

<b>Date:</b>	6 <sup>th</sup> July 2023	<b>Application Number:</b>	NR-2022-111596-00
<b>Reporting Planner:</b>	Ila Daniels Consultant Planner	<b>Site Visit on:</b>	9 <sup>th</sup> January and 14 <sup>th</sup> May 2023

<b>Requiring Authority:</b>	Minister of Education
<b>Property Address and Legal Description:</b>	161 Crawford Road, Kaiti – Lot 13 DP 1461 171 Crawford Road, Kaiti – Lot 202 DP 4803 (Barton Road) 5 Ranfurly Street, Kaiti – Lot 5 DP 2710 7 Ranfurly Street, Kaiti – Part Lot 6 DP 2935 9 Ranfurly Street, Kaiti – Lot 3 and Lot 4 DP 3566 17 Ranfurly Street, Kaiti – Lot 1 DP 3093 23 Ranfurly Street, Kaiti – Lot 1 DP 4803 25 Ranfurly Street, Kaiti – Lot 2 DP 4803 27 Ranfurly Street, Kaiti – Lot 3 DP 4803 No Address – Lot 14 DP 1461
<b>Site Area:</b>	1.5037 ha
<b>District Plan:</b>	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan
<b>Zoning:</b>	General Residential Neighbourhood Reserve
<b>Other Restrictions:</b>	Contaminated site (17 Ranfurly Street) Urban Stormwater Flood Hazard Area Land Overlay 1 Area of interest for Ngāti Oneone, Ngāti Porou, Rongowhakaata and Te Aitanga-a-Māhaki
<b>Resource Consent Application(s):</b>	None
<b>Notice of requirement reference:</b>	NR-2022-111596-00
<b>Lodgement date:</b>	6 <sup>th</sup> December 2022
<b>Notification date:</b>	18 <sup>th</sup> January 2023
<b>Submissions close date:</b>	10 <sup>th</sup> March 2023
<b>Number of submissions received:</b>	Four submissions received (2 in support, 1 neutral and 1 in opposition)

## Abbreviations

<b>CVA</b>	Cultural Values Assessment
<b>GDC</b>	Gisborne District Council
<b>LTMP</b>	Long Term Maintenance Plan
<b>LTP</b>	Gisborne District Council Long Term Plan 2021-31
<b>MoE</b>	Minister of Education
<b>MoU</b>	Memorandum of Understanding
<b>NoR</b>	Notice of requirement
<b>OPW</b>	Outline plan of works
<b>RMA</b>	Resource Management Act 1991 and all amendments
<b>RLTP</b>	Te Tairāwhiti Regional Land Transport Plan
<b>SMP</b>	Stormwater Management Plan
<b>TRMP</b>	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan
<b>The Council</b>	Gisborne District Council

## Attachments

<b>Attachment 1</b>	Application Material  This attachment has not been re-produced in this agenda. The information is available on the Council website at the following link:
<b>Attachment 2</b>	Submissions
<b>Attachment 3</b>	Additional information received in response to submissions.
<b>Attachment 4</b>	Recommended Conditions
<b>Attachment 5</b>	Specialist Reviews
<b>Attachment 6</b>	Correspondence with the Requiring Authority
<b>Attachment 7</b>	MoE NoR Decision – Hobsonville Point

## Notes

This report sets out the advice of the reporting planner.

This report has yet to be considered by the Independent Hearing Commissioner delegated by Gisborne District Council (Council) to make a recommendation to the requiring authority.

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

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

# Report to Hearing Commissioner

## 1.0 Executive Summary

### 1.1 Proposal

Pursuant to section 168 of the Resource Management Act ('**RMA**'), the Minister of Education ('**the Minister**') has lodged a Notice of Requirement ('**NoR**') for a designation for 'educational purposes' for a new wharekura in the Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan ('**TRMP**') at Crawford Road and Ranfurly Street, Kaiti (see **Figure 1** below). The full request is included in **Attachment 1**.

The designation is required to allow for Te Kura Kaupapa Māori o Horouta Wānanga wharekura to relocate to the site. The wharekura is currently operating from 30 Desmond Road, Gisborne and provides a Māori immersion education for tamariki in years 0-13. The NoR seeks a future roll of 300 tamariki for years 0 to 13.

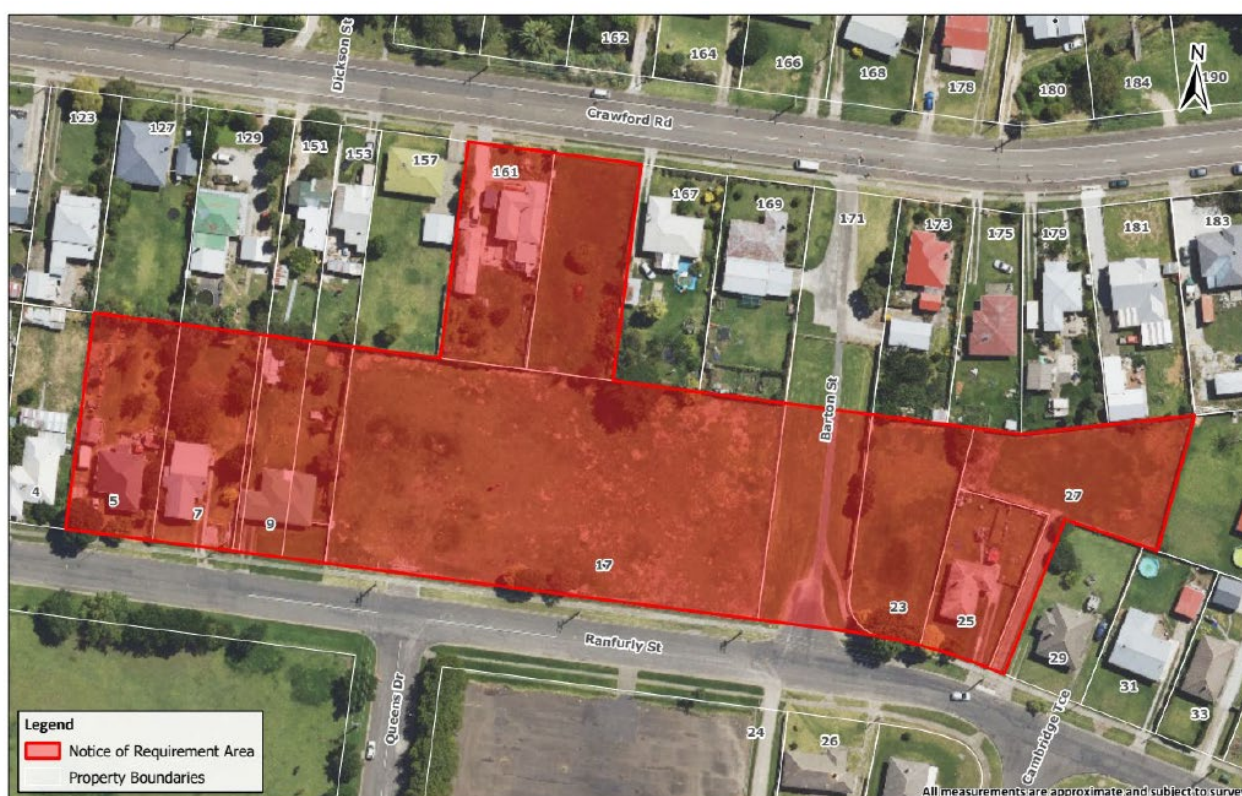


Figure 1: Aerial view of the site (required land for NOR request in red).

### 1.2 Notification and Submissions

The NoR was lodged on the 6<sup>th</sup> December 2022.

The application was publicly notified on the 18<sup>th</sup> January 2023 and closed on the 9<sup>th</sup> March 2023 following an extended submission period as a result of Cyclone Gabrielle.

In total four submissions were received (2 in support, 1 neutral and 1 in opposition). These are included within **Attachment 2**.

The key issues raised in support and opposition are outlined below:

### Support

- Providing for wharekura would allow for a key community facility that is located to have a direct connection to the existing Te Poho-o-Rawiri marae.
- The provision of a wharekura in this location is significant as it supports the values and philosophies of the curriculum and therefore will have positive effects on the learning of the tamariki.
- Waka Kotahi supports the NoR but given the existing safety concerns within the surrounding road networks seeks that the MoE consult with both Waka Kotahi and Gisborne District Council to develop and implement a travel management plan.

### Opposition

- Potential for reverse sensitivity given the proximity of the Eastland Port Ltd upper Log yard that is utilised for log storage. There are a number of noisy activities that occur as part of this operation including unloading, stacking and loading logs for transport to the port for export. Concerns that the proximity of noise sensitive activities may result in the potential for reverse sensitivity effects. Consider that these existing operations need to be taken account of in the acoustic design of the new wharekura.
- The Transport Assessment does not include an assessment of the State Highway 35 and Hirini Street intersection in respect of the additional traffic volumes.
- Safety concerns regarding the Crawford Road cycle way with the introduction of school aged cyclists and pedestrians in a location that experiences high levels of heavy vehicle use.
- Oppose the location of the wharekura as the proper process has not been followed.
- Consider Council needs to properly understand the environmental and mental psychological effects.

The MoE has provided additional assessment in response to the matters raised by Eastland Port and Waka Kotahi (see **Attachment 3**).

### **1.3 Key Issues**

The following report considers and assesses the NoR under s 171(1) of the RMA. The key issues relate to:

- Transport related effects on the operation of Crawford Road and Ranfurly Street and the impacts on the local roading network including intersections with SH35 at Wainui Road and Hirini Street;
- Reserve Sensitivity effects on the Eastland Port operations as a result of having sensitive receptors at the school in proximity to the existing upper log yard;
- Potential contamination effects;
- Flooding and Stormwater effects; and
- Residential Amenity effects.

## 1.4 Recommendation

Subject to new or contrary evidence being presented at the hearing, and the requiring authority supplying adequate responses on issues raised in the body of the report, pursuant to section 171(2) of the RMA, it is recommended that the notice of requirement be confirmed, subject to the amended and additional conditions included in **Attachment 4**.

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

- The notice of requirement is consistent with Part 2 of the RMA in that it enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety;
- The notice of requirement is consistent with and gives effect to the relevant national environmental standards, national policy statements and the TRMP;
- In terms of section 171(1)(b) of the RMA, adequate consideration has been given to alternative sites, routes or methods for undertaking the work;
- In terms of 171(1)(c) of the RMA, the notice of requirement is reasonably necessary to achieve the requiring authority's objectives;
- Restrictions, by way of conditions attached to the notice of requirement, as amended, have been recommended to avoid, remedy or mitigate adverse environmental effects associated with the works.

### RECOMMENDATION

**That Commissioner Mr Cameron Twigley recommends that the requiring authority:**

**Confirms the Notice of Requirement** by Minister of Education for a new wharekura for "Education Purposes" at Crawford Road and Ranfurly Street, Gisborne, subject to conditions.

**Reporting Planner:**



**Ila Daniels**  
**Consultant Planner**  
**Date:** 6<sup>th</sup> July 2023

**Peer Reviewer and Authorised for Distribution:**



**Joanna Noble**  
**Chief of Strategy and Science**  
**Date:** 6<sup>th</sup> July 2023

## 2.0 INTRODUCTION

### 2.1 Report Status

This report is a s42A Report prepared under the Resource Management Act 1991 (RMA). It provides an independent assessment and recommendation on the NoR for "Educational Purposes" lodged by the Minister of Education for a new wharekura for Te Kura Kaupapa Māori o Horouta Wānanga at Crawford Road and Ranfurly Street (see **Figure 1** above). This report does not represent any decision on the application and only provides the professional assessment and opinion of the report author. This report will be considered by the Independent Commissioner in conjunction with all other technical evidence and submissions which have been received to the application. It does not have greater weight than any other material or submissions that may be presented and considered by the Commissioner.

### 2.2 Reporting Officer

This report has been prepared by Ila Daniels, Consultant Planner for Gisborne District Council. I have a Masters of Planning Practice (honours) from the University of Auckland, and I am an intermediate member of New Zealand Planning Institute (NZPI). I have over 20 years of professional experience in the resource management field. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me which might alter or detract from the opinions I express in this report.

In preparing this report I have referred and taken into account the reports and advice from the following technical expert/s:

- Mr Robin Beale, Development Engineer, Gisborne District Council
- Ms Erin Richard, Consultant Contaminated Land Specialist, Pattle Delamore Partner Ltd
- Mr Rhys Hegley, Consultant Acoustician, Hegley Acoustic Consultants

The advice from these specialists is included in **Attachment 5**.

### 2.3 Background

The existing wharekura opened in January 2013 and originally operated out of facilities adjacent to Te Poho-o-Rawiri Marae. Then in 2016 it relocated to 30 Desmond Road, operating out of the old school hostel building for Gisborne Boys and Girls High School. This is only a temporary arrangement until a new purpose built wharekura facility can be built.

Consultation has been undertaken as outlined in section 9 of the NoR request. This included consulting with the following groups:

- Community consultation in August 2022 with 60 residents attending.
- Eastland Port
- Gisborne District Council
- Rongawhakaata
- Te Poho-o-Rawiri marae
- Te Tihi O Titirangi Kohanga Reo

## 2.4 Proposal

The Council has received a Notice of Requirement (NoR) from the Minister of Education as a Requiring Authority to designate a site at Crawford Road and Ranfurly Street, Kaiti (see **Figure 1** above) for “Education Purposes” to provide for a wharekura. The designation is required to allow for the existing Te Kura Kaupapa Māori o Horouta Wānanga wharekura to relocate to the site. The wharekura is currently operating from 30 Desmond Road, Gisborne. The NoR seeks a future roll of 300 tamariki, catering for years 0-13.

It is understood that the wharekura would operate during the daytime and evenings. However, it would not be used overnight.

## 2.5 Description of the Site

The NoR identifies that 11,165m<sup>2</sup> of land is required for the designation (see **Figure 1** above). This land comprises 11 properties outlined in the table provided earlier in this report. These properties are principally land owned by the Crown (or His Majesty the King) with the exception of 171 Crawford Road (commonly known as Barton Street) which is administered by Council and is registered as road reserve. The MoE has entered into a Memorandum of Understanding ('MoU') with Council regarding the use and development of the land for a wharekura. An acquisition process would be required with DoC.

The site extends between Ranfurly Street and Crawford Road (refer **Figure 2** below) and comprises a mixture of both vacant land (17, 23, and 27 Ranfurly Street and Lot 14 DP 1461) and sites with single storey dwellings (5, 7, 9 and 25 Ranfurly Street) and 161 Crawford Road.

The vacant portions of the site are devoid of any significant vegetation, with 17 Ranfurly Street having been utilised for grazing (Refer **Figure 3** and **5** below). The sites with existing dwellings do feature some landscaping though significant vegetation is limited with the exception being a mature pohutukawa tree located within the front yard of 5 Ranfurly Street.



Figure 2: Aerial photograph of site and surrounding area (Site shown in red)

Barton Street is utilised as a pedestrian or cycle walking through route. The northern portion of the road (which does not form part of the site) is utilised as a vehicle access to 169 and 173 Crawford Road (refer **Figure 4** below).

The topography of the site is generally flat, with Ranfurly Street slightly elevated above Crawford Road.

The NOR request includes an extensive number of photos of the site and surrounding area within Appendix 4. Having visited the site on the 9<sup>th</sup> January 2023 I can confirm the images contained in the photographs are representative of the area.



*Figure 3: View across 17 Ranfurly Street looking west*



*Figure 4: View of Barton Road Reserve from Crawford Road (in the background is Te Poho-o-Rawiri marae and Titirangi Reserve)*





*Figure 5: View from within Barton reserve across site towards Titirangi Summit*

## **2.6 Surrounding Area**

The wider area surrounding the site is typically defined by residential development of single storey dwellings on full sites.

The port and waterfront harbour are located 500m to the west and the Gisborne Town Centre is located 1.2km to the north west of the site across the Tūranganui River.



*Figure 6: Te Poho-o-Rawiri marae as viewed from Ranfurly Street with Titirangi Reserve in the background.*

To the south of the site is the Te Poho-o-Rawiri marae complex. The marae wraps around the corner of Ranfurly Street and Queens Drive and features a variety of whare including a

Kōhanga Reo. Courts define the street frontage along Ranfurly Street (refer **Figure 6** above). It has vehicle access off both Ranfurly Street and Queens Drive.

Adjacent to the Te Poho-o-Rawiri marae is the Titirangi reserve or Kaiti Hill that extends over 35 ha. The reserve rises above the surrounding area and is an historic reserve.

To west of the site at 115 Crawford Road the Eastland Port Ltd ('EPL') has an upper log yard, situated on the corner of Parau Street and Crawford Road (see **Figure 2** above). The yard is zoned Port B under the TRMP. The vehicle entrance to the log yard is located on Crawford Road adjacent to the intersection with Hirini Street and Rakaiatane Road.

The submission received from Eastland Port outlines that the upper log yard is used for log storage prior to export. It states that the activities on site include the:

*"unloading of logging trucks, stacking logs for storage and loading shuttle trucks for transporting the logs to the berthed ships. These industrial type activities generate a noisy environment within the site. The log yard was developed in 2015 and included a number of noise mitigation measures including the construction of a substantial sound barrier along the road boundaries of the site".*

The nature and extent of the sound barrier and interface treatment around the upper log yard are shown in **Figure 7** below.

The site is bound to the north by Crawford Road. There is a pedestrian walkway adjacent to 153 Crawford Road that provides a connection to Dickinson Street. A separated cycle facility runs along the northern side of Crawford Road, and it extends from the intersection with Wainui Road (SH35) through to Hirini Street.



Figure 7: Streetscape view towards the Eastland Port Ltd Upper Log Yard from the intersection of Crawford Road and Parau Road

## 2.7 TRMP Zoning, Overlays and Constraints

The site is principally zoned General Residential ('GRZ'), with the exception being Barton Street which is zoned neighbourhood reserve (refer **Figure 8** below). The wider area includes the Port B zoning to the east and the heritage reserve zoning for Titirangi or Kaiti Hill to the south.

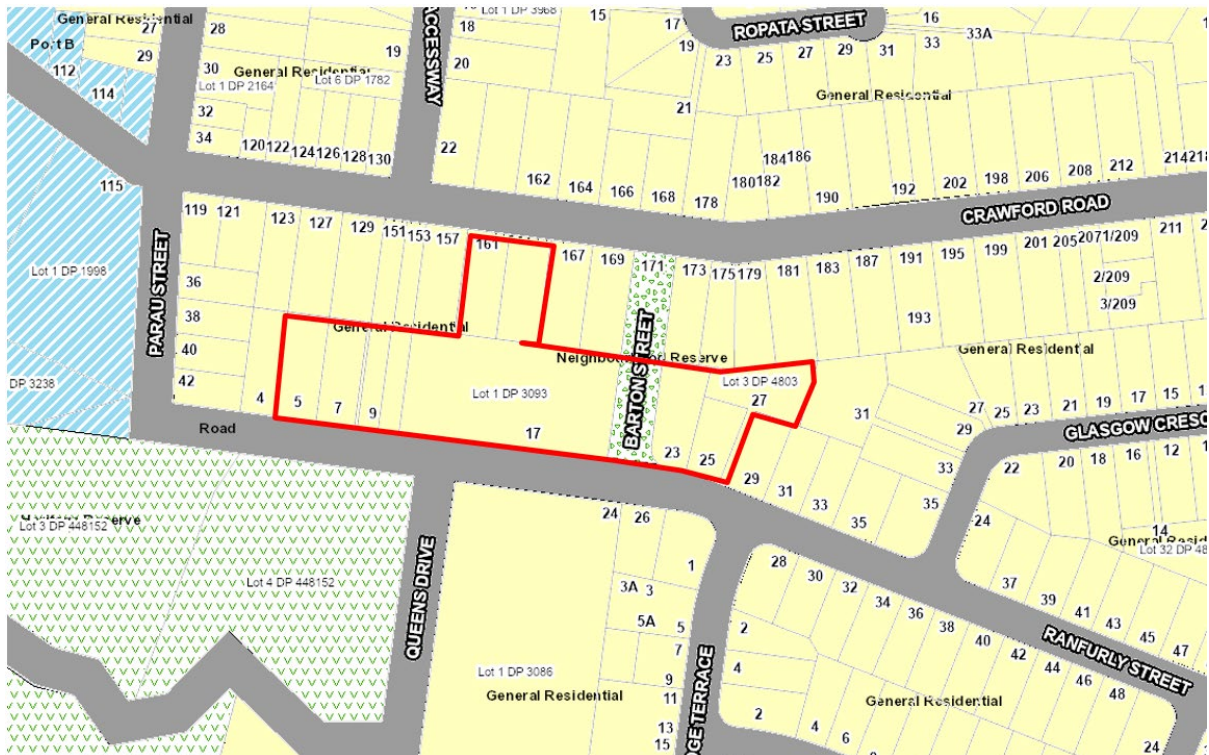


Figure 8: Zoning (Source: TRMP)



Figure 9: Extent of Urban Flood Hazard on the site (Maroon) and Contaminated Site (Orange) (Source TRMP)

The site has a number of overlays across the site including contamination on 17 Ranfurly Street, Urban Stormwater Flood Hazard and Area Land Overlay 1 (see **Figure 9** above) and recent stormwater models for 10% event are included in **Figure 10** below.



Figure 10: Flooding data across site for the 10 year Flood Event Depth WSP 2022 (Source: GDC Stormwater Models)

## 2.8 Legal Interests in the Property

The following relevant interests are registered:

- 17 Ranfurly Street or Lot 1 DP 303 has an encumbrance 10230801.2 registered against it. This is in favour of Mobil Oil NZ Limited and relates to leasing, use and obligations in respect of the site.
- 17 and 27 Ranfurly Street all have certificates pursuant to section 22(2) of the Ngāti Porou Claims Settlement Act 2012. This restricts the disposal and leasing of the land.

There are no other relevant interests.

## 2.9 Notice of Requirement Notice Documents

The lodged notice comprised of the following documents:

- Notice of Requirement and Assessment of Environmental Effects Report prepared by Ryan O’Leary, The Property Group
- Appendix 1 – Form 18
- Appendix 2 – Record of Title
- Appendix 3 – Land Requirement Plan
- Appendix 4 – Site Photos
- Appendix 5 – Ground Contamination Assessment (Tonkin & Taylor)
- Appendix 6 – Geotechnical Investigation (Tonkin & Taylor)
- Appendix 7 – Transportation Assessment Report (East Cape Consulting)
- Appendix 8 – Draft Designation Conditions
- Appendix 9 – Correspondence with Barry Sanders (Gisborne District Council)

- Appendix 10 – Preliminary Civil Infrastructure Report (Tonkin & Taylor)
- Appendix 11 – Correspondence with Darren Cox (Gisborne District Council)
- Appendix 12 – Correspondence with Eastland Port (Eastland Port)
- Appendix 13 – Ground Contamination Letter (Tonkin & Taylor)
- Appendix 14 – Cultural Values Reports (Ngāti Oneone)
- Appendix 15 – Assessment of Relevant Statutory Provisions
- Appendix 16 – Council Pre-application Meeting Record
- Appendix 17 – Letters of Support and Consultation Documents

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

## 2.10 Form 18 and NoR Conditions

The MoE has submitted to Council a completed form 18 (refer Appendix 1 within **Attachment 1**). This identifies that all the necessary documents have been provided as set out in *Resource Management (Forms, Fees, and Procedure) Regulations 2003* and in accordance with Schedule 1 of the RMA.

Section 8 of the NoR request outlines the necessity of the designation and the reasons why it is reasonably necessary.

A draft set of conditions have been included in the NoR request at Appendix 8 (within **Attachment 1**). There have been amendments to these sought by the MoE in respect of the travel plan and acoustic conditions.

Council has requested that the MoE consider a number of additions to the conditions to address specific environmental effects of the designation. These relate to the inclusion of conditions relating to:

- 'General Residential Zone' height in relation to boundary compliance;
- Accidental Discovery;
- Establishment OPW Conditions;
- Requirement for a Stormwater Management Plan; and
- Transport works including details for a pedestrian crossing at OPW stage across Crawford Road and Ranfurly Street.

At the time of finalising the s42a report the MoE had not yet confirmed that it is prepared to add these conditions. It is anticipated that further discussions will occur prior to the commencement of the hearing.

## 2.11 Outline Plan of Works Exemptions

The MoE outlines in section 5.6 of the NoR request that it requests that some works are excluded from the requirement for an Outline Plan of Works (OPW) under s176A(2). Specifically, the MoE requests that the following works shall not require an OPW and that this should be reflected in any recommendation:

*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, sports structures (e.g. goal posts), and shade canopies;*
- 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;*
- g. General site maintenance and repair work, or boundary fencing otherwise permitted by the Gisborne District Plan (Tairāwhiti Resource Management Plan); or*
- h. Installing, modifying or removing minor ancillary buildings and structures (e.g. garden / storage sheds, temporary construction buildings / offices).*

## **2.12 Other Designations and Consent Applications**

There are no other designations across the site.

There are no unimplemented resource consents of relevance to the consideration of the NoR.

No other consents are being sought as part of this NoR, nor is there any detailed design of the school at this stage, and as such there are no plans included with the NoR. Information on the detailed design will be submitted as part of an Outline Plan of Works ('**OPW**') for the works provided for by a confirmed designation.

The requiring authority has acknowledged that additional consents may be required under the TRMP and National Environmental Standards: Contamination ('**NES:CS**') for remediation works on the site. However, these consents will be sought once the full extent of the project is known.

## **2.13 Additional Information**

No formal s92 request has been made. However, in response to the submission points raised by Waka Kotahi and Eastland Port additional conditions and technical assessments have been provided.

## **2.14 Process Matters**

### **2.14.1 Extensions of time**

During the notification period the Tairāwhiti region was significantly impacted by Cyclone Gabrielle with a loss of access, communications and infrastructure. Council determined under Section 37 of the RMA, to waive compliance with the submission period timeframes, taking into account those matters under s37A(1) of the RMA. Consequently, the submission period was extended by 16 working days to the 10<sup>th</sup> March 2023.

The MoE confirmed that it does not oppose the receipt of late submissions in these circumstances (refer **Attachment 6**).

Under s103A of the RMA a hearing must be completed within 75 working days following the close of submissions. This equates to a hearing being completed by the 18<sup>th</sup> July 2023. A formal s37 request to the hearing has been sought.

## **2.14.2 Submitter Correspondence**

### Waka Kotahi

The Council has received correspondence<sup>1</sup> from Waka Kotahi confirming that subject to the inclusion of the revised travel plan condition below that they do not wish to be heard in support of its submission.

*Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to promote healthy and safe travel which also reduce private motor vehicle dependence. This could include: encouraging the use of appropriate modes, routes, paths and crossing for safety; as well as encouraging, increased vehicle occupancy, use of public transport, the use of remote pick up and drop off locations if appropriate, along with walking and cycling to reduce private motor vehicle dependence. The Requiring Authority shall, either directly or through the School Board of Trustees, consult with Waka Kotahi and Gisborne District Council on a Draft Travel Plan. Once implemented, the Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.*

## **3.0 NOTIFICATION AND SUBMISSIONS**

### **3.1 Notification**

Under Section 169 of the Resource Management Act 1991 (RMA) sets out the process that Council must follow when considering the need to notify a NoR made under Section 168. The notification assessment for a NoR is set out in sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE and 149ZCF.

In accordance with section 149ZCB(2)(b), the Minister of Education requested that the NoR be publicly notified. On this basis the Council must publicly notify the NoR in accordance with s149ZCB(2)(b).

The proposal was publicly notified on 18<sup>th</sup> January 2023, and the closing date for submissions was 10<sup>th</sup> March 2023. This included a notice at the site, within the local newspaper and online.

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<sup>1</sup> Refer email dated 28<sup>th</sup> March 2023 from Ms Kelly Standish, Waka Kotahi

A map of those properties served direct notice is included in **Figure 10** below. In addition to this, the following other groups and parties were notified:

- Eastland Port
- Ngāti Oneone
- Ngāti Porou
- Rongowhakaata
- Te Aitanga-a-Māhaki



Figure 11: Map of those properties served a letter by GDC (Note: Site identified in blue)

### 3.2 Submissions

There were four submissions received on the NoR:

- 1 submission was received from Eastland Port.
- 1 submission was received from Waka Kotahi
- 1 submission was received from a member of the public
- 1 submission was received from Te Kura Kaupapa Māori o Horouta Wānanga.

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

Sub.#	Submitter Name/Property Address	Summary of Submission	Wish to Be Heard
1	Eastland Port Ltd	Neutral. Raise queries on reverse sensitivity and traffic related effects.	Y



2	Waka Kotahi	Support, subject to condition.	N <sup>2</sup>
3	Mr Torleda Murray	Oppose. Raise concerns about process, environmental and psychological effects.	Y
4	Te Kura Kaupapa Māori o Horouta Wānanga	Support	Y

Table 1 – Summary of Submissions

#### 4.0 Consideration of the Notice of Requirement

##### 4.1 Designations under the Resource Management Act 1991

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

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

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

*(a) any relevant provisions of—*

*(i) a national policy statement;*

*(ii) a New Zealand coastal policy statement;*

*(iii) a regional policy statement or proposed regional policy statement;*

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

*(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*

*(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*

*(ii) it is likely that the work will have a significant adverse effect on the environment; and*

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

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

- Section 171(1)(a) is addressed in sections 4.4 to 4.6 below.
- Section 171(1)(b) is addressed in section 4.7 below.
- Section 171(1)(c) is addressed in section 4.8 below.

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<sup>2</sup> The original submission sought to be heard.

- Section 171(1)(d) is addressed in section 4.9 below.

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

*...all considerations, whether favouring or negating the designation, are secondary to the requirement that the provisions of Part II of the RMA must be fulfilled by the proposal.<sup>3</sup>*

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

*(2) The territorial authority may recommend to the requiring authority that it –*

- (a) confirm the requirement:*
- (b) modify the requirement:*
- (c) impose conditions:*
- (d) withdraw the requirement.*

Reasons must be given for the recommendation under section 171(3) of the RMA. Refer to section 5 below for my recommendation.

## **4.2 Consideration of Submissions**

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

### **4.2.1 Submission 1 – Eastland Port Ltd**

Eastland Port Limited submitted a neutral submission. It outlined the port operations that occur in proximity to the requirement site in respect of the upper log yard and heavy vehicle movements along Hirini Street.

The submission outlines that, whilst it supports the principle of the wharekura relocation and the community hub that it would create with the adjacent Te Poho-o-Rawiri marae, the following potential effects need to be mitigated through the NoR request.

- Potential for reverse sensitivity given the proximity of the Eastland Port Ltd upper log yard that is utilised for log storage. There are a number of noisy activities that occur as part of this operation including unloading, stacking and loading logs for transport to the port for export. Concerns that the proximity of noise sensitive activities may result in the potential for reverse sensitivity effects. Consider that these existing operations need to be taken account of in the acoustic design of the new wharekura.
- The Transport Assessment does not include an assessment of the State Highway 35 and Hirini Street intersection in respect of the additional traffic volumes.

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<sup>3</sup> See Estate of P.A. Moran and Others v Transit NZ (W55/99)

- Safety concerns regarding the Crawford Road cycle way with the introduction of addition of increased school agreed cyclists and pedestrians in a location that experiences high levels of heavy vehicle use.

### Discussion

The proximity of the requirement site to the existing upper log has the potential to result in reverse sensitivity effects. The MoE has engaged Marshall Day to undertake additional acoustic assessment (refer **Attachment 3**) on this matter. The further assessment has been reviewed by Council Consultant Mr Rhys Hegley who generally agrees with the findings of Marshall Day subject to the inclusion of a condition on internal noise.

It is understood that Eastland Port are comfortable that this further assessment addresses its concerns on reverse sensitivity for the upper log yard. Though this has not been formally confirmed.

The effect of additional traffic volumes on the Hirini Street intersection requires assessment to understand the potential effects from the additional traffic generated on the safety of this intersection. The original assessment did not consider this intersection.

#### **4.2.2 Submission 2 – Waka Kotahi**

Waka Kotahi submitted in support of the NOR, subject to provisions that take account of the existing safety concerns within the surrounding network to ensure the safety of the future wharekura community. It outlined in the submission that the:

- Wharekura will attract students from the wider Gisborne catchment which will result in additional vehicle movements on the surrounding intersections with the state highway. There is the potential to reduce this impact by the retention of the existing shuttle bus, promotion of alternative modes of travel and the offsetting of the residential development from the site;
- In the context of existing uses and traffic volumes the impact of those generated by the wharekura will be “*relatively modest*”<sup>4</sup>;
- The servicing of the port for freight occurs only by freight trucks with rail not utilised. The route for trucks relies on access via residential streets with Hirini Street being the only way into the port. There is an agreement that these trucks will not use Crawford Road.
- For pedestrians and cyclists travelling to the school on the northern side of Wainui Road (SH 35) there is a lack of formal pedestrian crossings close to Crawford Road which means tamariki may try to cross SH35 without the use of a dedicated crossing.

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<sup>4</sup> Page 4, Waka Kotahi Submission (refer **Attachment 2**).

- The Urban Cycleway Project is exploring an option to utilise Rutene Road as an alternative cycling route. If this project proceeds then there will be less cyclists at the Wainui Road and Hirini Street intersection.

Following receipt of the submission, the MoE and Waka Kotahi have been in discussions and a revised condition has been agreed (refer section 2.13.2 above). Consequently, Waka Kotahi has confirmed that it does not wish to be heard in support of its submission.

Discussion:

It is recommended that submission 2 be accepted and the revised condition adopted. The GDC has confirmed that it wishes to be a consultee on the travel plan.

#### **4.2.3 Submission 3 –Mr Torleda Murray**

Mr Murray has submitted in opposition and resides at 9 Ranfurly Street being one of the properties within the requirement site. The submission lacks details but raised concerns about:

- Oppose the location of the wharekura as the proper process has not been followed.
- Consider Council needs to properly understand the environmental and mental psychological effects.

Discussion:

I can confirm that in respect of the process followed by the Council in the consideration of the NoR that the requirements under the RMA have been met in terms of notification, submission period and assessment of the request. I am unable to comment on any other process, and this is subject to a separate non-regulatory process between Mr Murray and the MoE.

In respect of the environmental and mental psychological effects it is not clear in the submission which specific matters Mr Murray wishes the Council to consider. However, in section 4.3 below I assess the potential adverse effects of the NoR and find the proposed NoR to be acceptable subject to conditions.

It is recommended that submission 3 not be accepted.

#### **4.2.4 Submission 4 – Te Kura Kaupapa Māori o Horouta Wānanga**

Te Kura Kaupapa Māori o Horouta Wānanga is the wharekura that will utilise the designation sought by the MoE. The submitter supports the NoR request for the following reasons:

- The provision of a wharekura in this location adjacent to the Te Poho-o-Rawiri marae complex is significant as it supports the values and philosophies of the curriculum and therefore will have positive effects on the learning of the tamariki.

## Discussion

There are obvious positive social and cultural effects by having the wharekura adjacent to the Te Poho-o-Rawiri marae complex. This proximity will allow for integration with the marae and the kohanga reo.

It is recommended that submission 4 be accepted.

### **4.3 Actual and Potential Effects on the Environment**

#### **4.3.1 Effects to be disregarded – trade competition**

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

#### **4.3.2 Effects that may be disregarded – permitted baseline assessment**

There is a permitted baseline relevant to this NoR under the GRZ identified under Rule Table DD1.6.1 being:

- Educational institutions (including early learning and child-care facilities) up to 10 pupils on a front site is a permitted activity under rule.
- Attached residential dwellings with a minimum 250m<sup>2</sup> within a minimum site area under rule 1.6.1.2 is a permitted activity. This would equate to approximately 60 dwellings (subject to compliance with other bulk and location requirements) across the requirement site.

It is noted that under Standard 1.6.1(16) the “*Erection of buildings and structures associated with permitted educational institutions*” is a controlled activity. So, whilst, the use is permitted for up to 10 pupils, any new buildings would require consent.

The designation sought seeks for up to 300 tamariki, so the permitted baseline, whilst relevant, is not determinative.

#### **4.3.3 Effects that may be disregarded – written approvals.**

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

No written approvals were included in the NoR.

#### **4.3.4 Positive Effects**

Section 6.10 of the AEE describes the positive effects of the project which are summarised as:

- The relocation of the wharekura will allow for it to be located adjacent to the Te Poho-o-Rawiri marae.

- It enables the local community to provide for their social wellbeing by providing a community infrastructure in the community it serves;
- The location of the wharekura within the existing community will encourage travel to school by walking/cycling and reducing vehicle dependency; and
- The wharekura will provide a focal point for the local community and will relieve growth pressure and transportation effects on existing schools.

I agree with this assessment of the positive effects of the NoR. However, I would highlight that I consider there to be additional potential positive effects being:

- The development of the wharekura will provide employment opportunities in both the short (construction) and long term (school operation) for the local community;
- The wharekura will allow for the development of an underutilised brownfield site within an existing community. It will contribute to a well-functioning urban environment; and
- It will facilitate the remediation of a site known to be subject to historic contamination.

#### **4.3.5 Adverse Effects**

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

##### **4.3.5.1 Visual Amenity Effects**

The NoR AEE identifies at section 6.1 that in terms of visual amenity effects the site will undergo significant change as a consequence of being developed for a wharekura. This will involve earthworks, construction of buildings, development for playing fields and hard landscaping. The outline plan of works process will manage the site layout and the bulk and form of any buildings for the wharekura.

Mr O'Leary identifies that:

*"It is anticipated to be consistent in the scale and character with the new urban environment. It is specifically noted that the school site is bound by roading on the northern and southern boundaries, providing that physical separation or buffer of school activities from the adjacent residential properties on the opposite side of Crawford Road and Ranfurly Street".*

The AEE concludes that any adverse visual and amenity effects will be no more than minor. The development will allow for a "sense of occupation" with a number of positive effects and the development will be integrated with the surrounding area.

## Discussion

The site is a large, underutilised brownfield site in an existing residential neighbourhood. It is close to the Gisborne CBD, port and Te Poho-o-Rawiri marae complex. I agree with Mr O'Leary that there will be in a change in visual character particularly given the existing vacant nature of the site. However, the redevelopment of the site would also be an efficient use of urban land contributing to a well-functioning urban environment. There will be a number of positive effects from the redevelopment of the site.

I agree with Mr O'Leary that the appropriate stage to consider the buildings and site layout is at OPW stage. The designation process allows for the requiring authority to have flexibility to establish the principle of the public work with further detailed design to follow. The requirements of the OPW process are outlined in S176A of the RMA.

The site boundaries are shared with a number of existing dwellings<sup>5</sup> along both Ranfurly Street and Crawford Road. These sites will experience a change in residential character from the redevelopment of the site for a number of new buildings and an increase in site intensity.

There is the potential that the bulk and form of the wharekura buildings could result in adverse amenity effects on these adjacent sites. It is considered appropriate to manage these effects by including a condition on the NoR requiring that the bulk and form of any new buildings complies with the underlying GRZ height in relation to boundary indicator<sup>6</sup> along any shared residential boundaries (excluding the street boundaries). This is a common condition on designations for schools.

### 4.3.6 Natural Hazards and Geotechnical Effects

The NoR request outlines in section 6.2 that a geotechnical Investigation has been undertaken by Tonkin and Taylor. This reporting identifies that:

- There is potential for differential settlement of the soil and for liquefaction particularly in the southwestern parts of the site;
- The groundwater on site is relatively shallow so dewatering may be required for foundation construction; and
- There is variability in the fill across the site.

The investigation recommends that at the stage that building locations and loadings are known that further '*local specific*' investigations are undertaken to inform the foundation design. This will occur at building consent stage.

The flooding map included in **Figure 9** above illustrates areas of flooding and overland flow paths across parts of the site. Council has provided advice that the finished floor levels of new buildings need to be 300mm above the '*predicted floor height in a 1 in 50 year event*'. Mr O'Leary advises that the MoE will undertake additional modelling "*to further understand the*

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<sup>5</sup> 127, 129, 151, 153, 157, 167, 169, 173, 175, 179 and 181 Crawford Road and 4, 29 and 31 Ranfurly Street.

<sup>6</sup> Standard DD1.6.1.1B Recession Planes

*extent and level of flooding on site and ensure any potential effects on neighbouring properties will be avoided or mitigated."*

There is an existing overland flow path across Barton Street. Mr O'Leary confirms that the MoE will incorporate this into the design of the wharekura to ensure that the OLFP is maintained, and that the performance is not compromised.

Mr O'Leary considers that *"any effects on ground instability and potential natural hazards can adequately be avoided and mitigated to have overall no more than minor adverse effects on the environment"*.

#### *Specialist Review*

Council Specialist Mr Beale has reviewed the Tonkin and Taylor reports and agrees with the recommendations. Mr Beale does identify that further to the earlier advice provided by Council that the following matters should be considered in the detailed design stage for natural hazards:

- There is additional rainfall data available for 10%, 2% and 1% events; and
- Secondary overland flow path provision is recommended for both setting of floor heights and modelling major flood events.

Mr Beale recommends that a condition be included on the NoR to require a Stormwater Management Plan ('**SMP**') be prepared for approval by Council. This SMP should include measures to collect, control and discharge stormwater from all impervious surfaces in the development and attenuate to pre-development levels.

#### *Discussion*

I rely on the expert opinion of Mr Beale and agree that the OPW and building consent processes will suitably manage potential adverse flooding and stability matters. I agree with the recommendation of Mr Beale to include a condition on the NoR to ensure that a stormwater management plan is prepared at OPW stage. This condition has been circulated to the MoE to agree. For these reasons I consider that any adverse flooding and stability effects on the site or adjacent properties will be suitably managed once the detailed design of the development is known.

#### 4.3.7 Infrastructure and Servicing Effects

The NoR request outlines in section 6.3 that an Infrastructure Memo has been prepared by Tonkin and Taylor, dated 27<sup>th</sup> April 2021 (refer **Attachment 1**). This assessment considers the servicing needs of the wharekura based on a roll of 400 tamariki above the 300 sought in the NoR request and finds that the site can be *"reasonably serviced for the proposed wharekura use by the public network"*. It finds that:

- The stormwater runoff post development will be higher than the pre-development levels given increased impermeable surfaces on the site. There are a number of options to manage stormwater on the site via tanks, swales, permeable surfaces or ponds. There is an existing stormwater pipe located to the west of the site.
- There are three water mains around the site that will enable a connection. There is sufficient capacity within the network for a future wharekura for firefighting and water supply purposes.



- The projected discharge from the site will occur during off peak periods for domestic use during the daytime. Consequently, the capacity of the surrounding network will not be impacted from the additional wastewater flows from the wharekura.

#### *Specialist Review*

Council Specialist Mr Beale has reviewed the Tonkin and Taylor memo and agrees with the findings and recommendations. Mr Beale does identify that the subsequent OPW process, engineering plan approval and building consent processes will manage these connections.

In respect of stormwater flows as detailed in section 4.3.6 above Mr Beale recommends that a condition be included on the NoR to require a SMP be prepared for approval by Council. This SMP should include measures to collect, control and discharge stormwater from all impervious surfaces in the development and attenuate to pre-development levels.

#### *Discussion*

I rely on the expert opinion of Mr Beale and agree that the OPW, engineering and building consent processes will suitably manage potential adverse effects on local infrastructure. I agree with the recommendation of Mr Beale to include a condition on the NoR to ensure that a stormwater management plan is prepared at OPW stage. This condition has been circulated to the MoE to agree. For these reasons I consider that any adverse infrastructure effects on the site or adjacent properties will be suitably managed once the detailed design of the development is known and the approach to stormwater finalised.

#### 4.3.8 Transportation Effects

The NoR request outlines in section 6.4 that East Cape Consulting have prepared a Transport Assessment ('TA') that considers the potential transport implications of the wharekura. The primary conclusions reached are that:

- *"The site has multiple frontages to the existing road network and ample opportunity to establish vehicle, cycle and pedestrian access that will integrate it with the surrounding network.*
- *The design of the kura and the specifics of its access and parking arrangements for all modes of transport, and the details of its street interfaces can be developed collaboratively with GDC through the Outline Plan of Works process.*
- *Compared to the existing land use zoning of General Residential, the kura is estimated to generate approximately 140-155 additional vehicle movements at peak times of the day and over the course of the day.*
- *These will be distributed to multiple approach and departure routes. Assessment of existing and expected traffic volumes indicates that capacity improvements are not required on the local network surrounding the site.*

East Cape Consulting makes a number of recommendations in respect of works required to support the proposal including:

- A new vehicle access(es) to the wharekura to allow for the parking for staff, bus/ van facilities and to provide for pick up/ drop off for students;

- Provision of pedestrian facility across Crawford Road to both the cycle way and to the Dickinson accessway (to be agreed with GDC);
- Provision of a pedestrian facility to the Te Poho-o-Rawiri marae across Ranfurly street (to be agreed with GDC);
- Consultation with GDC to achieve a 30km/h speed limit around the wharekura street frontage; and
- The inclusion of cycling facilities for tamariki and staff.

The NoR request identifies that some of the above recommendations are not within the designation site but fall within the road reserve. It identifies that the OPW process will provide for these. However, there are no specific recommended conditions that appear to secure the works off site.

#### *Specialist Review*

Mr Beale has reviewed the TA and the submission points raised by both Waka Kotahi and Eastland Port. He agrees with the recommendations from East Cape Consulting above though considers that conditions should be imposed to ensure the various transport mitigations are included. Mr Beale confirms that GDC would want to be included as a consultee on the Travel Plan.

In respect of the submission from Eastland Port requesting additional assessment Mr Beale agrees this should be undertaken. It is understood that the additional assessment has been undertaken by the MoE but this has not yet been provided to GDC for review. Mr Beale has therefore not yet been able to consider this additional assessment. Further advice will be provided through the hearing process.

#### *Discussion*

In respect of the transport works recommended by the TA and endorsed by the Mr Beale as being necessary, I agree that these should be secured in the NOR. Whilst I acknowledge that the works would require the agreement of GDC this is not uncommon for works off site to be included in NoR conditions or on resource consents. In a recent example for a new school in Hobsonville Point, Auckland, the MoE were comfortable with accepting conditions in this regard (Refer **Attachment 7**). I consider that having the conditions included in the designation will provide transparency around the works required to support a wharekura and clearly set the expectations for the OPW process.

The additional TA assessment prepared by MoE has not yet been provided to Council. However, I agree with Mr Beale above that this matter can be addressed prior to the hearing through discussions with the Council, Eastland Port and the MoE.

Subject to the further TA assessment being provided, and subject to the transport mitigation works and travel plan to support the wharekura being secured and delivered, I consider that

any potential transport related effects will be suitably managed, and effects would be no more than minor on the surrounding road network.

#### 4.3.9 Noise Effects

The construction of a new wharekura will introduce a new noise and activity profile to the local residential neighbourhood. The NoR considers these potential effects at section 6.5 of the request.

Mr O'Leary identifies that, given the existing vacant nature of the site, there will be some degree of noise generated. The noise will, however, be intermittent in nature and within reasonable levels. The underlying zone anticipates educational activities subject to resource consent. Any increase in noise will be more pronounced at break times and when the recreational areas are in use.

The NoR includes a condition for the designation that requires the wharekura to meet specific noise standards which would apply at all times, except for school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday. Any noise generated from the wharekura operations must comply with noise levels at the boundary of any residentially zoned site.

Mr O'Leary finds that on this basis the wharekura will be able to ensure that noise effects will be no more than minor.

#### Discussion

I consider that the location of wharekura in existing residential areas is common and is indeed necessary to achieve well-functioning urban environments. There will be a change in the noise environment given the existing vacant nature of the site. However, educational facilities are provided for in the underlying zone and potential noise effects can be suitably managed by the noise standard offered as part of the NoR request. I agree with Mr O'Leary that any potential noise effects will be no more than minor.

#### 4.3.10 Reserve Sensitivity Effects

The site is located within close proximity to the existing Eastland Port Ltd upper log yard ('**ULY**') that is utilised for log storage. There are a number of noisy activities that occur as part of this operation including unloading, stacking and loading logs for transport to the port for export. This raises the potential for reverse sensitivity effects given the introduction of a sensitive wharekura use.

The NoR request identifies at section 6.6 that the MoE has been in consultation with the Eastland Port since before lodging the NoR. It is understood that this consultation has continued following the closure of submissions to address the matters raised.

Mr O'Leary identifies that the Ministry has a number of mandatory requirements for managing the noise insulation of new buildings to ensure that quality learning spaces are provided to support learning and teaching outcomes. These are identified in the following documents:

- *Designing Quality Learning Spaces ('DQLS') Acoustics* (DQLS-Acoustics-16-December-2020-v3.pdf (education.govt.nz); and,

- *School Property Design Standards. Designing Schools in Aotearoa NZ v2.0\_June2022\_PDFa.pdf* (education.govt.nz)

In response to the Eastland Port submission, the MoE has engaged Mr Ben Lawrence from Marshall Day Acoustics ('MDA') to undertake additional acoustic assessment on this matter (refer **Attachment 3**).

Mr Lawrence identifies that MDA are well placed to provide advice on reverse sensitivity for the ULY as they are engaged by "Eastland Port to model and manage their port noise effects. Eastland Port have provided permission to utilise their port noise model to inform this advice".<sup>7</sup> The assessment outlines that ULY has an existing 5m high concrete acoustic wall (refer **Figure 6** above). This wall does provide significant assistance in reducing noise from the yard though noise is still audible at times depending on operations within the yard. However, if the wharekura is taller than single storey then an acoustic line of sight through to the yard will occur that will likely increase the noise transmission.

Mr Lawrence advises that, having compared the criteria under the DQLS to the predicted and measured noise levels from the operations within the ULY, they have been able to predict that "relevant criteria would be met during busy operational periods in the ULY". However, "that log handling would still be noticeable at times due to the impulsive character and may still cause annoyance/disruption. If this is a concern for the wharekura, then consideration should be given to the ventilation system to allow windows to remain closed on façades facing the ULY".<sup>8</sup>

#### *Specialist Review*

The Marshall Day assessment alongside the Eastland Port submission has been reviewed by Mr Rhys Hegley, Hegley Acoustic Consultants who generally agrees with the findings of Mr Lawrence. Mr Hegley confirms that the wharekura will achieve appropriate internal noise levels in respect of the ULY subject to a condition on the internal noise levels of the future buildings. This condition will ensure the concerns of Eastland Port have been addressed.

It is understood that Eastland Port is comfortable that this further assessment addresses its concerns on reverse sensitivity for the upper log yard. However, no formal correspondence in this regard has been received at the time of preparing this report. Mr Hegley outlines that Mr Lawrence was content with the inclusion of the recommended conditions.<sup>9</sup>

#### *Discussion*

I agree with Mr Lawrence and Mr Hegley that matters related to reverse sensitivity will be largely addressed by the future buildings being built in accordance with the DQLS criteria. I agree that it would be prudent to safeguard the need for such a façade response in the building design stage, and to have certainty on this matter a condition should be included on the designation as recommend by Mr Hegley.

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<sup>7</sup> Letter "Wharekura Port Noise Reverse Sensitivity", prepared by Marshall Day Acoustics, 20<sup>th</sup> March 2023

<sup>8</sup> Letter "Wharekura Port Noise Reverse Sensitivity", prepared by Marshall Day Acoustics, 20<sup>th</sup> March 2023

<sup>9</sup> Letter, " Gisborne Wharekura – NR-2022-111596-00, prepared by Hegley Acoustic Consultants, 10<sup>th</sup> May 2023

#### 4.3.11 Contamination Effects

The site at 17 Ranfurly Street historically had a Mobil Oil NZ terminal located on it and the site is identified under the TRMP as being subject to contamination. The NoR request outlines that there have been the following ground contamination investigations:

- Letter, titled '17 Ranfurly Street, Gisborne. Review of previous investigation data', prepared by Mr Paul Walker of Tonkin + Taylor dated 11<sup>th</sup> July 2018; and
- Ground contamination investigation and assessment report for TKKM o Horouta Wananga - 17 Ranfurly Street, Gisborne, prepared by Mr Paul Walker of Tonkin + Taylor and dated 16 January 2019.

The NoR request identifies that the 2018 assessment found that:

- Additional sampling was required to better understand the different remediation and soil disposal options;
- Groundwater sampling is recommended to determine the potential treatment options and requirements for any discharging of dewatering water. This will likely require consent under the National Environmental Standards for Freshwater ('NES-F'); and
- That additional investigations occur to confirm the presence of any asbestos.

The MoE commissioned this additional sampling. The results from this sampling and a further assessment are included in the 2019 assessment. It found that:

- The concentrations of contaminants indicate that the use of residential land use assessment criteria is appropriate. Consequently, *"the limited occurrence of soil contamination above these criteria would not normally be expected to trigger remediation or management actions to allow the use of the Site for a Wananga"*.<sup>10</sup>
- The levels of asbestos are below the guideline values for the use of land for residential purposes. Consequently, the soil could be reused on site, though on other sites it is understood that the MoE has typically chosen to remove soil that contains demolition material.
- The sampling from the groundwater indicates that it would exceed the levels to allow for disposal of dewatering water to the public stormwater network. A resource consent will be required for these discharges alongside a suitable treatment process.
- If contaminated material is to be retained on site, then a Long Term Maintenance Plan will be required to manage this.

Mr O'Leary finds that the appropriate stage to consider matters related to contamination is at the consenting stage when the site characteristics and development plans are known. A comprehensive Remediation Action Plan ('RAP') will be developed at this stage to ensure that

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<sup>10</sup> Page 9, Ground Contamination Investigation and Assessment Report, prepared by Tonkin + Taylor and dated 16<sup>th</sup> January 2019 (refer **Attachment 1**)

there are no unacceptable risks to human health. Mr O'Leary finds that any "adverse effects in this regard are considered to be no more than minor and can be adequately avoided or mitigated, the exact measures for achieving this will be ensured through future resource consent application(s) applied for at the time of the development of the wharekura".

#### *Specialist review*

Ms Erin Richards, Consultant Specialist, Contamination (PDP), has reviewed the NoR application and associated Ground Contamination Investigation and Assessment Report, prepared by Tonkin and Taylor and dated 16 January 2019.

Ms Richards confirms that "acknowledgement is made that consents will be sought at a later date under the NES:CS and potential also under the Tairāwhiti Regional Plan. We agree with this approach and that the provision of a remedial action plan/ site management plan and potentially a long-term management plans is appropriate."

The assessment does highlight a number of matters for the NoR to consider at detailed design in respect of:

- Consider whether further assessments should be conducted across the required site to determine if there have been any other HAIL activities on the site; and
- Additional assessment to determine the presence of perfluoroalkyl and poly fluoroalkyl substances in the groundwater or soil. It is likely these chemicals were stored on the site historically given they were required for fire-fighting at a fuel terminal in the past.

#### *Planning review*

I rely on the expert opinion of Ms Richards. I agree with the requiring authority that a designation condition is not required as the separate regional resource consent and NES:CS process will suitably assess and manage potential effects related to contamination, alongside the assessment under section 176A(f) of the RMA as part of the OPW process.

On the basis of the above it is considered that potential contamination effects will be suitably managed and there is no need for specific contamination conditions on the NoR. These separate consent process will ensure that the site is suitably remediated to allow for a wharekura use occurring on site.

#### 4.3.12 Cultural Effects

The NoR request provides a Cultural Values Assessment prepared by Ngāti Oneone (Refer **Attachment 1**) and potential cultural effects are considered in section 6.8 of the request.

Ngāti Oneone outline in the CVA that they are mana whenua for the Kaiti area and that the wharekura "will meet the dreams and aspirations of the Kura Whanau, Te Poho o Rawiri Marae and Ngāti Oneone Hapu".<sup>11</sup>

The NoR request identifies a number of positive effects including:

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<sup>11</sup> Page 1, Cultural Values Assessment, prepared by Harata Gibson, Ngati Oneone, Turanganui A Kiwa (refer **Attachment 1**)

- *“The development of the site will, for the purposes of Hapu aspirations, add to the wider redevelopment of a Papakāinga where whanau, Hapu and Iwi live as one, work as one and learn as one.*
- *The Marae contains an Early Childhood Centre (ECE), and the proposed development will provide strong links between the ECE and the wharekura.*
- *The proposal will give visual, physical and spiritual connection and experience to tauira, kaiako and whanau of the wharekura. It will be directly connected to the Marae, and the wharekura's relocation will begin a new era of 'whare korero'. Presently, Te Kohanga Reo o Tihi o Titirangi resides at the Pa as does Te Whare Wānanga a Maui. The Whare Wānanga is home to Whaia Titirangi, our Taiao group and Te Pae Karuhiruhi, Ngai Oneone's Men's Reo Maori group.*
- *The establishment of this wharekura at the subject site will enable whanau to sustain education participation within their cultural context and enable Māori to achieve improved education success.”<sup>12</sup>*

Ngāti Oneone identify a number of recommendations in section 6 of the CVA including:

- Early consultation under the Heritage New Zealand Pouhere Taonga Act 2014 to obtain an authority to undertake works.
- The establishment of an Accidental Discovery Protocol between the MoE and Ngāti Oneone, as a condition of the Notice of Requirement. This will ensure a process and procedure in the event of accidental discoveries during the ground disturbance works on site.
- The cultural monitoring on site with the ability to engage an approved archaeologist if required.
- The detailed servicing approach to the site *“must impose the highest possible standards on both effluent and storm water disposal. And thereto, investigate the possible ‘backwash’ from the normally flooded Ranfurly Road storm water system.”<sup>13</sup>*
- The use of cultural appropriateness in the design and development of the wharekura. In particular, the *“use of shapes, pictures, designs and colours that reflects the cultural values and environment the site sits within - including Maunga Titirangi, Te Poho o Rawiri Marae, Kopuawhakupata, Puhī Kai Iti, Horouta, Te Ikaroa a Rauru and Whare Wananga, to name a few.”<sup>14</sup>*

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<sup>12</sup> Page 24, Notice of Requirement to designate for Te Kura Kaupapa Māori o Horouta Wānanga, prepared by Rayn O’Leary, Property Group, December 22 (refer **Attachment 1**)

<sup>13</sup> Page 23, Cultural Values Assessment, prepared by Harata Gibson, Ngati Oneone, Turanganui A Kiwa (refer **Attachment 1**)

<sup>14</sup> Page 24, Cultural Values Assessment, prepared by Harata Gibson, Ngati Oneone, Turanganui A Kiwa (refer **Attachment 1**)

- The acknowledgement of Ngāti Oneone status as mana whenua within the Kaiti area that demonstrates the rangatiratanga it has over the Urumatai site.

#### Discussion

The positive effects to Ngāti Oneone through the confirmation of the designation, transformation of the site and connection to Titirangi and the Te Poho-o-Rawiri marae will be significant. I agree with the assessments within the NoR request and consider that there will be clear and tangible positive cultural effects. I support the additional condition sought on accidental discovery and have recommended the inclusion within the recommended conditions (refer **Attachment 4**).

#### 4.3.13 Social and Community Effects

There will be both local and wider social and community effects from the designation of the site for a wharekura. These are outlined by Mr O'Leary in section 6.9 of the NoR request as being:

- The delivery of an essential community infrastructure that will create a focal point for the community;
- The wharekura will provide facilities that would benefit the local community in terms of recreational area and public meeting;
- The wharekura will enable the community to provide for their wellbeing; and
- The wharekura will provide consequently local benefits by supporting alternative modes of travel via cycling and walking that would provide health benefits, improved perceived safety and reduce vehicle trips.

#### Discussion

I agree that there are clear positive social and community effects from the provision of a wharekura on the site. It will contribute to achieving a well-functioning urban environment.

#### 4.3.14 Summary of Effects

For the reason outlined above I consider, subject to the further amendments to the conditions recommended above (refer **Attachment 4**), that the effects of the proposed works provided for by a confirmed designation will be avoided, remedied or mitigated.

## **4.4 National Environment Standards**

### **4.4.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS)**

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS) came into effect in January 2012. The NES:CS seeks to manage actual and potential adverse effects of contamination in soil on human health from particular activities that have occurred on the site. The NES:CS includes a Hazardous Activities and Industries List (HAIL) that sets out which activities may have potentially contaminated the soil.



The NES:CS applies when a person wants to undertake an activity described in subclauses (2) to (6) on a piece of land described in subclause (7) or (8).

The NES:CS applies to part of the site at 17 Ranfurly Street. The specialist contamination reporting from Tonkin + Taylor confirms that a suitable remediation strategy will be applied and developed as part of the Site Management Plan and Remediation Action Plan. This will all require consent under the NES:CS and may require consent under the TMRP and NES:Freshwater. These consenting processes will suitably manage this matter.

## **4.5 National Policy Statements**

### **4.5.1 National Policy Statement on Urban Development 2020**

The National Policy Statement on Urban Development 2020 ('**NPS-UD**') came into effect on 20 August 2020. It directs local authorities to enable greater supply of housing and business land and ensure that planning is responsive to changes in demand, while seeking to ensure that new development capacity is of a form and in locations that meet the diverse needs of communities and encourages well-functioning, liveable urban environments.

Gisborne is classified as a Tier 3 urban environment. Tier 3 local authorities are however strongly encouraged by the NPS-UD to do the things that Tier 1 or 2 local authorities are obliged to do under Parts 2 and 3. An "urban environment" is defined in the NPS-UD as "any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people". In relation to this proposal, I consider that the NPS-UD seeks to ensure that towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. The NoR would give effect to that outcome. The NPS-UD also seeks to allow for intensification in areas that have good access to existing and proposed services, public transport networks and infrastructure. I consider that the site of the NoR is in a location that is suitable for intensification, as outlined in the NPS-UD.

Section 7.4.1 of the NoR request considers the NPS-UD. I agree with the assessment made by Mr O'Leary. In particular I consider that:

- The provision of a wharekura delivers important infrastructure that will contribute towards a well-functioning urban environment and support the local community to provide for their cultural and social wellbeing (Objective 1 and Policy 1(c)).
- The travel planning for the school, alongside the traffic mitigation measures will support a reduction in greenhouse emissions by supporting a mode shift for travel to the wharekura. (Policy 1(e)).
- There are clear cultural benefits from the NoR that will allow for the principles of Te Tiriti o Waitangi to be achieved and demonstrates the rangatiratanga of Ngāti Oneone over the site. (Objective 5).
- The MoU that the GDC and MoE have entered into is delivering on integrated land use and infrastructure planning within the Kaiti neighbourhood. (Policy 10(b)).

## **4.6 Tairāwhiti Resource Management Plan**

### **4.6.1 Objectives and Policies**

The NoR request has considered the objectives and policies of the Tairāwhiti Resource Management Plan (TRMP) within section 7.4.3 and Appendix 16. I agree with this assessment and would highlight the following key objectives and policies:

- The NoR takes account of, and delivers on, the principles of Te Tiriti o Waitangi. It will enable a wharekura in a culturally important location that is connected to Tīfirangi and demonstrates the rangatiratanga of Ngāti Oneone over the site. (Objective B1.2.1 and Policies 1.2.2).
- The views and cultural recommendations of Ngāti Oneone have been considered and incorporated into the site selection process for the requirement site, through undertaking of a CVA, and will be incorporated into the NoR. (Objective B1.3.1 and Policies B1.3.2).
- The travel planning for the wharekura, alongside the traffic mitigation measures sought by the NoR, will support a mode shift for travel to and from the wharekura. It is recommended that conditions are included to ensure these measures are delivered (Objective B3.5.1 and Policies B3.5.2).
- The consideration of natural hazards and safety of both the wharekura and adjacent dwellings has been considered and suitable conditions recommended to ensure effects are mitigated and overland flow paths are maintained (Objective B5.1.2 and Policies B5.1.3) and (Objective C8.1.3 and Policies C8.1.4).
- Contamination risks can be suitably managed at development stage and sampling has demonstrated a strategy to approach remediation on the requirement site. (Objective B5.6.1 and Policies B5.6.2) and (Objective C5.1.3 and Policies C5.1.4).
- The development of a vacant and derelict site will enhance the character of the local neighbourhood and will tie into the built form that exists on Te Poho-o-Rawiri marae. The amenity values of adjacent properties will be maintained by the recommended conditions to ensure appropriate bulk and form, transport mitigation and noise. (Objective DD1.3.2 and Policies DD1.4.2).
- There is suitable infrastructure capacity for the servicing of the site and the subsequent consenting and engineering processes will ensure this. In respect of stormwater management, a condition has been recommended to ensure pre-development flows are maintained (Objective DD1.3.4 and Policies DD1.4.4).

Overall, I consider that the proposal is consistent with the relevant objectives and policies of the TRMP.

## **4.7 Alternative sites, routes or methods – section 171(1)(b)**

Section 7 of the NoR request addresses alternative locations and methods that were evaluated before seeking a designation at the Crawford Road, Ranfurly Street and Barton Road site. The requiring authority does not own all the land with Barton Road owned by GDC, but a public works process is occurring.

There were a number of other alternative sites that were considered through a site selection process. The key difference was the cultural connections that are achieved with the selected site.

In addition, the AEE concludes that the work will not have significant effects on the environment. I agree with this conclusion, subject to recommended conditions.

Therefore, I consider that the requirement of section 171(1)(b) has been met.

#### **4.8 Necessity for work and designation – section 171(1)(c)**

The requiring authority has set out its specific project objectives in Form 18 and sections 2, 3 and 5 of the NoR request. Form 18 states that the designation is required for “*Educational purposes*”.

The project is required to provide opportunities for students to undertake their studies as provided for under the Education and Training Act 2020. Accordingly, establishment of a full immersion school catering for school age tamariki from years 0-13, is reasonably necessary in achieving the objective of the Minister of Education in providing state schooling.

Section 3 of the AEE addresses the reasons why a designation is required in the location of the site in respect of the need to relocate the existing wharekura to a purpose-built facility and to allow for it to be collocated with the adjacent Te Poho o Rāwiri Marae. The designation is reasonably necessary to achieve the project objectives.

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

#### **4.9 Any other matter – section 171(1)(d)**

Section 171(1)(d) requires the council to have particular regard to any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

In this case the non-RMA documents that are considered relevant are:

##### **4.9.1 The Tairāwhiti Spatial Plan 2050 – Shaping the Future of our Region**

The Tairāwhiti Spatial Plan 2050 is a non-statutory document. It is a spatial plan that sets the vision for the region for the next 30 years.

There are eight broad outcomes and of particular relevance to the NoR request are the following outcomes:

Outcome 3: Vibrant city centre and townships

The plan identifies that the Kaiti area of the city should be a focus for infrastructure investment as it has an opportunity for residential intensification. The NoR is a significant social investment

that will provide integral social infrastructure for community building and creating vibrant neighbourhoods. It is considered the wharekura will support achieving this outcome of the plan.

Outcome 8: Delivering for and with Māori

The NoR request fosters and assists mana whenua to deliver a wharekura that is located and positioned to meet their needs by providing social infrastructure.

For the reasons outlined above it is considered that the NoR request delivers on the outcomes sought by the plan.

#### **4.9.2 Te Tairāwhiti Regional Land Transport Plan (RLTP) 2021-2031**

Te Tairāwhiti Regional Land Transport Plan ('RLTP') is prepared with GDC and Waka Kotahi. It sets the current state of the transport infrastructure across the region and identifies priorities and challenges and investment.

The NoR request identifies at section 10.1.2 that *"the RLTP is structured to invest in safety, resilience, access, economic performance, and environmental outcomes. The RLTP is addressed in the Transportation Assessment Report in **Appendix 7**, noting that within the vicinity of the kura site, the RLTP includes \$5.15M of funding across the years 2021/22 to 2024/25 for a State Highway Improvement project at the Wainui Road (SH35)/Hirini Street intersection. The project was not allocated funding in the National Land Transport Programme (NLTP) 2021-24, announced by Waka Kotahi on 31 August 2021, indicating that its delivery will sit beyond 2024"*.

The relevance of the RLTP to travel to the wharekura is that the RLTP focuses on investing in infrastructure to support safe cycling and walking to promote and enable more active mode travel to school.

Mr O'Leary outlines that the proposed wharekura will be consistent with these outcomes and I agree. I do recommend that additional conditions to secure the transport mitigation recommendations that are critical to delivering this safe network to the wharekura are included in any confirmation of the NoR request.

#### **4.9.3 Gisborne District Council Long Term Plan (LTP) 2021-31**

The GDC adopted a Long Term Plan ('LTP') on 30 June 2021. There is nothing identified in the LTP that relates to the wharekura site or surrounding area.

#### **4.9.4 Tīfirangi Accord and the Tīfirangi Reserve Management Plan (2016)**

The Tīfirangi Reserve lies to the south of the site and is a dominant natural and cultural feature of both the site and the wider area.

The Tīfirangi Accord is a protocol that both Ngāti Oneone and GDC have entered into for the co-management and protection of the Tīfirangi Reserve, wahi tapu and various archaeological sites. There is a Tīfirangi Reserve Management Plan that supports the accord.

The Tīfirangi Reserve Management Plan identifies the kaitiaki role that Ngāti Oneone have with the Tīfirangi Reserve.

This document further demonstrates the special relationship of Ngāti Oneone to the area and supports the location of the requiring site as being appropriate to deliver a wharekura.

#### **4.10 Designation Lapse Period Extension – section 84(1)(c)**

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

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

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

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

Section 5.2 of the NoR request states that “under Section 184(1)(c) of the RMA, the Minister requests a 10-year period after the date it is included in the Tairāwhiti Resource Management Plan to give effect to this designation. Although the Ministry intends to give effect to the designation as soon as possible, a 10-year lapse period is sought to give some flexibility in the case of any unforeseen delays.”

The intention of the requiring authority is to give effect to the designation within a reasonable time given the need for the new wharekura.

It is noted that the MoE does not own all the land and will need to acquire the land within Barton Road reserve from DoC. This will add additional process to the timeframes and the detailed design and construction process will take time.

In this instance, a 10-year lapse date provides flexibility, and certainty, to the requiring authority if there are unforeseen circumstances which affect the proposed timeframes to give effect to the designation. Having regard to these circumstances I recommend a lapse period of 10 years for the designation.

#### **4.11 PART 2 MATTERS**

Section 5 of the RMA describes the purpose of the Act:

Section 6 describes matters of national importance to be recognised and provided for. The matters of national importance relevant to this proposal are:

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

Section 7 of the RMA describes other matters that are relevant. In relation to this proposal these matters are:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment*

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

### Comment

The NoR request provides an assessment under Part 2 in section 10.2. I agree with this assessment, and conclude that the proposal is consistent with the principles (section 6 – 8) of the Resource Management Act 1991 for the following reasons:

I concur with the requiring authority's assessment of Part 2 of the RMA. The construction of the proposed wharekura enables people and communities to provide for their social, cultural, and economic well-being. And the proposed conditions, as amended, will ensure that any potential adverse effects of the NoR can be avoided, remedied or mitigated.

Regional resource consents may be required before the works enabled by the NoR can be undertaken. The standard conditions on the regional resource consents will safeguard the life-supporting capacity of air, water, soil and ecosystems.

The requiring authority undertook consultation with mana whenua and a CVA was prepared by Ngāti Oneone. The MoE is working with mana whenua to deliver the wharekura.

Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose (section 5) of the RMA, being sustainable management of natural and physical resources.

## **5.0 CONCLUSION AND RECOMMENDATION**

### **5.1 Conclusions**

The proposal is consistent with the relevant objectives and policies of the Tairāwhiti Resource Management Plan, as well as all other relevant matters. The proposed NoR does meet the purpose and principles of Part 2 of the Resource Management Act. Therefore, subject to the conditions listed within **Attachment 4**, it is considered the NoR meets the requirements of s171(2).

### **5.2 Recommendation and conditions**

#### **5.2.1 Recommendation**

Subject to new or contrary evidence being presented at the hearing, and the requiring authority supplying adequate responses on issues raised in the body of the report, pursuant to

section 171(2) of the RMA, it is recommended that the notice of requirement be confirmed, subject to the amended and additional conditions and modifications included in **Attachment Four**

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

- The notice of requirement is consistent with Part 2 of the RMA in that it enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety;
- The notice of requirement is consistent with and gives effect to the relevant national environmental standards, national policy statements and the TRMP;
- In terms of section 171(1)(b) of the RMA, adequate consideration has been given to alternative sites, routes or methods for undertaking the work;
- In terms of 171(1)(c) of the RMA, the notice of requirement is reasonably necessary to achieve the requiring authority's objectives;
- Restrictions, by way of conditions attached to the notice of requirement, as amended, have been recommended to avoid, remedy or mitigate adverse environmental effects associated with the works.

## RECOMMENDATION

**That Commissioner Mr Cam Twigley recommends that the requiring authority:**

**Confirms the Notice of Requirement** by Minister of Education for a new Kura for "Education Purposes" at Crawford Road and Ranfurly Street, Gisborne, subject to conditions included in **Attachment 4**.

**Reporting Planner:**



**Ila Daniels**  
**Consultant Planner**  
**Date:** 6<sup>th</sup> July 2023

**Peer Reviewer and Authorised for Distribution:**



**Joanna Noble**  
**Chief of Strategy and Science**  
**Date:** 6<sup>th</sup> July 2023





**Ministry of Education – Notice of Requirement**  
**Te Kura Kaupapa Maori o Horouta Wananga**

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**Attachment 1 –**  
**Application Material**

**This attachment has not been re-produced in this agenda. The information is available on the Council website at the following link:**

**<https://www.gdc.govt.nz/consents-and-licenses/notified-consents/notified-consents/ministry-of-education-notice-of-requirement-te-kura-kaupapa-maori-o-horouta-wananga>**

**Ministry of Education – Notice of Requirement**  
**Te Kura Kaupapa Maori o Horouta Wananga**

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**Attachment 2 –**  
**Submissions**

# Notice of Requirement

Under Sections 168A, 169, 18741, and 190 of the Resource Management Act 1991.



**!** A copy of your submission must also be given to the requiring authority as soon as possible. All information provided in your submission is available to the public (on request)

## 1. Applicant details

Name in full:

Surname:  First Name(s):

Organisation (if applicable):

Address:

No.  Street/Road  Suburb

Town/City  Postcode

Mobile:  Other phone:

Email:

## 2. Submission details

Reference number:

Requiring authority:

The notice is for:

Notice of Requirement (NoR) from the Minister of Education as a Requiring Authority to designate a 11,165m2 site at Crawford Road and Ranfurly Street, Kaiti for "Education Purposes".

I support the application     I oppose the application     I am neutral (neither support or oppose)

Submission details - state which parts of the application you support, oppose or wish to have amended:

Find appended

I/we seek the following recommendations or decision from the Territorial Authority (please give precise details including the general nature of any conditions sought. Use additional pages if required):

Find appended

- I wish to speak at the hearing in support of my submission.
- Would you consider presenting a joint case with others who have made a similar submission.
- I do not wish to speak at the hearing in support of my submission

### 3. Signatures

Signature of person making submission or person authorised to sign on behalf of submitter:



Date: 9/2/2023

Postal address of person making submission (if different from previous page):

Name and phone number (if different from previous page)

Contact person:

Mobile:

Other phone:

Email:

### 4. Trade competitor declaration

- I declare I am NOT a trade competitor of the requiring authority.

I declare I am a trade competitor of the requiring authority who is directly affected by an effect of the activity to which the requirement relates that:

- Adversely affects the environment;
- Does not relate to trade competition or the effects of trade competition.

Signature:



Date:

### Notes

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

If your submission relates to a notice of requirement for a designation or alteration to a designation and you are a trade competitor of the requiring authority for the purposes of section 308B of the Resource Management Act 1991, you may make a submission only if you are directly affected by an effect of the activity to which the requirement relates that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

### Office use only

Date received:

Support

Oppose

W.T.B.H

N.B.H

23<sup>rd</sup> October 2020

Ben Dodgshun  
Stantec NZ  
Christchurch

2 Crawford Road  
PO Box 1048  
Gisborne 4040  
New Zealand  
Tel 06 868 5129  
eastland.nz

*Via email*

Dear Ben

**Re Crawford Rd cycleway concepts**

We have carried out a CAS search looking at all “Ped Xing Road” movement codes within a 50kph posted speed limit over the past five years (2015 to 2019 inclusive) throughout New Zealand. We have separated the results by “crash severity” and collated light and heavy vehicles as shown in the summary tables below. The first table details the raw results, the second table shows the percentage by crash severity.

2015-19 (5y) at 50kph	all	non-in	minor	serious	fatal
all vehicle types	3251	475	2002	705	69
car/wagon, SUV, van, ute	2987	442	1848	641	56
truck, HPMV, 50 max	67	7	26	23	11
2015-19 (5y) at 50kph	all	non-in	minor	serious	fatal
all vehicle types	100%	14.6%	61.6%	21.7%	2.1%
car/wagon, SUV, van, ute	100%	14.8%	61.9%	21.5%	1.9%
truck, HPMV, 50 max	100%	10.4%	38.8%	34.3%	16.4%

The CAS search results indicate that a pedestrian versus light vehicle (car/wagon, SUV, van or ute) crash has a 1.9% chance of resulting in fatality whereas a pedestrian vs truck has a 16.4% chance of fatality. Serious injury outcomes are also quite different; a light vehicle crash has a 21.5% and truck crash has a 34.3% likelihood of resulting in serious injury. Combining these percentages shows that light vehicle crashes have a 23.3% whereas truck crashes have a 50.7% chance of resulting in serious injury or death.

Due to the high volume of trucks along Hirini Street any crash at the proposed crossing is more likely to result in serious injury or death. We are aware people currently cross here but the provision of a high quality cycle route will result in more pedestrians and cyclists crossing this busy freight carrying road which is forecast to get much busier.

We speculate that the substantial difference in percentage identified above is a result of the different vehicle heights and shapes. Pedestrians are likely to bounce over a car due to its vertical grill height and bonnet shape and a cyclist has a higher centre of gravity than a pedestrian further increasing the likelihood of deflection in a crash. However, this is not possible with a truck, both of these vulnerable road users are likely to go under a truck with a consequential decrease in survivability.

Accordingly, we request that the possibility of an underpass is thoroughly tested before being discarded at this time. We understand there are short-term constraints on budget, and also time and cost risks associated with utility services. However, a long-term grade-separation should be planned for, and not precluded. Those time and budget constraints could be resolved in future, leading to better transport outcome overall.

We have also reviewed the speed data along Hirini Street near the proposed crossing location. We have two weeks data collected in November 2019 and four weeks data collected in August 2020 to interrogate. The average and 85<sup>th</sup> percentile, weekday and full-week data is shown by direction in the table below for ease of reference:

Survey Week Beginning	Average speed (kph)				85th percentile speed (kph)			
	Northbound		Southbound		Northbound		Southbound	
	5 day ave	7 day ave	5 day ave	7 day ave	5 day ave	7 day ave	5 day ave	7 day ave
13/11/2019	45.2	45.5	46.9	47.2	51.6	51.7	53.2	53.6
20/11/2019	45.1	45.2	46.9	47.1	51.5	51.6	53.2	53.6
8/08/2020	45.2	45.9	45.9	46.6	51.2	51.8	51.7	52.6
15/08/2020	45.5	46.1	46.5	47.0	51.5	52.0	52.3	53.0
22/08/2020	45.2	46.0	46.6	47.2	50.9	51.6	52.5	53.2
29/08/2020	45.6	46.2	46.9	47.5	51.3	51.8	52.7	53.3
Average	45.3	45.8	46.6	47.1	51.3	51.8	52.6	53.2

The speed data appears to be very consistent with only minor variations between different weeks. The seven-day data is marginally higher than the weekday data indicating that speeds are slightly higher during the weekends. The 85<sup>th</sup> percentile speeds are typically 6kph higher than the averages in both directions suggesting consistent speed distribution. In our opinion this data shows good driver adherence to the speed limits and that no speeding problem exists.

A closer inspection of the raw data shows that on average only 20 vehicles exceed 70kph while 2,657 vehicles travel between 40kph and 50kph every day. These results bring into question the need for full width traffic calming measures along this busy freight carrying road. The data clearly shows that most drivers are obeying the speed limit.

Speed humps cause more wear and tear on vehicles and pavements; and generate noise as vehicles pass over them. Empty logging trucks in particular tend to generate sharp metal on metal noises when travelling over uneven surfaces. In our experience we have found residents find these noises particularly irritable.

When Eastland Port has applied for resource consents to upgrade our yards on port, hard surfaced asphaltic or concrete surfaces have been required to stop any uneven surfaces occurring and causing such irritation. Construction tolerances are also stringent to ensure smooth transitions which minimise abrupt vertical displacement (such as that introduced by humps) in order to manage noise. We have also been required to install acoustic panel fences along both Crawford Road and Parau St to reduce the noise effects of its operations on nearby residences from the Upper Log Yard.

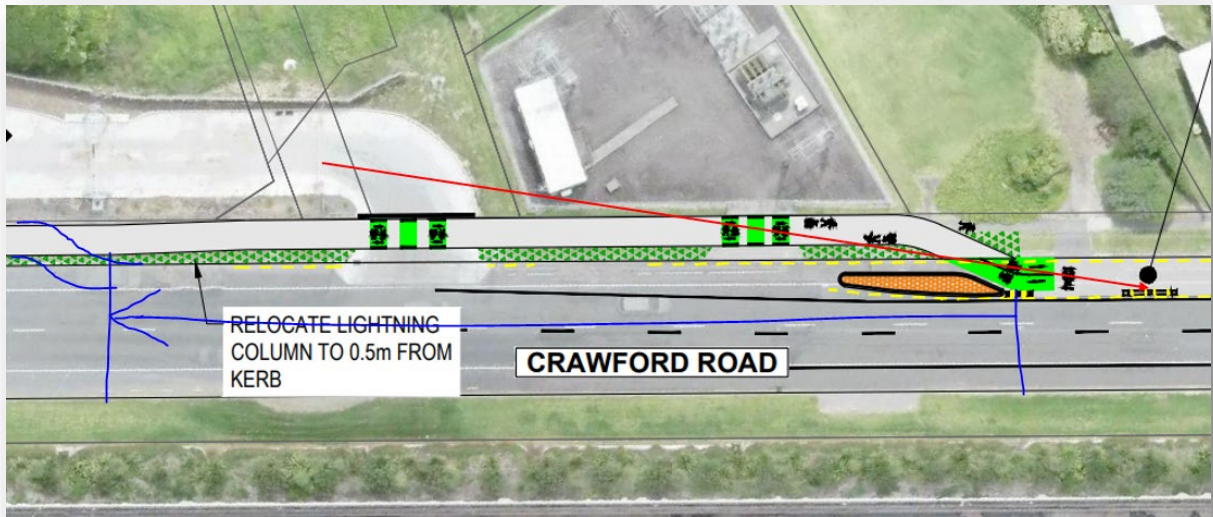
Installing speed humps therefore appears not only to be contrary to noise mitigation measures that have been imposed upon Eastland Port but, as discussed earlier, seems to be unnecessary as no speeding problem exists and lower speeds will not necessarily improve crash survivability for vulnerable road users.

Nevertheless, if speed management is considered necessary to manage those drivers exceeding the speed limit then have bolt-down cushions been considered?

They are provided in different widths depending upon the width of vehicle targeted for speed reduction. In this case we suggest that narrow cushions be installed, rather than the humps proposed, to reduce light vehicle speeds while not impeding larger vehicles such as trucks and emergency vehicles.



Finally, we question whether the location of the “transition” from Crawford Road pavement on to the footpath is located in the best position. We note it is proposed near the electrical substation adjacent to the Crawford Road trailer hoist which is a secure area that requires drivers to swipe in and out of. When drivers exit the secure area westbound cyclists could easily be obscured from their view (see red arrow below). The proposed layout will have cyclists hidden from view over approximately 20 metres assuming they can look through the existing chain link fence however, should it be obstructed in some way the visibility reduces even further. We appreciate trucks will be expected to give-way at the shared path and will be travelling at minimal speed, however we questions whether the transition should be moved closer to Hirini Street (blue sketch) to reduce the period/distance over which they are hidden and provide a safer overall layout?



Happy to discuss our thoughts further.

Yours sincerely

Marty Bayley

**Ports Infrastructure Manager**

CC

George Eivers – East Cape Consulting

Dave Hadfield – Tairāwhiti Roads



Form 21

Submission on Notice of Requirement

Under sections 168, 169, 181, and 190 of the Resource Management Act 1991.

1. To: Gisborne District Council  
15 Fitzherbert Street  
Gisborne, 4010  
Email: notifiedRC@gdc.govt.nz
  
2. Name of Submitter: Eastland Port Limited  
2 Crawford Road,  
Gisborne, 4010,  
Email: daniel.kingsford@eastland.nz
  
3. This is a submission on a Notice of Requirement from the Minister of Education to designate land for 'Educational Purposes', reference number NR-2022-111596-00. The Minister of Education intends to designate a site to enable the relocation of Te Kura Kaupapa Māori o Horouta Wānanga (wharekura). The wharekura will be developed to provide for a roll of up to 300 students.

The wharekura provides Māori immersion education for students from Year 0-13. The wharekura currently operates out of the former Gisborne Boys High School hostel located at 30 Desmond Road, Gisborne.

4. The proposed site for the new wharekura consists of 11 properties that are summarised below:

Site Address	Legal Description	Registered Owner	Site Area
171 Crawford Road, Kaiti, Gisborne (Barton Street)	Lot 202 DP 4803	Gisborne City Council	2,039m <sup>2</sup>
23 Ranfurly Street, Kaiti, Gisborne	Lot 1 DP 4803	His Majesty the King	1,034m <sup>2</sup>
No address	Lot 14 DP 1461	His Majesty the King	1,012m <sup>2</sup>
161 Crawford Road, Kaiti, Gisborne	Lot 13 DP 1461	His Majesty the King	1,012m <sup>2</sup>
17 Ranfurly Street, Kaiti, Gisborne	Lot 1 DP 3093	His Majesty the King	5,059m <sup>2</sup>
9 Ranfurly Street, Kaiti, Gisborne	Lot 4 DP 3566	His Majesty the King	503m <sup>2</sup>



9 Ranfurly Street, Kaiti, Gisborne	Lot 3 DP 3566	His Majesty the King	506m <sup>2</sup>
7 Ranfurly Street, Kaiti, Gisborne	Part Lot 6 DP 2935	His Majesty the King	938m <sup>2</sup>
5 Ranfurly Street, Kaiti, Gisborne	Lot 5 DP 2710	His Majesty the King	1,011m <sup>2</sup>
25 Ranfurly Street, Kaiti, Gisborne	Lot 2 DP 4803	His Majesty the King	722m <sup>2</sup>
27 Ranfurly Street, Kaiti, Gisborne	Lot 3 DP 4803	His Majesty the King	1,201m <sup>2</sup>

5. The submission from Eastland Port Limited (EPL) is neutral on the application.
6. The specific parts of the notice of requirement that my submission relates to are: reverse sensitivity associated with existing noise levels and transportation effects.

*Reverse Sensitivity*

7. The proposed wharekura site is in close proximity to the EPL Upper Log Yard where logs are stored prior to shipment to overseas markets. The activities include unloading of logging trucks, stacking logs for storage and loading shuttle trucks for transporting the logs to the berthed ships. These industrial type activities generate a noisy environment within the site. The log yard was developed in 2015 and included a number of noise mitigation measures including the construction of a substantial sound barrier along the road boundaries of the site. When noise sensitive activities such as a wharekura are developed near established activities such as the log yard there is the potential for a reverse sensitivity situation where the new development may be affected by the existing noise characteristics and levels in this area.
8. We note in the application that it is intended that the development of the wharekura will adhere to the requirements of such documents as Designing Quality Learning Spaces (DQLS) and Acoustics and School Property Design Standards. This includes specific indoor ambient noise levels as shown in table 6 of the DQLS. The DQLS also includes options for managing noise from sources outside the school grounds. To ensure that the proposed wharekura is successful in developing a quality learning environment we consider that it is important that the existing activities such as the log yard are taken into account in the acoustic design. This will include incorporating the design requirements as specified in the abovementioned documents to achieve the required indoor ambient noise levels.

We would like to continue to work together with the Ministry to ensure that they are fully aware of the noise characteristics and levels in the existing surrounding environment so that any reverse sensitivity matters in terms of noise are effectively mitigated.

*Transportation*

9. The port activities rely on the efficient delivery of freight from across the region to the Port for storage and loading onto vessels. This currently generates an average of 800 heavy vehicle movements per day and which is projected to increase to an average of 1075 heavy vehicle movements per day. All the heavy vehicles arriving at the Port enter Hirini Street using the State Highway 35/Hirini Street



intersection. The majority of freight vehicles travel along Hirini Street past the Crawford Road intersection along Rakaiatane Road to one of several entrance points along Kaiti Beach Road. There is also an entrance into the Upper Log Yard at the western end of Crawford Road close to the intersection with Hirini Steet/Rakaiatane Road. At this intersection there is also a Caltex refuelling facility and a Port operated trailer hoist .

The transportation assessment report submitted with the application estimates that the wharekura will generate an additional 388 vehicle movements per day and during peak times may generate an additional 31 vehicles per hour along the western end of Crawford Road but does not include the State Highway 35/Hirini Street intersection in this assessment. As indicated this area of the roading network is already heavily utilised by heavy vehicles. We are also aware that the State Highway 35/Hirini Street intersection is already at capacity during peak/school traffic times.

In addition, we have previously raised some safety concerns with Council's consultants regarding the Crawford Road cycle way and the consequent interactions between cyclists/ pedestrians with heavy vehicles in this area. A copy of this letter is attached. The wharekura will now introduce additional cyclists and pedestrians who may be of young age into this area where there is a high level of heavy vehicles use.

Taking these matters into account we would like the Transportation Assessment Report to be expanded to cover what effects there may be on the State highway/Hirini Street intersection from the additional vehicle use. Also, the assessment should address the potential interactions between heavy vehicles accessing the port and the wharekura pedestrians/cyclists who may use Hirini Street, including the Hirini St cycleway crossing and the western end of Crawford Road.

10. Overall, EPL supports the proposed wharekura and believes it can provide a key community facility and is suitably located with connection to Te Poho-o-Rawiri marae under Titirangi Maunga. EPL wishes to be a part of planning process to ensure proper consideration and mitigation measures for the above matters are addressed so we can both function effectively and safely in the same area.
11. EPL is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
12. We wish to be heard in support of our submission.



Marty Bayley

Ports Infrastructure Manager

9<sup>th</sup> February 2023



# Notice of Requirement

Under Sections 168A, 169, 18741, and 190 of the Resource Management Act 1991.



**!** A copy of your submission must also be given to the requiring authority as soon as possible. All information provided in your submission is available to the public (on request)

## 1. Applicant details

Name in full:

Surname:

First Name(s)

Organisation (if applicable):

Address:

No.

Street/Road

Suburb

Town/City

Postcode

Mobile:

Other phone:

Email:

## 2. Submission details

Reference number:

Requiring authority:

The notice is for:

I support the application

I oppose the application

I am neutral (neither support or oppose)

Submission details - state which parts of the application you support, oppose or wish to have amended:

I/we seek the following recommendations or decision from the Territorial Authority (please give precise details including the general nature of any conditions sought. Use additional pages if required):

I wish to speak at the hearing in support of my submission.

Would you consider presenting a joint case with others who have made a similar submission.

I do not wish to speak at the hearing in support of my submission

### 3. Signatures

Signature of person making submission or person authorised to sign on behalf of submitter:

Date:

Postal address of person making submission (if different from previous page):

Name and phone number (if different from previous page)

Contact person:

Mobile:

Other phone:

Email:

### 4. Trade competitor declaration

I declare I am NOT a trade competitor of the requiring authority.

I declare I am a trade competitor of the requiring authority who is directly affected by an effect of the activity to which the requirement relates that:

Adversely affects the environment;

Does not relate to trade competition or the effects of trade competition.

Signature:

Date:

### Notes

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

If your submission relates to a notice of requirement for a designation or alteration to a designation and you are a trade competitor of the requiring authority for the purposes of section 308B of the Resource Management Act 1991, you may make a submission only if you are directly affected by an effect of the activity to which the requirement relates that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

### Office use only

Date received:

Support

Oppose

W.T.B.H

N.B.H

Waka Kotahi NZ Transport Agency Reference: 2023-0036

15 February 2023

Gisborne District Council  
Attn: Ila Daniels  
PO Box 747  
GISBORNE 4040

Via email: [service@gdc.govt.nz](mailto:service@gdc.govt.nz); [NotifiedRC@gdc.govt.nz](mailto:NotifiedRC@gdc.govt.nz)

Dear Ila,

**Submission on Notice of Requirement to designate land for educational purposes at 171 Barton St & 23 Ranfurly Street, Kaiti, Gisborne**

Attached is the Waka Kotahi NZ Transport Agency submission on the proposed designation of land for educational purposes (Relocation of TKKM o Horouta Wananga roll of 300 students).

We welcome the opportunity to discuss the contents of our submission with Gisborne District council and the Ministry of Education as required.

If you have any questions, please contact me.

Yours sincerely



Kelly Standish  
Senior Planner – Poutiaki Taiao / Environmental Planning  
System Design, Transport Services

Phone: 021 240 8724

Email: [kelly.standish@nzta.govt.nz](mailto:kelly.standish@nzta.govt.nz)

Copy to: [roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)

---

**Submission on Notice of Requirement to designate land for Educational purposes at 171 Barton St & 23 Ranfurly Street, Kaiti, Gisborne**

**To:** Gisborne District Council  
C/- Ila Daniels  
15 Fitzherbert Street  
Gisborne 4040

Via email: [NotifiedRC@gdc.govt.nz](mailto:NotifiedRC@gdc.govt.nz)

**From:** Waka Kotahi NZ Transport Agency  
PO Box 11777  
Palmerston North 4442

---

**1. This is a submission on the following:**

Notice of Requirement to designate land for educational purposes at 171 Barton St & 23 Ranfurly Street, Kaiti, Gisborne.

**2. Role of Waka Kotahi**

Waka Kotahi is a Crown entity with its functions, powers and responsibilities set out in the Land Transport Management Act 2003 (LTMA) and the Government Roding Powers Act 1989. The primary objective of Waka Kotahi under Section 94 of the LTMA is to contribute to an effective, efficient, and safe land transport system in the public interest.

An integrated approach to transport planning, funding and delivery is taken by Waka Kotahi. This includes investment in public transport, walking and cycling, local roads and the construction and operation of state highways.

**3. Statutory Functions, Powers and Responsibilities of Waka Kotahi**

Waka Kotahi is a Crown entity responsible for, among other things, the management, construction, operation and maintenance of New Zealand's State highway network. The Transport Agency's statutory objective under the Land Transport Management Act 2003 (LTMA) is to:

- a) Undertake its functions in a way that contributes to an effective, efficient and safe, land transport system in the public interest and
- b) Manage the state highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Roding the Powers Act 1989

Accordingly, Waka Kotahi has responsibility for Wainui Road (State Highway 35). LTMA's focus on the 'Land Transport System' means that the Transport Agency does not focus solely on the state highway network. It must contribute to the wider land transport system, including local roads which are administered by other bodies such as Auckland Transport.

The Government Policy Statement on Land Transport (the GPS) outlines the Government's strategy to guide land transport investment over the next 10 years. An updated version of the GPS was released in 2021 and sets out four strategic priorities, being:

- a) Safety: The objective for this priority is for a land transport system where no one is killed or injured.

- b) Better Transport Options: The objective for this priority is providing people with better transport options to access social and economic activities.
- c) Climate Change: The objective for this priority is developing a low carbon land transport system that supports emission reductions, while improving safety and inclusive access.
- d) Improving freight connections: The objective for this priority is improving freight connections for economic development.

#### **4. State highway environment and context**

The proposed location for Te Kura Kaupapa Māori o Hotouta Wananga Kura (wharekura) is situated on local roads with a wide frontage to Ranfurly Road, the unformed Barton Street and a smaller frontage to Crawford Road. The Poho o Rawiri Marae is situated opposite the proposed location of the wharekura on Ranfurly Street at the foot of Kaiti Hill or Titurangi.

The transport network immediately surrounding the proposed site for the wharekura predominantly consists of local roads, some of which contain walkways and cycleways.

To the west of the proposed wharekura on Crawford Road is a logging storage yard and a Diesel Stop for Heavy Vehicles. Crawford Road then adjoins Hirini Street adjacent to Eastland Port.

There are some residential dwellings in the immediate vicinity however as the wharekura has a special character it is likely to attract tamariki from further afield in the Residential areas of Gisborne to the North and East of Wainui Road (State Highway 35).

There are some 21,000 vehicles per day travelling on the highway (3.4% heavy vehicles), and 3,100 vehicles per day on Hirini Street (16% heavy vehicles). The State Highway has a speed limit of 50 km per hour at this location.

There are three intersections on the State Highway which could provide vehicular access to the proposed wharekura being SH35/Hirini Street, SH35/Crawford Road and SH35/London Street.

The intersection of Wainui Road and Hirini Street has been identified as being at capacity and requiring upgrading, with a detailed business case having been completed in 2017. The funding of interventions is currently identified in Safety Improvement Programme beyond 2024.

The following operational issues for example have been observed at or near the Wainui Rd / Hirini St intersection:

- Turning traffic, particularly trucks, can find it difficult at busy times to find a gap to turn into or from Hirini Street. This results in queuing and delays on the Wainui Road and Hirini Street.
- Vehicles often cut through the petrol station on the corner of this intersection to avoid the stop sign and queues; and
- There is a high level of failure to give way which can result in accidents at the intersection.

There have been a variety of crashes at the Wainui Road (SH35) / Hirini Street intersection, with the only serious crash being a cyclist on Hirini St. Driver error was prevalent in all crashes with alcohol, lane position, speed, and poor observation being the key crash factors. The speed of traffic at the intersection and presence of heavy vehicle presents a risk for motorists but especially other more vulnerable road users at the intersection.

The section of Wainui Road (SH35) from Crawford St to the Bridge has a medium high rating for the number of crashes (collective risk). Rear end crashes remain most prevalent followed by intersection crashes. Poor observation, alcohol, lane position and failure to give way were the main causes. A serious pedestrian crash has been recorded near the Esplanade and involved a mobility scooter. A motorist also

pulled out in front of a cyclist near Maki St. The volume and speed of traffic on this stretch of highway presents challenges for all users, particularly for those trying to access or cross the highway.

It is expected that the upgrade and funding of the intersection will be in partnership between Waka Kotahi, the Gisborne District Council and potentially Eastland Port given they rely on Hirini St for access. Currently the upgrade of this intersection is on hold pending the provision of the Network Operating Framework / Plan) being provided by the Gisborne District Council. The adoption of which will identify mode priority for the various roads.

**5. The specific provisions of the proposal that this submission relates to are:**

*State Highway efficiency and safety*

The wharekura will offer a distinctive learning environment and would attract students from the wider catchment. The wharekura would result in an increase in vehicle movements at the beginning and end of the school day at the surrounding intersections with the State Highway. The majority of Gisborne's residential housing is located on the eastern side of the Turanganui River, and the shortest route to the proposed wharekura being via Hirini St and the state highway intersection.

It is noted that the wharekura currently utilises shuttle buses to assist with transportation of tamariki to and from the wharekura. This combined with offsetting a small amount of residential development, and the use of other active modes of transport has the potential to reduce the impact of additional traffic at the Wainui Road / Hirini Street intersection. The impact of the wharekura on the operation of the state highway is expected to be relatively modest in context with the existing traffic volumes and uses.

*Freight trucks/logging*

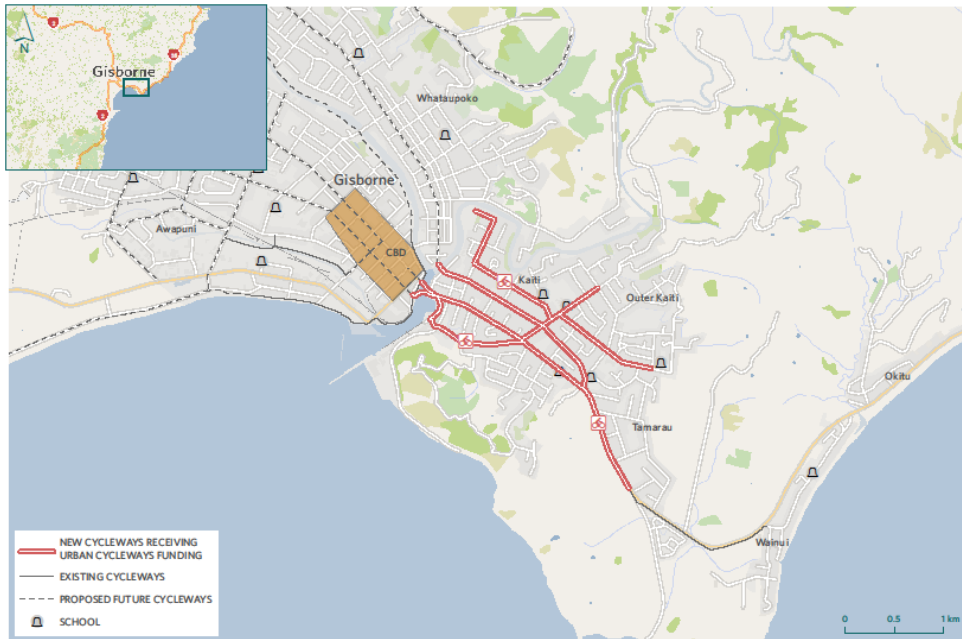
Currently freight trucks are the only land-based mode of transport in and out of the port for freight. There may be other options that are not being utilised, including rail. There is only one route to the Port, via Hirini Street. The way the truck route and roads are in and around Gisborne, trucks must come in and out of the Port and Gisborne along residential roads. No trucks are using the Esplanade or Crawford Road, as they are currently not connected through to the Port and during the Detailed Business Case it was noted that an agreement is in place between the Port and the trucking firms that trucks are not to use (residential) Crawford Road.

*Pedestrians, cycling and schools/wharekura*

The wharekura is expected to attract students from the wider catchment. Pedestrians will only travel a limited distance thus are likely to walk from the immediate area, including the residential area just north of Wainui road (SH 35). There is a pedestrian refuge on State Highway 35 located between Crawford Road and London Street. There is also a pedestrian zebra crossing with a pedestrian refuge further east on State Highway 35 outside Kaiti School. These provide improved convenience and safety for pedestrians crossing the state highway at these particular locations. There are no formal crossing facilities between the bridge and Crawford Road. This means tamariki walking to or from the wharekura to the homes on the northern side of the highway would most likely attempt to cross the busy State Highway at locations which provide no specific pedestrian crossing facilities.

Cyclists will generally use Wainui Road in preference to other routes to/from the CBD and areas to the east given it is more direct. During the Detailed Business Case it was noted that there was a perception that there is not enough room to keep cyclists and trucks/cars away from each other. Rutene Road ought to be looked into as an alternative cycle route as it provides a route that has less traffic. The Urban Cycleway Project is currently looking to provide a high-quality alternative route along Rutene Rd which could possibly divert some cyclists away from the Wainui Rd / Hirini St intersection.





Urban Cycleways Funded Projects in Gisborne

### *Multi-modal transport*

Waka Kotahi supports multi-modal transport including active modes of transport to promote a range of transport options and avoid increasing the current reliance on private vehicles for travel. Enabling safe cycling and pedestrian access for the wharekura community living nearby to the wharekura would assist in promotion of active methods of travel. Benefits also include reduced travel costs, safer roads through reduced vehicle traffic, reduced noise, and reduced traffic pollution within the local context.

Enabling safe cycling and pedestrian access for the wharekura community using both the state highways and local roads would assist to support these methods of transport. Likewise utilising bus services also assists to reduce the reliance on private vehicles and provide alternative methods of transport.

### **6. Waka Kotahi seeks the following from the consent authority:**

Waka Kotahi seeks that the requiring authority consult with Waka Kotahi and Gisborne District Council (due to the involvement of the local road network) regarding an appropriate travel management plan and/or Safe School Travel Plan for the proposed wharekura community. Given the identified challenges including safety risks to vulnerable road users on the state highway Waka Kotahi wishes to be involved in the formulation of any such plan with a view to support initiatives where possible.

The key aim of this request is to ensure the relevant parties involved in the surrounding network are working together to ensure the safety of the students and surrounding community on the roading network including the State Highway. Waka Kotahi continues to work with Eastland Port Ltd and Gisborne District Council (GDC) to address:

- the existing capacity issues and safety risks at the intersection of Wainui Road (SH35) and Hirini Street, for all road users.
- a review of the Wainui Road (SH35) and Crawford Road intersection in context of it being an alternative route.

- the interaction between port vehicles and other road users, particularly pedestrians and cyclists.
- Access to safe pedestrian crossing points away from intersections to enable the wharekura community to cross the state highway safely to access the wharekura.
- Initiatives to support walking and cycling, which may include improved infrastructure on existing and / or alternative routes.

**7. The submission of Waka Kotahi is:**

- Waka Kotahi supports the Notice of Requirement to designate land for educational purposes at 171 Barton St & 23 Ranfurly Street, Kaiti, Gisborne with provisions to ensure the safety of the wharekura community taking account of the existing safety concerns within the surrounding road network and capacity issues at the Hirini Street / Wainui Road (SH 35) intersection to the extent outlined in this submission.

**8. Waka Kotahi does wish to be heard in support of this submission.**

**9. Waka Kotahi is willing to work with the Ministry of Education and Gisborne District Council in advance of a hearing.**

Signature:



Kelly Standish  
Senior Planner – Poutiaki Taiao / Environmental Planning  
System Design, Transport Services  
Pursuant to an authority delegated by Waka Kotahi NZ Transport Agency

Date: 15 February 2023

Address for service: Waka Kotahi NZ Transport Agency  
PO Box 11777  
Palmerston North 4442

Phone: 021 240 8724  
Email: [kelly.standish@nzta.govt.nz](mailto:kelly.standish@nzta.govt.nz)

Copy to: Minister of Education  
c/- The Property Group Limited  
PO Box 12066,  
Palmerston North 4444  
Attention: Ryan O'Leary  
Via email: [roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)

# Notice of Requirement

Under Sections 168A, 169, 18741, and 190 of the Resource Management Act 1991.



**i** A copy of your submission must also be given to the requiring authority as soon as possible. All information provided in your submission is available to the public (on request).

## 1. Applicant details

Name in full: Murray Tortleda John  
Surname: First Name(s)

Organisation (if applicable): Sky-Wave Transmission, four field Activation

Address:  
9 Ranfurly Keiti  
No. Street/Road Suburb  
4010  
Postcode

Town/City: \_\_\_\_\_

Mobile: 021 0904110 Other phone: \_\_\_\_\_

Email: Tortledamurray496@gmail.com

## 2. Submission details

Reference number: NR-2022-111596-000

Requiring authority: Ministry of Education

The notice is for:  
The Gisborne District Council and the Requiring Authority Ministry of Education - "Te Kura kaupapa Māori o Huroata a Wananga"

I support the application  I oppose the application  I am neutral (neither support or oppose)

Submission details - state which parts of the application you support, oppose or wish to have amended:

I oppose the construction of a school when the Proper process has been ignored, by Māori - see the Tapu land used as a rubbish dump - EPLH13, 418/495, 203805, 5707172, Arch site, in paddock opposite Te roho o rawiri Marae.

I/we seek the following recommendations or decision from the Territorial Authority (please give precise details including the general nature of any conditions sought. Use additional pages if required):

I seek that the Gisborne District Council first properly understand with clarity the numbers and in order the Orders, along side and with importance of the environmental and mental psychological effects that of the negative traps "incoherence traps" that are set out  
19-4-15 = ? / 4.11.15.19.22, / 3.2.1 |  
6.6.6  
and see what I myself and many others have seen happening here on this land, Tapu - wahi Tapu - UFO, GHOST GODS, CERNA

BWE GHOST FIREFLIES

CONCERNED

- I wish to speak at the hearing in support of my submission.
- Would you consider presenting a joint case with others who have made a similar submission.
- I do not wish to speak at the hearing in support of my submission

### 3. Signatures

Signature of person making submission or person authorised to sign on behalf of submitter:



Date: 16-2-2023

Postal address of person making submission (if different from previous page):

Name and phone number (if different from previous page)

Contact person:

Mobile:

Other phone:

Email:

### 4. Trade competitor declaration

- I declare I am NOT a trade competitor of the requiring authority.

I declare I am a trade competitor of the requiring authority who is directly affected by an effect of the activity to which the requirement relates that:

- Adversely affects the environment;
- Does not relate to trade competition or the effects of trade competition.

Signature:



Date: 16-2-2023

### Notes

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

If your submission relates to a notice of requirement for a designation or alteration to a designation and you are a trade competitor of the requiring authority for the purposes of section 308B of the Resource Management Act 1991, you may make a submission only if you are directly affected by an effect of the activity to which the requirement relates that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

*I Require Help*

### Office use only

Date received:

Support

Oppose

W.T.B.H

N.B.H



TE KURA KAUPAPA MĀORI O  
**HOROUTA WĀNANGA**  
KIA Ū KIA TAU KIA TŪTURU

30 Desmond Road, Te Hapara, GISBORNE 4010  
PO Box: 3090 Kaiti, GISBORNE 4041  
[tumuaki@horoutawananga.school.nz](mailto:tumuaki@horoutawananga.school.nz)  
Phone: 06 8672029 Mobile: 0275435431

16 February 2023

**FORM 21**

**ORGANISATION:** Te Kura Kaupapa Māori o Horouta Wānanga

**Address:** 30 Desmond Road, Te Hapara, Gisborne 4010

**Mobile:** 027 5435431. **Landline:** 06) 8672029

[tumuaki@horoutawananga.school.nz](mailto:tumuaki@horoutawananga.school.nz) [tei@horoutawananga.school.nz](mailto:tei@horoutawananga.school.nz)

**Reference Number: NR-2022-111596-00**

**Notice is for:**

Ministry of Education – Notice of Requirement – Te Kura Kaupapa Māori o Horouta Wānanga

On behalf of Te Kura Kaupapa Māori o Horouta Wānanga we support the application.

**Submission**

Pūpū ake nā puna wai roto a Hamoterangi ki runga o Tirirangi e karanga nei ki ana uri horapa ki roto o Te Tairawhiti. Ko ngā puna ēnei hei waiū i ngā whakatipuranga e kawē ake i tea o o naiane ki tea o āpōpō. Kia ripo ai ngā wai whakarata o Tūranga e hon ai ngā whakapepeha o te rohe. Ko te reo te kāwai heke o ōku tipuna, ko ngā tikanga ka heke ma ii ōku whare tipuna, ko Te Poho o Rāwiri e hāpai ne ii ana mokopuna. Tihei Mauri Ora!

We support the relocation of TKKM o Horouta Wānanga to the land near Te Poho o Rawiri Marae for Education purposes. The land itself is of significance in terms of location and close proximity to the local marae. The environment & surroundings are paramount to learning in the context of wānanga where this area provides a natural sense of visual, physical and spiritual presence.

**Kia Māhuru ai te Tau; Kia Āhuru ai tōna Ao:** TKKM o Horouta Wānanga's vision is to prepare for prosperity with a readiness to respond to an everchanging world and environment. Our mission is to be culturally, spiritually and emotionally equipped as resilient members, guardians and leaders of the community. The teachings in our wānanga are represented through that of a sheltered wharenuī where all knowledge, pūrakau, whakapapa, arts and literacies are naturally obtained and retained. Inclusive to this is the natural environmental surrounds maunga, awa, moana, whenua to act as everyday kaitiaki. Students will see, feel, touch and hear the authentic and natural spirit of Te Reo Māori me ōna tikanga on a daily basis. The practice of Kaitiakitanga, gaining skills and knowledge will be meaningful, purposeful and embed lifelong learning, and active participators in building hāpu, iwi and community.



TE KURA KAUPAPA MĀORI O  
**HOROUTA WĀNANGA**  
KIA Ū KIA TAU KIA TŪTURU

30 Desmond Road, Te Hapara, GISBORNE 4010  
PO Box: 3090 Kaiti, GISBORNE 4041  
[tumuaki@horoutawananga.school.nz](mailto:tumuaki@horoutawananga.school.nz)  
Phone: 06 8672029 Mobile: 0275435431

It is important that tamariki/students experience a natural way of being, doing and knowing who they are through the eyes of tangata whenua to the area. The physical placement of the kura on this site supports the philosophies and values of our curriculum to instil a spiritual sense of belonging as Māori, to grow and rejuvenate our culture through indigenous and traditional practices, to innovate teaching and learning that is real, hands on and native to our environmental beliefs and to equip students alongside their whanau to talk, walk and stand with dignity, pride and confidence as first steps to pursuing future pathways.

We wish to speak at the hearing in support of our submission.

Brucenna Gilvray-Nohotima  
Tumuaki

Tei Nohotima  
Kaiārahi Marau Tikanga

**Ministry of Education – Notice of Requirement**  
**Te Kura Kaupapa Maori o Horouta Wananga**

---

**Attachment 3 –**

**Additional information received in response to submissions.**

## Sonia August

---

**From:** Ryan O'Leary <roleary@propertygroup.co.nz>  
**Sent:** Wednesday, 29 March 2023 8:11 am  
**To:** Ila Daniels  
**Subject:** Horouta Wanaga - Acoustic advice  
**Attachments:** Lt 001 R01 20230118 BL (Wharekura Port Noise Reverse Sensitivity).pdf

Hello Ila,

Please see *attached* the acoustic advice that the applicant has received from Marshall Day. Their advice was sought as the suggestion of Eastland Port because of their familiarity with Eastland Port's operations.

Marshall Day conclude that:

- No acoustic treatment would be required to achieve the Design of Quality Learning Spaces criteria for buildings/spaces. This is the Ministry's requirement for new classroom buildings;
- log handling noise is at a relatively controlled level and compliant with the relevant limits; and
- the impulsive character of log handling noise can still cause annoyance. They suggest that if this is a concern for the wharekura, then they recommend the wharekura consider ventilation and cooling systems to allow windows on façades facing the Upper Log Yard to remain closed.

Kind Regards

**Ryan O'Leary**  
Planning Manager – Central



**Mobile:** 027 469 8992  
**Reception:** 06 834 1232

**Level 7, TSB Bank Tower, 7 - 21 Fitzherbert Ave, Palmerston North 4410**  
**PO Box 12066, Palmerston North 4444**

*Proud supporters of KidsCan Charitable Trust*

**Our office locations:** [Whangarei](#) | [Auckland](#) | [Hamilton](#) | [Tauranga](#) | [Rotorua](#) | [New Plymouth](#)  
[Napier](#) | [Palmerston North](#) | [Wellington](#) | [Nelson](#) | [Christchurch](#) | [Dunedin](#) | [Queenstown](#)

All of our emails and attachments are subject to [terms and conditions](#).



20 March 2023

Ministry of Education  
C/- The Property Group Ltd  
Level 7, TSB Bank Tower  
7 – 21 Fitzherbert Ave, Palmerston North 4410

84 Symonds Street  
PO Box 5811  
Victoria Street West  
Auckland 1142 New Zealand  
T: +64 9 379 7822 F: +64 9 309 3540  
www.marshallday.com

**Attention: Ryan O'Leary**

Dear Ryan

## WHAREKURA PORT NOISE REVERSE SENSITIVITY

### Introduction

Marshall Day Acoustics ('MDA') has been engaged by The Property Group, on behalf of the Ministry of Education ('MoE'). We have been asked to advise on potential reverse sensitivity noise effects of the proposed wharekura on Eastland Port's Upper Log Yard ('ULY') operations. MDA are uniquely placed to provide this guidance because we are also engaged by Eastland Port to model and manage their port noise effects. Eastland Port have provided permission to utilise their port noise model to inform this advice.

We have compared the measured and predicted noise levels from operations in the ULY to the Design of Quality Learning Spaces ('DQLS') criteria<sup>1</sup>. In summary:

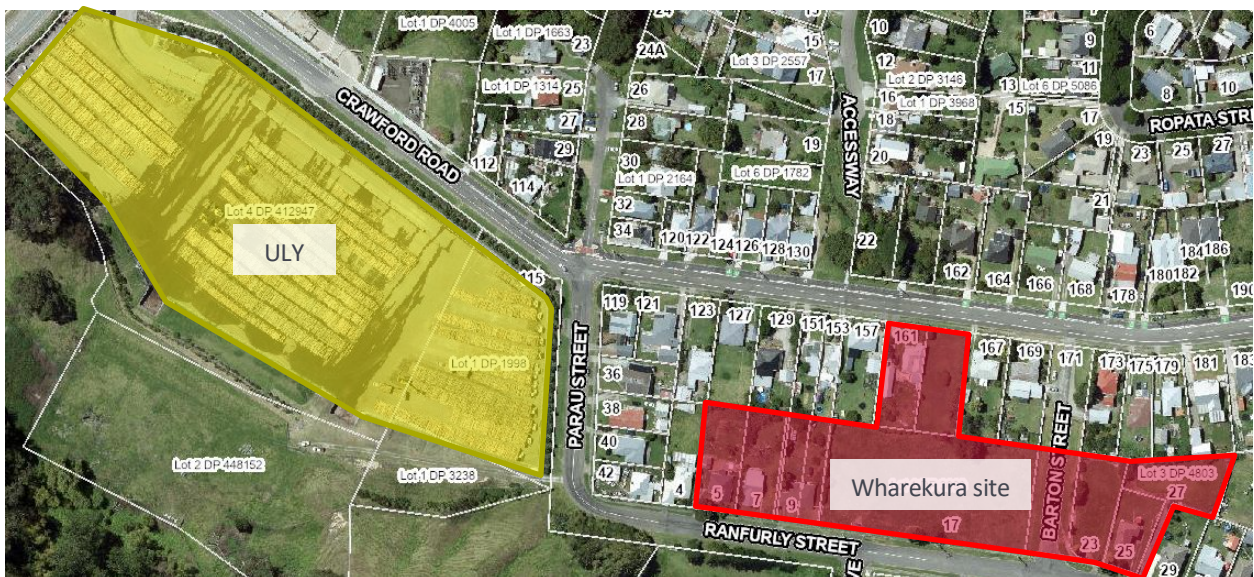
- We predict that the relevant criteria would be met during busy operational periods in the ULY.
- We note that log handling would still be noticeable at times due to the impulsive character and may still cause annoyance/disruption. If this is a concern for the wharekura, then consideration should be given to the ventilation system to allow windows to remain closed on façades facing the ULY.

A glossary of acoustic terminology used in this letter is included in Appendix A.

### Site Layout

A map of the proposed wharekura site and the ULY is shown on Figure 1.

**Figure 1: Map of the proposed wharekura and Eastland Port's ULY**



<sup>1</sup> <https://assets.education.govt.nz/public/Documents/Primary-Secondary/Property/Design/Flexible-learning-spaces/DQLS-Acoustics-v-3.0-16-December-2020-Final.pdf>

The ULY has a 5 metre high concrete noise wall surrounding the log handling operations which provides significant noise reduction for the surrounding community. However, noise from log handling is still clearly audible, particularly where there is acoustic line of sight to the ULY. This is likely to apply to the wharekura if it was taller than a single storey house.

We have not been provided drawings showing the proposed wharekura layout. However, we expect it would include teaching spaces, staff rooms and a whare.

We have been informed that the wharekura would operate during the daytime and evenings, but would not be used overnight.

### Noise Levels from the ULY

We carried out an ambient survey at 9 am on 3 September 2022. We measured at 1.5 m above ground height at the location shown on Figure 2.

**Figure 2: Ambient measurement location**



The measured noise level was 50 dB  $L_{Aeq(15\text{ min})}$ . ULY log handling operations were clearly audible and controlled the measured levels, although there was a small contribution from ambient sources such as distant traffic and birdsong.

We have also modelled representative peak period log handling operations. The predicted noise levels at the western-most boundary of the wharekura site are:

- 41 dB  $L_{Aeq(15\text{ hour})}$  at 1.5 metres above ground level. This position is screened by the existing houses on Parau Street
- 50 dB  $L_{Aeq(15\text{ hour})}$  at 4 metres above ground level. This position has negligible screening from the existing houses, and would be representative of typical school buildings.

The predicted levels are representative average levels over a busy 5-day period in accordance with NZS 6809:1999. We note that short term noise levels would fluctuate, and expect that there would be periods where levels are above 50 dB  $L_{Aeq(15\text{ min})}$  at positions with no acoustic screening.

## Comparison of Log Handling Noise to DQLS Criteria

The DQLS criteria for new builds are reproduced in Table 1.

These criteria are short-term noise levels (i.e. 15 minute averages).

**Table 1: DQLS criteria**

Space	Maximum indoor ambient level
Gyms Circulation spaces	50 dB $L_{Aeq}$
Learning spaces > 300 m <sup>2</sup> Technology spaces Laboratories Libraries	45 dB
Learning spaces < 300 m <sup>2</sup> Breakout spaces Music teaching rooms Music practice rooms Teacher workspaces Staff rooms Meeting rooms Offices Whare	40 dB
Auditoria Assembly halls	35 dB
Multimedia rooms Recording rooms	30 dB

We expect that the wharekura would include spaces from the second and third rows in Table 1. The most stringent criteria is therefore 40 dB  $L_{Aeq}$ .

Modern buildings typically have façade noise reductions in the order of 25 – 30 decibels with windows closed. Internal noise levels from log handling would be below 30 dB  $L_{Aeq}$  in this scenario, which readily meets the 40 dB  $L_{Aeq}$  DQLS criteria for all spaces.

With windows open however (i.e. rooms which do not have mechanical ventilation), a façade noise reduction of only 10 – 15 decibels is typically achieved. School buildings are generally at the lower end of this range due to the large window openings necessary to provide fresh air for a full classroom. We expect that internal noise levels would be 35 – 40 dB  $L_{Aeq}$  criteria during busy operational periods in the ULY for spaces within acoustic line of sight. This meets the 40 dB  $L_{Aeq}$  criteria. We predict that spaces which are acoustically screened would be 25 – 30 dB  $L_{Aeq}$  with windows open.

## Recommendations

No acoustic treatment would be required to achieve the DQLS criteria for buildings/spaces.

We have carried out numerous surveys in the community surrounding the ULY. We have observed that while log handling noise is at a relatively controlled level and compliant with the relevant limits, the impulsive character can still cause annoyance. If this is a concern for the wharekura, then we recommend consideration is given to the ventilation and cooling system to allow windows on façades facing the ULY to remain closed.

We trust this information is satisfactory. If you have any further questions please do not hesitate to contact us.

Yours faithfully

**MARSHALL DAY ACOUSTICS LTD**



**Ben Lawrence**

**Associate**

**APPENDIX A GLOSSARY OF TECHNICAL TERMINOLOGY**

<b>NZS 6809:1999</b>	New Zealand Standard NZS 6809:1999 “Acoustics – Port Noise Management and Land Use Planning”
<b>dB</b>	Decibel. The unit of sound level. Expressed as a logarithmic ratio of sound pressure P relative to a reference pressure of $P_r=20 \mu\text{Pa}$ i.e. $\text{dB} = 20 \times \log(P/P_r)$
<b>dB(A)</b>	The unit of sound level which has its frequency characteristics modified by a filter (A-weighted) so as to more closely approximate the frequency bias of the human ear.
<b>A-weighting</b>	The process by which noise levels are corrected to account for the non-linear frequency response of the human ear.
<b><math>L_{Aeq}(t)</math></b>	The equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level. The suffix "t" represents the time period to which the noise level relates, e.g. (8 h) would represent a period of 8 hours, (15 min) would represent a period of 15 minutes and (2200-0700) would represent a measurement time between 10 pm and 7 am.
<b>Noise Sensitive Activity</b>	TRMP Part E definition: <i>“Dwellings, visitor accommodation, hospitals, health care and medical centres, residential care housing, educational institutions, structures for the purpose of, or activities involving public assembly.”</i>

## Sonia August

---

**From:** Ryan O'Leary <roleary@propertygroup.co.nz>  
**Sent:** Tuesday, 28 March 2023 11:23 am  
**To:** Kelly Standish; Ila Daniels  
**Cc:** service@gdc.govt.nz; NotifiedRC@gdc.govt.nz  
**Subject:** RE: Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

Thank you Kelly,

Ila – On behalf of the Ministry of Education we wish to offer the following amended designation condition in *blue* text below. On this basis, Waka Kotahi advise they no longer wish to be heard. We thank the Waka Kotahi for their support.

Please note that the *red* text is also offered by the Ministry. However, this is subject to confirmation from GDC they wish for this to occur. You advised you will confirm this and I have discussed this separately with Kelly Standish also.

### *Travel Plan*

*Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to promote healthy and safe travel which also reduce private motor vehicle dependence. This could include: encouraging the use of appropriate modes, routes, paths and crossing for safety; as well as encouraging, increased vehicle occupancy, use of public transport, the use of remote pick up and drop off locations if appropriate, along with walking and cycling to reduce private motor vehicle dependence. The Requiring Authority shall, either directly or through the School Board of Trustees, consult with Waka Kotahi and Gisborne District Council on a Draft Travel Plan. Once implemented, the Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.*

Kind Regards

**Ryan O'Leary**  
Planning Manager – Central



**Mobile:** 027 469 8992  
**Reception:** 06 834 1232

Level 7, TSB Bank Tower, 7 - 21 Fitzherbert Ave, Palmerston North 4410  
PO Box 12066, Palmerston North 4444

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**From:** Kelly Standish <Kelly.Standish@nzta.govt.nz>  
**Sent:** Tuesday, March 28, 2023 11:05 AM  
**To:** Ryan O'Leary <roleary@propertygroup.co.nz>

Cc: service@gdc.govt.nz; NotifiedRC@gdc.govt.nz

Subject: RE: Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

Yes sorry Ryan, I have now got this signed off. We are happy with the wording as you've outlined it below. Provided this is included in the conditions of the designation, I confirm Waka Kotahi do not wish to be heard in support of our submission.

Let me know if you need anything further to confirm this.

Kind regards,

Kelly.

## Kelly Standish (she/her)

### Senior Planner / Environmental Planning

System Design, Transport Services

Email: [kelly.standish@nzta.govt.nz](mailto:kelly.standish@nzta.govt.nz)

Phone: 021 240 8724

Waka Kotahi NZ Transport Agency

Palmerston North

Private Bag 11777, Palmerston North 4442, New Zealand [Facebook](#) | [Twitter](#) | [LinkedIn](#)



---

From: Ryan O'Leary <[roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)>

Sent: Tuesday, 28 March 2023 10:28 am

To: Kelly Standish <[Kelly.Standish@nzta.govt.nz](mailto:Kelly.Standish@nzta.govt.nz)>

Subject: RE: Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

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Hi Kelly

Any further progress with sign off on the amended condition and whether, in light of this condition, Waka Kotahi no longer wish to be heard?

Many thanks

**Ryan O'Leary**  
Planning Manager – Central



**Mobile:** 027 469 8992  
**Reception:** 06 834 1232

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**From:** Kelly Standish <[Kelly.Standish@nzta.govt.nz](mailto:Kelly.Standish@nzta.govt.nz)>

**Sent:** Tuesday, March 21, 2023 8:46 AM

**To:** Ryan O'Leary <[roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)>

**Subject:** RE: Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

Hi Ryan,

Thanks for the message and email. Apologies I don't work on Fridays at the moment, must update that in my email signature so people know!

I'm happy with the wording below however I do need final approval from further up the chain which has been requested. Hopefully I'll be able to confirm our position in the next day or two.

Will be back in touch once I have some more clarity.

Kind regards,

Kelly.

**Kelly Standish** (she/her)

**Senior Planner / Environmental Planning**

System Design, Transport Services

Email: [kelly.standish@nzta.govt.nz](mailto:kelly.standish@nzta.govt.nz)

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**From:** Ryan O'Leary <[roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)>  
**Sent:** Friday, 17 March 2023 10:51 am  
**To:** Kelly Standish <[Kelly.Standish@nzta.govt.nz](mailto:Kelly.Standish@nzta.govt.nz)>  
**Subject:** RE: Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

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Hi Kelly,

Firstly, sorry to hear of your bereavement a few weeks back and apologies for the time taken to get back to you. Thank you for your patience.

I have had confirmation from MoE that they are comfortable with Waka Kotahi's proposed revisions to the condition.

Below is a 'clean' version of this condition reflecting our correspondence. We intend to advise Council's reporting planner that this condition now forms part of NoR. In doing so, we hope that Waka Kotahi would be in a position to advise Council that the relief sought in their submission has been provided and that Waka Kotahi no longer wish to be heard. Could you please advise whether this would indeed be the case. I will copy you into my email with the Council's Reporting Planner.

#### **Travel Plan**

*Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to promote healthy and safe travel which also reduce private motor vehicle dependence. This could include: encouraging the use of appropriate modes, routes, paths and crossing for safety; as well as encouraging, increased vehicle occupancy, use of public transport, the use of remote pick up and drop off locations if appropriate, along with walking and cycling to reduce private motor vehicle dependence. The Requiring Authority shall, either directly or through the School Board of Trustees, consult with Waka Kotahi and Gisborne District Council on a Draft Travel Plan. Once implemented, the Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.*

Kind regards

**Ryan O'Leary**  
Planning Manager – Central



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**Reception:** 06 834 1232

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**From:** Kelly Standish <[Kelly.Standish@nzta.govt.nz](mailto:Kelly.Standish@nzta.govt.nz)>

**Sent:** Tuesday, March 7, 2023 1:43 PM

**To:** Ryan O'Leary <[roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)>

**Subject:** RE: Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

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Hi Ryan,

Thanks for sending through the proposed wording for a condition. We've had a catch up here and wondered if safe routes could also be included which gives some guidance around measures to be considered. See highlighted wording below.

Let me know what your thoughts are around this.

**Travel Plan**

*Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to promote healthy and safe travel which also reduce private motor vehicle dependence. This could include: encouraging the use of appropriate modes, routes, paths and crossing for safety; as well as encouraging include walking school buses, carpooling, increased vehicle occupancy, encouragement of the use of use of public transport, the use of remote pick up and drop off locations if appropriate, and the encouragement of along with walking and cycling to reduce private motor vehicle dependence. The Requiring Authority shall, either directly or through the School Board of Trustees, consult with Waka Kotahi and Gisborne District Council on a Draft Travel Plan. Once implemented, the Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.*

Regards,

Kelly.

**Kelly Standish** (she/her)

**Senior Planner / Environmental Planning**

System Design, Transport Services

Email: [kelly.standish@nzta.govt.nz](mailto:kelly.standish@nzta.govt.nz)

Phone: 021 240 8724

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**PLANNING A  
ROAD TRIP?**  
Stay safe – plan ahead.

---

**From:** Ryan O'Leary <[roleary@propertygroup.co.nz](mailto:roleary@propertygroup.co.nz)>

**Sent:** Monday, 6 March 2023 12:21 pm

**To:** Kelly Standish <[Kelly.Standish@nzta.govt.nz](mailto:Kelly.Standish@nzta.govt.nz)>

**Subject:** RE: Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

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Hi Kelly,

Just a follow up from our pervious phonecall and email below.

Could you please update me this week (ideally today or tomorrow)

Thanks in advance

**Ryan O'Leary**

Planning Manager – Central



Mobile: 027 469 8992  
Reception: 06 834 1232

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**From:** Ryan O'Leary

**Sent:** Thursday, February 23, 2023 3:01 PM

**To:** Kelly Standish <[Kelly.Standish@nzta.govt.nz](mailto:Kelly.Standish@nzta.govt.nz)>

**Subject:** Proposed Amendments to Travel Plan conditions - Notice of Requirement TKKM Horouta Wananga

Kia Ora Kelly,

**RE: Notice of Requirement to designate land for educational purposes at 171 Barton St & 23 Ranfurly Street, Kaiti, Gisborne ("the proposal").**

Thank you for your submission on behalf of Waka Kotahi (Waka Kotahi NZ Transport Agency Reference 2023-0036) and the constructive manner that this has been approached. This submission is stated to be in **support** of the proposal but seeks “that the requiring authority consult with Waka Kotahi and Gisborne District Council (due to the involvement of the local road network) regarding an appropriate travel management plan and/or Safe School Travel Plan for the proposed wharekura community”.

I respond to the submission as follows:

1. We appreciate Waka Kotahi’s willingness to work with the Ministry in advance of a hearing.
2. As discussed, the Ministry is not opposed to consulting with Waka Kotahi on the *Travel Plan*.

The Ministry proposes to amend its designation condition in response to Waka Kotahi’s request. Proposed text amendments are shown in red text. Reference to consultation with Gisborne District Council is shown in green text. The Ministry is not opposed to consulting with Council, however, Council’s confirmation of a desire to be involved would firstly be required. This green text may be removed subject to the response received by Council.

#### **Travel Plan**

*Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to reduce private motor vehicle dependence, including walking school buses, carpooling, encouragement of the use of public transport, the use of remote pick up and drop off locations if appropriate, and the encouragement of walking and cycling. The Requiring Authority shall, either directly or through the School Board of Trustees, consult with Waka Kotahi and Gisborne District Council on a Draft Travel Plan. Once implemented, the Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.*

We would like to obtain feedback on the proposed amendments to the proposed condition. If these amendments were satisfactory the Ministry would formally advise Council of this change.

We look forward to your response and please do not hesitate to contact me if you have any questions.

Nga Mihi

**Ryan O’Leary**

Planning Manager – Central



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**Reception:** 06 834 1232

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notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

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**Ministry of Education – Notice of Requirement**  
**Te Kura Kaupapa Maori o Horouta Wananga**

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**Attachment 4 –**  
**Recommended Conditions**

## Attachment 4: Recommended Notice of Requirement Conditions

It is recommended that a number of additional conditions are included in the designation. These additions are shown in **bold** and underlined below:

Please note some recommended conditions may change following exchange of evidence by the requiring authority and submitters. If this occurs, then these will be presented at the hearing.

### Education purposes explanation

*"Educational Purposes" for the purposes of **this** designation shall, in the absence of specific conditions to the contrary:*

*i. Enable the use of the facilities on the designated site by and for the educational benefit of any school age students (i.e.: years 0 to 13) and early childhood children regardless of whether they are enrolled at any institution located on that designated site.*

*ii. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities*

*iii. Enable the provision of community education (e.g.: night classes for adults) outside school hours in school facilities, and which will not be restricted to the primary syllabus taught to school age children during school hours*

*iv. Include but not be limited to the provision of academic, sporting, social and cultural education including through:*

- Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;*
- Formal and informal cultural activities and competitions whether carried out during or outside school hours;*
- The provision of specialist hubs and units (including language immersion units and teen parent units) for students with particular educational requirements or special needs; and*

*v. Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.*

*vi. Enable the provision of associated administrative services; carparking and vehicle manoeuvring; and health, social service and medical services (including dental clinics and sick bays).*

*vii. Enable the housing on site for staff members whose responsibilities require them to live on site (e.g.: school caretaker) and their families.*

## Outline Plan of Works exemption

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, sports structures (e.g. goal posts), and shade canopies;
- 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;
- g) General site maintenance and repair work, or boundary fencing otherwise permitted by the Tairāwhiti Resource Management Plan; or
- h) Installing, modifying or removing minor ancillary buildings and structures (e.g. garden / storage sheds, temporary construction buildings / offices).

## Construction Conditions

Construction Management Plans

A Construction Management Plan **including construction traffic** shall be prepared and submitted with any outline plan for major site works.

Construction Noise

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

Accidental Discovery

**In the event of archaeological evidence being uncovered (e.g. shell, middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work is to cease in the vicinity of the discovery, and Ngāti Oneone, an Archaeologist, Heritage New Zealand Pouhere Taonga and the Gisborne District Council are to be contacted so that the appropriate action can be taken before any work may recommence there.**



Stormwater Management Plan

**A stormwater management plan prepared by a suitably qualified specialist shall be submitted to the Council at establishment outline plan of works for the wharekura which addresses the following matters:**

- a) **Provides details of how stormwater neutrality post development vs pre development is achieved by the development. This will include the need for the attenuation of all impervious surfaces for the 10% AEP storm event using HIRDS v4 with climate change. The applicant shall confirm with Councils Development Engineer for the current climate change RCP to be applied.**
- b) **Management of any overland flow paths to ensure that there is no material effect on the downstream properties that are impacted by the 1% AEP event; and**
- c) **Management of any flooding hazards at the time of development.**
- d) **Treatment chain for stormwater collected from the parking, manoeuvring and access areas prior to discharge into the GDC stormwater reticulation**

Geotechnical

**Any development (including earthworks, foundation design, site access and roading, retaining walls and drainage, as relevant to the works) shall be undertaken in accordance with the recommendations contained in the Geotechnical Assessment prepared by Tonkin and Taylor) and any recommendations contained with any addendums to this report as set out in a Detailed Geotechnical Assessment undertaken by a Geo-professional specializing in the field of geotechnical engineering. Where a further geotechnical assessment is undertaken by the applicant this must have regard to the Geotechnical Assessment prepared by Tonkin and Taylor and a copy of the update geotechnical assessment must be provided to Council.**

**Advice Note: Reference should be made to the minimum requirements outlined in the GDC "Minimum Requirements for Geotechnical Reports" document – December 2021.**

Building in height in relation to Boundary to residentially zoned properties

**Any new building or building extension (excluding goal posts or similar structures) shall comply with the height in relation to boundary control with Standard DD1.6.1.1B Recession Planes as it relates to the shared boundaries with residentially zoned sites at the boundary only.**

Establishment Outline Plan of Works

**The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for the construction**

and development for the establishment wharekura which shall include the following further information:

a) A Design Concept Plan for the site including:

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

ii. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields).

b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Transport Assessment (TA) prepared by Eastcape Consulting Ltd dated August 2022, addresses safety, efficiency and the following specific matters:

i. Safe access for pedestrians, cyclists and vehicles (including buses, rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;

ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;

iii. On-site pick-up and drop-off area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, manoeuvring for cars and buses (if required); and

iv. Detailed design and location of pedestrian crossing facilities across Crawford Road and Ranfurly Street.

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

- visibility and safe sight distances;
- existing and future traffic conditions (if known) including speed, volume, type, current accident rate, and the need for safe manoeuvring;
- proximity to and operation of intersection with Queens Drive;
- existing community or public infrastructure located in the adjoining road, such as cycleways.

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

- i. A pedestrian crossing facilities across both Crawford Road and Ranfurly Street; and
- ii. The implementation of a variable speed limit signage along the road frontage to the site during school start and finish times.

Acoustic Design

The Outline Plan of Works for the construction and development for the wharekura shall confirm that it is designed and constructed so that internal noise levels comply with the requirements of Table 6 of the Ministry of Education document 'Designing Quality Learning Spaces (DELS) Acoustics' versions 3.0, December 2020, or successor document as relevant

The internal levels shall be achieved based on the incident noise permitted by the relevant zone rules of TRMP and the consented noise emissions from the Eastland Port site to the west of Parau Street.

The internal noise levels shall be achieved at the same time as the internal spaces adequately ventilated. Where mechanical ventilation is required, the DQLS requirements for ventilation noise shall be met.

### Operational Conditions

Noise (operational)

The noise 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.

<b>Time</b>	<b>Noise Level</b>
<i>Monday to Saturday 7am to 10pm</i>	<i>55 dB L<sub>Aeq</sub></i>
<i>Sunday 9am to 6pm</i>	
<i>All other times</i>	<i>45 dB L<sub>Aeq</sub> 75 dB L<sub>AFmax</sub></i>

These noise limits do not apply to noise from 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".

Travel Plan

Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to promote healthy and safe travel which also reduce private motor vehicle dependence. This could include: encouraging the use of appropriate modes, routes, paths and crossing for safety; as well as encouraging, increased vehicle occupancy, use of public transport, the

use of remote pick up and drop off locations if appropriate, along with walking and cycling to reduce private motor vehicle dependence. The Requiring Authority shall, either directly or through the School Board of Trustees, consult with Waka Kotahi and Gisborne District Council on a Draft Travel Plan. Once implemented, the Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.

#### Lapse Date

The designation shall lapse on the expiry of 10 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.

**Ministry of Education – Notice of Requirement**  
**Te Kura Kaupapa Maori o Horouta Wananga**

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**Attachment 5 –**  
**Specialist Reviews**

# Internal memo



Environmental Services  
and Protection

**TO:** Ila Daniels  
**FROM:** Robin Beale  
**DATE:** 10/05/2023  
**SUBJECT:** Referral Response – Development Engineer -  
Te Kura Kaupapa Maori o Horouta Wananga

---

## 1. Background

MoE has issued a Notice of Requirement for a site in Kaiti for a proposed Kura Kaupapa. This memo sets out the Development Engineer's response to the information presented.

## 2. Notice of Requirement

### Geotechnical Investigation

AA Geotechnical Assessment Report by Tonkin and Taylor is referenced in the MoE Notice of Requirement. Detailed Geotechnical Investigation will be required for the development as the design proceeds.

### Stormwater Management

The MoE Notice of Requirement refers to advice from Barry Sanders regarding Natural Hazard Risks, specifically rainfall data for stormwater and Flooding.

Further rainfall data is now available in addition to "Rain on Grid", with new Stormwater models for 10%, 2% and 1% AEP events.

### Water Supply and Wastewater Disposal

The designers will need to consult with the GDC Waters Team to confirm requirements for connection to the Water Reticulation and Wastewater Disposal systems.

### Traffic Impact Assessment and Roading Authorities

The Transportation Assessment Report provided by East Cape Consulting includes recommendations for pedestrian facilities on Ranfurly Road, and on Crawford Road, establishment of school speed zones, provision of vehicle accesses with parking, on site cycle parking and the preparation of a Travel Plan.

These recommendations are in accord with the GDC aims for links with the walking and cycling network.

**GDC Journeys** have commented regarding inclusion of on road projects in the 3-year funding plan, and a desire to link Crawford Rd cycleway to Titirangi Reserve, via Barton Street. A raised crossing of Ranfurly Street will be planned for when the school is operational.

Final comment will be made when a full set of plans is produced showing layout, driveways and internal areas for bus manoeuvring etc.

**Waka Kotahi** have submitted "Enabling safe cycling and pedestrian access for the Whare Kura community using both state highways and local roads would assist to support of these



methods of transport. Likewise utilizing bus services also reduces the reliance on private vehicles..."

Waka Kotahi seeks to ensure that the relevant parties involved in the surrounding network are working together to ensure the safety of the students and surrounding community on the roading network including the State Highway.

**Eastland Port** have submitted information relating to safety on roads surrounding the port. It is understood that the MoE is responding to these matters. However, it is yet to be received by GDC. I can provide further response on this during the hearing process.

The development of a school Travel Plan is recommended to provide for collaboration of the parties above with the MoE and the Kura.

### 3. Recommended Conditions

The following conditions are recommended:

The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for the construction and development for the establishment wharekura which shall include the following further information:

- a) A Design Concept Plan for the site including:
  - i. The general location of access points for vehicles, cyclists, scooters and pedestrians, on-site parking areas (including cars, cycle and scooter parks), and on-site pick up and drop off areas;
  - ii. Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles; and
- b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Transport Assessment (TA) prepared by Eastcape Consulting Ltd dated August 2022, addresses safety, efficiency and the following specific matters:
  - i. Safe access for pedestrians, cyclists and vehicles (including buses, rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;
  - ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;
  - iii. On-site pick-up and drop-off area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, manoeuvring for cars and buses (if required); and
  - iv. Detailed design and location of pedestrian crossing facilities across Crawford Road and Ranfurly Street.
  - v. The effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:
    - visibility and safe sight distances;



- existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
  - proximity to and operation of intersection with Queens Drive;
  - existing community or public infrastructure located in the adjoining road, such as cycleways.
- c) Unless already delivered by others or otherwise agreed with Gisborne District Council, Waka Kotahi, the Ministry of Education will be responsible for the funding and delivery of the following on-road interventions prior to the opening of the school:
- i. A pedestrian crossing facilities across both Crawford Road and Ranfurly Street; and
  - ii. The implementation of a variable speed limit along the road frontage to the site during school start and finish times.

#### Recommended Condition – Travel Plan

~~A School Travel Plan shall be prepared and submitted to Council for assessment that includes the recommendations of the Transportation Assessment Report provided by East Cape Consulting and includes consultation with GDC Journeys, Waka Kotahi and Eastland Port.~~

Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to promote healthy and safe travel which also reduce private motor vehicle dependence. This could include: encouraging the use of appropriate modes, routes, paths and crossing for safety; as well as encouraging, increased vehicle occupancy, use of public transport, the use of remote pick up and drop off locations if appropriate, along with walking and cycling to reduce private motor vehicle dependence. The Requiring Authority shall, either directly or through the School Board of Trustees, consult with Waka Kotahi and Gisborne District Council on a Draft Travel Plan. Once implemented, the Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.

#### Recommended Conditions – Three Waters

~~A Construction Management Plan shall be prepared and submitted to Council with an outline plan for major siteworks. This shall include Water Supply and Wastewater disposal in accordance with the GDC Engineering Code of Practice and consultation with GDC Waters Team.~~

~~A stormwater management plan prepared by a suitably qualified specialist shall be submitted to the Council at establishment outline plan of works for the wharekura which addresses the following matters:~~

- a) ~~Provides details of how stormwater neutrality post development vs pre development is achieved by the development. This will include the need for the~~





attenuation of all impervious surfaces for the 10% AEP storm event using HIRDS v4 with climate change. The applicant shall confirm with Councils Development Engineer for the current climate change RCP to be applied.

- b) Management of any overland flow paths to ensure that there is no effect on the downstream properties that are impacted by the 1% AEP event; and
- c) Management of any flooding hazards at the time of development.
- d) Treatment chain for stormwater collected from the parking, manoeuvring and access areas prior to discharge into the GDC stormwater reticulation

#### Advice Note

Reference should be made to the new GDC Stormwater Model data for setting minimum floor heights.

#### Recommended Condition – Geotechnical Investigation

Any development (including earthworks, foundation design, site access and roading, retaining walls and drainage) shall be undertaken in accordance with the recommendations contained in the Geotechnical Assessment prepared by Tonkin and Taylor) and any recommendations contained with any addendums to this report as set out in a Detailed Geotechnical Assessment undertaken by a Geotechnical professional specializing in the field of geotechnical engineering.

#### Advice Note

Reference should be made to the minimum requirements outlined in the GDC “Minimum Requirements for Geotechnical Reports” document – December 2021.

#### Personal

(I have previously worked for GDC in the Roding team in various capacities including programming, design, construction and maintenance, as well as Road Accident Investigation. I have recently moved back to GDC after nearly six years with OPUS/WSP working primarily on GDC roading projects).

Robin Beale  
**Development Engineer**



10 May 2023

Andrew Curtis  
Pattle Delamore Partners Ltd  
PO Box 9528  
Newmarket  
Auckland 1149

Dear Andrew

**GISBORNE WHAREKURA – NR-2022-111596-00**

The Ministry of Education (MoE) has submitted a Notice of Requirement (NR-2022-111596) (NoR) for a wharekura on the sites at 5 – 27 Ranfurly Street and 161 Crawford Road. The Upper Log Yard (ULY) of Eastland Port (the Port) is located to the west of the site. The Port, through a submission on the NoR, has queried whether the legitimate activities of the Port will result in a nuisance to the wharekura and, as a result, a reverse sensitivity issue to the Port. In response, Marshal Day Acoustics (MDA) has provided an assessment of the likely effects of the Port's activities on the wharekura. As requested, I have reviewed the MDA response, summarising my findings below.

Table 1 of the MDA response identifies the recommended internal noise levels provided by the MoE document 'Design of Quality Learning Spaces' (DQLS). MDA notes that they consider 40dB  $L_{Aeq}$  to be an appropriate internal level for the primary activities of the wharekura. I agree with this statement.

In terms of the noise that the proposed wharekura could expect from the activities of the ULY, MDA reports a measured level of 50dB  $L_{eq}$  on the site of the proposed wharekura and that this correlates with noise levels that they have calculated from the ULY. I have no ability to verify these levels but, given MDA's reported association with the Port, and the correlation between measured and calculated noise levels, my view is that the reported 50dB  $L_{Aeq}$  appears reasonable.

MDA go on to note that they expect that a school with windows open for ventilation would provide towards the lower end of a 10 – 15dB reduction in external noise levels and that as a result, an internal level of noise from the ULY would be no more than 40dB  $L_{Aeq}$ .

The MDA response is based on the current ULY activities. As such, while their conclusions are valid for the current situation, I believe that consideration is also required of the potential future situation. I have discussed this with Mr Lawrence, who prepared the assessment on behalf of MDA. He provided the resource consent conditions of the ULY that are relevant to noise, as follows:

25. *Noise from essential port activities conducted in the site shall not exceed the following limits measured within the boundary of any site zoned General Residential (excluding roads):*

a) *The short term average sound level ( $L_{Aeq\ 15\ mins}$ ) shall not exceed 56dBA.*

b) *The night time maximum sound level ( $L_{Aeq\ 15\ mins}$ ) shall not exceed 65dBA between the hours of 10.00pm and 7.00am*

26. *Noise from non essential port activities conducted on the upper log yard shall not exceed the following limits measured at or within the boundary of any site zoned General Residential (excluding roads):*

*Monday to Sunday 7.00am – 6.00pm  $L_{Aeq\ 15\ mins}$  55dBA*

*Monday to Sunday 6.00pm – 10.00pm  $L_{Aeq\ 15\ mins}$  50dBA*

*Monday to Sunday 10.00pm – 7.00am  $L_{Aeq\ 15\ mins}$  45dBA*

*Monday to Sunday 10.00pm – 7.00am  $L_{Amax}$  65dBA*

In addition to the resource consent, the sites of the proposal, and its immediate neighbours, are all zoned General Residential in the Tairāwhiti Resource Management Plan (TRMP). Rule C11.2.15.1.B.1 of the Plan provides a noise limit of 55dBA  $L_{10}$  between residential sites, during the daytime. As an approximation, the  $L_{10}$  metric used by the TRMP is 3dB less than the  $L_{eq}$  metric meaning the rule could be read as 52dB  $L_{Aeq}$ .

Given MDA's expectation of the wharekura's façade providing close to a 10dB reduction, it can be seen that while the current daytime noise environment may provide for suitable noise levels, there is the potential for elevated levels in the future, not only from the Port but also from the legitimate activities of the residential neighbours.

The reality is that the noise reduction provided by the wharekura's facade is unknown and could vary considerably depending upon building materials, the type, size and orientation of windows and the number of floors (as a first floor would be more exposed to ULY noise than a ground floor). Given the potential risk, I recommend a condition for the wharekura that it must be designed and constructed so that internal levels of noise comply with those of the DQLS. Such a design may find that no specific mitigation is necessary, or otherwise. I have spoken with Mr Lawrence and understand that he supports this approach in principle, subject to reviewing the proposed condition.

I therefore suggest the following condition for the NoR.

x. *The wharekura shall be designed and constructed so that internal noise levels comply with the requirements of Table 6 of the Ministry of Education document 'Designing Quality Learning Spaces (DQLS) Acoustics' Version 3.0, December 2020.*


*The internal levels shall be achieved based on the incident noise permitted by the relevant zone rules of TRMP and the consented noise emissions from the Eastland Port site to the west of Parau Street.*

*The internal noise levels shall be achieved at the same time as the internal spaces are adequately ventilated. Where mechanical ventilation is required, the DQLS requirements for ventilation noise shall be met.*

With the above condition, I consider that the wharekura will achieve appropriate internal noise levels and that the concerns of Eastland Port have been addressed.

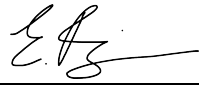
Should you have any questions regarding the above please do not hesitate to contact me.

Yours sincerely  
Hegley Acoustic Consultants



Rhys Hegley

**TECHNICAL MEMORANDUM**

<b>PROJECT</b>	Designation Notice - TKKM o Horouta Wananga		
<b>CLIENT</b>	<b>Gisborne District Council</b>	<b>PROJECT NO</b>	A03850838
<b>CLIENT CONTACT</b>	Kate Sykes	<b>PREPARED BY</b>	Erin Richards
<b>CLIENT WORK ORDER NO/ PURCHASE ORDER</b>		<b>SIGNATURE</b>	
		<b>DATE</b>	21 April 2023

**Introduction**

Pattle Delamore Partners Limited (PDP) was engaged by Gisborne District Council (GDC) to undertake a specialist review for a proposed designation notice associated with the re-development of land in the suburb of Kaiti, Gisborne. The land is to be re-developed for educational purposes (NR-2022-111596-00). Specifically, PDP reviewed the following contamination assessment provided within the Ministry of Education application:

- Tonkin and Taylor 2019. TKKM o Horouta Wananga – 17 Ranfurly Street, Gisborne: Ground Contamination Investigation and Assessment Report, dated 16 January 2019.

This memorandum formalises the response provided by email to GDC on 16 December 2022.

It is noted that a portion of the land proposed to be designated (17 Ranfurly Street) was historically owned and operated by Mobil Oil as a bulk storage fuel terminal. PDP has historically undertaken contamination assessments on this property on behalf of Mobil, which have been referenced by the Applicant. PDP has not independently re-assessed historical information and the assessment outlined below only takes into consideration the information presented within the Tonkin and Taylor report.

**Review Findings**

The designation notice (prepared by The Property Group, 2022) acknowledges that a portion of the land (17 Ranfurly St) was formerly used as a bulk storage terminal facility, which was decommissioned around 1992. To inform the designation, Tonkin and Taylor was commissioned to conduct soil testing across the former terminal site with the purpose of assessing current hydrocarbon concentrations in soil and also to assess soils for the presence of asbestos (not previously assessed). The testing identified that the majority of the soils tested at the site do not contain contaminant concentrations in excess of the adopted human health soil guideline values (SGVs) and soil contaminant standards (SCSs) for residential land use (which has been used as a conservative proxy for a future school land use; noting the designation for educational purposes does still allow for the provision of housing onsite). We agree that the adoption of these standards/guidelines is therefore appropriate and provisions can be made during the detailed design stages to provide for the potential remediation/management of those soils where concentrations remain above SGVs if required. Similarly, we agree that asbestos in soils can be managed should they remain at the site provided appropriate controls are put in place long-term to manage these soils (i.e. provision of appropriate capping, management plans etc).

Further to this, as outlined in Section 7.3 of the designation notice, acknowledgement is made that consents will be sought at a later date under the *National Environmental Standard for Assessing and Managing Contaminants to Soil to Protect Human Health* and potentially also under the Tairāwhiti Regional Plan. We agree with this approach and that the provision of a remedial action plan/site management plan and potentially a long-term management plan is appropriate.

**TECHNICAL MEMORANDUM**

If required, long term management plans should also include provisions for the management of contaminated soils when installing, maintaining or repairing any in ground infrastructure in the future. The Application notes under Section 5.6e. that the Ministry of Education is seeking to exclude requirements to provide an Outline Plan for Works involving ground infrastructure such as water utilities (e.g. installing, maintaining, repairing and/or conducting ancillary earthworks). There is a potential risk of adopting this clause if long term site management of contaminated soils is not managed appropriately (should they not be removed via the re-development process).

We note the following information has not been identified in the designation notice:

- ∴ Whether an assessment has been conducted across the entirety of the designation area to determine whether historical use/activities captured under the Hazardous Activities and Industries List (HAIL) could have occurred (i.e. prior to residential use; proximity to Eastland Port timber storage)? We note that with the exception of the property identified at 17 Ranfurly Street (the former fuel terminal), no other ‘contaminated sites’ are captured on the Tairawhiti Maps layer for the area earmarked for the designation (refer appended site plan). The land immediately west of the designation is identified as a contaminated site. This information could be provided during the detailed design stage of works.
- ∴ Consideration for the presence of perfluoroalkyl and poly fluoroalkyl substances (PFAS) in soils/groundwater. It is recognised that these chemicals have only recently been classified as “emerging chemicals”, and as such were unlikely to have been assessed in earlier investigations completed at 17 Ranfurly Street; however, given the past use of the site for bulk fuel storage, it is considered likely these chemicals could have been stored and used, as it was a requirement to have these chemicals on fuel terminals for fire-fighting purposes. The presence of these chemicals will need to be taken into consideration should soil disposal and dewatering be required to enable the development.

**Closure**

For the purposes of the Notification of Requirement (NoR) to designate land for “educational purposes” no conditions are required at this stage (with respect to contaminated land matters). Following the NoR, the “Outline Plan of Works” will provide more design and management details. Further assessments/reviews should be undertaken at that point.

This memorandum has been prepared by Pattle Delamore Partners (PDP) on the specific instructions of Gisborne District Council for the limited purposes described in the memorandum. PDP accepts no liability if the memorandum is used for a different purpose or if it is used or relied on by any other person. Any such use or reliance will be solely at their own risk.

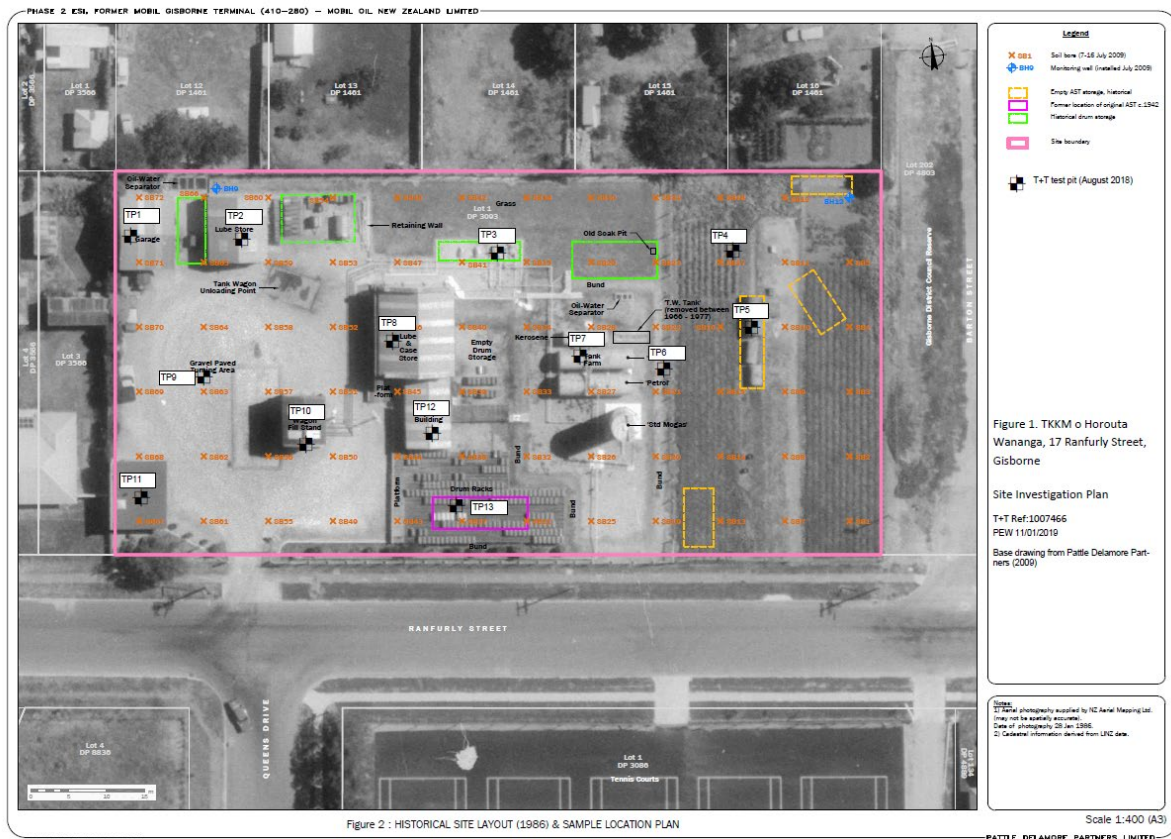
This memorandum has been prepared by PDP on the basis of information provided by Gisborne District Council and others (not directly contracted by PDP for the work), including Tonkin and Taylor Limited and The Property Group. PDP has not independently verified the provided information and has relied upon it being accurate and sufficient for use by PDP in preparing the memorandum. PDP accepts no responsibility for errors or omissions in, or the currency or sufficiency of, the provided information.

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**TECHNICAL MEMORANDUM**



Source: The Property Group, 2022. Entire designation outlined in red.



Source: Tonkin and Taylor, 2022

**Ministry of Education – Notice of Requirement**  
**Te Kura Kaupapa Maori o Horouta Wananga**

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**Attachment 6 –**

**Correspondence with the Requiring Authority**



## Ila Daniels

---

**From:** Ryan O'Leary <roleary@propertygroup.co.nz>  
**Sent:** Thursday, 16 February 2023 2:40 PM  
**To:** service@gdc.govt.nz; NotifiedRC@gdc.govt.nz  
**Cc:** Ila Daniels  
**Subject:** Notice of Requirement - Horouta Wananga, Kaiti, Gisborne

Kia Ora Sonia,

On behalf of the Ministry for Education we wish to extend our thoughts to those affected by Cyclone Gabrielle. Its impacts are wide reaching and ongoing.

Understandably, these events may have affected the ability for potential submitters to lodge a submission on the Notice of Requirement for Horouta Wānanga in Kaiti, Gisborne. Although the public submission period closes today the Council can under Section 37 of the RMA, waive compliance with these timeframes, taking into account those matters under s37A(1) of the RMA. We wish to express in advance that, that the Ministry (as the applicant) does not oppose the receipt of late submissions in these circumstances.

Nga Mihi

**Ryan O'Leary**  
Planning Manager – Central



**Mobile:** 027 469 8992  
**Reception:** 06 834 1232

Level 7, TSB Bank Tower, 7 - 21 Fitzherbert Ave, Palmerston North 4410  
PO Box 12066, Palmerston North 4444

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[Napier](#) | [Palmerston North](#) | [Wellington](#) | [Nelson](#) | [Christchurch](#) | [Dunedin](#) | [Queenstown](#)

All of our emails and attachments are subject to [terms and conditions](#).

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**From:** Kelly Standish <Kelly.Standish@nzta.govt.nz>  
**Sent:** Wednesday, February 15, 2023 4:32 PM  
**To:** service@gdc.govt.nz; NotifiedRC@gdc.govt.nz  
**Cc:** Ryan O'Leary <roleary@propertygroup.co.nz>  
**Subject:** Submission on Notice of Requirement to designate land for educational purposes at 171 Barton St & 23 Ranfurly Street, Kaiti, Gisborne

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kia ora,

I hope you are all okay at the District Council up there, we are thinking of you at the other end of the island.

**Ministry of Education – Notice of Requirement**  
**Te Kura Kaupapa Maori o Horouta Wananga**

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**Attachment 7 –**

**MoE NoR Decision – Hobsonville Point**



11 November 2022

Auckland Council  
Private Bag 92300  
**Auckland 1142**

Attention: John Duguid  
Manager, Plans and Places

Dear John

**Decision by the Minister of Education on a Requirement to Designate Land at 2 Waka Moana Drive, Hobsonville, Auckland for the Purpose of “Educational Purposes – Primary School (Years 0-8) and Early Childhood Education (Pre-School)”.**

The Minister of Education (“the Minister”) served a Notice of Requirement on Auckland Council to designate land at 2 Waka Moana Drive, Hobsonville, Auckland for “*Educational Purposes – Primary School (Years 0-8) and Early Childhood Education (Pre-School)*”. The lodgement date recorded in the s42A report was the 1 December 2021, and the NoR was publicly notified on 24 February 2022.

The matter was considered by Commissioners Karyn Kurzeja (Chairperson) and Vaughan Smith “on the papers” on the basis that the submitters confirmed they did not wish to be heard. The recommendation of the Commissioners acting under delegated authority from Auckland Council was received by the Minister’s agent on 30 September 2022. Auckland Council has recommended that the designation be confirmed, subject to conditions as set out in Attachment 2 to the Recommendation Report.

In accordance with section 172(1) of the Resource Management Act 1991 (the Act), the Minister accepts in part the Council’s recommendation. In accordance with section 172(3) of the Act, the Minister rejects in part modifications made to condition 6 and rejects in full conditions 10-16 of the Commissioners’ decision. Reasons for the modifications and rejection of conditions are detailed in the attached table (Attachment A). A consolidated set of conditions is contained within attachment B to this letter.

The designation conditions shall be included in the Auckland Unitary Plan as set out in Attachment B of this decision.

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

Yours sincerely



**Clive Huggins** | National Manager Land Investment and Planning  
Te Puna Hanganga, Matihiko | Infrastructure & Digital, Te Tāhuhu o te Mātauranga, Ministry of Education  
*Under delegated authority from the Minister of Education*  
T: 6475717857  
E: Clive.huggins@education.govt.nz

CC: Jo Hart, Policy Planner, Auckland Council  
Enc.

Attachment A – Reasons for modification and rejection of conditions.

Attachment B – Consolidated set of designation conditions to be inserted into the Auckland Unitary Plan  
(Operative in Part)



**Attachment A**

**Decision by the Minister of Education on a Requirement to Designate Land at 2 Waka Moana Drive, Hobsonville, Auckland for the Purpose of “Educational Purposes – Primary School (Years 0-8) and Early Childhood Education (Pre-School)”.**

**Reasons for the Modification and rejection of recommended conditions**

Condition agreed with Auckland Council prior to Commissioners Recommendation	Conditions included in Commissioners Recommendation	Minister of Education’s decision on recommendation														
<p><b>1. Building height in relation to boundary</b></p> <p>There shall be no height in relation to boundary controls for this designation.</p>	<p><b>1. Building height in relation to boundary</b></p> <p><del>There shall be no height in relation to boundary controls for this designation.</del></p> <p><u>Any new building or building extension (excluding goal posts or similar structures) shall comply with the height in relation to boundary control from the southern boundary of 4m high at the boundary and a 60 degree recession plane</u></p>	<p><b>Accepted</b></p> <p>The Minister has already agreed to the amendments to this condition as part of the response to the commissioners questions.</p>														
<p><b>2. Noise</b></p> <p>The noise (rating) level arising from the operation of the school and pre-school must comply with the following noise levels when measured at the boundary of any residentially zoned site, or within the notional boundary of any site in a rural zone:</p> <table border="1" data-bbox="195 1377 724 1814"> <thead> <tr> <th>DAY/TIME</th> <th>NOISE LEVEL</th> </tr> </thead> <tbody> <tr> <td>Mon – Sat, 7.00am – 10.00pm (0700 - 2200)</td> <td rowspan="2">55 dB <math>L_{Aeq}</math></td> </tr> <tr> <td>Sunday 9am to 6pm</td> </tr> <tr> <td>All other times</td> <td>45 dB <math>L_{Aeq}</math> 75 dB <math>L_{AFmax}</math></td> </tr> </tbody> </table>	DAY/TIME	NOISE LEVEL	Mon – Sat, 7.00am – 10.00pm (0700 - 2200)	55 dB $L_{Aeq}$	Sunday 9am to 6pm	All other times	45 dB $L_{Aeq}$ 75 dB $L_{AFmax}$	<p><b>2. Noise</b></p> <p>The noise (rating) level arising from the operation of the school and pre-school must comply with the following noise levels when measured at the boundary of any residentially zoned site <del>or within the notional boundary of any site in a rural zone:</del></p> <table border="1" data-bbox="836 1356 1359 1793"> <thead> <tr> <th>DAY/TIME</th> <th>NOISE LEVEL</th> </tr> </thead> <tbody> <tr> <td>Mon – Sat, 7.00am – 10.00pm (0700 - 2200)</td> <td rowspan="2">55 dB <math>L_{Aeq}</math></td> </tr> <tr> <td>Sunday 9am to 6pm</td> </tr> <tr> <td>All other times</td> <td>45 dB <math>L_{Aeq}</math> 75 dB <math>L_{AFmax}</math></td> </tr> </tbody> </table>	DAY/TIME	NOISE LEVEL	Mon – Sat, 7.00am – 10.00pm (0700 - 2200)	55 dB $L_{Aeq}$	Sunday 9am to 6pm	All other times	45 dB $L_{Aeq}$ 75 dB $L_{AFmax}$	<p><b>Accepted</b></p> <p>The Minister agrees to the amendments to this condition included in the commissioners recommendation.</p>
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Sunday 9am to 6pm																
All other times	45 dB $L_{Aeq}$ 75 dB $L_{AFmax}$															



<p>These noise limits do not apply to noise from normal school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday.</p> <p>Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".</p> <p>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".</p>	<p>These noise limits do not apply to noise from normal school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday.</p> <p>Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".</p> <p>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".</p>	
<p><b>3. On-Site Car Parking - Schools</b></p> <p>Additional on-site car parking shall be provided at the rate of one carpark per new classroom or classroom equivalent, except where the council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate.</p> <p>For the avoidance of doubt, this condition shall only apply where there is a net increase in the number of classrooms or classroom equivalents.</p>	<p><b>3. On-Site Car Parking – Schools</b></p> <p><del>Additional</del> On-site car parking shall be provided at the rate of one carpark per new classroom or classroom equivalent, except where the council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate.</p> <p><del>For the avoidance of doubt, this condition shall only apply where there is a net increase in the number of classrooms or classroom equivalents.</del></p>	<p><b>Accepted</b></p> <p>The Minister agrees to the amendments to this condition included in the commissioners recommendation.</p>
<p><b>4. On-Site Car Parking – Early Childhood Education (Pre-school)</b></p> <p>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.</p>	<p><b>On-Site Car Parking – Early Childhood Education (Pre-school)</b></p> <p>In addition to any car parking required for the school, on-site car parking for the 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.</p>	<p><b>Accepted</b></p>
<p><b>5. Establishment Outline Plan of Works</b></p> <p>The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for the construction and development of the school and Early Childhood Education Centre (ECE) which shall include the following further information:</p> <p>a) A Design Concept Plan for the site including:</p>	<p><b>Establishment Outline Plan of Works</b></p> <p>The Requiring Authority shall, in accordance with the requirements of s176A of the Resource Management Act 1991, submit an Outline Plan of Works for the construction and development of the school and Early Childhood Education Centre (ECE) which shall include the following further information:</p> <p>a) A Design Concept Plan for the site including:</p>	<p><b>Accepted</b></p> <p>The Minister agrees to the amendments to this condition included in the commissioners recommendation.</p>



<p>i. The general location of access points for vehicles, cyclists, scooters and pedestrians, on-site parking areas (including cars, cycle and scooter parks), and on-site pick up and drop off areas;</p> <p>ii. Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;</p> <p>iii. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields); and</p> <p>iv. “Indicative” areas accommodating future education purpose growth on this site, including building platforms, car parking areas, vehicular access, maneuvering and circulation areas.</p> <p>v. Measures and treatments for landscaping, roofing, cladding materials, and lighting which reduces glare, reflectivity, and risk of bird strikes (for New Zealand Defence Force pilot safety).</p> <p>Advice notes: Approval from, and/or consultation with, the New Zealand Defence Force, as required by Conditions 1 and 2 of Designation 4311 – Whenuapai Airfield approach and Departure Path Protection, may also be required.</p>	<p>i. The general location of access points for vehicles, cyclists, scooters and pedestrians, on-site parking areas (including cars, cycle and scooter parks), and on-site pick up and drop off areas;</p> <p>ii. Measures and treatments at all access points to manage conflict between pedestrians, cyclists, scooter users and vehicles;</p> <p>iii. General location of building platforms, areas for proposed buildings and open space (such as playgrounds and sports fields);</p> <p>iv. “Indicative” areas accommodating future education purpose growth on this site, including building platforms, car parking areas, vehicular access, maneuvering and circulation areas; <u>and</u></p> <p>v. Measures and treatments for landscaping, roofing, cladding materials, and lighting which reduces glare, reflectivity, and risk of bird strikes (for New Zealand Defence Force pilot safety).</p> <p>Advice notes: Approval from, and/or consultation with, the New Zealand Defence Force, as required by Conditions 1 and 2 of Designation 4311 – Whenuapai Airfield approach and Departure Path Protection, may also be required.</p>	
<p>b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Integrated Transport Assessment (ITA) prepared by Jacobs Limited dated 10<sup>th</sup> November 2021, addresses safety, efficiency and the following specific matters:</p> <p>i. Safe access for pedestrians, cyclists and vehicles (including buses, rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;</p> <p>ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;</p> <p>iii. On-site pick-up and drop-off area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, maneuvering for cars and buses (if required). The following matters shall specifically be addressed as they relate to the school and ECE:</p>	<p>b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Integrated Transport Assessment (ITA) prepared by Jacobs Limited dated 29<sup>th</sup> November 2021, addresses safety, efficiency and the following specific matters:</p> <p>i. Safe access for pedestrians, cyclists and vehicles (including buses, rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;</p> <p>ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;</p> <p>iii. On-site pick-up and drop-off area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, maneuvering for cars and buses (if required). The following matters shall specifically be addressed as they relate to the school and ECE:</p>	<p><b>Conditions reformatted/renumbered - Accepted</b></p>



<p>a) Potential effects on the safe and efficient operation of the surrounding transport network and the internal school circulation;</p> <p>b) Providing for the continuity of cycle and pedestrian facilities;</p> <p>c) Providing safe separated access points to the school for those who walk or cycle on either side of the pick-up and drop off access; and</p> <p>iv. Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network;</p> <p>v. The effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:</p> <ul style="list-style-type: none"> <li>• visibility and safe sight distances;</li> <li>• existing and future traffic conditions including speed, volume,</li> <li>• type, current accident rate, and the need for safe maneuvering;</li> <li>• proximity to and operation of intersections;</li> <li>• existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential effects on the safe and efficient operation of the surrounding transport network and the internal school circulation;</li> <li>• Providing for the continuity of cycle and pedestrian facilities;</li> <li>• Providing safe separated access points to the school for those who walk or cycle on either side of the pick-up and drop off access.</li> <li>•Traffic generation and any means of mitigating adverse effects on the efficiency and safety of the surrounding transport network.</li> </ul> <p>iv. The effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:</p> <ul style="list-style-type: none"> <li>• visibility and safe sight distances;</li> <li>• existing and future traffic conditions including speed, volume,</li> <li>type, current accident rate, and the need for safe maneuvering;</li> <li>• proximity to and operation of intersections;</li> <li>• existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways.</li> </ul>	
<p>c) Unless already delivered by others or otherwise agreed with Auckland Transport, the Ministry of Education will be responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE:</p> <p>a) The signalization of the existing pedestrian crossing facility on Hobsonville Point Road;</p> <p>b) A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;</p> <p>c) New or upgraded pedestrian crossings on roads directly adjoining the site;</p> <p>d) The implementation of variable speed limit along the road frontage to the site during school start and finish times.</p>	<p>c) Unless already delivered by others or otherwise agreed with Auckland Transport, the Ministry of Education will be responsible for the funding and delivery of the following on-road interventions prior to the opening of the school and ECE:</p> <p>i. The signalization of the existing pedestrian crossing facility on Hobsonville Point Road;</p> <p>ii. A Zebra Crossing located opposite any proposed pedestrian/cyclist accessway to the site on Wallace Road;</p> <p>iii. New or upgraded pedestrian crossings on roads directly adjoining the site;</p> <p>iv. The implementation of a variable speed limit along the road frontage to the site during school start and finish times.</p>	<p><b>Conditions reformatted/renumbered - Accepted</b></p>
<p>d) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters described below, and effects associated with the school and the ECE on the</p>	<p>d) A summary of the consultation and engagement with Auckland Transport recording agreements reached on the transport matters described below, and effects associated with the school and the ECE on the</p>	<p><b>Accepted</b></p>



<p>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.</p> <p>The specific transport matters that will be considered and discussed include:</p> <ul style="list-style-type: none"> <li>i. Measures and treatments to ensure safe access is provided to the school and ECE for all transport modes, including implementation timeframes;</li> <li>ii. Measures and treatments to the surrounding road network as they relate to the school and ECE, such as those included in Auckland Transport's Transport Design Manual (TDM) or updated equivalent Auckland Transport design standards which apply at the time of the preparation of the Establishment Outline Plan; and</li> <li>iii. Bus access (if any) and the location of bus stops and shelter along the school and ECE road frontages.</li> <li>iv. Any agreement reached with Auckland Transport on mitigation measures recommended in the Integrated Transport Assessment (ITA), prepared by Jacobs (dated 10<sup>th</sup> November 2021) and/or any subsequent transportation assessment, their funding, the authority responsible for their implementation, and the timing for implementation.</li> </ul>	<p>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.</p> <p>The specific transport matters that will be considered and discussed include:</p> <ul style="list-style-type: none"> <li>i. Measures and treatments to ensure safe access is provided to the school and ECE for all transport modes, including implementation timeframes;</li> <li>ii. Measures and treatments to the surrounding road network as they relate to the school and ECE, such as those included in Auckland Transport's Transport Design Manual (TDM) or updated equivalent Auckland Transport design standards which apply at the time of the preparation of the Establishment Outline Plan; and</li> <li>iii. Bus access (if any) and the location of bus stops and shelter along the school and ECE road frontages.</li> <li>iv. Any agreement reached with Auckland Transport on mitigation measures recommended in the Integrated Transport Assessment (ITA), prepared by Jacobs (dated 29<sup>th</sup> November 2021) and/or any subsequent transportation assessment, their funding, the authority responsible for their implementation, and the timing for implementation.</li> </ul>	
<p><b>6. School Travel Plan</b></p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>i. Safe access to the entry points to the school. Features such as Kea Crossings or Zebra Crossings should be specifically considered;</li> <li>ii. Consistency with or use of Auckland Transport's TravelWise programme, or any equivalent programme adopted;</li> </ul>	<p><b>6. School Travel Plan</b></p> <p>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.</p> <p>b) The purpose of the School Travel Plan is to <u>ensure the safety of students travelling to and from school and 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:</u></p> <ul style="list-style-type: none"> <li>i. Safe access to the entry points to the school. Features such as Kea Crossings or Zebra Crossings should be specifically considered;</li> <li>ii. Consistency with or use of Auckland Transport's TravelWise programme, or any equivalent programme adopted;</li> </ul>	<p><b>Partially accepted / partially rejected</b></p> <p>The Minister accepts the recommended changes to part b) of the condition.</p> <p>The Minister rejects the recommended changes to part c) of the condition and we instead adopt the agreed position between Council officers and MoE which did not impose this condition. The Minister includes the following wording as part of its decision:</p> <p>c) The School Travel Plan shall be developed in consultation with <del>Auckland Council and</del> Auckland Transport and shall include a monitoring <del>and review</del> programme <del>for a period of at least three years following the opening of the school.</del> The School Travel Plan shall be updated at the time of submitting each subsequent Outline Plan of Works relating to <u>works to accommodate</u> increased student numbers.</p> <p>A school travel plan is a live document that will be used by the school and updated over time with changes to programs or travel arrangements. Schools may implement walking school buses, shuttle buses or other changes to how the school operates, and these changes won't be limited to three years after the school opens.</p> <p>Referring to a three year period in the condition implies that after the initial three years, the travel plan no longer needs to be reviewed or monitored, and the Minister does not consider that this would provide the best outcome for the school and the school's travel plan. This is particularly relevant as the area surrounding the school is still being developed, and as transport interventions are installed and modified by others, the school travel plan may need to be modified to reflect these. This includes infrastructure such as crossing points, lights or new multi-unit driveways.</p>





<p>iii. Measures to separate vehicle entry and pedestrian/cyclist entries; and iv. Location and provision on site of any scooter and cycle parking required.</p> <p>c) The School Travel Plan shall be developed in consultation with Auckland Transport and shall include a monitoring programme. The School Travel Plan shall be reviewed at the time of submitting each subsequent Outline Plan of Works relating to increased student numbers.</p> <p>d) A joint Travel Plan for the school and ECE on the site may be developed.</p>	<p>iii. Measures to separate vehicle entry and pedestrian/cyclist entries; and iv. Location and provision on site of any scooter and cycle parking required.</p> <p>c) The School Travel Plan shall be developed in consultation with <u>Auckland Council and</u> Auckland Transport and shall include a monitoring <u>and review programme for a period of at least three years following the opening of the school.</u> The School Travel Plan shall be updated at the time of submitting each subsequent Outline Plan of Works relating to <u>works to accommodate</u> increased student numbers.</p> <p>d) A joint Travel Plan for the school and ECE on the site may be developed.</p>	<p>The Minister also considers that Auckland Transport is the appropriate entity to consult with in the preparation of the school travel plan and are deleting the reference to Auckland Council. Auckland Council will have the opportunity to review the travel plan each time an OPW is lodged.</p> <p>In a review of 15 of the travel plan conditions within Designations that the Minister holds that are included in the Auckland Unitary Plan, 13 of those referred solely to consultation with Auckland Transport, rather than both Auckland Transport and Auckland Council. This includes Scott Point Primary School, Designation 4662 located at 11 Scott Road, Hobsonville. The Minister's most recent designation at Trig Road requires consultation with Auckland Transport only.</p>
<p><b>7. On-site pick up and drop off</b></p> <p>a) Vehicular on-site pick-up and drop-off areas for the school shall be provided. The number of pick-up and drop-off bays shall be determined by an assessment of the predicted demand for vehicles entering and exiting the site. This assessment will be undertaken, and the results submitted, as part of any outline plans where there is an increase in teaching spaces.</p> <p>Bays may be provided on a staged basis consistent with each stage of school development.</p> <p>b) An assessment of the need for a bus pick-up and drop-off facility for the school shall be submitted as part of any outline plan to increase teaching spaces. Bus facilities may be provided on a staged basis consistent with each stage of school development.</p>	<p><b>7. On-site pick up and drop off</b></p> <p>a) Vehicular on-site pick-up and drop-off areas for the school shall be provided. The number of pick-up and drop-off bays shall be determined by an assessment of the predicted demand for vehicles entering and exiting the site. This assessment shall be undertaken, and the results submitted, as part of the <u>Establishment Outline Plan of Works and</u> any subsequent Outline Plans of Works where an increase in teaching spaces is proposed.</p> <p>Bays may be provided on a staged basis consistent with each stage of school development.</p> <p>b) An assessment of the need for a bus pick-up and drop-off facility for the school shall be submitted as part of <del>any</del> <u>the Establishment Outline Plan of Works and any subsequent Outline Plans of Works where an increase in teaching spaces is proposed.</u> Bus facilities may be provided on a staged basis consistent with each stage of school development.</p>	<p><b>Accepted</b></p> <p>The Minister agrees to the amendments to this condition included in the commissioners recommendation.</p>
<p><b>8. Construction</b></p> <p>A construction management plan shall be prepared and submitted with any outline plan or works for major site works.</p>	<p><b>8. Construction</b></p> <p>a) A Construction Management Plan (CMP) shall be prepared and submitted <u>to the Council</u> with every Outline Plan of Works <del>or works for major site works.</del></p> <p>b) The purpose of the CMP is to set out the practices and procedures to be adopted during the construction of the school (including site works) in order to manage adverse effects on residents and the users of adjacent public areas.</p> <p>c)The matters to be addressed by the CMP include (but are not limited to):</p>	<p><b>Accepted</b></p> <p>The Minister agrees to the amendments to this condition included in the commissioners recommendation.</p>



	<ul style="list-style-type: none"> <li>•Hours of operation;</li> <li>•Contractor contact details for any incidents associated with construction;</li> <li>•Construction traffic management measures;</li> <li>•The location of parking for contractors and their employees;</li> <li>•Measures such as wheel washes to avoid tracking soil onto roads; and</li> <li>•The management of noise and vibration effects.</li> </ul>	
<p><b>9. Dotterel Management</b></p> <p>Between the months of August to March, and no less than 7 days Immediately prior to the first construction phase, a suitably qualified person ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the preconstruction check, a dotterel management plan shall be submitted to the council for certification, for the protection of dotterels during the first construction phase. Once certified, the Plan shall be implemented for the protection of the dotterels during the first construction phase.</p>	<p><b>9. Dotterel Management</b></p> <p>a) Between the months of August to March, and no less than 7 days prior to the first construction phase, a suitably qualified ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the preconstruction check, a Dotterel Management Plan shall be submitted to the council for certification, for the protection of dotterels during the first construction phase.</p> <p>b) <u>The Dotterel Management Plan shall include the following matters:</u></p> <ul style="list-style-type: none"> <li>• <u>Site characteristics (including the location of any dotterel nest, if present)</u></li> <li>• <u>Deterrence measure(s) to be employed (if possible)</u></li> <li>• <u>Contingency measures (if required)</u></li> <li>• <u>Exclusion area where works are precluded to protect nesting sites (if required)</u></li> </ul> <p>c) <u>Once certified, the Plan shall be implemented prior to the commencement of construction works on the site.</u></p>	<p><b>Accepted</b></p> <p>The Minister agrees to the amendments to this condition included in the commissioners recommendation.</p>
<p>-</p>	<p><b><u>Integration with surrounding residential environment</u></b></p> <p><u>10. The maximum height of buildings and structures (excluding goal posts and other similar structures) shall be 12m.</u></p>	<p><b>Rejected</b></p> <p>The Minister rejects this condition and does not include it in its decision.</p> <p>The commissioners reasoning for the inclusion of this condition in the recommendation was “12m is consistent with the existing maximum height standard (including roof allowance) for the Residential - Mixed Housing Urban zone which applies to the majority of the site.”</p> <p>The feasibility drawing supplied with the application laid out one option that included a height of 13m, allowing for a 20m setback from the southern boundary. A condition limiting the height to 12m would prevent the Ministry from utilising the feasibility layout which clearly demonstrated how any potential effects of the feasibility study height would be mitigated, and therefore it is not considered to be appropriate or necessary to include conditions requiring compliance with the underlying zone height standard.</p>



		<p>Designation conditions are enduring and all development on designated sites needs to comply with the conditions, so even a minor infringement of the 12m height would not be possible on the site without an alteration to a designation. This is in contrast to other developments on surrounding sites that are able to exceed the zone height limit through the resource consent process, where the effects of an increase can be considered and addressed within the existing consenting framework. In addition, some of the adjacent land to the south is in the Terrace Housing and Apartment (THAB) Zone which provides for six storey development.</p> <p>The Minister considers that it is appropriate to remove the height limit condition and allow any proposed building height on the site be assessed through an Outline Plan of Works application. In this application the Ministry would comment on how the height of the development impacts on the surrounding residential sites and would be able to address any adverse effects through the design and setback of the buildings. It is also noted that the Ministry site is surrounded by roads on three sides, with the fourth side being subject to the HIRB condition (1) which will ensure that any effects from building height on the southern neighbours is suitably mitigated.</p> <p>It should also be noted that there are currently no schools in the country that are more than three storeys tall. This existing development pattern of schools should be considered in the assessment of risk and need to use a condition to limit development height on designated school sites. While in the future schools may need to be taller to accommodate increased densities within surrounding neighbourhoods or areas such as metropolitan centres, current building design and development of school sites are not excessively tall. Over time, schools may be accommodated within larger, multi-storey buildings but these are likely to be developed in conjunction with the surrounding residential areas and are likely to reflect development patterns of the surrounding areas.</p>
-	<p><u>11. Development shall comply with the following standards:</u></p> <p><u>a) Maximum building coverage: 35%</u></p> <p><u>b) Maximum impermeable surface coverage: 40%</u></p>	<p><b>Rejected</b></p> <p>The Minister rejects this condition and does not include it in its decision.</p> <p>Schools typically offer more open space and less impermeable surfaces than other uses of the land such as medium density residential. This is due to the nature of school sites which need to include open areas for children to play, particularly for primary schools. However, as this site is within a medium density neighbourhood and is smaller than the usual site for a primary school (1.5 ha compared to the standard 4ha) there may be a need to intensify the build form and impervious surfaces beyond what is specified in the condition. What is currently proposed is more restrictive than the Medium Density Residential Standards (MDRS).</p> <p>The commissioners reasons for including this condition was:</p> <p><i>“The percentages for maximum building coverage and maximum impermeable surface coverage are substantially less than those applying in that residential zone; but this recognises the large size of the site, while at the same time the percentages and height are consistent with those standards applying to two other designations for educational purposes in the Hobsonville area (being 4635 Hobsonville Point Primary School and 4644 Hobsonville Point Secondary School).”</i></p> <p>In addition, they state that <i>“Given the lack of information provided by the Requiring Authority that the Hearings Panel could rely on in an assessment of the potential adverse visual and amenity effects of the NoR, we concluded that additional conditions should also be imposed on the designation to ensure that the future school and ECE buildings would be well integrated into the surrounding residential environment at an appropriate scale.”</i></p> <p>The conditions referred to are from designations that were consented over 15 years ago and in the Minister’s view do not represent best practice conditions for schools. They may inappropriately limit the opportunity for schools to respond to growth which is driven by national and local planning policies and directions that must be responded to. A new school is required as the existing Hobsonville Point Primary School, which is the subject of a quite directive condition based on a particular design concept when designated, is already at capacity.</p> <p>The initial feasibility study provided sufficient information to assess the potential effects of the development of the site for educational activities. The feasibility study was based on a conservative master plan roll of 1,000 students. This plan included 1,100m<sup>2</sup> of space for outdoor learning and 2,700m<sup>2</sup> of sports fields as well as other areas of</p>



		<p>open space. Based on the feasibility study provided with the Notice, impervious areas would start at around 42 per cent, and may be higher as paths and walkways are added to the site. Limiting the levels of impervious surfaces and building coverage on the site will impact on the ability for the Minister to deliver the education requirements to the surrounding community in appropriate property, and is not consistent with the feasibility study, which is likely to be similar to how the site is developed in the future.</p> <p>In addition, as the designation will endure over decades it may be difficult to have exhaustive digital records of all impervious surfaces as additions such as path and hard landscaping/courts are added gradually to the site. This will make it increasingly difficult over time to demonstrate exact coverages to show compliance with any coverage conditions, which is a different scenario to delivering a single project in a one stage under the zone provisions. Given that the underlying zone allows a high percentage of impervious surfaces, it is unclear why by virtue of holding a single large site, that applying a threshold well below the underlying zone manages or mitigates any potential effects.</p> <p>The Minister considers that this condition is not necessary to manage the potential effects that could arise through the development of the school site. The school will have a high level of open space and permeable surfaces that would be expected to be below the limits for the proposed MDRS standards for the underlying zone, and having a condition limiting impervious surfaces as proposed and may have unintended negative consequences.</p>
-	<p><u>12. The Requiring Authority shall submit with the Establishment Outline Plan of Works application a Landscape Concept Plan. This plan shall be developed in consultation with [the appropriate Council officer] and must include the following:</u></p> <p><u>a) The location of existing and proposed buildings within the site;</u></p> <p><u>b) The surrounding street context - the adjacent streets and footpaths, the location of any pedestrian crossings, and bus stops. Any landscape works proposed in the landscape plan must complement and be well integrated within the street context;</u></p> <p><u>c) Framework tree planting (species, grades and locations), and the location and planting (planting plans) for any garden areas and hedges. The species and layout must complement and be well integrated with the landscape works (existing and proposed) for the surrounding streetscapes;</u></p> <p><u>d) The articulation and identification of outdoor space, and outdoor play areas (both hard surfaces and grassed areas);</u></p> <p><u>Note: Outdoor space may be defined by a combination of buildings, trees, landform, fences/hedges or other features;</u></p> <p><u>e) Vehicle access and parking areas including cycle parks; and</u></p>	<p><b>Rejected</b></p> <p>The Minister rejects this condition and does not include it in its decision.</p> <p>Section 176A of the RMA requires the requiring authority to show the proposed landscaping on any Outline Plan of Work. This condition repeats these requirements and does not add or address any potential effect of the designation.</p> <p>Recent landscape plans for new schools are detailed and comprehensive documents that address the whole site landscaping and include the level of detail listed in condition 12 as is appropriate for a master planned site development of significant infrastructure such as a school. When preparing Masterplans for new schools, the design team includes a landscape architect that feeds into the master planning process and prepares their own report.</p> <p>Adding a condition containing this level of detail when it already repeats a requirement laid out in the RMA is in the Minister's view unnecessary. In addition, as the condition only relates to the first OPW, it will become redundant after that OPW is granted, but will remain on the designation until it is altered either by the Minister or through a plan review process. The Minister considers that conditions on designations should be user friendly and easy for the requiring authority, the council and the public to understand. The Minister does not consider that this condition achieves this.</p>



	<p>f) Entrances for cyclists and pedestrians.</p>	
-	<p>13. The Requiring Authority shall with each Outline Plan of Works for school development:</p> <p>a) Provide a landscape plan(s) which demonstrates how the development and/or additions continue to contribute to the matters identified in Condition (12) above; and</p> <p>b) Implement the approved landscape plan(s) provided in response to Condition 13(a) as it relates to each Outline Plan of Works within the site.</p>	<p><b>Rejected</b></p> <p>The Minister rejects this condition and does not include it in its decision.</p> <p>As noted above, the landscaping will be submitted in the OPW as required by Section 176A(3)(e) and implemented on the site. It is unnecessary to repeat the RMA requirement. It should also be noted that OPW by their nature are implemented on site.</p>
-	<p>14. The Requiring Authority shall submit with the Establishment Outline Plan of Works a school Design Concept Plan detailing staging and the manner in which it is anticipated that the school development will change over time as it accommodates increasing student numbers.</p>	<p><b>Rejected</b></p> <p>The Minister rejects this condition and does not include it in its decision.</p> <p>This condition repeats the same detail contained in condition 5(a)(iv). On the basis that this condition is already in the designation, the Minister considers that condition 14 is not necessary.</p>
-	<p>15. Each Outline Plan of Works shall be accompanied by an urban design report detailing the way in which the design of the development has been developed in response the context of the site and the consistency of the proposal with recognised urban design principles. In particular, this report shall address how potential adverse effects of the proposed development on the amenity of residential properties to the south of the site (including shading effects, dominance and privacy) have been avoided or mitigated.</p>	<p><b>Rejected</b></p> <p>The Minister rejects this condition and does not include it in its decision.</p> <p>The Minister considers that this condition is an effective way of managing any adverse design effects of the future development of the site.</p> <p>Commissioner reasons for including this condition are “we recommend that each OPW should be accompanied by an urban design report which assesses the design of the development in response to the context of the site and the consistency of the proposal with recognised urban design principles.”</p> <p>It is noted that like the condition on impervious surfaces above which is on the designations for Hobsonville Point Primary School and Hobsonville Point Secondary School, the urban design condition reflects a condition placed on those two designations, rather than responding to the potential effects the development of this site might induce. Urban design review conditions are not typical of school designations.</p> <p>The Ministry has an extensive design process in regard to school design to ensure schools both meet proper education outcomes and integrate well with their surrounding neighbourhoods. Is it therefore considered that urban design matters are adequately addressed. The proposed condition would also be triggered for very minor works where an OPW is required that may have no urban design implications.</p> <p>This condition also includes particular comment on the properties to the south, which is already addressed by the HIRB condition which is being accepted by the Minister.</p>
-	<p>16. Fences</p> <p>(a) Fences adjacent to the road boundaries shall be no greater than 1.6m in height and shall be transparent to support high-quality oversight and visual connection.</p> <p>(b) A solid fence shall be provided along the southern boundary of the site which shall be no greater than 2m in height.</p>	<p><b>Rejected</b></p> <p>The Minister rejects this condition and does not include it in its decision.</p> <p>As stated in the Minister’s response to the commissioners questions, the Ministry has internal guidelines that specify how boundary treatments are applied to sites. This includes minimum fence heights and visual permeability. This information is available on the <a href="#">Education NZ website</a>.</p> <p>The Minister may need to vary the type of fences used on each of the boundaries, depending on the layout of the site and the directly adjacent activities, such as hardcourts (which may need nets) or pedestrian entrances, where visual permeability is required to ensure student safety. Rigid specification of the fencing treatment on the</p>



		southern boundary is not required to manage and mitigate any potential effects of the designation. It could also be contrary to urban design principals if site design includes a road along this boundary.
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**Attachment B:**

**Consolidated set of designation conditions to be inserted into the Auckland Unitary Plan (Operative in Part)**

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

**Purpose**

Educational purposes - primary school (years 0 - 8) and Early Childhood Education (Preschool).

**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 or similar structures) shall comply with the height in relation to boundary control from the southern boundary of 4m high at the boundary and a 60 degree recession plane.

**2. Noise**

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

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

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

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

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

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

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

On-site car parking shall be provided at the rate of one carpark per new classroom or classroom equivalent, except where the council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate.

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

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

### **5. Establishment Outline Plan of Works**

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

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

#### **Advice Note**

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

- (b) A Transport Assessment prepared by a suitably qualified traffic engineer/transportation planner which, taking into account the Integrated Transport Assessment (ITA) prepared by Jacobs Limited dated 29 November 2021, addresses safety, efficiency and the following specific matters:
  - i. Safe access for pedestrians, cyclists and vehicles (including buses, rubbish trucks and for ground and building maintenance) and appropriate measures and treatments to minimise conflicts between all transport modes;
  - ii. On-site staff and visitor car parking, cycle and scooter parking, and loading spaces to facilitate deliveries and rubbish removal;
  - iii. On-site pick-up and drop-off area(s) specifically designed to accommodate predicted demand including vehicular access, circulation, maneuvering for cars and buses (if required). The following matters shall specifically be addressed as they relate to the school and ECE:
    - Potential effects on the safe and efficient operation of the surrounding transport



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

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

- i. Measures and treatments to ensure safe access is provided to the school and ECE for all transport modes, including implementation timeframes;
- ii. Measures and treatments to the surrounding road network as they relate to the school and ECE, such as those included in Auckland Transport's Transport Design Manual (TDM) or updated equivalent Auckland Transport design standards which apply at the time of the preparation of the Establishment Outline Plan;
- iii. Bus access (if any) and the location of bus stops and shelter along the school and ECE road frontages; and
- iv. Any agreement reached with Auckland Transport on mitigation measures recommended in the Integrated Transport Assessment (ITA), prepared by Jacobs (dated 29 November 2021) and/or any subsequent transportation assessment, their funding, the authority responsible for their implementation, and the timing for implementation.

## 6. School Travel Plan

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

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

- (a) Vehicular on-site pick-up and drop-off areas for the school shall be provided. The number of pick-up and drop-off bays shall be determined by an assessment of the predicted demand for vehicles entering and exiting the site. This assessment shall be undertaken, and the results submitted, as part of the Establishment Outline Plan of Works and any subsequent Outline Plans of Works where an increase in teaching spaces is proposed.

Bays may be provided on a staged basis consistent with each stage of school development.

- (b) An assessment of the need for a bus pick-up and drop-off facility for the school shall be submitted as part of any the Establishment Outline Plan of Works and any subsequent Outline Plans of Works where an increase in teaching spaces is proposed. Bus facilities may be provided on a staged basis consistent with each stage of school development.

## **8. Construction**

- (a) A Construction Management Plan (CMP) shall be prepared and submitted to the Council with every Outline Plan of Works.
- (b) The purpose of the CMP is to set out the practices and procedures to be adopted during the construction of the school (including site works) in order to manage adverse effects on residents and the users of adjacent public areas.
- (c) The matters to be addressed by the CMP include (but are not limited to):
  - Hours of operation;
  - Contractor contact details for any incidents associated with construction;
  - Construction traffic management measures;
  - The location of parking for contractors and their employees;
  - Measures such as wheel washes to avoid tracking soil onto roads; and
  - The management of noise and vibration effects.

## 9. Dotterel Management

- (a) Between the months of August to March, and no less than 7 days prior to the first construction phase, a suitably qualified ecologist shall check the site for the presence of dotterels within the designation footprint. If evidence of dotterels is found during the preconstruction check, a Dotterel Management Plan shall be submitted to the council for certification, for the protection of dotterels during the first construction phase.
- (b) The Dotterel Management Plan shall include the following matters:
- Site characteristics (including the location of any dotterel nest, if present)
  - Deterrence measure(s) to be employed (if possible)
  - Contingency measures (if required)
  - Exclusion area where works are precluded to protect nesting sites (if required)
- (c) Once certified, the Plan shall be implemented prior to the commencement of construction works on the site.