

Notice of Requirement: Te Kura Kaupapa Māori o Te Horouta Wānanga December 2022

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Document Control

Title	Notice of Requirement to designate for Te Kura Kaupapa Māori o Horouta Wānanga
Client	Minister of Education
Our Ref.	717832
Prepared by	Ryan O'Leary Planning Manager - Central The Property Group Limited

1.0 Notice of requirement details

Requiring Authority: Minister of Education (refer to Form 18 at **Appendix 1**)

Territorial Authority: Gisborne District Council

Nature of the Notice: A Notice of Requirement (NOR) to designate land for “*Educational Purposes*”

Address for Service: Minister of Education
c/- The Property Group Limited
PO Box 12066, Palmerston North 4444
Attention: Ryan O’Leary

Property Information:

Site Address:	Legal Description:	Registered Owner:	Site Area:
171 Crawford Road, Kaitī, Gisborne (AKA Barton Street)	Lot 202 DP 4803	Gisborne City Council	2,039m ²
23 Ranfurly Street, Kaitī, Gisborne	Lot 1 DP 4803	His Majesty the King	1,034m ²
No address	Lot 14 DP 1461	His Majesty the King	1,012m ²
161 Crawford Road, Kaitī, Gisborne	Lot 13 DP 1461	His Majesty the King	1,012m ²
17 Ranfurly Street, Kaitī, Gisborne	Lot 1 DP 3093	His Majesty the King	5,059m ²
9 Ranfurly Street, Kaitī, Gisborne	Lot 4 DP 3566	His Majesty the King	503m ²
9 Ranfurly Street, Kaitī, Gisborne	Lot 3 DP 3566	His Majesty the King	506m ²
7 Ranfurly Street, Kaitī, Gisborne	Part Lot 6 DP 2935	His Majesty the King	938m ²
5 Ranfurly Street, Kaitī, Gisborne	Lot 5 DP 2710	His Majesty the King	1,011m ²
25 Ranfurly Street, Kaitī, Gisborne	Lot 2 DP 4803	His Majesty the King	722m ²
27 Ranfurly Street, Kaitī, Gisborne	Lot 3 DP 4803	His Majesty the King	1,201m ²

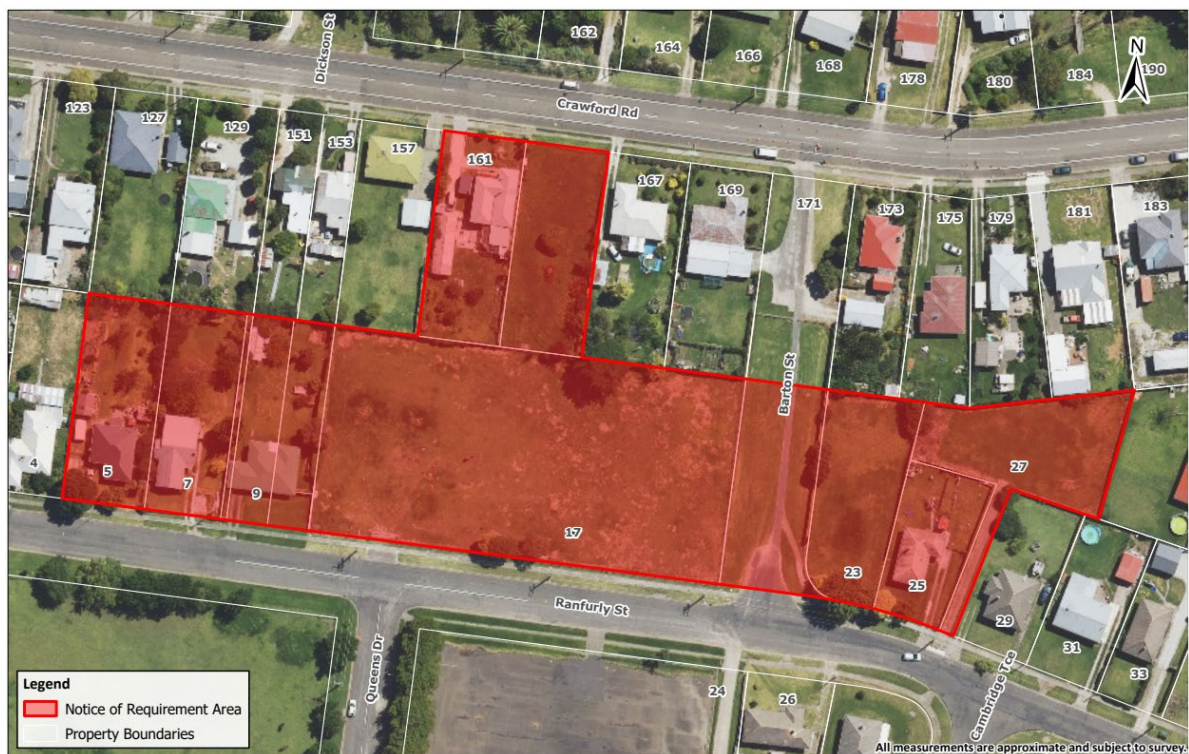


Figure 1: Aerial view of the subject site (outlined in red)

2.0 Introduction

The Minister of Education (Minister) intends to designate a site to enable the relocation of Te Kura Kaupapa Māori o Horouta Wānanga (wharekura) to the subject site. The wharekura will be developed to provide for a master planned roll of 300 students.

This NoR is provided to the Gisborne District Council (Council), in accordance with *Part 8 Designations and Heritage Orders* - specifically Section 168 of the Resource Management Act 1991 (RMA) - and in the prescribed form (Form 18) as set out in the Resource Management (Forms, Fees and Procedures) Regulations (2003) of the RMA. A copy of Form 18 is included in **Appendix 1** of this application.

This document particularly sets out:

- the nature of the public work (Education Purposes) on this site,
- an assessment of the effects of the education designation and therefore the nature of any proposed conditions for the designation,
- the ways in which any adverse effects will be mitigated,
- any alternatives considered,
- the necessity of the designation in achieving the Minister's objectives, and
- consultation undertaken.

The applicant formally requests that this NOR is Publicly Notified.

Under Section 184(1)(c) of the RMA the Minister has requested a 10-year period after the date it is included in the Tairāwhiti Resource Management Plan to give effect to this designation.

For the sake of clarity, the Ministry of Education (Ministry) acknowledge that further resource consent(s) *may* be required under the Tairāwhiti Resource Management Plan; and/or, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS) for works associated with site remediation. Such resource consents will be sought at a later date when the full extent of future works are known.

3.0 Te Kura Kaupapa Maori Te Horouta Wānanga

This NOR is to designate a site to allow the relocation of an existing wharekura from their current premises. The wharekura provides Maori immersion education for students from Year 0-13 which opened in January 2013. When originally established as an off-site classroom/second campus of Te Kura Kaupapa Maori o Te Waiu o Ngāti Porou (Ruatoria), the wharekura used an old house and adjacent whareniui faculties at Te Poho o Rāwiri Marae (Marae).

The wharekura became a self-managing in 2016 and currently operates out of the Ex-Hostel associated with Gisborne Boys' High School located at 30 Desmond Road, Gisborne. This site has been used only as temporary accommodation until the new kura accommodation has been built.

The process to find a suitable replacement premises has been complex as the wharekura has a very strong desire to be located near the Marae located on Ranfurly Street, Kaitī, Gisborne. This is considered to be their Tūrangawaewae (a place to stand).

4.0 Description of site and surrounds

4.1. Subject Site

The subject site consists of 11 properties, that are summarised below. Records of Titles for these properties are included in **Appendix 2** of this application. The land requirement and location plan is included in **Appendix 3**:

Site Address:	Legal Description:	Registered Owner:	Site Area:
171 Crawford Road, Kaitī, Gisborne (AKA Barton Street)	Lot 202 DP 4803	Gisborne City Council	2,039m ²
23 Ranfurly Street, Kaitī, Gisborne	Lot 1 DP 4803	His Majesty the King	1,034m ²
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7 Ranfurly Street, Kaitī, Gisborne	Part Lot 6 DP 2935	His Majesty the King	938m ²

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27 Ranfurly Street, Kaitī, Gisborne	Lot 3 DP 4803	His Majesty the King	1,201m ²

All land referred to in the above table is owned by His Majesty the King for “Education Purposes” with one exception. The property at 171 Crawford Road (known as Barton Street) is owned by Council and referred to as the Barton Street reserve hereon. The Barton Street reserve is legally held as a “*reserve for local purpose*” (road reserve). The Ministry and Council have entered into a Memorandum of Understanding regarding the future use of this land.

It is noted that the property at 17 Ranfurly Street (Lot 1 DP 3093) has an Encumbrance 10230801.2 registered on the Record of Title, including in **Appendix 2** of this application.

An encumbrance is a charge on property used to secure the performance of obligations by the landowner. In this case the encumbrance is in favour of Mobil Oil New Zealand Limited and has a term of 10 years (expiring 12 November 2015).

The Ministry will continue to comply with the Encumbrance, noting its expiry at the end of 10 years (12 November 2015).

4.2. Physical Characteristics

The properties at 5, 7, 9 and 25 Ranfurly Street each contain detached, single storey dwellings on each site, all of which have existing vehicle access to Ranfurly Street. The property at 161 Crawford Road also contains an existing single storey dwelling fronting Crawford Road. The properties at 17, 23, 27 Ranfurly Street and the land adjoining 161 Crawford Road (Lot 14 DP 1461) are vacant of any buildings. Currently, 17 Crawford Road is used for horse grazing. Site photos are included in **Appendix 4** of the application.

The topography of the sites are gently sloping from north to south, with Crawford Road being approximately 1m higher than Ranfurly Street. There is an existing pohutakawa tree located in the south-western portion of the property at 5 Ranfurly Street. With the exception of an existing pohutakawa located in the south-western portion of 5 Ranfurly Street, there is minimal significant vegetation with scrub and grass seen throughout the site.

The Barton Street reserve area provides a physical pedestrian and cycling connection between Ranfurly Street and Crawford Road. The northern portion of Barton Street provide vehicle access to the properties at 169 and 173 Crawford Road. There are existing reticulated services contained within Barton Street (a 375mm diameter stormwater pipe) and the reserve area also acts an overland flowpath, sloping down gently to meet Ranfurly Street.

A Ground Contamination Investigation Report prepared by Tonkin + Taylor (**Appendix 5**) notes that 17 Ranfurly Street was a former Mobil Oil New Zealand Terminal and was decommissioned during the late 1980s/early 1990s. Since then, it has remained vacant. Low levels of asbestos were detected in a small number of samples collected from the site, however the contaminant concentrations generally meet the residential land use standards. This is discussed further later in Section 6.7 of this report.

A Preliminary Geotechnical Investigation Report has been prepared by Tonkin + Taylor (**Appendix 6**) and relates to the ground conditions and establishment of buildings on the proposed school site.

4.3. Surrounding Context

The site is located within an established residential area in Kaitī, Gisborne. It is surrounded by residential properties to the north, east and west, generally consisting of one dwelling per site surrounded with generously sized outdoor spaces.

As shown in Figure 2 below, the Marae and Kōhanga Reo are located immediately south of the subject site on the opposite side of Ranfurly Street. To the south-west of the site is Titrangi/Kaitī Hill. Approximately 75m to the west of the site is land utilised by Eastland Port, predominantly as logging storage yards. There is also a weigh station and re-fueling facilities at 60 Crawford Road (corner of Crawford Road and Hirini Street). This site enables vehicles to enter from Hirini Street and turn on-site to exit back onto Hirini Street via its vehicle access on Crawford Road.

The roading environment is described further in the Transportation Assessment Report included in **Appendix 7** of the application. However, it is noted that Crawford Road provides a connection between Hirini Street (near Eastland Port) and Wainui Road (State Highway). Footpaths are located on both the northern side of Ranfurly Street and the southern side of Crawford Road. There are also existing formalised cycling features on the northern side of Crawford Road. It is noted that Crawford Road is a Local Road in the Council’s Roding Hierarchy. Both roads are currently 50km/ph.

The Gisborne Town Centre is located approximately 2.5 kilometres north-west of the subject site.



Figure 2: Map of surrounding area (Subject site outlined in red)

4.4. Tairāwhiti Resource Management Plan - Regional Policy Statement and District Plan

The site is contained within the General Residential Zone, with the exception of the Barton Street reserve, which is contained within the Neighbourhood Reserve Zone (refer to Figure 3). Titirangi/Kaiti Hill is located in the Heritage Reserve Zone. The properties at 115 Crawford Road, owned by Eastland Port, also have its own special purpose zoning (Port Zone).

The property at 17 Ranfurly Street is listed in *G9 Schedule: Gisborne District Contaminated Sites Schedule* (Ref No: CS5) due to its former petro-chemical use. This is shown in the map included in *Figure 4* below.

The District Plan Flood Hazard also indicates that portions of the application site are within the *Urban Stormwater Flood Hazard Area (F7)*. As shown on *Figure 4* below, this affects the properties at 17 Ranfurly Street, Barton Street; 161 Crawford Road and the adjoining property to the east (Lot 14 DP 1461).

These natural hazards and the risks associated with soil contamination are discussed later in section 6.7 and 7.4.2 of this report.

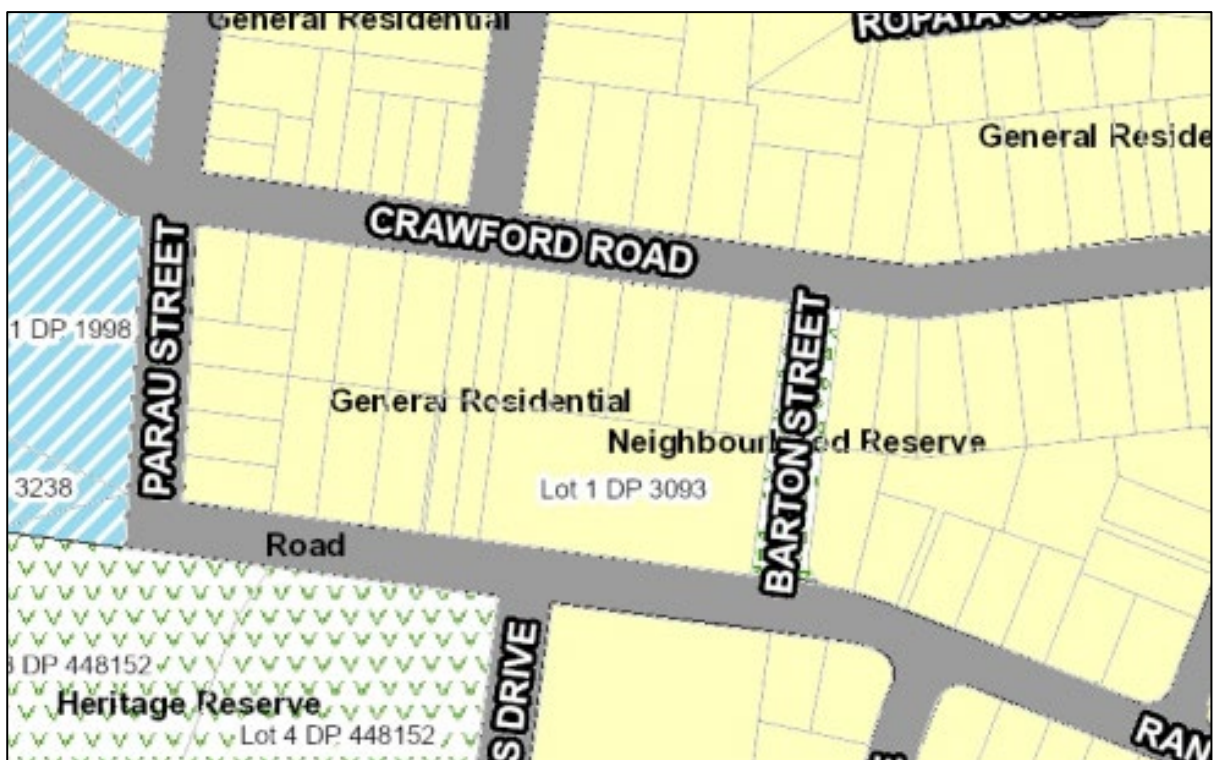


Figure 3: Image showing the site's zoning (Tairāwhiti Planning Maps, 2022).



Figure 4: Image showing the site’s hazards (Tairāwhiti Planning Maps, 2022).

5.0 Notice of requirement and nature of proposed designation

5.1. Notice of Requirement

The Minister of Education, as a Requiring Authority gives Notice of his intention to designate the site, totalling 11,165m² in area land for “Education Purposes”. The land requirement and location plan is attached at **Appendix 3**. The NOR is to enable the relocation of the wharekura to the subject site.

This NOR is only for the designation of the subject site for a composite school (Years 1 to 13) and is a destination school (rather than a mainstream school). There is currently no detailed information available around the master planning and proposed site development including building locations, pou, sport fields and associated accesses and parking etc. This information will only be available at the detailed design stage and will be submitted with the Outline Plan of Works (OPW) as per the requirements of s176A of the RMA, once the Minister’s designation is confirmed.

The NOR stage is for the ‘setting aside’ of the land for future development. This two-stage process allows for the detail of the development to be submitted at the OPW stage (following the designation) when detailed consideration has been given into the form and layout of the school to meet its opening roll requirements. Further assessment of the Ministry’s requirements is provided in Section 5.0 of this Report.

5.2. Lapse date

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. It is not unusual for the Ministry to seek a 10-year

lapse period for new school developments and given its interest in the land there is no prejudice to the landowner.

5.3. Education Purposes

This “*educational purposes*” description for the new designation is consistent with other school designations throughout the country.

The Education Purpose designation will best enable the Minister to provide for education activities and facilities for school aged children including but not limited to learning / teaching spaces (classrooms), formal and informal sport and recreation, cultural, health / medical, social service and specialist unit facilities and activities, halls and gymnasiums, administrative services, vehicular parking / access / manoeuvring areas etc. The meaning of “*educational purposes*” is set out as follows:

“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.

5.4. Outline Plan of Works

There is currently no design of the wharekura. The Ministry firstly seeks to “designate” the site for “Education Purposes”. Once designated, the Ministry will procure a detailed design for the site that would be undertaken in consultation with the Board of Trustees. The designation process under the RMA addresses this issue via a two-phase process.

The details provided in this NOR have been developed in accordance with the anticipated operational requirements of the wharekura and the best information available at this time to assist with evaluating potential effects on the environment.

An Outline Plan of Works provides the opportunity to confirm and clarify detailed design information at a later stage. Once the specific design of the wharekura is known, and prior to construction, an Outline Plan application will be submitted in accordance with section 176A of the RMA.

5.5. Proposed Conditions

The Ministry proposes standard conditions for this designation, the exact wording for which is outlined in **Appendix 8**. To summarise, the conditions relate to requirements for:

Construction Management and Construction Noise:

- The preparation of a Construction Management Plan for all major works;
- Construction Noise shall not exceed the limits recommended in New Zealand Standards “NZS 6803:1999 “Acoustics – Construction Noise”.

Operational Noise

- With the exception of school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday, noise generated from the operation of the school must comply with the following noise levels within the boundary of any residentially zoned site:

Time	Noise Level
<i>Monday to Saturday 7am to 10pm</i>	<i>55 dB LAeq</i>
<i>Sunday 9am to 6pm</i>	
<i>All other times</i>	<i>45 dB LAeq 75 dB LAFmax</i>

Travel Plan

- A Travel Plan must be developed 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 Travel plan must be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.

5.6. Exception from Outline Plan Requirements

The Ministry seek to ensure a nationally consistent approach with all new designations, clarifying the nature of works which will be except from *Outline Plan of Works* requirements, in accordance with Section 176A(2) of the RMA. These generally include building maintenance activities, works or a minor nature and activities which might otherwise be permitted by the Tairāwhiti Resource Management Plan.

The Ministry seek that the following be referenced in any recommendation on the NOR:

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 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).

6.0 Effects of the designation on the environment

The following assessment of effects on the environment is provided as a result of designating the subject site for education purposes.

6.1. Visual and Amenity Effects

Although located in an established residential area, the subject site is largely used for the grazing of horses, with three residential dwellings remaining on the site. Future development in accordance with the designation purpose will likely see the site undergo significant change. This will include:

- The removal of rubbish and debris;
- Earthworks to facilitate the construction of buildings, hardstand areas, sportsfields etc; and
- New boundary fencing and planting throughout the site

Detailed plans for the proposed school buildings and site layout will appropriately be provided through the outline plan process. The overall bulk, form and layout of the school will be documented in a future

OPW which and 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.

Overall, it is considered that the proposed school designation to accommodate future education buildings and activities will have no more than minor adverse visual and amenity effects. Importantly, the development of the wharekura will bring a *sense of occupation* to the site, kaitiaki and a noticeable positive change/improvement to the existing site and site features. The wharekura is intended to be integrated with the surrounding environment including the Marae.

6.2. Geotechnical Assessment and Natural Hazard Risks

A Geotechnical Investigation Report for the site has been undertaken by Tonkin + Taylor and is attached as **Appendix 6** of the application.

The geotechnical report identifies:

- the fill previously deposited on the site is likely to have a degree of variability across the site (in depth and spatially) given the demolition of the previous structures on the property. Estimated fill depths are shown in Figure 5 below;
- there is the potential for differential settlement of the soil;
- that there is liquefaction potential from underlying silt and sand deposits, mainly in the south-western part of the site.
- There is a relatively shallow depth to groundwater which may need to be considered further for foundation design and construction of building and with trenching for services. Dewatering may be required depending on actual excavation depths, order to achieve an adequate foundation subgrade.



Figure 5: Estimated fill depths - excerpt from Geotechnical Report in Appendix 6

In particular, it is noted that the Geotechnical Assessment recommends:

- that once specific building locations and loads are known, further location-specific ground investigations will be necessary to confirm geotechnical foundation design parameters and depth to groundwater. Further relatively deep machine-drilled boreholes would be required if pile foundations are contemplated.
- Additional shallow investigations, comprising hand-augered boreholes and Scala Penetrometer tests would be required at the location of any proposed building to confirm whether footings for specific structures could be designed and founded within existing non-engineered fill.

The Ministry has also sought advice from Council’s Infrastructure Team. Comments from Mr Barry Sanders (Development Engineer, Gisborne District Council) are included in **Appendix 9** of the application. Mr Sanders has also provided Council’s rainfall data (rain-on-grid) as shown in *Figure 6* below. He advises that all buildings must have a finished floor level of 300mm above the predicted floor height in a 1 in 50 year flood modelled event. All buildings will be appropriately protected from the risk of inundation, to be ensured through the building consent process. Further, flood modelling incorporating drainage and current infrastructure capacity will be undertaken to further understand the extent and level of flooding on site and ensure any potential effects on neighbouring properties will be avoided or mitigated.



Figure 6: Flood Map - Rain on Grid – 2% AEP based on Lidar Survey in 2014

Barton Street also provides an overland flowpath. The Ministry will incorporate this further into the design of the wharekura to ensure that the performance of the overland flowpath is not compromised and will continue to function effectively.

Overall, it would be expected that once detailed design of the school buildings has been undertaken, further geotechnical advice would be required at the OPW stage. Buildings will also be protected from inundation through requirements for minimum floor levels proposed at the time of building consent. Notwithstanding this, based on the investigation to date, and subsequent review at the detailed design stage, it is considered that any effects of ground instability and potential natural hazards can adequately be avoided and mitigated to have overall no more than minor adverse effects on the environment.

6.3. Infrastructure Effects and Site Servicing

The existing reticulated infrastructure network is shown in *Figure 7* and are summarised further below:

Water Supply: There are three 150 mm diameter water mains available (on Ranfurly Street, Barton Street and Crawford Road). There is also an additional 150 mm diameter pipe laid across the site connecting the Ranfurly Street pipe network to the Crawford Road network.

Sewer: The site is at the upstream end of the sewer network. The existing gravity mains network flow towards the Port Pump Station.

Stormwater: The reticulated stormwater network includes a 900 mm diameter pipe located to the west of the site; and a 375mm diameter pipe located with Barton Street reserve.



Figure 7: Map of Existing reticulated infrastructure (Source: GDC Maps)

Tonkin + Taylor have provided an Infrastructure Memo dated 27 April 2021, for the proposed wharekura attached at **Appendix 10**. It is noted that a roll of 400 students was assumed for the purpose of this report, which has since been reduced to a roll of 300 students. The primary findings of the report conclude that the site can be reasonably serviced for the proposed wharekura use by the public network.

In particular, this is report notes:

Stormwater: It is anticipated that post-development stormwater runoff will be higher than pre-development levels due to an increase in buildings on the site. As such, numerous options to manage stormwater on the site can be utilised such as ponds, underground tanks, permeable surfaces and swales. Stormwater can be discharged to the existing stormwater pipe(s), the preferred location being to the west of the site.

Water Supply: The proposed development can connect to the three wastewater mains that are available on the roads surrounding the subject site. There is sufficient capacity available for a future school connection for water supply and firefighting requirements.

Sewer: The expected discharge from the proposed school development is expected to be in the range of 0.4-0.45 l/s. This is projected over an operational period of 8 hours per day. We expect the peak flows from the school to be offset from domestic peak flow, therefore the capacity of the network is not affected by additional flow from the school.

Based on the advice received from Tonkin + Taylor, the effects on Council’s infrastructure are considered to be less than minor. These matters can be appropriately considered at the Outline Plan of Works stage.

6.4. Transportation Effects

A Transport Assessment Report has been prepared by East Cape Consulting in support of this NOR (refer to **Appendix 7**). This report considers the appropriateness of the NOR from a transportation perspective. The primary conclusions are¹:

- *“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.*

Overall, it is concluded that the site can be developed in such a way that adverse effects can be avoided, remedied or mitigated. The site is therefore considered suitable for the proposed kura and is not likely to lead to adverse effects. The Notice of Requirement is therefore appropriate from a traffic and transport perspective”.

It is acknowledged that this report makes the following recommendations:

1. A pedestrian facility, of a form to be agreed with Council, on Ranfurly Street linking the wharekura with the Marae.
2. A pedestrian facility, of a form to be agreed with Council, on Crawford Road linking the wharekura with the Crawford Road cycleway and the Dickson Street accessway.
3. Consultation with Council regarding establishment of 30km/h school speed zones around the wharekura.
4. Provision of one or more vehicle accesses to the wharekura with parking suitable to meet staff, bus/van, and drop off and pick up needs.
5. Provision of cycle parking for staff and students.

It is noted that items 1, 2 and 3 are not within the boundaries of proposed designation and requires the approval of Council as the road controlling authority. The Council’s Capital Manager, Mr Darren Cox, has advised that, in principle, future pedestrian facilities could be accommodated within both Crawford Road and Ranfurly Street (see **Appendix 11**).

As a condition of the designation, the School Board of Trustees will develop a Travel Plan tailored to the needs of students and staff which will encourage/promote shared car journeys, car-pooling, walking

¹ Appendix 7 – Transportation Assessment, East Cape Consulting Ltd, pg 21.

school bus to limit potential effects on the local roading network. The wharekura currently operate two shuttles to the existing site.

It is noted that the northern portion of Barton Street does not form part of the proposed designation as it currently provides vehicle access to the properties at 169 and 173 Crawford Road. Potential effects on these properties has therefore been avoided and continued vehicle access to these sites will remain.

Overall, it is concluded that the transportation effects from the proposed school designation are such that no persons will be adversely affected, bearing in mind that mitigation measures will be available when the detailed design goes through the OPW process.

6.5. Noise Effects

Given the nature of education facilities, the proposed wharekura will generate some degree of noise – although this will be intermittent and not of an unreasonable level. It is noted that the underlying Residential zoning explicitly anticipates educational activities being located within this zone, albeit subject to obtaining resource consent.

The site will be located within an established residential area and it is noted that the majority of the site is vacant, or otherwise accommodates individual residential land uses. Future use of the site for education purposes is likely to result in a change to the noise profile from activities. Noise may be noticeable during daytime interval periods, lunch time and during outdoor activities and through the use of the recreational fields.

The proposed conditions for the designation (**Appendix 8**) include a condition that the school activity must meet specific noise standards (Monday to Saturday 7am to 10pm: 55dB LAeq; Sunday 9am to 6pm: 55dB LAeq; and, all other times 45dB LAeq and 75dB LAFmax). These noise levels would apply with the exception of school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday, noise generated from the operation of the school must comply with the above noise levels within the boundary of any residentially zoned site.

Overall, the proposed wharekura can be designed in a manner to ensure that noise levels effects will be no more than minor. To help ensure effects relating to noise are appropriately mitigated to reasonable level, a condition is offered that will ensure this matter is addressed on an ongoing basis.

6.6. Reverse Sensitivity Effects

The site is located in close proximity to Eastland Port. In consideration of the potential reverse sensitivity related effects, the Ministry held a hui with Eastland Port on 31 August 2022. Correspondence from Mr James Jenkins, included in **Appendix 12**, confirms:

“We are aware that the Ministry have their own building standards to ensure appropriate learning environments are achieved within the classroom buildings. Our acoustic advisors inform us it does not appear to be a significant issue but one we would like to continue to work together with the Ministry to ensure that matters of reverse sensitivity are appropriately addressed”.

The Ministry adheres to its own mandatory requirements for noise insulation. These are detailed 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](#))

These documents aim to ensure that school buildings provide quality physical environments that support effective teaching and learning.

Adverse effects in this regard are considered to be less than minor. There are no other surrounding land uses which could be adversely affected by the proposed wharekura in relation to reverse sensitivity.

6.7. Soil Contamination, Risks to Human Health and Groundwater

The property at 17 Ranfurly Street previously accommodated a Mobil Oil New Zealand (Mobil) terminal. Ground contamination investigations were previously undertaken by *Pattle Delamore Partners* following its closure (report by *Pattle Delamore Partners*, 16 November 2009). A review of the previous historical information has been provided by Paul Walker from Tonkin + Taylor (see **Appendix 13**) Ground Contamination Letter). Mr Walker summarises that²:

“According to Pattle Delamore Partners (PDP, 2009), the western two thirds of the site operated as a storage and distribution centre for petroleum hydrocarbon products (including lubricants, leaded petrol, diesel and kerosene) between the early 1930s and late 1980s. The eastern third of the site was reportedly not used for petroleum storage or distribution, although it was used for the storage of empty fuel storage tanks. The use of the site (if any) prior to the establishment of the terminal is not documented by PDP (2009).

An aerial photograph reportedly dated 1986 is contained within the PDP (2009) report and shows that at this time the centre of the site contained the majority of the product storage facilities. A tank farm containing four above ground storage tanks is present, and an area of drum storage is present on the Ranfurly Street (southern) boundary. The western part of the site contained a gravel turning area and tank wagon filling stand. A lube oil store and garage was located in the north western corner of the site.

The last structures are understood to have been removed from the site in 1992. Since this time it is understood that the site has been unused, fully fenced and covered with grass.”

Mr Walker recommended that:

- further sampling and analysis be undertaken to obtain updated hydrocarbon contamination data to clarify such issues soil disposal/remediation options;

² Appendix 13 - Ground Contamination Letter, Tonkin + Taylor, 11 July 2012, pg 2.

- groundwater sampling could be completed to assess potential treatment requirements and options for the discharge of dewatering water; and,
- that an investigation for the presence of asbestos in soils is completed at the site

The Ministry commissioned Tonkin + Taylor to complete these investigations in response to their recommendation. The results of those investigations are detailed in **Appendix 5** - Ground Contamination Report, dated 16 January 2019.

A total to 30 soil samples were collected from the 13 test pit locations and submitted for laboratory analysis in general accordance with the MfE's "Contaminated Land Management Guidelines No. 5, Site Investigation and Analysis of Soils (Revised 2011)". 15 soil samples were collected for asbestos analysis in general accordance with the "New Zealand Guidelines for Assessing and Managing Asbestos in Soil" (Asbestos in Soil Guidelines). Groundwater samples were collected from three test pits (TP02, TP05 and TP07).

In considering the potential for soil remediation and soil re-use, Tonkin + Taylor's outlines³:

"With limited exceptions, contaminant concentrations in soils have not been detected above assessment criteria for residential land use. Adoption of residential land use assessment criteria is conservative in the context of the future use of the Site as a Wananga. Therefore 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. Similarly, excavated materials would generally be expected to be suitable for reuse on the Site. However, material excavated from within the zone of groundwater fluctuation may contain strong hydrocarbon odours and therefore be aesthetically unsuitable for reuse on or near areas of exposed ground surface.

The amount of asbestos present as free fibre is below the guideline value for residential land use in New Zealand. In other words, the soil containing this material could be reused on the Site, and in fact this is common practice for the redevelopment of brownfield sites. Good practice is to manage potential exposure to asbestos wherever possible, and this could be achieved at this Site through relatively straightforward procedures, for example placing such material under buildings and/or sealed pavement areas.

However, we are aware that for other sites, the MoE has elected to remove (rather than retain) asbestos-containing soils, including in cases where asbestos levels are below applicable land use criteria. If the ministry were to adopt the same approach for this Site then all fill that potentially contains demolition material would need to be removed".

Tokin + Taylor also identified that a further resource consent application will be required under the NES-CS. The development of the site will be considered a "change of land use" under NES-CS and the land disturbance and soil removal permitted activity thresholds are likely to be exceeded. Further resource consents may also be required for de-watering during construction under the *National Environmental Standard for Freshwater Management (NES-FM)* and the Tairāwhiti Resource Management Plan .

³ Appendix 5 – Ground Contamination Assessment, Tonkin + Taylor, 16 January 2019, pg 9.

The potential risk to human health and the any potential effects on groundwater will be more appropriately assessed at the time of any resource consent application. This will be applied for at a time when the specific characteristics of the development of the site have been determined and a comprehensive Remediation Action Plan has been developed to ensure there are no unacceptable risks to human health. 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.

6.8. Cultural Effects

A Cultural Values Assessment has been prepared by Ngāti Oneone and is attached as **Appendix 14**. Overall, the proposal will have positive cultural effects for the following reasons:

- 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 taura, 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.

6.9. Social and Community Effects

Designating land for a future wharekura site is considered to have the following social and community effects:

- The wharekura has the potential to become a key piece of community infrastructure for the community by acting as a focal point of the local area;
- The wharekura is likely to have wider benefits for community for public meetings and as a recreational area, complementing the Marae;
- Establishes a future site for an important physical resource (being an educational facility) to enable the new community to provide for their wellbeing; and
- The strategic location will provide consequential social benefits such as enabling a large catchment of pupils to travel to school by walking or cycling. This is likely to have positive effects for both student health, the perceived safety of the local area, and potentially reduce the number of vehicles travelling to school in peak am and pm periods.

6.10. Positive Effects

The proposed location of the school is to have considerable positive effects for the community of Gisborne. In accordance with Section 171(1) of the RMA, the designation will have the following positive effects:

- It will relocate an existing wharekura from an ex-hostel building to a location that is linked to the Te Poho o Rāwiri) Marae;
- It will allow for the Gisborne community to provide for their social well-being;
- The wharekura site will provide a key community infrastructure and focal point for the Gisborne community;
- Its location surrounded by an existing residential area will mean that children will be able travel shorter distances to their local school and a higher proportion are likely to cycle, scoot or walk;
- The school will cater to its immediate community, relieving potential growth pressure and transportation effects on existing schools in the wider area.

6.11. Effects Conclusion

The site has been selected for educational purposes following a rigorous assessment of the needs of the wharekura and site options. For the reasons discussed above, the proposal to designate the site for education purposes will have no more than minor effects on the environment. Effects can be adequately avoided or mitigated. The NOR will also have notable positive effects, as outlined above. Overall, there are no fundamental issues that would preclude this site to be developed as an education facility.

7.0 Statutory framework

The decision-making framework for the proposal is contained in Section 171 of the RMA. This section specifically applies where the NOR is made by the Minister. The relevant aspects of Section 171 for this application are as follows:

Section 171 Recommendation by a Territorial Authority

- (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.*
- (1B) *The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.*
- (2) *The territorial authority may recommend to the requiring authority that it—*
- (a) *confirm the requirement:*
 - (b) *modify the requirement:*
 - (c) *impose conditions:*
 - (d) *withdraw the requirement.*
- (2A) *However, if the requiring authority is the Minister of Education or the Minister of Defence, the territorial authority may not recommend imposing a condition requiring a financial contribution (as defined in [section 108\(9\)](#)).*
- (3) *The territorial authority must give reasons for its recommendation under subsection (2).*

As assessed in Section 7.1 of this Report, Section 171(1)(b) of the RMA requires a territorial authority to consider whether adequate consideration has been given to alternative sites, routes and methods only if the requiring authority does not have significant interest in the land sufficient for undertaking the work or if the work will have significant effect on the environment.

As identified in the effects assessment above, effects on the environment are considered to be either minor or less than minor.

The Ministry owns all of the sites, with the exception of Barton Street (reserve). Barton Street is a crown derived reserve under the Reserves Act 1977 set aside for a public purpose, being a local purpose (road reserve). The Ministry wish to acquire part of the reserve for a public work under the Public Works Act 1981 (PWA). Council have signalled their support for this portion of Barton Street to form part of the Ministry's land requirement.

Given the status of the land, the parties with which an agreement is required includes the Department of Conservation (DoC) as the underlying Crown owner and the Council with whom the Land is vested. This will require the agreement of both the Council and DoC for the revocation of part of the reserve status. The Ministry and Council have entered in a *Memorandum of Understanding* in relation to this process. However, the interest is not sufficient to forgo the need to undertake an assessment of alternative sites and methods under Section 171(1)(b) of the RMA. This assessment is provided below.

As assessed in Section 7 of this Report, below, Section 171(1)(c) of the RMA requires that when considering a NOR, the Council must have regard to whether the designation is reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. The designation is necessary to achieve the objectives of the Ministry.

7.1. Alternative Sites

The wharekura had a strong desire to be located near the Marae. The surrounding area is predominantly residential and as such, multiple acquisitions are required by the Ministry to secure a suitable area of land for the wharekura. To date, ten properties have been acquired.

The wharekura had identified four potential sites in its original application to the Minister for an alternative site. At that time (circa 2015), the Ministry research identified that none of those sites were viable as options. A Ministry site selection assessment was carried out by *The Property Group* and their completed report was provided in October 2016.

The site selection assessment was carried out using the Ministry's standard methodology (at that time) for site identification and evaluation. This is a two-stage methodology. Stage 1 involved a coarse screening exercise where sites that were not considered to meet the broad criteria for a suitable school site were eliminated from further consideration. The sites that were considered suitable were then subject to a more detailed Stage 2 multi-criteria evaluation. The site evaluation report identified several sites as options to varying degrees, with one site scoring the highest, and three other sites scoring at a level that would also merit consideration. The highest scoring site was presented and discussed with the wharekura, but it did not meet any of their cultural requirements.

One of the sites that was identified in the "merit consideration," was the subject site. During the subsequent consultation with whanau from the wharekura, whanau clearly articulated their vision to locate their wharekura at the subject site due to the cultural connectedness between the wharekura, the Marae and Titirangi/Kāiti Hill. The Ministry's internal guidelines also state that *"The Statement of Intent focuses on ensuring the education system acknowledges supports and incorporates the identifies, language and cultures of Māori into their learning experiences to support better outcomes"*.

The establishment of this wharekura at the subject site will enable whānau to sustain education participation within their cultural context and enable Māori to achieve improved education success. In support of this statement the wharekura confirmed that this location would achieve placing the wharekura within its cultural context. The established values and unique pedagogy of the kura are firmly planted in their ancient traditions and whakapapa. For the wharekura, the wharenuī within the Marae holds their curriculum in its tukutuku panels and whakairo. The whanau group expressed the importance of their tamariki being close to, and the ability to access, the Marae. The outcomes of their pedagogy are illustrated through their educational success, growing roll, and they believe that this success will be even further enhanced by having the wharekura located on the subject site, because of its proximity to the Marae.

From discussions with the wharekura, the Ministry agreed to progress a land acquisition that would relocate the wharekura to this location. It was understood by both parties that this would be a challenging acquisition and it would take an uncertain, lengthy, amount of time to complete. The wharekura also made it clear that they did not want the Ministry to use the compulsory acquisition powers provided for under the PWA and wanted all land agreements to be reached by way of negotiated settlement. This has largely been achieved.

As a result of the detailed site due diligence process, it is considered that adequate consideration has been given to alternative sites. Further, given the large number of sites (10 properties) acquired by the Ministry; the support signalled by Gisborne District to enable the land to be acquired under the PWA;

and, the strong cultural connection with the selected site that is not present for any other site, it is considered that an adequate assessment of alternatives has been undertaken.

Lastly, the alternative of not including Barton Street within the NOR area has been discounted as it would sever what would otherwise be a contiguous NOR area and would not achieve the Ministry's objectives.

7.2. Alternative Methods

Designations are the mechanism used widely by the Minister as part of a national strategy for establishing, maintaining and operating wharekura/school sites. The primary reasons for adopting this technique are:

- The RMA anticipates designations as the primary resource management method to be utilised by requiring authorities such as the Minister;
- The Ministry has a national policy to designate all its school sites;
- Designations provide greater certainty in terms of future management operations for site, because it allows the Ministry to carry out development of the site in accordance with the designation purpose indefinitely;
- The designation will allow the Ministry to undertake the project or work in accordance with the designation, notwithstanding anything to the contrary in the relevant District Plan;
- A designation provides land use certainty for a large capital works project, and an essential future community infrastructure;
- It provides flexibility for the operational performance of the site from year to year when a greater amount is known about the characteristics of the student catchment and desires of the community; and
- Designations recognise the long-term commitment to the particular sites, as well as identifying the site on the District Plan maps.

In addition, designations allow the setting aside of land for future work, in this case education purposes, with certainty as to its ability to be used for that purpose irrespective of any changes to the Tairāwhiti Resource Management Plan in the meantime.

An alternative to designating the proposed school site would be for the Ministry to apply for resource consent. An application for resource consent would require the Ministry to determine a much greater level of detail with respect to the design of the school than is currently available or necessary. Additionally, establishing a school through the resource consent process doesn't provide the certainty or flexibility required for the school infrastructure to adapt to changes or growth in the community.

For the above reasons, it is considered that the use of the designation process, as specifically provided for in the RMA, is the appropriate mechanism.

7.3. Other Resource Consents Required

The Ministry acknowledge that further resource consent(s) *may* be required under the Tairāwhiti Resource Management Plan; and/or, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS) for works associated with site

remediation. Such resource consents will be sought at a later date when the full extent of future works are known. This will allow:

- for a full and proper assessment of any actual or potential effects to be considered, particularly in relation to the discharge of stormwater from the site;
- for the development of a site-specific *Remediation Management Plan (RAP)* to ensure that there are no unacceptable risks to human health on an on-going basis, following the completion of any remediation and physical works. This will be developed prior to construction and once the plans for the development of the wharekura have been advanced; and
- for appropriate resource consent conditions to be imposed by Council as part of any resource consent application.

7.4. Section 171(1)(a) Assessment of Relevant Provisions

7.4.1. National Policy Statement on Urban Development (2020)

The National Policy Statement on Urban Development (NPS-UD) recognises the national significance of having well-functioning urban environments that enables people and communities to provide for their social, economic and cultural well-being, and for their health and safety, now and into the future; and providing sufficient development capacity to meet the different needs of people and communities. Under the NPS-UD Gisborne District Council are identified as a Tier 3 territorial authority. The objectives and policies most relevant to the application have been identified and are addressed as follows below. The NPS-UD directs decision making under the Act.

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

(a) the area is in or near a centre zone or other area with many employment opportunities;

(b) the area is well-serviced by existing or planned public transport;

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

Objective 5: *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Objective 6: *Local authority decisions on urban development that affect urban environments are:*

- (a) integrated with infrastructure planning and funding decisions; and*
- (b) strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.*

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect**
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

Policy 10: *Tier 1, 2, and 3 local authorities:*

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and
- (c) engage with the development sector to identify significant opportunities for urban development

Policy 11: *In relation to car parking: the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

In accordance with Policy 10 (b), this application provides an opportunity for engagement between Council and the Ministry in order to achieve integrated land use and infrastructure planning to successfully contribute to the urban environment the site is located within.

Additionally, it is considered this wharekura will provide a critical piece of infrastructure supporting the urban development and education requirements for students in Gisborne. Thus, enabling people and communities to provide for their social and cultural wellbeing, and their health and safety.

The proposal has been assessed against these and any other relevant objectives and policies and is considered to achieve the outcomes sought by the NPS-UD, albeit noting that these are broadly cast. Thus, it is considered that the proposal will contribute to providing a well-functioning urban environment and this NOR is in support of the key outcomes sought by the NPS-UD.

7.4.2. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS)

The NES-CS nationally consistent set of planning controls and soil contaminant values for assessing and managing contaminants in soil. As noted above, further resource consents are required by the NES-CS for land disturbance and a change in land use. These will be sought at a later date once the nature of the proposed physical works and any associated remediation has been confirmed.

For the purposes of this assessment, it is noted that there are no objectives and policies under the NES-CS.

7.4.3. Tairāwhiti Resource Management Plan

The Tairāwhiti Resource Management Plan (TRMP) is a combined Regional Policy Statement, Regional Plan and District Plan. The TRMP contains relevant provisions regarding:

- Consultation with Tangata Whenua;
- Contaminated land
- Natural Hazards

A full assessment of the TRMP has been provided in **Appendix 15**. I consider that the NOR application is generally consistent with the relevant objectives and policies in the TRMP.

8.0 Necessity of the designation

Form 18 requires the Minister to state the reasons as to why the designation is “...*reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought*”.

The Minister is a requiring authority in accordance with Section 166 of the RMA. The Minister has the financial responsibility for state owned and funded schools, so may give a territorial authority a NOR for a designation for such works.

The NOR is required to enable the Minister to provide for effective education facilities throughout New Zealand. The Minister seeks the proposed designation to allow the operation of the wharekura.

The Minister has lodged the NOR to achieve the following objectives:

- To provide for the efficient and adaptable management of a nationwide portfolio of education facilities;
- To provide a Maori immersion education to the Kaiti area of Gisborne; and
- To allow land required for education purposes to be identified in the Tairāwhiti Resource Management Plan to give a clear indication to the public of its presence.

Therefore, the designation is deemed reasonably necessary.

9.0 Consultation

9.1. Community Consultation

The Ministry held an open invitation Hui/Information Evening regarding the NOR on 30 August 2022. The Hui/Information Evening was held at the Te Poho o Rāwiri Marae, commencing at 5.30pm.

Letters were sent circulated to the letterboxed of the properties identified in *Figure 8*. In addition, a public notice was advertised in the Gisborne Herald on 26, 27 and 29 August 2022.

Approximately 60 people attended the Hui/Information Evening. Key themes from the Hui included:

- Queries/concerns on whether the former Mobil site will be remediated and made safe;
- General support for the wharekura to locate on the site;
- Consideration for retaining the *pohutakawa* tree located at 5 Ranfurly Street.



Figure 8: Properties served a letter to advice of the hui/information evening

9.2. Eastland Port

The Ministry held a hui with Eastland Port on 31 August 2022. Correspondence from the port is included in [Appendix 12](#).

9.3. Gisborne District Council

A pre-application meeting was held with Council on 31 August 2022. A record of the meeting is included in [Appendix 16](#).

9.4. Letters of Support

The following letters of support for the NOR application has been received (see [Appendix 17](#)). It is noted that these shall not be considered formal written approvals under the RMA but indicate the high-level of support from key stakeholders and those associated with the wharekura.

Organisation	Contact Details
Te Poho o Rāwiri Marae	Marae Committee and Trustees c/- Alex Hatea
Te Tihi O Titirangi Kohanga Reo	Jennifer Pewhairangi

9.5. Rongawhakaata

The Notice of Requirement application has been discussed with Rongowhakaata's Acting General Manager, Teina Moetara. A summary of the NOR was sent to Rongowhakaata and feedback has been sought. As detailed in correspondence with Mrs Moetara (is included in **Appendix 18**) she advises that Rongowhakaata people generally feel pleased with being informed and that she does not think there will be any issues.

10.0 Other matters

10.1. Relevant Non-Statutory Documents

10.1.1 The Tairāwhiti Spatial Plan 2050 – Shaping the Future of our Region

The Tairāwhiti 2050 Spatial Plan in a non-statutory document. It sets out the Council's vision for the region for the next 30 years. The Spatial Plan seeks to outlines shared aspirations for our region's future wellbeing and aligns the strategies and plans of Council, government agencies and other organisations to enable collaboration.

The Spatial Plan sets out 8 broad outcomes. Of particular relevance is: *Outcome 3: Vibrant city centre and townships*; and, *Outcome 8: Delivering for and with Maori*. The Spatial Plan identifies the Kāiti area as being an opportunity for future residential intensification following an investment in infrastructure. The NoR reflects Outcome 8 insofar as it enables Tairāwhiti Māori to be supported by the Ministry through providing a wharekura that meets and reflect their needs and aspirations.

It is considered that the NoR is broadly consistent with the Tairāwhiti 2050 Spatial Plan.

10.1.2 Te Tairāwhiti Regional Land Transport Plan (RLTP) 2021-2031

The RLTP sets out the current state of the transport network, the challenges it faces, and the priorities for future investment. It is jointly prepared by Council and Waka Kotahi (New Zealand Transport Agency).

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.

In relation to school travel, the RLTP notes a focus on investment in safe cycling and walking infrastructure to enable more active mode travel to school. The proposed wharekura will be consistent with these outcomes, reinforced by the proposed designation conditions.

10.1.3 Gisborne District Council Long Term Plan (LTP) 2021-31

The Council Long Term Plan was adopted on 30 June 2021. There are no capital works projects specifically identified in the vicinity of the proposed wharekura.

10.1.4 Tītirangi Accord and the Tītirangi Reserve Management Plan (2016)

The Tītirangi Accord sets out a protocol for the protection of Titirangi Reserve and the management of wāhi tapu and archaeological sites. The accord has been entered into by both Ngāti Oneone and Council and is supported by the Tītirangi Reserve Management Plan (TRMP).

The TRMP provides a strategic framework for the management of Tītirangi by Council. The TRMP is not specifically relevant to the site as it relates to the geographic boundaries of the reserve. Importantly however, the TRMP recognises the special relationship Ngāti Oneone have with Tītirangi maintaining the many cultural institutions and responsibilities required with being tangata whenua for the area. The TRMP states:

“Included in this role of mana whenua are responsibilities as kaitiaki (spiritual guardianship) for Tītirangi on behalf of themselves and wider iwi that share whakapapa to the maunga. Ngati Oneone are the logical partner in co-management for the site. Ngati Oneone provided a leading role in the 2015 forestry harvest and revegetation project and from this have reminded Council of their vision and role in the management of the maunga”.



Figure 9: Tītirangi Improvements Project. Taken from the Tītirangi Reserve Management Plan (2016)

As detailed in the Cultural Values Assessment in **Appendix 14**, Ngāti Oneone believe that Tītirangi stretches into the sea and awa that include Te Toka a Taiiau (in the Turanganui Awa), Hawea, Tokomaru and many other papa (diving rocks) and also includes Urumatai, the area that where the kura is proposed.

The NOR is not inconsistent with the Tītirangi Accord and TRMP to the extent that it is relevant.

10.2. Part 2 Matters

Section 171 of the RMA requires territorial authority to have consideration of a NOR subject to Part 2 (the purposes and principles of the RMA).

Section 5: Purpose

The purpose of the RMA is to promote sustainable management of natural and physical resources. Sustainable management is defined in Section 5(2) as:

“...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The proposed NOR will provide for the future educational needs in the local community and will provide for the community’s social, economic and cultural wellbeing. The effects of the designation and activity have been discussed in Section 6 of this report where it was concluded that any potential for adverse effects will be avoided, remedied or mitigated. In addition, the life supporting capacity of air, water, soil and ecosystems is maintained. For these reasons the proposed designation is consistent with the sustainable management purpose of the RMA as defined in section 5 of the RMA.

Section 6: Matters of National Importance

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for.

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is listed as a matter of national importance. The development of the site will add to the wider redevelopment of a Papakāinga where whanau, Hapū and Iwi live as one, work as one and learn as one.

None of the other matters listed in Section 6 are relevant to this proposal.

Section 7: Other Matters

The Section 7 matters relevant to this proposal 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:*

With regard to Section 7(b) the proposed designation is considered to be an efficient use of natural and physical resources as it will provide for the well-being of the community by providing education facilities for local students both at primary and early childhood levels. The protection of the land for the purpose of school development within an area of residential development is an efficient use of land. Additionally, the wharekura will be located in close proximity to the new residential catchment.

With regard to Section 7(c) amenity values are defined in the RMA as:

“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

The school will be designed to have large areas of open spaces coupled with new fencing and landscaping throughout the site. Amenity values will be enhanced by the development of the wharekura. The proposed designation conditions relating to noise generation have been designed to minimise the adverse effects on amenity values and the quality of the environment whilst recognising the Minister’s objective of establishing educational facilities on the site. In addition, the assessment of effects above indicates that adverse effects will likely be no more than minor, and can be adequately avoided, remedied or mitigated and through a more detailed OPW process.

Similarly, the quality of the environment can be maintained and enhanced through the development of the school.

Section 8: Treaty of Waitangi

This Section of the RMA requires those exercising powers and functions under the RMA to take into account the principles of the Treaty of Waitangi. Consultation with iwi groups has formed part of the overall strategy for this designation process as recorded in the above assessment. As such, the proposed designation and future establishment of a school on this site is not considered to be in conflict with the principles of the Treaty.

Overall, the proposal is considered to be consistent with Part 2 of the RMA.

10.3. Notification

Pursuant to Section 169(1) of the RMA, a Territorial Authority must decide whether to notify the NOR under sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, within 10 working days of receiving the Minister’s Notice. In this case, Public Notification has been requested by the Ministry.

As outlined above, the Ministry has undertaken consultation with the affected persons/parties. Responses from these parties have been outlined above.

11.0 Conclusion

The Minister requests that the Council process this NOR pursuant to Section 169 of the RMA and in accordance with relevant provisions of Part 8 of the RMA;

Subsequently, and on the basis that that this NOR addresses all the relevant matters under the Part 8 of the RMA, the Minister seeks that the designation for “*Educational Purposes*” on the subject site, be recommended to be confirmed.

The Ministry has consulted with potentially affected parties as set out in Section 9 of this application.

Public Notification of the application is requested by the Requiring Authority.

The decision-making framework for this NOR application is contained in Section 171 of the RMA and has been assessed in this report.

The primary conclusions are that the NOR should be confirmed, subject to conditions. The effects on the environment of allowing the requirement have been considered, having particular regard to:

- The relevant provisions of the NPS-UD, NES-CS and the TRMP;
- The adequate consideration of alternative sites, routes, or methods, noting that the Ministry does not presently have an interest in the Barton Street road reserve sufficient for undertaking the work;
- The reasonable necessity of the NOR for achieving the objectives of the Ministry as requiring authority; and
- any other matter reasonably necessary to make a recommendation on the requirement.