

FORM 18

NOTICE OF REQUIREMENT FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991
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To: Auckland City Council

The **Minister of Education** gives this Notice of Requirement for a designation for a public work.

1. The Site to which the requirement applies is as follows:

The Ministry of Education (the Ministry) is seeking to designate the site on behalf of the Minister of Education (the Minister) for education purposes. It is proposed to establish a special school catering for students in Years 1-13. The site is located on the northern side of Luke Street, at 32-44 Luke Street. The site has road frontage onto Luke Street. The land is owned by the Ministry and is currently vacant undeveloped land. The site location plan is contained in **Annexure A**.

The land is held in seven titles; Lot 1 DP 70558 and Lots 7-12 DP 8064. The proposal seeks to designate the entire 2.0589 ha for a '*Special School*'. Copies of the Certificates of Title are contained in **Annexure B**.

The site is a flat vacant area of grassed land. The west and north perimeter of the site is bounded by the Otahuhu Creek. Beyond the creek to the north is residential land use and beyond the creek to the west is Otahuhu Intermediate School. Luke Street Reserve is adjacent to the site at its southwest corner and to the south, on the southern side of Luke Street there are more residential properties. There is a factory adjacent to the east boundary of the site. It contains a manufacturing, processing and packing operation for frozen convenience foods.

The site is generally just grassed land with a scarce and irregular distribution of low level shrubs and trees. There is a dominance of weed species over the site. The margins of the creek are planted with low level trees and shrubs and there is extensive mangrove growth within the creek. There are mature plantings in Luke Street Reserve and on the opposite side of the creek along the boundaries of Otahuhu Intermediate and residential properties to the north. Photographs of the site are contained in **Annexure C**.

Previously the subject site was occupied by a tannery operation (1930s) and more recently a transport/haulage depot (1983-2003). These activities occurred on the larger lot (Lot 1 DP70558) in the northern area of the site. The smaller lots at the south of the site, fronting onto Luke Street, have remained as residential properties or open space throughout the changes in industrial activity that occurred elsewhere on the site.

Some areas of the site became contaminated with industrial chemicals as a result of the industrial activities. Site remediation works have been undertaken in order to ensure that the site is safe for use as a school (potential contaminated soil exposure risk low).

The entire site is zoned Business 4 within the Auckland City District Plan (Isthmus Section) 1999. The site is not currently designated under the Plan.

Currently, the area surrounding the site generally consists of residential land use, with other non-residential land use including Otahuhu Intermediate, and business land use including light industrial factory activity.

Otahuhu is identified as an 'area of change' in Auckland City Council's Growth Management Strategy (2003). It is an 'urban living community' which is suitable for residential growth, and where supporting social infrastructure and amenities either already exist or are anticipated for the future.

The Draft Otahuhu Liveable Community Plan (September 2007) has been developed to manage growth in Otahuhu and it highlights the need to build social and community infrastructure in the area. Otahuhu is an area with social problems including a higher than average crime rate and lower employment rates. Additionally, the high proportion of private rental properties has led to a population that is transient compared to other parts of the city. These factors place great demands on social services and facilities. The plan notes that as Otahuhu changes and grows, community services and facilities must be adapted or provided in order to meet the needs of the community now and into the future. The proposed special school will support the plan to build social and community infrastructure and contribute to the efficient delivery of services.

Initially, the proposed special school will accommodate students from existing programmes that are currently located outside of the community catchment. However, this does not preclude future use of the facility by students in need from the Otahuhu community.

The Auckland City District Plan (Isthmus Section) 1999 and the Central Index of New Zealand Archaeological Sites (CINZAS) have been searched and the New Zealand Historic Places Trust (NZHPT) has been consulted in respect of any archaeological and historical values attaching to this site. There are no scheduled heritage items nor any recorded archaeological sites located on the property or within the immediate vicinity.

2. The nature of the proposed public work is:

The Minister as the Requiring Authority is seeking to designate an area of 2.0589 ha of land currently accessed from Luke Street, Otahuhu. The requirement plan is contained within **Annexure D**.

The purpose of the designation is to enable the construction and subsequent use of a purpose built special school facility in Otahuhu. Therefore, the purpose of the

designation to be noted in the Auckland City District Plan (Isthmus Section) is for “Education purposes – ‘*Special School*’, Luke Street, Otahuhu”. Proposed designation conditions are set out later in this Notice.

The designation is therefore required by the Minister of Education to enable the establishment, operation and necessary support for special education on the site. The nature of the proposed work to be conducted and operated upon the site and to which the designation notice is given is:

- The construction, undertaking, establishment, management, operation and maintenance of purpose built special school facilities; and
- Every use of the land for educational purposes where the relevant education authority constructs, undertakes, establishes, manages, operates or maintains land for such work or use.

School Programmes, Background

The proposed Special School will provide education and support for students with specific needs. In this case, the students have behavioural support needs. The Luke Street school will be a purpose built facility and will accommodate students from three existing Auckland facilities. The students need to be relocated because the three existing facilities are not built for the purpose of special education and do not adequately meet the requirements of the education providers. In the interest of efficient and effective service delivery into the future, it is considered most appropriate and sustainable to establish a purpose built facility – both for current and future students.

The education provider will be Felix Donnelly College. The programmes to be located on the site have yet to be confirmed but it is likely to be three programmes including; Youthlink Girls, Youthlink Boys and YouthHorizons. Each programme will be taught separately, creating three streams of students.

Felix Donnelly established the Youthlink Family Trust which is a programme for ‘at risk’ youth, with primary intent to heal family divisions, strengthen the family unit and the young person’s place within it.

Students attending Felix Donnelly are from broken families and are in Child, Youth and Family care and protection, under the Youthlink Family Trust programme.

YouthHorizons is a non-profit organisation providing a continuum of care for children and young people with the aim of reintegrating them into their family homes or enabling them to survive in an independent living situation.

YouthHorizons provides programmes of support for children and young people who are in the custody of Child, Youth and Family. The aim is to teach young people social competencies to empower them to return home or prepare for independence.

Projected Roll and Staff Numbers

The Ministry has projected the following school roll and projected staff requirements for the site.

School Roll	100
Staff (approximate Full Time Equivalent Staff (FTES))	34

The total number of students to be included in the designation is 100. However, in operational terms there will be three streams of 15-20 students each. Therefore, it is most likely that a maximum of only approximately 60 students will attend the school.

Staff employed at the site will include teaching staff (together with teacher aides and youth workers), administrative and other support staff. There is a teacher-to-student ratio of one teacher plus one teacher aide/youth worker per six students. Therefore, the teaching staff-to-student ratio is 2:6, or 1:3. Additional specialist support services will come to the site from time to time, but they will come and go rather than being permanently based on site. As with the student numbers, the number of staff to be included in the designation is 34 however in operational terms it is more likely that there will be approximately 20 staff.

Hours of Operation

Pupils will be present between the hours of 8.30am to 3.30pm. However, it is likely that the facilities will be used outside these times, including administrative activities associated with the operation of the school and ancillary education activities.

Building Location & Timing

An indicative concept plan showing the current extent of site planning has been completed and is attached in **Annexure E**. The purpose of the concept plan is to demonstrate that it is possible to establish a school of the required size on the site in a manner that can adequately meet physical design requirements and fit within site constraints. **These plans should not be considered to be the final design and are indicative only.** The plan has been provided to assist the Council and community in understanding and assessing the likely effects of a school on this site, and demonstrate at the land designation stage that there are no fundamental impediments to being able to establish a school on this site.

Detailed design will be undertaken once the designation is in place as part of any outline plan of works. However, designation conditions have been proposed that will provide several overall limits within which the detailed design of the school will need to be

undertaken. Detailed design will continue to advance in parallel with the designation process. The intent is to construct and open the school in 2010.

In general terms, the proposed school is expected to include three separate single level classroom 'pods' located on the southern portion of the site, adjacent to Luke Street with sports and playing fields on the northern portion of the site. Car parking is provided on the southern and eastern parts of the site. A transport analysis has indicated that a total of 39 car parks are required however for this preliminary design phase 44 car parks have been included to allow for some flexibility in the next stages of design.

All school facilities will be secure. The site will have boundary fencing and there will be secure entry to the pick-up / drop-off area.

The site area available for construction of buildings is limited to the southern portion of the site due to extensive site remediation works (refer section 4(v)).

3. The nature of the proposed restrictions that would apply are:

For the proposed new education facility, the following restrictions have been identified:

1. 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.
2. The height of all buildings (excluding any goal posts associated with sporting activities) shall not exceed 10m except for assembly halls, recreational facilities, and cultural or performance facilities.
3. Provided that no part of any building shall project above a 45° recession plane measured from any point 2 metres above the ground level along any boundary of the site.
4. Minimum building setbacks: from Luke Street boundary – 3m; side and rear boundaries – 8m.
5. The noise level from activities within the site shall not exceed the following limits:
 - i. The noise level from activities within the site, except those specified in (iii) and (v) below, measured at or within the boundary of any adjacent site (not held in common ownership) zoned Business 4 shall not exceed:

7.00am – 10.00pm	60 dBA L ₁₀
10.00pm – 7.00am	60 dBA L ₁₀

- ii. The noise level from activities within the site, except those specified in (iii) and (v) below, shall not exceed the following limits when measured at or within the boundary of any residential zoned site:

Monday to Saturday	7.00am – 10.00pm	55dBA L ₁₀
Sunday & Public Holidays	9.00am – 6.00pm	55dBA L ₁₀
All other times		45dBA L ₁₀ 75dBA L _{max}

- iii. These limits shall not apply to noise generated by children's normal recreation activities in any external areas of the site between the hours of 8.00am to 6.00pm.
- iv. Noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 "*Measurement of Sound*" and NZS 6802:1991 "*Assessment of Environmental Sound*".
- v. Noise from construction activity shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS 6803P:1984 "*The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work*."
- vi. In the event that any archaeological sites or remains are discovered during the earthworks, then the works at that place of discovery will cease immediately and the appropriate statutory authorisations or consents obtained.

4. The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated are:

Future use of the site for education purposes may result in actual or potential effects on the environment as follows:

- (i) Positive effects;
- (ii) Noise effects;
- (iii) Amenity;
- (iv) Safety and Security;
- (v) Contamination: Geotechnical assessment and Soil quality;
- (vi) Archaeology and Heritage;
- (vii) Water Services; and
- (viii) Transport effects.

(i) Positive Effects

The proposed designation for a '*Special School*' provides for a purpose built facility for specialist education. It allows for the provision of the individual education and support needs of children in the Youthlink and YouthHorizon programmes. These have the aim of teaching them the necessary social competencies so that they may be reintegrated into the public system and lead full and involved lives within their communities. This is likely to result in significant positive effects for the Auckland region as well as the particular communities to which each of the students belong by raising the social profile of these communities, strengthening the family unit and encouraging better social outcomes for the future – producing role models for younger community members.

In addition, the proposed development has and will continue to result in positive land use and environmental effects. The underlying zoning of this site (Business 4) allows for the development of this site for light industrial and service uses, similar to the previous use of the land. Given the surrounding land uses (residential, education), it is considered that the development of a school, as opposed to a light industrial factory/warehouse, will have reduced effects in terms of noise, visual and heavy traffic, as well as contamination, water quality and potentially air discharge. The proposed land use has already resulted in positive environmental effects in terms of contamination. The site was purchased by the Ministry of Education and remediated for the purposes of establishing a school on the site. This has improved the quality of soils and has reduced and minimised the effects of contaminated groundwater discharge to the adjacent Otahuhu Creek.

Overall, the proposal will result in significant positive effects and provides for the educational and social support needs of the students enrolled in the Youthlink and YouthHorizons programmes.

(ii) Noise Effects

An Assessment of Noise Effects has been prepared for the proposal, examining the future special school in relation to its potential noise effects on the surrounding environment. The full Assessment is contained in **Annexure F**.

Noise sources associated with the operation of the school will include the arrival and departure of vehicles from the site, activities inside school buildings such as the playing of music and possibly performances in a school hall if this should be provided, and sounds generated by children outside playing or involved in sporting activity.

Based on the concept plan, the noise generated by vehicles on site, including parking, is predicted to be able to readily comply with the proposed 55 dBA L₁₀ daytime limit for residential sites and readily comply with the 60 dBA L₁₀ limit for Business 4 sites.

The location of classrooms, set back from the front boundary of the site to allow for parking and access also supports the achievement of these limits. The school gym may require a special acoustic design (sound insulation assessment) to ensure compliance if it is to be used for music or performances that include the use of amplified sound.

Noise generated by children's external activities at the site would be of similar character to that already generated by children attending the adjacent Otahuhu Intermediate School. Noise generated by children whilst outside playing and involved in sporting activity cannot generally comply with any typical 'residential' noise limits applying at school site boundaries. The sounds generated by children playing in these circumstances (e.g. voices) are considered not to fall within the scope or intent of noise controls.

Based on the proposed concept plan, school buildings would provide screening between residential sites along Luke Street and any activity taking place on sports fields or courts located on the rear portion of the subject site.

The nearest residential zoned sites, in relation to the subject site, are located within 205-220m of the Southern Motorway (SH1) and therefore the ambient noise levels in the vicinity are higher due to traffic noise from the motorway. Noise from the existing factory site on the eastern boundary also contributes to higher ambient noise levels in the area.

It is considered that with the relevant activities complying with the recommended noise limits and with the high ambient noise levels due to motorway traffic and noise emission from the adjacent factory land use, any noise effects from the operation of the school would be no more than minor, or be generally acceptable to the community.

Recommended noise controls to apply to the designation are contained in "3. *The nature of the proposed restrictions that would apply are*".

(iii) Amenity

The proposed designation has the potential to have adverse effects on the amenity of the surrounding environment, potentially affecting nearby residents, workers and staff and students at Otahuhu Intermediate. General amenity effects including visual impact, dominance of buildings and daylighting will be mitigated by the following:

- The separation by distance provided to residential properties and Otahuhu Intermediate across Otahuhu Creek (to the north and west);
- Height limits imposed by operational requirements that will limit the majority of buildings to single level, except for the administration building and school hall;
- The buildings are set back from the southern/road boundary (to allow space for parking), separation is provided by carparking on the eastern boundary and separation is provided by Otahuhu Creek to the north and west. Therefore, there will be minimal impacts on adjacent properties in terms of outlook and daylighting. Further, the buildings will be constructed to comply with existing District Plan height in relation to boundary controls;
- The site will be designed to ensure that the amount of permeable areas and maximum building coverage will be consistent with that allowed by the underlying Business 4 zone;
- The school is located in close proximity to Otahuhu Intermediate which creates a character for the general amenity values of the locality. A special school on the subject site would not be out of context;

- Opportunities will be available for undertaking landscaping of the site and boundaries (including the boundary with Luke Street Reserve). Planting will be in accordance with CPTED standards* ; and
- There will be attention given to urban design in the detailed design of the buildings, including the interface between the school buildings and Luke Street and adjacent sites.

The proposed designation will result in the erection of educational facilities on the site. School buildings will generally be single level (classrooms) with a possible multi level administration building and other larger buildings such as a school hall / gymnasium and library.

As shown on the indicative concept plan and described in the concept plan methodology, the buildings, all on the southern portion of the site, are located to maximise northerly orientation across the width of the site. Car parking is located on the southern boundary directly off Luke Street, enabling the buildings to be set back from the road and the residential neighbourhood to the south.

The site will have perimeter fencing. Fences would be visually permeable. No solid fences would be used.

The site will be landscaped to ensure maximum amenity levels and to a site standard in accordance with Ministry's policy for on-going maintenance of education sites. A landscape plan will be developed for the site. The landscape plan will form part of the relevant Outline Plan of site works to be lodged at the time of development.

The location and orientation of the school buildings will not impact on the amenities of the existing school (Otahuhu Intermediate) to the west, nor the directly adjoining Luke Street Reserve. The interface between the school and adjoining Luke Street Reserve is to be treated with a fence (as per the whole-site perimeter fence demarcating the boundary) and screen planting. Planting will be guided by the detailed design process, including input from landscape architects who will suggest appropriate mitigation (in accordance with CPTED standards) to maintain the amenity values of the reserve while promoting safety for reserve users.

The school facilities will be designed in accordance with Ministry policy and will be sympathetic to the local environment. Professional landscaping will complement the site development. A large advantage associated with education facilities is the high ratio of open space to built form due to development of playing fields and recreation areas around buildings. This results in minimal visual effects for adjacent sites to the north, east and west.

The area surrounding the site is predominantly an urban residential area and there is an existing school directly adjacent to the west (Otahuhu Intermediate) so the school will not be out of context in this location. The site will be landscaped to ensure high quality visual

* In accordance with the *Safety in Auckland City* programme principles and Annexure 16 *Safety Guidelines* of the Auckland City District Plan 1999

amenity is achieved. Therefore, it is considered that any adverse visual effects that may arise as a result of the development will be no more than minor.

Traffic effects are assessed separately. However, adverse effects on the amenity of the area in terms of the road environment may arise from an increase in traffic movements to and from the school site at peak period in the early morning and afternoon. The nature of the proposal, a Special School, differs greatly from a standard primary or secondary school and the major generator of trips will be the number of staff members arriving and departing in private vehicles. It is a requirement for this school that the students are transported to and from the site by their caregivers. It is likely that they will arrive in vans with four-eight passengers each. Therefore, the students will not generate as many vehicle trips as if the students had the freedom to choose their mode of transport. The trip generation rates in the peak periods and throughout the day are therefore negligible and the potential effects no more than minor. Any increase of traffic during peak periods will be experienced for a limited duration only while staff members arrive and leave school for the day.

Noise effects have been assessed separately above. However, the ambient noise levels in the vicinity of the site are relatively high due to motorway traffic and noise emission from the adjacent factory land use. Therefore, any noise effects from the operation of the school would be no more than minor, or be generally acceptable to the community.

(iv) Safety and Security

The proposed Special School is intended as a facility to provide education and support for students who are in the custody of Child, Youth and Family and whom have behavioural support needs.

Consultation undertaken to date has identified safety and security as issues for the local community. However, a combination of hard and soft security measures will be implemented to maintain a safe environment for the surrounding community.

Hard security measures include the provision of a purpose built facility with specific layout requirements (separate teaching streams), a full boundary fence and secure entry to the vehicle pick-up / drop-off area. Notwithstanding these physical elements, visually the site will look no different from a typical primary school.

Soft security measures focus on operational management including student supervision, behaviour management and emergency procedures. Felix Donnelly, on its already established sites, has a full range of school policies, programmes and procedures in place and these will be transferred to the new Luke Street School site. For example –

- The school will provide high level supervision for the students – they will be supervised all day including during break-times. There is a teacher-to-student ratio of one teacher plus one youth worker per six students. Therefore, the teaching staff-to-student ratio is 1:3.

- Teachers and Youthworkers will be trained in the use of behaviour management practices including programmes based on the concept of consequence and reward to encourage good student behaviour. Further, the school will implement a robust enrollment process to ensure the school is able to accommodate each individual student’s behavioural needs.
- The Luke Street Special School will operate under the same procedures as any other school in terms of incident management – wherein if the school is unable to manage a child’s behaviour using standard or specialist systems the child will be suspended or excluded and the child’s caregivers will be contacted to collect the child from school.
- Finally, there will be procedures in place to deal with the unlikely event that a child absconds from the site including a network of communication to raise awareness with the caregiver and the Police, if necessary. There will also be emergency response procedures for in the event of a complete site evacuation (vans are parked onsite and may be used to remove students from the site).

Overall, it is considered that the safety and security of staff, students and the surrounding community may be adequately managed using the systems outlined above.

(v) Contamination: geotechnical assessment and soil quality

Previously the subject site was occupied by a tannery operation (1930s) and more recently a transport/haulage depot (1983-2003). These activities occurred on the larger lot (Lot 1 DP70558) in the northern area of the site. The smaller lots at the south of the site, fronting onto Luke Street, have remained as residential properties or open space throughout the changes in industrial activity that occurred elsewhere on the site.

Some areas of the site became contaminated with industrial chemicals as a result of the industrial activities. Site remediation works have been undertaken in order to ensure that the site is safe for use as a school (potential contaminated soil exposure risk low). Remediation methods included onsite encapsulation of marginally contaminated material and off-site disposal of more significantly affected soils.

Remediation was designed to be appropriate for the future use as a school. Contaminated soils were cut down and either capped with minimum 700mm clean clay-based capping material (sourced from clean areas of the site or imported) and 100mm topsoil; or excavated and buried in receiving pits. The main receiving pit was a concrete lined basement of a demolished building (from previous factory land use). This is where low-level contaminated soils were buried. A second pit was created immediately to the north of the main pit and was filled with building material (timber, steel). Other higher-level contaminated soil was disposed to a registered landfill.

A Site Validation Report (URS, December 2004) was prepared to document the outcomes of the soil remediation works undertaken on the subject site. The report contains an assessment of the finished soil quality and geotechnical conditions on the site.

Soil quality after remediation was defined by the Auckland Regional Plan: Air Land and Water, and, the Ministry for the Environment Contaminated Land Management

Guidelines – with specific reference to the assessment of health risks associated with PAH compounds. Evaluations are based on the criteria used to validate future residential land use (high risk of exposure). These criteria give a very high level of assessment of potential exposure pathways i.e. direct access to soils, for example through use as playing fields (soil ingestion criterion).

The finished soil quality is considered to pose negligible human health risk in terms of the intended normal use of the site because the soils are not directly accessible under normal site use conditions. The capping layer separates surface soils and future users of the site from health risks that are posed by residual contamination.

As well as mitigating human health risks, the capping layer will reduce surface water infiltration across the same area. The low permeability clay barrier will reduce leaching and mobilisation of contaminants to Otahuhu Creek.

The geotechnical assessment investigated the stability and quality of the capping layer material (located in the northern half of the site). The geotechnical testing that has occurred in these areas has confirmed the integrity of the capped layer and suitability for use as playing fields or equivalent only. Construction of any structures over the filled areas of the site would require specific design including further remediation, engineering and consenting to account for the potential weakness of the underlying fill. For this reason preliminary building design for the school is limited to the southern portion of the site which does not contain fill material and which has been continually occupied by residential dwellings throughout the site's history.

The Site Validation Report concludes that the pre-development phases of work have successfully mitigated risks posed by residual soil contamination at the property, caused by the previous industrial activities across the northern parts of the Site. The works have successfully remediated the site to a condition so that redevelopment of the property into school grounds can proceed.

(vi) Archaeology and Heritage

The Auckland City District Plan (Isthmus Section) 1999 and the Central Index of New Zealand Archaeological Sites (CINZAS) have been searched and the New Zealand Historic Places Trust (NZHPT) has been consulted in respect of any archaeological and historical values attaching to this site

There are no scheduled heritage items nor any recorded archaeological sites located on the property or within the immediate vicinity. The closest recorded archaeological site is located approximately 600 metres NE (R11/2172). It is a series of midden deposits that were recorded in 2002. Two other recorded archaeological sites are recorded approximately 1-2km to the north-west of the property, being two pa sites at Mt Richmond and Hamlins Hill.

Given the historical industrial land use of the site and surrounds, together with the fact that the site has been extensively earthworked for remediation purposes, there is good evidence to suggest that the site and much of the area surrounding the site has been highly modified over time. Accordingly, the likelihood for unrecorded sites to be exposed

during development is considered to be low. However, there is potential for the discovery of archaeological material at the shoreline of Otahuhu Creek.

New Zealand Historic Places Trust (NZHPT) has been consulted in respect of any archaeological and historical values attaching to the site. They generally agree with the above assessment (refer to the correspondence from NZHPT included in Annexure I).

A more detailed archaeological assessment of the site may be carried out as part of the Outline Plan of Works process to determine whether archaeological material is present and whether an Authority to modify an archaeological site is required from the Historic Places Trust.

In addition, during construction of the school, an archaeological discoveries procedure would be place. In the event that an archaeological site was discovered during construction, construction would cease immediately and the relevant authorities would be notified.

(vii) Water Services

All services are available at or can be easily extended to the site boundary. A plan showing the existing services on or near the site is contained in **Annexure G**.

Comments have been sought from Metrowater about the proposed stormwater, wastewater and potable water supply for the school. These comments have been incorporated within the assessment below.

Water

There is an existing public water main which runs along the Luke Street frontage of the future school site and it is anticipated that the school's water supply could be taken directly off this public water main. The water main was used to serve this site when it was occupied by previous industrial land uses. It also served residential properties that used to occupy the front sites. Therefore it is likely that the existing main will have sufficient capacity and pressure to meet the required fire-fighting standards. *Note: public water mains on this site will not be used for domestic supply.*

During the detailed design process and prior to construction, flow/pressure testing and model analysis will be undertaken to confirm the adequacy of the public system to cater for the proposed school.

Design and construction of public pipelines will be in accordance with Metrowater's standards and fire-fighting design for the school will take into account the Metrowater-Auckland City agreed level of service (with regard to flow and residual pressure) for the Luke Street area.

Wastewater

Metrowater have advised that their GIS database indicates two existing wastewater mains running through the Luke Street site. Both the existing 225mm and 150mm mains are in use. The school will be connected to this existing public system for wastewater.

During the detailed design process and prior to construction, the capacity of the existing public wastewater network will be checked to confirm adequacy of the system to cater for additional loading.

Design and construction of public drainage pipelines will be in accordance with Metrowater's standards.

Stormwater

There is currently stormwater reticulation which runs along the Luke Street frontage of the future school site and discharges to the Otahuhu Creek at the northern end of Luke Street Reserve. Stormwater runoff from the site could be piped and diverted through these lines.

During the detailed design process and prior to construction, the capacity of the existing public mains will be checked to confirm adequacy of the system to cater for additional flows. Further, the Ministry will comply with all necessary Auckland Regional Council consent requirements for stormwater discharge. Consideration will be given to both the primary stormwater system (discharge to the public system) as well as secondary overland flow paths and their downstream impacts (discharge to Otahuhu Creek which is currently consented).

Design and construction of stormwater elements will be in accordance with Metrowater's standards.

Summary

Overall, it is considered that options exist and are available for the provision of water services infrastructure (Water Supply, Wastewater and Stormwater) to the future school site.

(viii) Transport Effects

An Integrated Transport Assessment (ITA) has been prepared for the proposal. The assessment takes into account the traffic generated from the school and its effect on the local road network. The purpose of an ITA is to place particular emphasis on accessibility to land uses by all modes, as part of an integrated approach to planning and transport. Fundamentally, the aim of an ITA is to set out an approach that enables land use and transport to be sustainable. Public transport, pedestrian and cycle provision have been considered. However, it must be identified that given the nature of the activity, a Special School, there are limitations as to what can be achieved in terms of promoting sustainable transport modes. It is a requirement that all students are transported to and from the site by their caregivers and that their mode of transport is secure (it is likely that they will arrive in vans, 4 – 8 students per mini van). Therefore, the students will not walk or cycle to school. However, there is no restriction on staff walking or cycling to the school. Therefore, in terms of promoting sustainable travel behaviour, the ITA is solely staff focused. The full ITA is contained in **Annexure H**, a summary is provided below.

Comments have been sought from Auckland City Council 'Transport Strategy' and 'Transport Safety, Assets and Operations' about the ITA and proposed transport management provisions for the school. These comments have been incorporated within the assessment below.

Access – Egress

As shown on the Concept Plan, entry to the school will be gained via two separate entrance ways, both located on Luke Street. The west access will be entry only, serving the van drop off facility, loading zones, disability car parking, some staff car parking and visitor parking locations. The eastern access will be an entry and exit, serving the staff car parking facility, as well as providing for all vehicles leaving the site.

Trip Generation

- *Students*

The students will be arriving at the Special School by mini van only. There will be approximately 4 to 8 students in each van. As each of the van trips is performing a drop off function it is likely that each van will enter and leave the site in a relatively short time frame therefore each van is likely to generate 2 trips across the AM peak period. The table shows that with 4 students per mini van there are likely to be 50 mini van trips in the peak period, this has been calculated to show a possible 'worse case scenario'. If the number of students in a van increases to 6 or 8 the number of trips decrease to 34 and 26 respectively. It is likely that the number of trips to the site will fall between 13 and 17; this figure could differ depending on the attendance rates of students on a daily basis. Operationally, efforts will be made to consolidate the van trips to maximise the numbers of students in each van depending on the MOE constraints, the actual roll and the geographic location of students.

- *Staff*

Trip generation rates for staff (AM peak period) have been based largely on mode split predictions (contained in the ITA). The mode split predictions assume that the majority of staff at the school are likely to arrive by car. This is due to the specialised nature of the facility and the possible dispersal of specialised teachers across the Auckland Region. A small proportion of staff may car share or get public transport and a small proportion may be expected to walk and cycle depending on their home locations in relation to the site.

In terms of vehicle trips, while over a day the school is likely to generate additional trips in the form of deliveries or visitors these are not considered to occur in the AM peak therefore the major generator of trips will be the number of staff members in private vehicles. Total private or company vehicle trips for the AM peak have been calculated to be 25 trips (staff only).

Carparking

There are unique requirements for the site that have impacted on the design and location of car parking areas. While there is a need to accommodate staff and visitor parking there

is also a major requirement that parking is kept separate from the special school area. Therefore there are several separate areas for parking on site.

It is proposed that the site will have parking for staff and visitors and a secure pick up / drop off area for the mini vans.

The Auckland District Plan Isthmus Section (Operative 1999) specifies the parking requirements for education facilities (with separate requirements for *Primary, Intermediate and Secondary* = 2 per classroom; and *Tertiary and other* = 1 for every 3 persons the facility is designed to accommodate). Based on the calculations for 'other' the Special School would require 45 car parks based on a 1 for every 3 persons criteria for the 100 students and the 34 staff. However, these District Plan parking requirements have not been used to calculate the particular requirements for this site because of the site's special nature (mini vans dropping off students rather than their own personal transport).

Instead, car parking has been estimated based on expected mode split figures. As 75% of the staff are expected to drive to the site, 25 staff car parks (75% of 34) are required to meet this anticipated demand. An additional 10 car parks have been provided for visitors to the school. With additional disabled and loading spaces, a total of 39 car parks is required.

The proposed site plan shows 44 car parks for the Special School (to allow for some flexibility in the next stages of design) and this is more than sufficient to meet the demand for parking by staff as well as allowing for a number of visitor car parks. A number of parking bays have also been provided to house the mini-vans during the day on site and allow them to be available for off site visits and activities. It may be possible to reduce the number of car parks if necessary. Due to the operational characteristics of the site, supplying more car parks than required is unlikely to induce more private vehicle trips.

It is a requirement that a secure drop off area for the mini vans is provided. As such the plan has accommodated a drop off area to cater for 4 mini vans at any one time within the secure area.

Alternative modes of travel: Cycling, Walking and Passenger Transport

The ITA outlines potential opportunities to influence better travel behaviour to the site (for staff trips only). Possible organisational measures that could be put in place at Luke St School to promote sustainable transport to and from the site by staff include promoting alternative modes of travel; running an informal car pooling / ride sharing system (HR can help identify staff living in similar locations); and / or implementing a staff travel plan. In terms of cycling, while the mode split predictions anticipate fewer than 3 cyclists, the school will provide bicycle parking facilities to accommodate any potential growth in numbers of cyclists and also encourage staff to cycle.

Appraisal of impacts

The unique operating characteristics of the proposed special school are such that usual school-related traffic concerns are not relevant. There is limited potential for other modes of transport to and from the school, other than private vehicle use. However, the ITA has concluded that the potential impacts of the proposed school in terms of transportation (taking into account environmental, safety and accessibility factors) are minimal.

5. Statutory Planning Provisions

Resource Management Act 1991

The Ministry seeks to designate the land required for a ‘*Special School*’ via a notice of requirement under Section 168 of the Resource Management Act, 1991 (RMA).

Section 171(1) of the RMA prescribes what the territorial authority must consider when looking at a Notice of Requirement. The territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:

- a) *Any relevant provisions of-*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan.*

Part II of the RMA

In considering an application for a Notice of Requirement, the Consent Authority is required to give consideration to Part II, the purposes and principles.

Section 5 - Purpose

The purpose of the RMA is to promote the 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.”*

Herein, Section 5 imposes a duty on consent authorities to promote the sustainable management of natural and physical resources while endeavouring to avoid, remedy or mitigate adverse effects of activities on the environment.

The proposed Notice of Requirement will provide for immediate and future schooling needs in the Auckland Region. In particular, it will provide for a special school offering special education to students enrolled in programmes of support for children and young people who are in the custody of Child, Youth and Family. The proposed special school will provide for the social, economic and cultural well being of the Auckland Region and the individual community's that each student belongs to by raising the social profile of these communities, strengthening the family unit and encouraging better social outcomes for the future – producing role models for younger community members.

In addition, the proposed development has and will continue to result in positive land use and environmental effects. The site has been remediated from its previous contaminated state for the purposes of establishing a school on the site. This has improved the quality of soils and has reduced and minimised the effects of contaminated groundwater discharge to the adjacent Otahuhu Creek.

Any adverse effects are significantly outweighed by the benefits that the new school facilities will bring to the Region through the remediation of a contaminated site and to local communities through meeting the educational needs of students who would otherwise struggle to achieve in the mainstream education system. In particular, the new school will provide for the social wellbeing of the particular communities to which each of the students belong by raising the social profile of these communities, strengthening the family unit and encouraging better social outcomes for the future – producing role models for younger community members. Given these matters, the proposal is considered to be consistent with the purpose of the RMA.

Section 6 – Matters of National Importance

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

Section 6(a) relates to *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development. Section 6(d) relates to the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.* The subject site is adjacent to Otahuhu Creek. Any stormwater discharges from the site development will be managed (ARC Resource Consent Permit No. 28116) to ensure that the water quality of Otahuhu Creek is not compromised and that the natural character of this watercourse is maintained. Further, the proposed Special School development will not affect public access along Otahuhu Creek.

Sections 6(b) and (c) relate to the protection of *outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna.* The proposed Special School development will not affect any

landscape or natural feature that has been assessed as being ‘outstanding’, nor any vegetation that has been assessed as ‘significant’.

Sections 6(e) and (f) relate to *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and the protection of historic heritage*. Through preliminary consultation with the identified nine affected iwi groups, no issues of concern have been raised. Additionally, there are no sites, buildings or trees with historic heritage status which will be affected by the proposed Special School development. Consultation with iwi will be ongoing throughout the detailed design phase of the proposal, and an accidental discovery protocol will be adopted during construction to ensure that if any historic sites are ‘discovered’ the contractor complies with the requirements of the Historic Places Act, 1993.

Section 7 – Other Matters

Section 7 of the RMA lists certain matters to which particular regard is to be had in making resource management decisions.

Section 7(b) relates to the efficient use of natural and physical resources. Suitable land for school development is always in extremely short supply due to strong residential and business development (by intensification) and the need to locate school facilities within urban areas – in line with the Region’s strategies for growth including compact cities and sustainable transport. This site was previously an industrial site. Otahuhu has been identified in the Auckland City Growth Management Strategy (2003) as an area of change for urban living communities (suitable for residential growth) and so redevelopment of this site for industrial use (allowed within the underlying zone Business 4) is not appropriate. Greater residential growth in the area means development as a school is compatible. Since it is inappropriate to use this land as industrial, a school makes efficient use of the currently disused land resource.

Sections 7(c) and (f) relate to the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment respectively. The Notice of Requirement will have an effect on the amenity of adjoining residents, workers and staff and students at Otahuhu Intermediate. However, any adverse effects can be mitigated through appropriate building design and landscaping which will form part of the Outline Plan of Works process. The proposed designation conditions will minimise the adverse effects on amenity values and the quality of the environment while recognising the site’s constraints and still achieving the Minister’s objective of establishing a special school on the site.

Section 8 – Treaty of Waitangi

Establishment of the proposed special school will not be in conflict with the principles of the Treaty of Waitangi.

Overall, given the discussion above and that provided in the Assessment of Effects section, the proposal is considered to be consistent with Part II of the Act.

New Zealand Coastal Policy Statement

The site is located within the coastal environment (Auckland City Council Coastal Management Area; Auckland Regional Council General Management Area) and so the New Zealand Coastal Policy Statement is applicable. The proposal is consistent with the New Zealand Coastal Policy Statement.

Auckland Regional Growth Strategy 1999

The Auckland Regional Growth Strategy was produced by the Auckland Regional Council to guide land use regulation and development within the Auckland Region. The vision of the ARGS is to ensure growth and development is managed in a way that meets the best interests of the inhabitants of the Auckland Region. Part of the vision is to sustain strong supportive communities.

The designation will provide special school facilities to children and young people with particular support needs. The aim is to teach young people social competencies and provide the necessary social support to empower them to make a valuable contribution to their community. It is therefore consistent with the community values identified within the ARGS.

Auckland Regional Policy Statement 1999 and Proposed Change 6

The Auckland Regional Policy Statement (RPS) became operative on 31 August 1999. The relevant provisions in the RPS include provisions addressing urban growth management, land use and transport integration, coastal environment, water quality and contaminated land. These are discussed below.

Chapter 2: Regional Overview and Strategic Direction

Objective 2.5.1(1): To ensure that provision is made to accommodate the Region's growth in a manner which gives effect to the purposes and principles of the Resource Management Act, and is consistent with these Strategic objectives and with the provisions of this RPS.

Policy 2.6.1 Urban Growth Management: Urban development shall be contained within the defined limits (including the metropolitan urban limits and the limits of rural and coastal settlements) shown in the RPS from time to time, and its form shall be planned and undertaken through an integrated process on a regional basis and in ways that are consistent with the Strategic Direction and:

- (v) *facilitate efficient provision of services (including utility services, transportation facilities or services, and community facilities and services, such as schools, libraries, public open spaces) through the utilisation or upgrading of existing facilities, or the provision of new ones;*

- (vi) *maintain and enhance amenity values within the existing urban area, and achieve high standards of amenity in areas of new development;*
- (vii) *do not give rise to conflicts between incompatible land uses;*
- (viii) *avoids, remedies, or mitigates adverse effects on the environment.*

Proposed Change 6 to the ARPS introduces changes to Chapter 2 of the ARPS. It incorporates strategic changes with the aim of giving effect to the Regional Growth Strategy. Proposed Change 6 was notified on 31 March 2005 and is currently in its appeal period and the matters of appeal are waiting to be heard in the Environment Court. Therefore there are no parts of Proposed Change 6 that are currently operative. However, there are several policies of relevance to the notice of requirement, including the following:

Policy 2.6.1.11: To encourage the efficient use of natural and physical resources, including urban land, infrastructure, and energy resources.

Policy 2.6.1.15: To improve the overall health, well being and quality of life of the people of the Region.

Policy 2.6.5: To achieve a built environment within the region's metropolitan area and rural and coastal settlements that has a sense of identity and character, has a range of densities and uses, maintains or enhances its amenity values, and is visually pleasant, functionally efficient, environmentally sustainable and economically vibrant.

Policy 2.6.11.1: Land Use and Transport shall be integrated throughout the region to ensure that;

- (b) *within urban areas new urban development and subdivision provides for improved connectivity for all transport modes including walking and cycling;*
- (c) *within urban areas new development and redevelopment provides for safe and attractive walking and cycling environments;*

Policy 2.6.12.7: TAs shall ensure that proposals for new major traffic generating activities are subject to an integrated transport assessment, in accordance with Appendix J, as a specific part of the Assessment of Environmental Effects (AEE).

The proposal is consistent with the above policies as the notice of requirement is within the defined limits and represents an efficient use of a currently disused land resource that is compatible with the future planned surrounding land uses – planned residential growth as envisaged in the Auckland Growth Management Strategy. The proposal provides special school facilities for young people in need of special educational and social

support with the aim of teaching these young people the necessary social competencies to empower them to return home or prepare for independence. This assists the Auckland Region, and the individual communities to which each student is a part of, to become healthy and vibrant and contributes to enhancing the quality of life of people in the Region and those communities.

The proposal has been subjected to an integrated transport assessment. This is contained in **Annexure H**.

It is therefore considered that the proposal is consistent with the policies contained in Chapter 2 of the ARPS and Proposed Change 6.

Chapter 7: Coastal Environment

Objective 7.3.1: To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.

Objective 7.3.3: To enable appropriate subdivision, use and development to be undertaken in the coastal environment.

Objective 7.3.9: To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga of the coastal environment.

Objective 7.3.10: To achieve integrated management of land and water areas in the coastal environment both within the Auckland Region and between adjacent regions.

Policies 7.4.10: Subdivision, Use and Development

- 1. The diverse range of values of the coastal environment shall be recognised and the need to enable people and communities to provide for their social, economic and cultural wellbeing shall be provided for in appropriate areas of the coastal environment.*
- 8. Appropriate subdivision, use and development shall be encouraged to locate in areas where the natural character has already been compromised, thereby avoiding sprawling or sporadic subdivision, use and development in the coastal environment.*

Policies 7.4.28: Significant resource management issues for Tangata Whenua

1. *Maori cultural and traditional values shall be recognised and taken into account in the management of the coastal environment.*

Chapter 8: Water Quality

Policy 8.4.1(1) Adverse effects on water quality caused by the discharge of contaminants (including non-point source discharges) shall be avoided, particularly the discharge of potentially toxic, persistent or bioaccumulative contaminants. Where it is not practicable to avoid discharges, they shall be adequately remedied or mitigated.

Policy 8.4.4(1) Land use intensification in urban areas shall only occur where adequate provision is made for:

- *control of sediment discharges;*
- *control of stormwater discharges;*
- *collection, transport, treatment, purification and disposal of sewage;*
- *protection of the quality of groundwater recharge especially into aquifers used for water supply purposes;*
- *protection of water quality and riparian margins;*

Policy 8.4.7(1) All new developments discharging stormwater, whether allowed as a permitted activity or by a resource consent, shall adopt appropriate methods to avoid or mitigate the adverse effects of urban stormwater runoff on aquatic receiving environments.

Policy 8.4.7(3) All land disturbance activities which may result in elevated levels of sediment discharge shall be carried out so that the adverse effects of such discharges are avoided, remedied, or mitigated.

The subject site is an appropriate area of the coastal environment in which to locate new development. The surrounding area is highly urbanised and fully developed so that the natural character of the environment has already been compromised.

The Ministry of Education holds an Auckland Regional Council Resource Consent (Permit No. 28116) authorising the ongoing discharge of contaminants into ground and groundwater. In addition, once detailed design has been completed and construction is imminent, all relevant consents (earthworks, stormwater discharge) will be obtained from the Auckland Regional Council. Erosion and sediment control measures and stormwater management techniques will form part of these consents.

Further, through preliminary consultation with the identified nine affected iwi groups, no issues of concern have been raised in relation to Maori cultural and traditional values.

Consultation with iwi will be ongoing throughout the detailed design phase of the proposal.

Chapter 17: Contaminated Land

Objective 17.3.1 To remedy or mitigate any adverse effects of existing contaminated sites.

Objective 17.3.2 To ensure that appropriate remediation standards are achieved for contaminated sites.

Policy 17.4.1(3) Remediation standards for a contaminated site shall be consistent with the existing and likely future use of the site and shall consider the risk to the environment posed by the site.

Site remediation works have been undertaken on the site in accordance with the applicable Auckland Regional Council and Ministry for the Environment standards. Remediation was designed to be appropriate for the future use as a school. Soil quality after remediation was defined by the Auckland Regional Plan: Air Land and Water, and, the Ministry for the Environment Contaminated Land Management Guidelines – with specific reference to the assessment of health risks associated with PAH compounds. Evaluations were based on the criteria used to validate future residential land use (high risk of exposure). These criteria give a very high level of assessment of potential exposure pathways i.e. direct access to soils, for example through use as playing fields (soil ingestion criterion).

The finished soil quality is considered to pose negligible human health risk in terms of the intended normal use of the site because the soils are not directly accessible under normal site use conditions. The capping layer separates surface soils and future users of the site from health risks that are posed by residual contamination.

As well as mitigating human health risks, the capping layer will reduce surface water infiltration across the same area. The low permeability clay barrier will reduce leaching and mobilisation of contaminants to Otahuhu Creek.

The Site Validation Report concludes that the pre-development phases of work have successfully mitigated risks posed by residual soil contamination at the property, caused by the previous industrial activities across the northern parts of the Site. The works have successfully remediated the site to a condition so that redevelopment of the property into school grounds can proceed.

Auckland City District Plan (Isthmus Section)

The Auckland City District Plan (Isthmus Section) became operative in 1999.

The site has the underlying zoning of Business 4. The overall objective of this zone is to provide for medium intensity business activity while maintaining the quality of the environment and ensuring that any adverse environmental or amenity effects on adjacent residential or open space properties is avoided or mitigated.

The Business 4 zone is generally applied to existing areas throughout the City where low to medium intensity light industrial and service uses are the dominant activities. Business 4 sites are commonly in close proximity to areas of residential activity. They either adjoin, are surrounded by or are overlooked by housing.

In the absence of a school on the site, some form of business/industrial development would be an alternative development scenario for this site. However, given that Otahuhu is identified as a future residential growth area, light industrial development of this site would perhaps not be wholly consistent with the ARGs.

Education facilities are provided for as permitted activities in the zone rules, provided their gross floor area is less than 500m². It is anticipated that the proposed school will exceed this threshold and would therefore be considered as a restricted discretionary activity.

The site is subject to the Coastal Management Area overlay and therefore there are relevant provisions in addition to those of the underlying zone (Business 4). All buildings are deemed to be restricted controlled activities and are usually assessed against criteria including scale, form, location and visual dominance. Other matters including land disturbance and water quality are also taken into consideration.

In addition, provisions relating to contaminated sites are relevant because of the site's previous contamination by industrial chemicals. It should be noted, however, that the site has been successfully remediated to a condition so that redevelopment of the property into school grounds can proceed.

It is the Minister's policy to designate sites that the Ministry has identified as suitable for a school. This protects the land for future development by preventing any development of the site that would preclude the eventual use of the site for an educational purpose. In addition, a designation allows for the establishment of activities not otherwise contemplated by the District Plan under the relevant zone. The effect of the designation is to override the general provisions of the plan so the development controls do not apply. Irrespective of this authority, section 171 of the RMA requires that particular regard is given to the relevant provisions of the District Plan.

Some relevant objectives and policies relate to:

8.6.4 Business 4 Zone

Objective 8.6.4.1(b) To maintain and enhance the quality of the environment in the zone.

Policies:

- *By imposing controls which require new activities to enhance the streetscape.*
- *By limiting the scale of development to one which can be sustained by the existing infrastructure.*
- *By adopting parking and traffic measures which seek to avoid congestion and parking problems.*
- *By adopting controls which maintain levels of amenity and privacy for any adjacent land which is zoned residential.*

5B Coastal Management Area

Objective 5B.4.1 Coastal Landscape

To conserve, protect and enhance the natural and physical resources and preserve the natural character of the coastal environment for the benefit of the City and the nation.

Policies:

- *By ensuring that new buildings or redevelopment of existing buildings in the Coastal Management Area do not adversely affect landscape values and have a demonstrable public benefit.*

Objective 5B.4.3 Water Quality

To maintain and, where practicable, enhance the water quality of the Waitemata and Manukau Harbours and all water bodies and waterways within the district.

Policies:

- *By ensuring that appropriate controls are applied to activities to prevent hazardous substances contaminating waterways.*
- *By controlling the effects of development, earthworks and the removal of vegetation so as to minimise pollution or sedimentation of coastal waters.*

Objective 5B.4.5 Maori

To recognise and provide for Maori values and principles with regard to matters affecting the coastal environment, including those of ecological or natural environmental concern and to recognise the historical and contemporary place of Maori in the coastal environment.

Policies:

- *By developing procedures which ensure that identification and protection of the characteristics of the coastal environment of special value to the tangata whenua are carried out in accordance with tikanga maori.*

Objective 5B.4.6 Use and Development

To ensure that use, development and protection of the natural and physical resources of the Auckland Isthmus coastal environment are achieved in a fully integrated manner which preserves the natural character of the coastal environment.

Policies:

- *By requiring use and development in the Coastal Management Area to have a regard to the actual or potential effects of the proposed activity on the coastal environment and especially the coastal marine area.*
- *By ensuring use and development in the Coastal Management Area is not inconsistent with any New Zealand Coastal Policy Statement or Regional Policy Statement or Plan.*

5E Hazardous Facilities (Contaminated Sites)

Objective 5E.4.3 To minimise the adverse effects of site contamination and to prevent future site contamination.

Policies:

- *By requiring, where appropriate, the remediation of land as a prerequisite to its redevelopment.*

In general, the relevant objectives and policies demonstrate the general intention to ensure that Auckland City and the Otahuhu area is a pleasant place to live, and that it provides for land use and development while maintaining the existing character and quality of the environment. In relation to amenity values, assistance will be sought from architects and landscape architects in the design phase. Their expertise will ensure that the siting of buildings (in relation to boundaries), colour, and planting adequately mitigate the perception of any large scale building (e.g. hall / gymnasium) and that any proposed buildings do not adversely affect the amenity of the existing environment. A planting scheme will be developed during the detailed design phase. This will involve input from landscape architects who will suggest appropriate mitigation (in accordance with CPTED standards) to maintain the amenity values of the site and surrounding environment, particularly in relation to boundary treatment.

Matters relating to water quality and contamination have been previously addressed and discussed elsewhere in this Notice.

Other relevant objectives and policies relate to the transportation network. These matters have been addressed in the Assessment of Environmental Effects and the ITA (**Annexure H**).

As a summary, it is considered that the requirement is not contrary to the relevant objectives and policies of the District Plan.

6. Alternative sites, routes, and methods have been considered to the following extent:

Section 171(1)(b) of the RMA requires the Consent Authority to have particular regard to:

“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 the undertaking of the work; or*
- (ii) it is likely that the work will have a significant adverse effect on the environment.*

The Ministry has sufficient interest in the land, having purchased the site in 2004 for the purposes of constructing a new school. In addition, as discussed in the Assessment of Effects section, the effects of the activity on the environment are considered to be no more than minor and can be mitigated through conditions on the designation. Given this, the RMA does not require an assessment of alternative sites.

In terms of alternative methods of undertaking the works – designation of existing and proposed educational facilities is a technique used nationally by the Minister. It is the most effective way of ensuring that the Minister’s interests in a site are protected. The primary reason for adopting this technique is the greater certainty it provides in terms of future management options for a site, relative to other available methods. This certainty is important since the Minister traditionally makes a long-term commitment to any particular site selected for such uses.

Reliance on resource consent to establish the school facilities on the site does not provide sufficient future certainty for the schools or the Ministry. Therefore, designation of the site is the most appropriate planning tool available to the Ministry to ensure future certainty for both the Ministry and potential purchasers of properties in the vicinity of the application site.

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

The RMA makes provision for requiring authorities to designate land in the District Plan to carry out their functions and provide for future needs. The Minister of Education is a requiring authority pursuant to Section 166 of the RMA.

The public work and the designation are necessary because the Ministry has identified a need for new purpose built special education services to serve the Auckland Region.

The Minister has lodged the Notice of Requirement to achieve the following objectives:

- To provide a new purpose built special education facility to serve the special educational and social support needs of the Auckland Region;
- To designate the land to provide for the efficient management of a nationwide portfolio of education facilities; and
- To allow land required for education purposes to be identified in the District Plan to give a clear indication to the public of its presence.

The purpose of the Notice of Requirement is to assist in achieving the Minister's goal of providing and maintaining effective education facilities throughout New Zealand. The Minister seeks to establish a special school.

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

The Ministry has informed adjacent landowners, including directly adjoining neighbours of its intentions for the subject site and provided opportunities for feedback. In addition, they have undertaken discussion meetings with Otahuhu Intermediate School, Auckland Regional Council and the owners/occupiers of the adjoining factory site. Other key stakeholders including NZHPT, ARTA, HNZC, NZTA and nine potentially interested iwi groups have also been engaged.

Consultation has focused on the Ministry's particular site on Luke Street. It engaged adjacent landowners and key community stakeholders to establish the extent and significance of environmental, social and cultural effects on those who may be directly affected by the proposal. This consultation has not reconsidered the chosen site for the school, nor the educational needs in the area. Rather, it has sought feedback about the effects that the school might have on potentially affected parties to enable the identification of appropriate measures to either avoid or mitigate these.

Further, preliminary consultation was undertaken with Auckland City Council via the submission of a draft Notice of Requirement on 19 January 2009. The draft notice and supporting documentation was supplied to Metrowater and the following divisions within Auckland City Council for their review and comment:

- Pae Herenga Tangata
- Heritage
- City Wide Strategy
- Property Group
- Arts, Community and Recreation Policy
- Transport Strategy
- Transport Safety, Assets and Operations.

These divisions were identified as relevant stakeholders in terms of council interests and assets affected/ potentially affected by the proposed designation and physical works.

Where applicable, their issues and comments have been incorporated into this Notice.

A Consultation Report is contained in **Annexure I**.

9. Recommendation by Territorial Authority

Section 171(2) of the RMA allows a territorial authority to provide a recommendation to a requiring authority on a Notice of Requirement that it either:

- (a) Confirm the requirement;
- (b) Modify the requirement;
- (c) Impose conditions;
- (d) Withdraw the requirement;

The Minister requests that the Notice of Requirement is confirmed.

Signed by

Karen Sewell

Secretary for Education

Ministry of Education

(Pursuant to an Instrument of Delegated Authority dated 12 July 1996)

Date.....

Address for Service:

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Annexure A: Site Location Plan

Annexure B: Certificate of Title

Annexure C: Photos of Site

Annexure D: Requirement Plan

Annexure E: Indicative Concept Plan

(For reference only, does not form part of the Notice of Requirement)

Annexure F: Assessment of Noise Effects

Annexure G: Plan of Existing Services

Annexure H: Integrated Transport Assessment

Annexure I: Consultation Report