

19 March 2018

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For: Christian Brown

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Dear Christian

Notice of Requirement for an alteration to Waiheke Primary School Designation

We act for the Minister of Education ("**the Minister**").

Please find enclosed the Minister's Notice of Requirement for an alteration to the Waiheke Primary School Designation ("Designation") in the Auckland Council District Plan: Hauraki Gulf Islands Section (Operative 2013) ("**Alteration**"). This Alteration involves removing a condition of the Designation which restricts the number of students who may be enrolled at Waiheke Primary School. The Alteration will provide for an increase in the school roll in order to absorb student growth as a result of population increases on Waiheke Island. The proposed change will enable Waiheke Primary School to adequately service Waiheke Island now and in the future.

The Minister requests public notification of the Alteration.

An assessment of the potential effect of the Alteration has concluded there will be no adverse effects associated with the Alteration.

As always, if you have any questions or wish to discuss please do not hesitate to contact the author.

Yours sincerely
ELLIS GOULD



Dr Claire Kirman
Partner

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**Notice of Requirement by the Minister of Education to Alter a Designation under
Section 181 of the Resource Management Act 1991 (RMA).**

To: Auckland Council
Private Bag 92300
Auckland 1142

cc: Christian Brown
Auckland Council
christian.brown@aucklandcouncil.govt.nz

From: The Minister of Education

THE MINISTER OF EDUCATION (“**the Minister**”) as a requiring authority under section 167 of the Resource Management Act 1991 (“**RMA**”) gives notice of a requirement to alter a designation in the Auckland Council District Plan: Hauraki Gulf Islands Section (Operative 2013) (“**District Plan**”) being an alteration to the Waiheke Primary School Designation (10-13).

Summary

1. The Minister proposes to alter Auckland Council District Plan: Hauraki Gulf Islands Section - Operative 2013 (Waiheke Primary School Designation 10-13, 26 Sea View Road, Waiheke) (“**the Designation**”).
2. The purpose of the Designation is as follows:
 - Designated purpose**
 1. *The purpose of the designation is to provide for a primary school for Waiheke Island.*
 2. *The nature of the proposed work is to construct and thereafter operate, maintain and upgrade as necessary the buildings, facilities and improvements required for a contributing primary school, in accordance with the designation and subject to the conditions which follow.*
 3. *The designated site comprises 3.86ha and includes the areas required for landscaping, effluent treatment and disposal, carparking and access and manoeuvring areas.*
3. The proposed alteration to the Designation will provide for an increase in the school roll in order to absorb student growth as a result of population increases on Waiheke Island. The proposed change will enable Waiheke Primary School to adequately service Waiheke Island now and in the future.

4. This Notice of Requirement proposes to amend the Designation as follows:

~~4. a. Subject to (b), the school roll as at 1 March in any calendar year shall not exceed 260 pupils. Provision of the 1 March roll return filed by the school with the ministry of education will be deemed to be sufficient evidence of the school roll in each year.~~

~~b. After 1 March, the school roll may exceed 260 provided that it does not exceed the 1 March roll by more than 10 per cent, and further provided that those additional pupils are either:~~

~~i. New entrants starting school during that school year; or~~

~~ii. New enrolments during the school year which occur after 1 March.~~

~~NB: For the avoidance of doubt, it is recorded that the minister of education reserves the right to seek to amend condition 4 of the designation in the future. Any proposals to amend or remove the limitations on the school roll set out above shall involve public notification of a further notice of requirement under section 168(3) or section 181(1) of the RMA, or any equivalent provision under subsequent legislation.~~

The sites to which this Notice of Requirement applies are as follows:

5. This Notice of Requirement relates to land within the extent of the Designation.

The nature of the proposed work is as follows:

6. The Notice of Requirement seeks to alter the Designation to provide for an increase in the school roll in order to absorb student growth as a result of population increases. The nature of the proposed work is as detailed in the Notice of Requirement for an Alteration to Waiheke Primary School Designation, Assessment of Environmental Effects (**Attachment 1**).

The nature of the proposed conditions that would apply are:

7. No additional conditions for the Designation are proposed by this Notice of Requirement. The Notice of Requirement proposes to delete an existing condition.

The effects that the proposed work will have on the environment and the ways in which any adverse effects will be mitigated are:

8. An assessment of the actual and potential effects is set out in paragraphs 14 to 16 of the Assessment of Environmental Effects (“**AEE**”) supporting this Notice of Requirement. Paragraph 17 of the supporting AEE concludes that the potential adverse effects of the proposed alteration are less than minor.

Alternative sites and methods have been considered to the following extent:

9. The proposed deletion of Condition 4 is required to provide for an increase in the school roll in order to absorb student growth as a result of population increases. The proposed change will enable Waiheke Primary School to adequately service Waiheke Island now and in the future. While no assessment of alternative sites or

methodologies is considered necessary in the circumstances, the AEE assesses alternative methods for providing for this population increase is set out at paragraphs 17 to 18 of the AEE.

The proposed work and designation are reasonably necessary for achieving the objectives of the Requiring Authority

10. The alteration to the Designation is considered reasonably necessary for the provision of educational services by the Minister. The alteration is required to provide opportunities for students to undertake their studies as provided for under the Education Act 1989. Accordingly, the alteration to remove the school roll cap is reasonably necessary in achieving the objective of the Minister in providing state schools.

Other authorisations needed for the proposed activity which have not been applied for:

11. Outline Plan of Works for the Designation.

The following consultation has been undertaken with parties that are likely to be affected

12. As described in paragraph 42 of the AEE supporting this Notice of Requirement, there are no parties considered to be adversely affected by the Notice of Requirement. Given the time constraints outlined in the AEE, the Minister has only discussed the alteration with the Council. However, the Minister requests that the Notice of Requirement be publicly notified.

The Minister of Education attaches the following information required to be included in this Notice of Requirement by the District Plan, Regional Plan or any Regulations made under the Resource Management Act 1991:

13. The Minister's letter requesting alteration to the Designation with the following attachments:
 - (a) **Attachment 1** Notice of Requirement for an Alteration to Waiheke Primary School Designation, Assessment of Environmental Effects.

Lapse Period:

14. The Designation has already been given effect to. As such, no changes to the lapse period are proposed by this Notice of Requirement.

DATED this 19th day of March 2018

THE MINISTER OF EDUCATION by his
solicitors and duly authorised agents Ellis
Gould

A handwritten signature in blue ink, appearing to read 'C E Kirman / A Devine', written in a cursive style.

C E Kirman / A Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould Lawyers, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: Dr Claire Kirman / Alex Devine. ckirman@ellisgould.co.nz / adevine@ellisgould.co.nz.

ASSESSMENT OF ENVIRONMENTAL EFFECTS – NOTICE OF REQUIREMENT FOR AN ALTERATION TO WAIHEKE PRIMARY SCHOOL: 26 SEA VIEW ROAD, WAIHEKE



(Source: Waiheke Primary School, Facebook Page)

Introduction

1. The Minister of Education (“**the Minister**”) proposes to alter his Waiheke Primary School Designation (“**the Designation**”) in the Auckland Council District Plan: Hauraki Gulf Islands Section - Operative 2013 (“**Operative Plan**”), specifically as it relates to Condition 4.
2. The following assessment has been prepared pursuant to section 181(1) of the Resource Management Act 1991 (“**RMA**”). It is intended to provide the information necessary for a full understanding of the Notice of Requirement, the associated works and any actual or potential effects the proposed alteration may have on the environment.
3. The Notice of Requirement proposes to delete Condition 4 which limits the number of students enrolled at Waiheke Primary School (“**the School**”) to provide for an increase in the school roll in order to absorb student growth as a result of population increases on Waiheke Island. The proposed changes will enable the School to adequately service Waiheke Island now and in the future. There is no increase in the potential for adverse effects as a result of this alteration given the existence of other conditions which will appropriately manage potential adverse effects.

Background

The Minister

4. The Minister is a requiring authority under section 166 of the RMA. The Minister has financial responsibility for state owned and funded schools, so is empowered to give the Auckland Council (“**the Council**”) a notice of requirement for a designation for such works.
5. The Education Act 1989 empowers the Minister to designate 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.
6. As the requiring authority, the Minister seeks to alter the Designation so as to allow for increases in the school roll in order to absorb student growth as a result of population increases on Waiheke Island, enabling the School to adequately service the Waiheke Island area now and in the future.

Waiheke Primary School

7. The School is located at at 26 Sea View Road and is legally described as Lot 48 DP 11656, Pt Lot 47 DP 11656 (“**Site**”). The Site comprises 3.8546 hectares and the underlying zoning of the Site is Rural 1 (landscape amenity).



Figure 1: Location of the Site and Surrounds. Source: Auckland Council GIS Viewer

8. The School was established in 2005 and is a full primary school catering for Year 1-8 students located in Ostend, Waiheke Island. There is only one other primary school on the island, Te Huruhi School. Waiheke High School also caters for students in Years 7-8 (relevantly) as well as students to year 13. A small number of students travel to attend schools on the Auckland isthmus.

Roll Growth at Waiheke Primary School

9. Condition 4 of the Designation restricts the School's roll to 260 students (as at 1 March of each year). After 1 March of each year, the school's total roll may exceed 260 students by no more than 10% (i.e. no more than 286 students) provided that those additional students are:
 - (a) New entrant students starting school during that school year; or
 - (b) These students are enrolled after the 1st of March of the school year.
10. In recent times the School has experienced an increase in enrolments and the School anticipates their roll will exceed 260 this year (2018). The Minister anticipates that the student population of Waiheke Island is likely to rise and fall between 2017 and 2043, increasing overall. In terms of the School's roll, it is projected to remain relatively stable between 2018 and 2020, before further increases in roll are projected out to 2033.

Reasons for the Notice of Requirement to Alter the Waiheke Primary School Designation

11. As noted above, the School is on the cusp of reaching 260 students and therefore breaching Condition 4. Projections show that the School is likely to continue growing over the next 15 years. As such, it is necessary to alter the Designation to provide for additional capacity at the School to continue to adequately service the education needs of primary school children on Waiheke Island now and in the future.

12. It is noted that roll caps are no longer a typical condition of the Minister's decision on designations, given significant population growth (in Auckland particularly), and the need for the Minister to provide opportunities for students to undertake their studies in the growing Region. As noted below, potential adverse effects from an increase in students attending the School can be adequately managed through other conditions.

Proposed Alteration to Waiheke Primary School Designation Conditions

13. The Notice of Requirement proposes to delete Condition 4 so as to remove any cap on the roll which restricts the number of students that can be enrolled at the School:

~~4. a. Subject to (b), the school roll as at 1 March in any calendar year shall not exceed 260 pupils. Provision of the 1 March roll return filed by the school with the ministry of education will be deemed to be sufficient evidence of the school roll in each year.~~

~~b. After 1 March, the school roll may exceed 260 provided that it does not exceed the 1 March roll by more than 10 per cent, and further provided that those additional pupils are either:~~

~~i. New entrants starting school during that school year; or~~

~~ii. New enrolments during the school year which occur after 1 March.~~

~~NB: For the avoidance of doubt, it is recorded that the minister of education reserves the right to seek to amend condition 4 of the designation in the future. Any proposals to amend or remove the limitations on the school roll set out above shall involve public notification of a further notice of requirement under section 168(3) or section 181(1) of the RMA, or any equivalent provision under subsequent legislation.~~

Assessment of Effects

Positive effects

14. The positive outcomes of the alteration to the Designation are:
- (a) Education is an essential component to the wellbeing of the Waiheke Island community. The alteration will provide for opportunities for students on Waiheke Island to undertake their studies on the Island and without having to travel to the Isthmus.
 - (b) It involves the use of an existing physical resource and social infrastructure, in an efficient and effective manner so as to provide for the social and cultural wellbeing of members of the Waiheke Island community.

Potential adverse effects

15. Any potential adverse effects of the alteration on the environment are avoided, remedied or mitigated by way of the existing Designation conditions. In that regard, and with respect to the deletion of Condition 4:
- (a) Conditions 15, 16 and 24 ensure that any potential adverse noise effects as a result of the increase in student numbers are avoided, remedied or mitigated.
 - (b) Conditions 18-20 ensure that any potential adverse traffic effects as a result of the increase in student numbers are avoided, remedied or mitigated.
16. Having regard to the above, it is considered that any potential adverse effects of the proposed alteration will be less than minor.

Alternative Methodologies

17. When considering an application for a Notice of Requirement to alter a designation, the territorial authority is directed to have regard to whether or not adequate consideration has been given to alternative sites, routes or methods of undertaking the work, under sections 181 and 171(1)(b) of the RMA. The territorial authority must, subject to Part 2 of the RMA, consider the effects on the environment of the requirement, having regard to whether or not adequate consideration has been given to alternative sites, routes or methods of undertaking the work if:
 - (a) The requiring authority does not have an interest in land sufficient for undertaking the work; or
 - (b) It is likely that the work will have a significant adverse effect on the environment.

18. In these circumstances the Site is owned by the Crown and the alteration will not have any adverse effects on the environment. As such, there is no requirement to have regard to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work. Notwithstanding that, the following alternative methods of providing for the education of students on Waiheke Island were considered, but would not be as effective or efficient as altering the Designation:
 - (a) The School could reduce out of zone enrolments, however, there is no guarantee that this will have a big enough impact on reducing the roll's growth, given it is already very close to 260 students.
 - (b) The School zone could be amended so that students currently in zone would be redirected to Te Huruhi School, however, this would mean students may have to travel further to access education. Again this is unlikely to have an immediate impact and as such will not resolve the issue in the short-to medium term.
 - (c) The structure of the School could be changed so that it was no longer available for years 7 and 8. Year 7 and 8 students would then move to Waiheke High School. However, changes of this scale could take significant time to implement and as such are unlikely to resolve the capacity issue in the short to medium term.
 - (d) While theoretically a new school could be designated, this is not an option given the population would not support an additional school. It would also require the acquisition of land, and would require significant input from many parties. Furthermore it may have potential adverse effects that are unable to be avoided, remedied or mitigated. Again, designating a site takes a considerable amount of time (and resources) to plan and develop and as such it would not resolve the capacity issue in the short to medium term.

Section 181 Alteration of Designation

19. Section 181 of the RMA provides for the alteration of existing designations requested by the Requiring Authority responsible for the designation. Subsection (2) states that subject to subsection (3), sections 168 to 179 and 198AA and 198AD shall, with all necessary modifications, apply to a requirement for an alteration under subsection (1) as if the requirement were for a new designation.

Section 168 Notice of Requirement to Territorial Authority

20. Section 168(2) of the RMA states:

“A requiring authority for the purposes approved under section 167 may at any time give notice in the prescribed form to a territorial authority of its requirement for a designation –

(a) For a project or work; or...”

21. In accordance with section 168A (1A) the territorial authority must decide whether or not to notify the Notice of Requirement under subsection (1AA) or sections 197ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE and 149ZCF. In this instance, however, Condition 4 of the Designation provides that:

Any proposals to amend or remove the limitations on the school roll set out above shall involve public notification of a further notice of requirement under section 168(3) or section 181(1) of the RMA, or any equivalent provision under subsequent legislation.

22. As such, the Minister requests that the Notice of Requirement be publicly notified.

Section 171 Recommendation by Territorial Authority

23. 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 the following matters.

Section 171(1)(a)

24. Section 171(1)(a) provides that:

(1) When considering a requirement and any submissions received, the territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and...

25. There are not considered to be any relevant national policy statements and the New Zealand Coastal Policy Statement is not considered to be of relevance. An assessment of the Auckland Plan, Auckland Unitary Plan (Regional Policy Statement and Regional Plan) and Auckland Council District Plan: Hauraki Gulf Islands Section - Operative 2013 is provided below.

Auckland Plan

26. The Auckland Plan 2040 is the key high level strategic planning document outlining the Council's policy aspirations for the expansion and development of Auckland. The urban parts of Waiheke Island (including the Site) are identified as being of "some change" as per Map D.1. This is consistent with the anticipated roll increase for which this alteration seeks to provide for.

27. The School is considered to be educational community and social infrastructure in accordance with Table 12.1. Strategic Direction 12 of the Auckland Plan identifies the following as a target for such infrastructure:

Ensure all Auckland children can access a primary school within 30 minutes ... and all schools have facilities suitable to meet the learning needs of their students

28. Directive 12.7 also identifies that community infrastructure is to be provided for. The development of a school on this Site will clearly work to achieve these directives for the Waiheke Island area. The following is then identified as a priority:

Protect, enable, align, integrate and provide social and community infrastructure for present and future generations

29. The draft Auckland Plan 2050 also reflects this emphasis on provision of and access to social infrastructure such as schools, and recognizes that population growth and demographic change will put pressure on existing services and facilities. For example, Focus Area 2: Provide accessible services and social infrastructure that are responsive in meeting people's evolving needs

30. It is therefore considered that the alteration to remove the roll cap at the School and increase its capacity for now and the future is consistent with the relevant provisions of the Auckland Plan 2040 and the draft Auckland Plan 2050.

Auckland Unitary Plan - Regional Policy Statement

31. The Regional Policy Statement does not provide strategic direction specifically related to the development of schools. However, it does provide holistic objectives and policies which are aimed at ensuring that the Auckland Region's growth is accommodated in a manner which gives effect to the RMA and promotes the efficient use of natural and physical resources. As identified above, the Notice of Requirement gives effect to the RMA and is the most efficient use of natural and physical resources in these circumstances.

Auckland Unitary Plan - Regional Plan

32. The Regional Plan provisions of the Unitary Plan do not provide strategic direction specifically related to the development of new schools, however, the alteration sought by the Notice of Requirement is not inconsistent with any of the Regional Plan provisions.

Auckland Council District Plan: Hauraki Gulf Islands Section - Operative 2013

33. The Site is within the Rural 1 (landscape amenity) land unit in the Operative Plan. With the exception of the land to the north-east and immediately to the south-west, the land surrounding the Site is zoned Island Residential 1 (traditional residential).



Figure 2: Zoning Map. Source: Auckland Council District Plan Hauraki Gulf Islands Section – Operative 2013, Planning maps

34. The Rural 1 (landscape amenity) zone (land unit) is applied to pockets of small scale, rural land located between the village areas of western Waiheke. The relevant objectives and policies are as follows:

Objectives

To provide for rural activities and a limited range of non-rural activities while protecting the rural character and visual amenity of the land unit.

..

Policies

4. By ensuring that the scale, form, colour and location of new buildings will not have adverse effects on the landscape, rural character and visual amenity values of the land unit.

...

6. By ensuring that the land unit continues to provide the clear distinction between its rural landscape and the characteristics of the neighbouring villages.

35. The proposed activity (i.e. educational facility) is already established on the Site. In terms of the landscape and visual amenity focus of the policies, as noted above, the Designation conditions ensure that any potential adverse landscape and/or visual amenity effects will be avoided, remedied or mitigated. In any event, it is not considered that an increase in student numbers will result in any adverse visual and/or landscape effects. As such, it is considered that the alteration would not be contrary to the objectives and policies of the Operative Plan.

Section 171(1)(b)

36. Section 171(1)(b) provides that:

(1) When considering a requirement and any submissions received, the territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

...

(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..."

37. As noted above, the Site is owned by the Crown and the alteration will not have any adverse effects on the environment. In any event, adequate consideration has been given to alternative sites, routes or methods.

Section 171(c)

38. Section 171(1)(c) provides that:

(1) When considering a requirement and any submissions received, the territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

...

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and...

39. The alteration is required to provide opportunities for students to undertake their studies as provided for under the Education Act 1989. Accordingly, the alteration to the Designation to enable a greater number of students to attend the School is reasonably necessary in achieving the objective of the Minster in providing state schooling.

Section 171(1)(d)

40. Section 171(1)(d) provides that:

(1) When considering a requirement and any submissions received, the territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

...

(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

41. It is considered there are no other matters the Council is required to consider in order to make a recommendation on the proposed alteration to the Designation.

Consultation and Engagement

42. The alteration has been discussed with the Council via legal counsel but due to the current roll pressures (outlined earlier) and the attendant need to urgently seek an alteration, direct consultation has not been undertaken with any other persons. In

any event, no one is considered to be adversely affected by the proposed alterations to the Designation, and the Minister has sought that the Notice of Requirement be publicly notified.

Conclusion

43. The requiring authority has assessed the relevant matters as set out in section 171(1) of the RMA and concludes that is appropriate for the alteration to the Designation to be altered as proposed. The proposed alteration to the Designation to enable a greater number of students to attend the School is considered necessary in achieving the objective of the Minister in providing state schooling. Any potential adverse effects arising from the alteration will be adequately addressed and managed by way of the existing conditions to the Designations.
44. The Minister requests that Council proceed to process this Notice of Requirement pursuant to section 169 of the RMA, and anticipates Council's recommendation in due course as per section 171(2) and (3). The Minister requests public notification of this requirement.

The following documents are attached to this Assessment of Environmental Effects

- **Appendix A** - Existing Designation Conditions
- **Appendix B** – Location of Waiheke Primary School
- **Appendix C** – Certificates of Title

Appendix A - Existing Designation Conditions

| Planning map ref | Conditions |
|------------------|--|
| 10-13 | <p>Waiheke Primary School</p> <p>This designation is subject to the following conditions:</p> <p>Designated purpose</p> <ol style="list-style-type: none"> 1. The purpose of the designation is to provide for a primary school for Waiheke Island. 2. The nature of the proposed work is to construct and thereafter operate, maintain and upgrade as necessary the buildings, facilities and improvements required for a contributing primary school, in accordance with the designation and subject to the conditions which follow. 3. The designated site comprises 3.86ha and includes the areas required for landscaping, effluent treatment and disposal, carparking and access and manoeuvring areas. <p>Development conditions</p> <ol style="list-style-type: none"> 4. a. Subject to (b), the school roll as at 1 March in any calendar year shall not exceed 260 pupils. Provision of the 1 March roll return filed by the school with the ministry of education will be deemed to be sufficient evidence of the school roll in each year. b. After 1 March, the school roll may exceed 260 provided that it does not exceed the 1 March roll by more than 10 per cent, and further provided that those additional pupils are either: <ol style="list-style-type: none"> i. New entrants starting school during that school year; or ii. New enrolments during the school year which occur after 1 March. <p>NB: For the avoidance of doubt, it is recorded that the minister of education reserves the right to seek to amend condition 4 of the designation in the future. Any proposals to amend or remove the limitations on the school roll set out above shall involve public notification of a further notice of requirement under section 168(3) or section 181(1) of the RMA, or any equivalent provision under subsequent legislation.</p> 5. The total coverage of all buildings on site shall not exceed 7 per cent of the site area. The total area of impermeable surfaces on the site shall not exceed 20 per cent of the site area. 6. In conjunction with the outline plan required by condition 17, and specifically the landscaping details required by subparagraph (a), the minister shall submit a landscape plan that meets the following criteria: <ol style="list-style-type: none"> a. Visual mitigation of the school buildings, carpark and playing fields when viewed from the road and the dwellings on the adjoining properties at 24 Sea View Road (Lot 49 DP11656) and 28 Sea View Road (Lot 1 DP 91556). The landscape plan shall provide features to achieve the effect described and shown in the attached landscape criteria plan. The minister shall consult with adjoining property owners at 24 and 28 Sea View Road prior to finalising the details of the landscape plan. <p>NB: The following wording is to be shown on the landscape criteria plan referred to in condition 6(a):</p> <p style="padding-left: 40px;">Boundary planting along the north east and south west boundaries of the site will (subject to ensuring appropriate operation of the effluent disposal field) be wide enough to provide an effective screen to adjacent properties but will, in any event, be no less than 3m wide in the case of the north east boundary and 2m wide in the case of the south west boundary and should use a variety of species (predominantly native) to enhance existing character. Selection of suitable native plant species for screen planting shall be approved by a qualified and experienced landscape architect to ensure fast and effective growth.</p> <p style="padding-left: 40px;">Existing vegetation is to be retained as far as possible to add visual separation of areas and screening of buildings/carparks. This will include wetland vegetation, boundary planting and internal trees or hedges.</p> <p style="padding-left: 40px;">The design of and landscaping around buildings will take into account visual effects on neighbours.</p> |

| Planning map ref | Conditions |
|------------------|---|
| 10-13 | <p>Carparking will require special attention to ensure that it is integrated with the surrounding landscape by, for example:</p> <ul style="list-style-type: none"> • using permeable "green" surfaces • breaking up the parking into smaller areas • using planting to break up, screen, or disguise parking areas. <p>b. The landscape planting along the north eastern boundary shall occur prior to the school buildings being constructed on the site and as soon as practicable after the designation is confirmed.</p> <p>c. Landscape planting of the effluent disposal fields NB: This matter will require consultation with the ARC to determine whether planting is appropriate and if so, in what circumstances.</p> <p>7. Council's senior landscape architect shall have a monitoring role in the following stages:</p> <ul style="list-style-type: none"> • site location/site planning; • site design, including the developing of conceptual landscape and architectural plans; • developed design/working drawings; • landscape establishment/maintenance planning; and • fencing design/location. <p>The minister or his authorised consultant shall contact the council's landscape architect immediately prior to commencement of each of the above stages.</p> <p>8. The minister shall supply a report from a qualified and experienced ecologist to describe the level of effect the physical development of the school will have on the Tawaipareira Creek and the wetland area in the south eastern corner and their respective life-supporting capabilities/ecological significance. The council will request alterations to the outline plan if any structures or activities on the site are shown in locations which may detrimentally affect the ecology of the wetland areas. The wetland area margins are to be preserved in accordance with the concept plan A.</p> <p>9. The wetlands on the east and west boundaries of the site shall be fenced to prevent access from the school.</p> <p>10. A fence shall be provided to prevent general access from the school to the remnant taraire bush area in the upper area of the site (north western boundary). The general location of the bush area is shown in the concept plan A. A gate may be provided in the fence to allow supervised access for educational purposes.</p> <p>11. All water tanks are to be fitted with connections enabling them to be used for firefighting purposes.</p> <p>12. All carparking areas are to be screened from adjacent properties by the erection of a wall or a fence and appropriate landscaping.</p> <p>13. All artificial lighting on the site shall comply with the Auckland City Council Hauraki Gulf District Plan controls on lighting.</p> <p>14. Any use of the school buildings other than that which relates directly to the core school function must be measured against the provisions of the Hauraki Gulf Islands District Plan, and a resource consent obtained if so required by the Plan.</p> <p>15. A suitably designed acoustic fence of at least 2m in height and 50m in length is to be constructed along the north eastern boundary of the site to screen the house at 28 Sea View Road. The fence shall be constructed no closer to the boundary than along the border between the wetland area and the open space/playing field area. The design of the fence is to be confirmed by a suitably qualified acoustic engineer prior to construction.</p> <p>16. No adventure playground equipment shall be located closer than 30m from any boundary of the site or from the border between the wetland area located at the south eastern corner of the site and the open space/playing field area.</p> |

| Planning map ref | Conditions |
|------------------|---|
| 10-13 | <p>17. The minister of education shall, following consultation with the owners of the adjoining properties at 24 and 28 Sea View Road, submit an outline plan of development to Auckland City Council's manager: City Planning, at least three months prior to initial development on the site, or, in the event of any further incremental development in the future, together with any comments received from the owners of the adjoining properties on the outline plan.</p> <p>The outline plan shall incorporate:</p> <ol style="list-style-type: none"> The recommendations of council's landscape architect into the design, location and landscaping of the school buildings. Details of how the school complies with the land unit 20 provisions and part 6F - Educational facility assessment criteria of the Plan (noting that greater building and impermeable surface limits set out in condition 5 will apply); and Details of final contours, earthworks and silt control measures involved in developing the playing areas and building foundations. <p>The council, after considering the proposals included in the outline drawings, may, within 20 working days after receipt of the drawings, request the requiring authority to make changes to all or any of the proposals contained in the drawings so that the proposals comply more fully with the conditions imposed.</p> <p>In any event the outline plan will be in accordance with the concept plan A annexed hereto.</p> <p>18. In conjunction with the outline plan required by condition 17, the minister shall submit details of the roading upgrades necessary for the safe and efficient movement of pedestrians and traffic to or from the school grounds including:</p> <ol style="list-style-type: none"> Widening of Sea View Road between the school and Ostend Road; Upgrading the Sea View Road and Ostend Road intersection; Provision of a concrete footpath along Sea View Road from the school to Ostend Road; and Provision of pedestrian facilities, appropriate lighting and signage - in accordance with the plans prepared by Opus International Consultants Limited entitled Auckland City Council / Ministry of Education, Waiheke Island No.2 Primary School, Sea View Road, Ostend Road upgrading, sheets 1-8, dated 28/9/98 and subsequent plan 1/1017/101/5104 sheet 1, revision 2, dated 17/8/99. This information shall include a description of the current traffic environment and the predicted traffic environment as a result of the school's operation. The owners of the properties at 24 and 28 Sea View Road shall be consulted in respect of any aspects of the road upgrading which could affect their properties and any comments received submitted to council with the details of the roading upgrades. <p>19. In conjunction with the outline plan required in terms of the initial development of the site in condition 17, the minister shall supply a traffic management plan for the development detailing movements of vehicles and pedestrians in a safe and efficient manner. At least 96 carparking spaces shall be provided on site in the general location shown on the concept plan A annexed hereto.</p> <p>20. Any works which are required by conditions 18 and 19 shall be undertaken at the expense of the minister to the extent that they are required in order to avoid, remedy or mitigate the effects of the additional traffic associated with the school. Any works required by conditions 18 and 19 shall be undertaken prior to the school opening.</p> <p>21. No building shall exceed a height of 8m.</p> <p>22. No part of any building shall exceed a height equal to the recession plane angle shown in the attached figure 9B - recession plane cross section. To determine the maximum permitted height in relation to boundaries on the lot the diagram in the attached figure 9A - recession plane indicator must be viewed within the lot and oriented north. The angle of inclination relative to a particular boundary is determined by the angle on the diagram in figure 9A adjacent to the boundary. [Figures 9A and 9B copied from figures 9A and 9B in the District Plan].</p> |

| Planning map ref | Conditions |
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| 10-13 | <p>23. Where the lot boundary abuts the street no part of any building shall exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the lot where it abuts the street subject to the following exceptions:</p> <ol style="list-style-type: none"> a. The addition or replacement of any antenna or aerial to a maximum increase in height of 4m, where the aerial or antenna does not exceed 150mm in diameter; and b. The addition or replacement of any panel antenna, the dimensions of which do not exceed 1.5m in height, 1m in width and 0.5m in depth; and c. The addition or replacement of any dish antenna with a radius which does not exceed 1.5m; and d. Telecommunication lines (including telephone poles) are exempt from this rule, provided that they do not exceed a height of 8m; and e. No account shall be taken of radio and television aerials, solar heating devices and chimneys, not exceeding 1.1m in any horizontal direction. <p>24.a. With the exception of condition (b) below the following noise standards shall apply to all activities other than the noise from normal school recreation activities occurring outdoors between 8.00am and 5.00pm:</p> <ol style="list-style-type: none"> i. Noise (L_{10}) levels from 7.00am to 10.00pm Monday to Saturday and Sunday 9.00am to 6.00pm shall not exceed 45dBA. ii. Noise (L_{10}) levels at all other times including public holidays (night time) shall not exceed 34dBA. iii. The maximum noise level (L_{max}) at "night time" shall be the background noise level (L_{95}) plus 30dBA or 75dBA, whichever is the lower. <ol style="list-style-type: none"> b. The L_{10} noise level arising from the use of any generator or wind powered equipment used solely for the generation of electricity shall not exceed the following limits: <ol style="list-style-type: none"> i. Monday to Sunday from 7.00am to 10.00pm 55dBA; and ii. At all other times 45dBA. c. Except where otherwise stated all noise measures shall be made 20m from any adjacent dwelling (on another lot) or at the legal boundary, when this is closer to the dwelling. This may be referred to as the national boundary. d. Noise levels shall be measured and assessed in accordance with the requirements of the New Zealand Standards NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environment Sound. e. The noise shall be measured with a sound level meter complying at least with the International Standard IEC651(1979) Sound Level Meters, Type 1. <p>25.a. Earthworks undertaken on the site in any 12 month period other than those for which a consent has been obtained from the Auckland Regional Council shall not exceed 20m³ and shall not have a face height exceeding 2m; and</p> <ol style="list-style-type: none"> b. Where earthworks are undertaken on the site: <ol style="list-style-type: none"> i. Any earthworks undertaken must not create or increase potential for soil instability; and ii. Any excavation or fill shall not detrimentally affect natural landforms or vegetation, and must avoid soil instability or siltation of natural watercourses, wetlands, estuaries, or coastal waters; and iii. Areas of cut and fill are to be reinstated by appropriate stabilisation, planting and drainage. c. In order to meet the above standards the following techniques are outlined as a guide: <ol style="list-style-type: none"> i. Runoff control measures – runoff diversion channels, contour drains, earth bunds or similar, which control and direct runoff and limit the accumulation of erosive volumes of water. ii. Sediment retention traps and ponds – to detain sediment laden water. iii. Silt fences and hay bales – to avoid under scouring by runoff. iv. Vegetative buffer strips – to filter sediment from overland runoff eg thick grass cover. v. Stormwater inlet protection – to filter sediment from runoff draining bare worked areas to stormwater systems eg using filter cloth and securely stacked hay bales. |

| Planning map ref | Conditions |
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| 10-13 | <ul style="list-style-type: none"> vi. Revegetation – sowing of grass seed for restabilisation to be progressively carried out and completed by following spring or autumn whichever is the closer. d. The digging of trenches for works or services undertaken by a local authority or approved network utility operator shall be exempted from the above standards where: <ul style="list-style-type: none"> i. No more earth shall be removed than is absolutely necessary for the trench; and ii. The trench shall not remain open for more than 24 hours except in an emergency; and iii. The trench shall be reinstated to as close to its original condition as possible. e. Where evidence of a burial site or any other archaeological feature is exposed during the earthworks process, all work must cease and the council advised. [Within five working days of receiving such advice the council will consult with the relevant authorities (Historic Places Trust, Department of Conservation, tangata whenua) and the requiring authority with regard to the appropriate treatment of the feature]. 26.a. All areas or parts of the site where hazardous substances (including waste) are stored, used, loaded or unloaded shall be sealed, bunded and roofed or covered. <ul style="list-style-type: none"> b All bunds shall be sealed or constructed from impervious materials and shall be sufficient to contain the total volume of material stored or used on the site in the event of a spill. c. All sealed areas of the site shall be drained to an appropriate stormwater or wastewater treatment system. Regarding stormwater treatment systems developments and activities which comply with the ARC’s publication Stormwater Treatment Devices – Design Guideline Manual Technical Publication No.10 generally meet this rule. However, in some instances additional controls and/or a discharge permit from the ARC may be required. d. All areas or parts of sites where vehicles, equipment or containers that have or may have come into contact with hazardous substances are washed, shall be sealed and bunded. e. No hazardous substance shall be used in a way that an accidental or deliberate release of the substance into or onto water, land or air may take place except in accordance with any relevant legislation and regulations. f. Site management and spill contingency plans shall be prepared and implemented by all operators of hazardous facilities. g. Hazardous facilities shall not generate general waste over 1.5m³ per week or any hazardous waste. |

Appendix B – Location of Waiheke Primary School



Appendix C – Certificates of Title



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952




R. W. Muir
Registrar-General
of Land

Search Copy

Identifier 177714
Land Registration District North Auckland
Date Issued 30 September 2004

Prior References

GN D066139.2

| | |
|--------------------------|--|
| Estate | Fee Simple |
| Area | 3.8546 hectares more or less |
| Legal Description | Part Lot 47 and Lot 48 Deposited Plan 11656 |
| Purpose | for a State School |

Proprietors

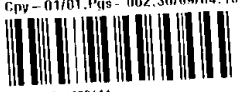
Her Majesty The Queen

Interests

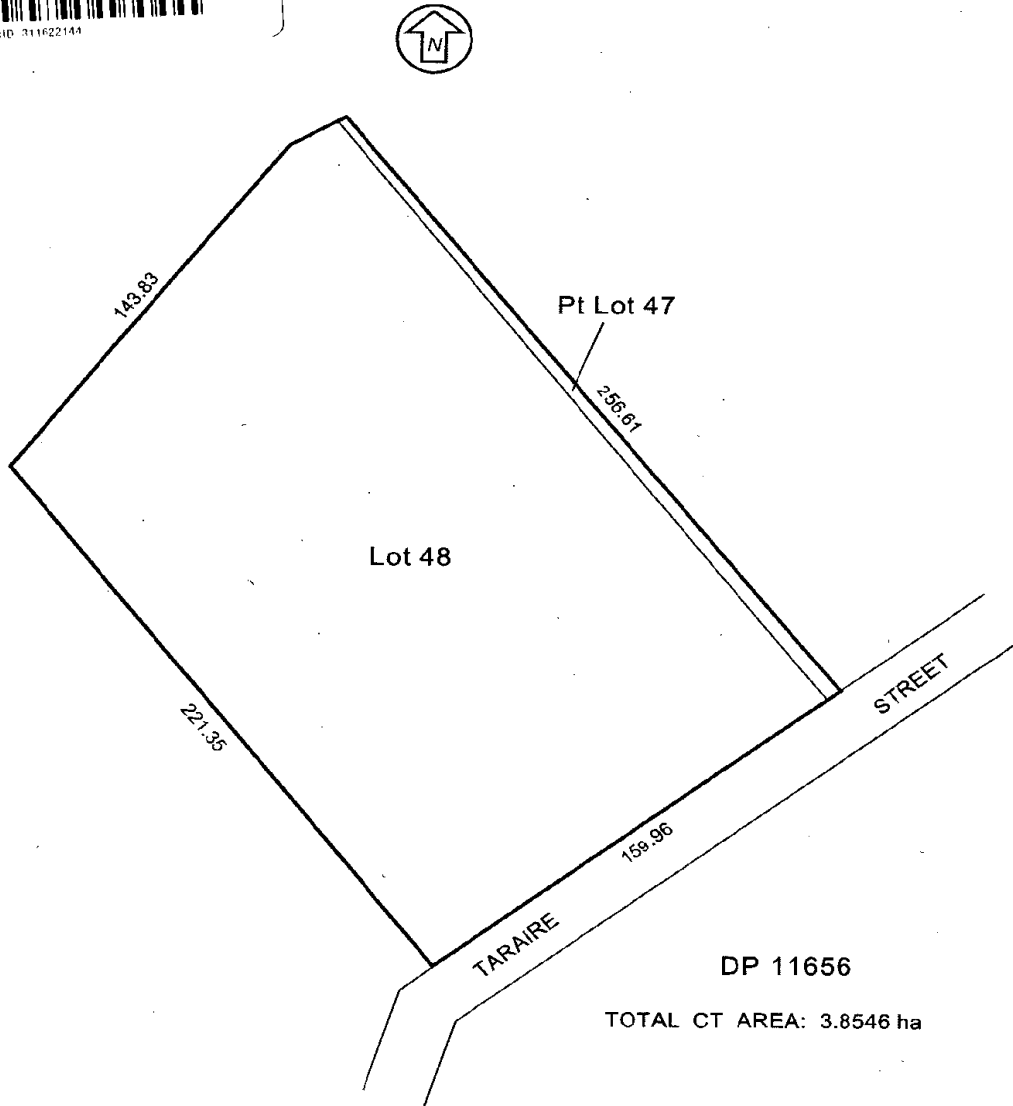
Subject to a right (in gross) to convey electricity over part marked A on DP 356922 in favour of Vector Limited created by Easement Instrument 8790222.1 - 17.6.2011 at 9:05 am

9889354.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am

Title Diagram 177714
Cpy - 01/01.Pgs - 002.30/09/04.13:40
DocID: 311622144



CT 177714
N 6160



DP 11656

TOTAL CT AREA: 3.8546 ha

Land Acquired for a State School on Waiheke Island, Auckland City

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Regional Crown Property Services, Land Information New Zealand, Auckland, declares that, an agreement to that effect having been entered into, the land described in the Schedule is acquired for a State school and shall vest in the Crown on the date of publication in the *New Zealand Gazette*.

Schedule

North Auckland Land District

3.8546 hectares, being Lot 48 and part of Lot 47, D.P. 11656. All certificate of title 397/241, North Auckland Land Registry.

Dated at Auckland this 21st day of October 1996.

G. A. DAWSON, Manager, Regional Crown Property Services.

(LINZ Ak. R.O. 23/662/0)

166927

066139.2