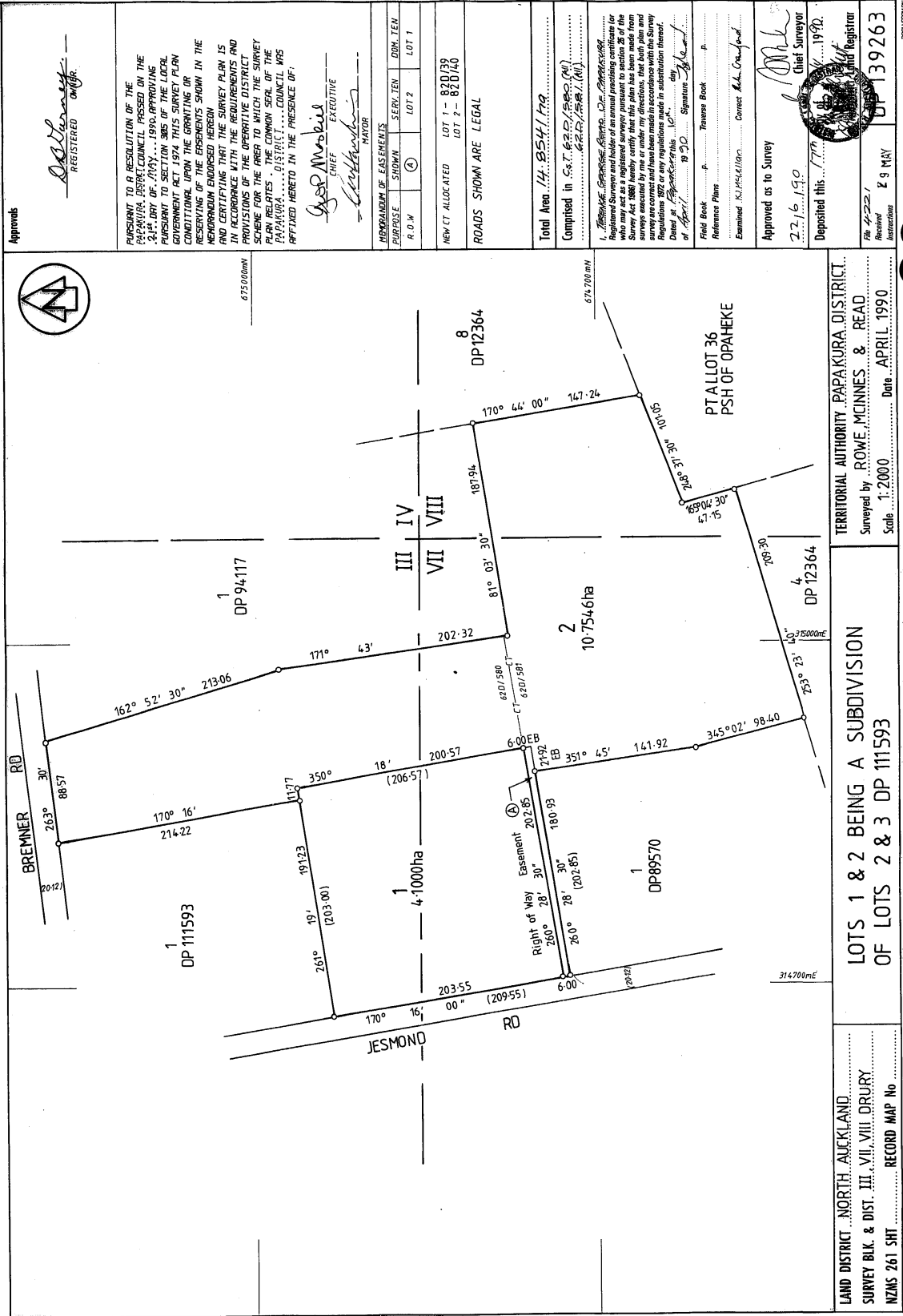
**Estate** Fee Simple  
**Area** 4.1000 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 139263  
**Purpose** Education

**Registered Owners**  
Her Majesty the Queen

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**Interests**

Appurtenant hereto is a right of way specified in Easement Certificate C164709.3 - 17.7.1990 at 2.43 pm  
The easements specified in Easement Certificate C164709.3 are subject to Section 309 (1) (a) Local Government Act 1974  
11239206.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Her Majesty the Queen -  
25.9.2018 at 7:00 am



Approvals

*Asst Surveyor*  
REGISTERED SURVEYOR

PURSUANT TO A RESOLUTION OF THE PAPAKURA DISTRICT COUNCIL PASSED IN THE MEETING HELD ON THE 21st DAY OF MAY 1990 APPROVING PURSUANT TO SECTION 308 OF THE LOCAL GOVERNMENT ACT 1974 THIS SURVEY PLAN CONDITIONAL UPON THE GRANTING OR RESERVING OF THE EASEMENTS SHOWN IN THE MEMORANDUM ENDORSED HEREAFTER AND CERTIFYING THAT THE SURVEY PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS AND PROVISIONS OF THE OPERATIVE DISTRICT PLAN FOR THE AREA TO WHICH THE SURVEY PLAN APPLIES. DATED AT PAPA KURA DISTRICT COUNCIL CHAMBERS PAPA KURA DISTRICT COUNCIL THIS 12th DAY OF APRIL 1990 IN THE PRESENCE OF:

*Geoff Marsden* CHIEF EXECUTIVE  
*John Martin* MAYOR

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERV. TEN.	DOM. TEN.
R.O.W.	(A)	LOT 2	LOT 1

NEW CT ALLOCATED LOT 1 - 820/39  
LOT 2 - 820/40

ROADS SHOWN ARE LEGAL

Total Area 14.8541 Ha  
Comprised in S.I. 622/580 (M)  
622/581 (M)

I, *Asst Surveyor*, Registered Surveyor and Licenced under the provisions of the Survey Act 1981, hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Act 1981 and that the boundaries shown hereon are true and correct. Dated at *Papakura* this 12th day of *April* 1990.

Field Book .....  
Reference Plans .....  
Examined: *Asst Surveyor* .....  
Approved as to Survey 22.16.1990  
Deposited this 27.04.1990

Chief Surveyor  
Territorial Authority Registrar  
DP 139263

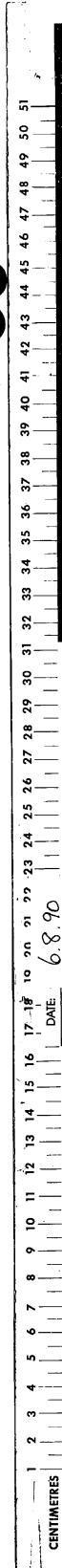
Fee \$22.1  
Registered  
MAY 9 1990

LAND DISTRICT NORTH AUCKLAND  
SURVEY BLK. & DIST. III, VII, VIII, DRURY  
NZMS 261 SH1 RECORD MAP No

TERRITORIAL AUTHORITY PAPA KURA DISTRICT  
Surveyed by ROWE MCINNES & READ  
Scale 1:2000 Date APRIL 1990

LOTS 1 & 2 BEING A SUBDIVISION  
OF LOTS 2 & 3 DP 111593

MAJOR ROBERTSON SURVEYOR GENERAL DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND





**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA99A/988  
**Land Registration District** North Auckland  
**Date Issued** 03 April 1995

**Prior References**  
NA82D/40

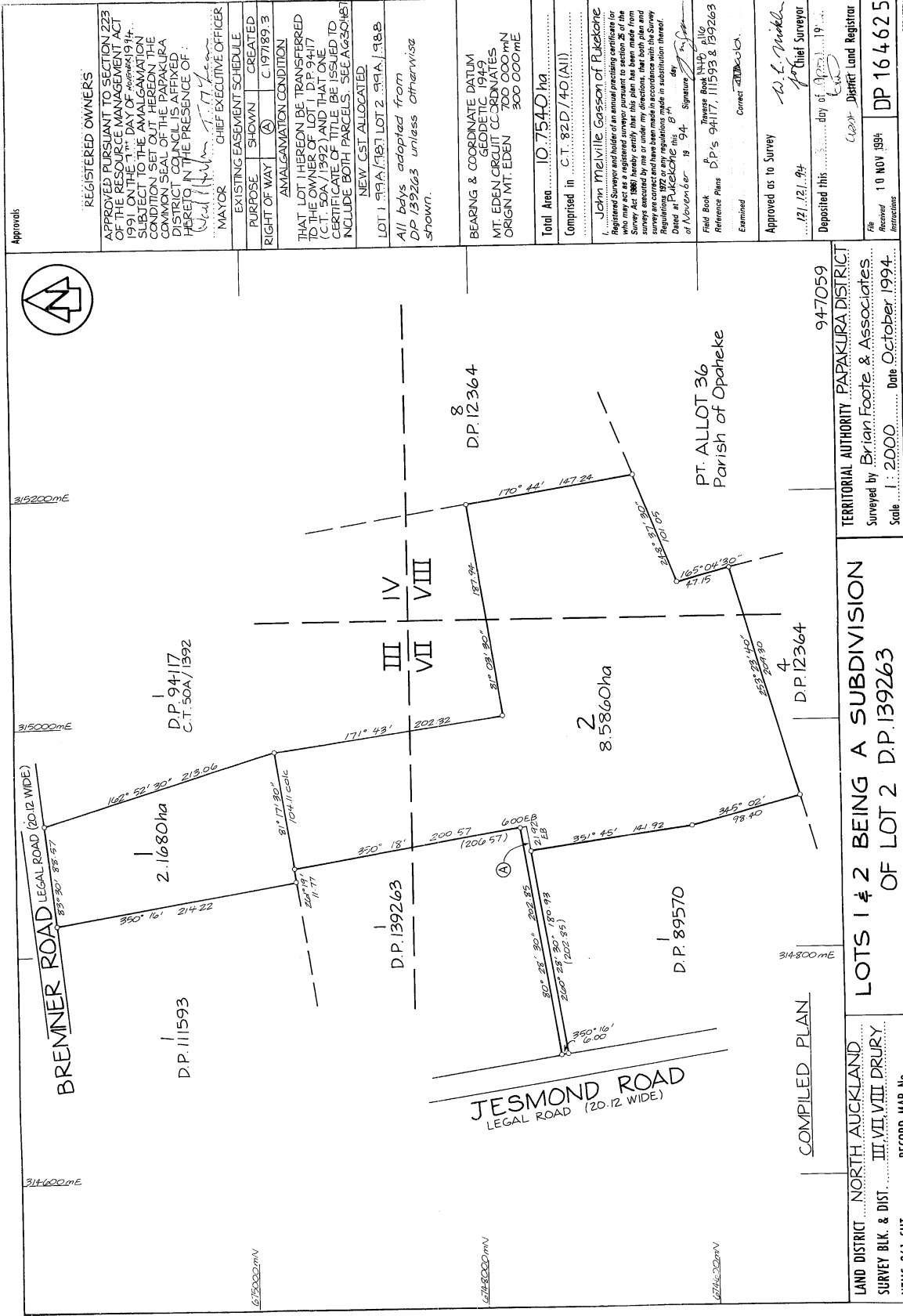
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**Estate** Fee Simple  
**Area** 8.5860 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 164625  
**Registered Owners**  
Elly S Y Pan

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**Interests**

Subject to a right of way over part marked A on DP 164625 specified in Easement Certificate C164709.3  
The easements specified in Easement Certificate C164709.3 are subject to Section 309 (1) (a) Local Government Act 1974  
12702836.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Her Majesty the Queen - 4.4.2023  
at 8:01 am



11 APR 1995

