

8 September 2017

Hastings District Council
Private Bag
Hastings 4156

Attention: Murray Arnold

The Property Group Limited
Level 10, Technology One House
86 - 96 Victoria Street
Wellington
PO Box 2874
Wellington 6140, New Zealand
Phone: 64-4-470 6105
Facsimile: 64-4-470 6101

Dear Murray,

NOTICE OF REQUIREMENT TO DESIGNATE LAND AT BENNETT ROAD, WAIPATU, HASTINGS (LOT 2 DEEDS PLAN 566) FOR EDUCATIONAL PURPOSES: SECTION 181 OF THE RESOURCE MANAGEMENT ACT 1991

The Minister of Education ("the Minister") gives notice of a requirement to designate land at Bennett Road, Waipatu, Hastings (Lot 2 Deeds Plan 566 and Lot 2 DP 11280) for Educational Purposes – Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (Years 0-13) and Kōhanga Reo (early childhood education).

Attached to this letter is the required Form 18 documentation which details the proposed designation, site assessment of effects and alternatives considered.

The address for service for the requiring authority is:

The Property Group Limited
PO Box 2874
Wellington 6140
Attn: Angela Jones

Should you have any questions with respect to this Notice of Requirement please do not hesitate to contact me.

The Minister requests public notification of this NOR as soon as possible.

The Notice of Requirement deposit fee of \$15,000 is enclosed.

Yours sincerely



ANGELA JONES
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FORM 18

NOTICE OF REQUIREMENT BY THE MINISTER OF EDUCATION FOR DESIGNATION

Section 168(1) of the First Schedule, Resource Management Act 1991

To: Hastings District Council

The Minister of Education ("the Minister") gives notice of a requirement for a designation for *"Educational Purposes - Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and associated Kohanga Reo (early childhood education)"*.

The site to which the requirement applies is at Bennett Road, Waipatu, Hastings, legally described as Lot 2 Deeds Plan 566 and Lot 2 DP 11280 (HBB3/462), described and detailed in the attached documentation.

The attached documentation contains all necessary information required to satisfy all Form 18 requirements set out in *Resource Management (Forms, Fees, and Procedure) Regulations 2003* and in accordance with Schedule 1 of the Resource Management Act 1991.



Signed By: **Rob Giller**
GROUP MANAGER INFRASTRUCTURE ADVISORY SERVICES, EDUCATION
INFRASTRUCTURE SERVICE

Date: **6 September 2017**

**NOTICE OF REQUIREMENT
FOR**

**TE KURA KAUPAPA MĀORI O TE WĀNANGA WHARE TAPERE O
TAKITIMU AND KŌHANGA REO**

AT

BENNETT ROAD, WAIPATU, HASTINGS

MINISTER OF EDUCATION

September 2017



Quality Control



Title	Notice of Requirement to designate land at Bennett Road, Waipatu, Hastings (Lot 2 Deeds Plan 566 and Lot 2 DP 11280) for Education Purposes
Client	Minister of Education
Job No.	713715
Prepared by	Angela Jones – Senior Planner
Signature	
Reviewed by	Karen Williams – Senior Planner
Signature	

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1.0 NOTICE OF REQUIREMENT DETAILS

Requiring Authority: Minister of Education

Territorial Authority: Hastings District Council

Nature of the Notice: A Notice of Requirement ("NOR") to designate land for "*Educational Purposes – Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and Kōhanga Reo (early childhood education)*" (Refer to Form 18)

Address for Service: The Property Group Limited
PO Box 2874
Wellington 6140
Attention: Angela Jones

Site address: Bennett Road, Waipatu, Hastings

Legal Description: Lot 2 Deeds Plan 566 and Lot 2 DP 11280, HBB3/462

Site Area: 9.2471ha

Location:



**Hastings Proposed District
Plan 2015 Zoning:**

Plains Production

2.0 INTRODUCTION

The Minister of Education ("Minister") seeks a designation to enable a Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) (the "Kura") and Kōhanga Reo (early childhood education) to be developed at Bennett Road (Lot 2 Deeds Plan 566 and Lot 2 DP 11280), Waipatu, Hastings. The Kura will cater for year 0-13 students and early childhood education and will initially be developed to provide for approximately 220 students (including 50 Kohanga Reo students). The Ministry aims to have the Kura open on the site in 2020.

This NOR is provided to the Hastings District Council ("Council"), in accordance with *Part 8 Designations and Heritage Orders* - specifically s168 of the Resource Management Act 1991 ("the Act")- and in the prescribed form (Form 18) as set out in the Regulations (2003).

This document particularly sets out:

- the nature of the proposed education public work 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
- alternative sites, routes and methods considered
- the necessity of the designation in achieving the Minister's objectives
- consultation undertaken.

3.0 BACKGROUND

Te Kura Kaupapa Māori o Te Wānanga Whare Tapere o Takitimu catered for Years 0-8 until 2015 and is currently operating out of facilities located at 706 Albert Street, Hastings. In 2015, approval was received to transition over time to Years 0-13. The Kura operates alongside its associated Kōhanga Reo (early childhood education centre) and a tertiary institution, Te Wānanga Whare Tapere o Takitimu.

The Kura's roll is growing and its current site cannot support further growth. It is expected that the Kura will remain in its current location until a new facility has been built. This NOR specifically relates to a new site which will accommodate the relocated Kura and Kōhanga Reo to enable it to cater for the educational needs of the students and growing role.

For the avoidance of doubt, this NOR is for the Kura and the Kōhanga Reo. Te Wānanga Whare Tapere o Takitimu tertiary institution has not been confirmed by the Minister of Tertiary Education, to move with the Kura and Kōhanga Reo and the Wānanga will continue to operate from the current site at 706 Albert Street, Hastings.

The Kura does not have a home zone and attracts students from the wider Hastings and Napier area. Attached in Appendix 1 is a map which illustrates where the existing student base for the Kura is from.

4.0 DESCRIPTION OF SITE & SURROUNDS

Subject Site

The site is located on the eastern side of Bennett Road, Waipatu, Hastings. The school site currently forms part of a larger parcel that is 9.247ha and legally described as Lot 2 Deeds Plan 566 and Lot 2 DP 11280 being all of the land contained in Computer Freehold Register HBB3/462. A copy of the freehold computer register is attached as Appendix 2.

More specifically the site is on the northwest portion of the larger parcel and has an area of 3ha. The purchase of this piece of land has now settled with the Crown now being the owner of the site. The site will now be surveyed and will then be legalised through LINZ.

The site is generally flat in topography, with access and frontage to Bennett Road. The site is currently void of any buildings and structures other than post and wire fencing and what is possibly a small platform in the centre of the site. Similarly the site has no vegetation other than grass cover; the site is currently being utilised for grazing purposes.

The Proposed Hastings District Plan 2015 ("District Plan") zones the site Plains Production as identified on Maps 27 and 35 of the District Plan. This zoning and the provisions relevant to this NOR are beyond Challenge. The District Plan does not identify the site as being subject to any notations such as cultural/heritage overlays, landscape areas/features or other overlays or precincts.

A map illustrating the site is attached as Appendix 3.

Photos of the site are attached as Appendix 4.

Surrounding Environment

In the context of the wider environment the site is located between Hastings and Whakatu with the predominant land use activities surrounding the site being rural in nature – farming and horticulture. There are other commercial activities in the vicinity which include a composting operation, poultry farms, food processing/packaging and a rendering plant.

The Hastings Rugby and Sports Club and Hawkes Bay Polo Club grounds are also located approximately 50m south of the site on the opposite side of Bennett Road. The main access and car parking for this club and grounds is via Otene Road. There is a smaller car park for the grounds which is located approximately 230m south of the site on the opposite side of Bennett Road.

Whilst the wider environment is typically rural/commercial in character there are also clusters of residential development at the southern end of Bennett Road. This includes papakainga housing on the corner of the Bennett Road and Kaura Road.

There are also four Marae in the wider area within reasonable proximity of the site. These Marae are the Ruahapia Marae located at 71 Ruahapia Road, Waipatu, the Waipatu Marae which is located at 71 State Highway 2, Waipatu, Kohupatiki Marae located on Farndon Road, Clive and Matahiwi Marae located on Lawn Road, Clive.

Bennett Road is identified as a secondary collector road and connects to the wider roading network via Otene Road to the north, also a secondary collector road, and via State Highway 2 to the south.

5.0 NATURE OF PROPOSED DESIGNATION

The Minister, as Requiring Authority, gives notice of her intention to designate an area of 3ha of land at Bennett Road for educational purposes (year 0-13 and early childhood education) public work. The land requirement and location plan is attached as Appendix 3.

Specifically, and as included in 1.0 above, the designation purpose to be included in the District Plan will be *"Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and Kōhanga Reo (early childhood education)."*

The education purpose designation will best enable the Minister to provide for education activities and facilities for pre-school and 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.

Under section 184(1)(c) the Minister requests a 10 year period after the date it is included in the District Plan to give effect to this designation.

As this NOR is for the designation of the site, there is currently no detailed information available around the master planning and proposed site development such as the locations of buildings, sport fields and associated accesses and parking. This information will only be available at detailed design stage and will be submitted with the Outline Plan of Works under s176A, once the Minister's designation is confirmed.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 171(1)(a) of the Act requires that when considering the NOR, Council must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement or a plan or proposed plan.

There are no national policy statements (or New Zealand Coastal Policy Statement) relevant to this NOR. The relevant provisions of the regional and district planning instruments are addressed in the accompanying technical reports and the relevant effects on the environment are considered in the assessment of effects below.

Visual and Amenity Effects

As noted earlier, the nature of the immediately surrounding area is predominately rural/commercial in character. Large buildings and structures are not an uncommon feature in this environment which is evident in the surrounding rural/commercial activities. These rural/commercial activities include poultry farms, food processing/packaging and a rendering plant all have large buildings and structures that make up the existing environment. These buildings offer very little in the way of visual amenity to the character of the surrounding area however they are appropriate for their purpose and therefore acceptable in the existing surrounding environment. Therefore it is important to note that whilst this area has been described as rural it is a place for rural/commercial activities (such as those noted above) which coupled with the associated built environment should not be misinterpreted as being a quiet rural environment with limited built structures.

When considering the visual effects of a school site in the context of the wider environment it is also important to note that the subject site, whilst rural/commercial in character, is in relatively close proximity to Hastings City centre which is located approximately 3km to the southwest of the site. This coupled with the relatively residential nature of the southern end of Bennett Road perhaps better characterises the site as being located on the outskirts of the Hastings urban area.

The introduction of the Kura and Kōhanga Reo on the site will change the character of the site which is currently in grassed pasture. The designation conditions offered with regard to building bulk and form (including building height limit and setbacks) will ensure that any future school buildings will meet the anticipated bulk and form for buildings in the Plains Production zone. These conditions also ensure that any potential effects from building structures will have no greater effect on adjoining properties than is already anticipated by the District Plan.

The future Kura and Kōhanga Reo buildings will also be a high quality design and appropriately landscaped to ensure they will make a positive contribution to the visual qualities of the surrounding environment.

Given the nature of the proposal in the context of the wider surrounding environment, which includes large scale industrial buildings, residential areas as well as the site's location in relatively close proximity to the Hastings City centre any potential for visual and amenity effects will be no more than minor with no persons being affected.

Traffic and Transport Related Effects

A Preliminary Traffic Assessment has been prepared by Traffic Design Group Limited ("TDG") and is attached at Appendix 6.

The traffic assessment has been prepared on the basis of the Kura accommodating up to 300 year 0-13 students and up to 50 Kōhanga Reo students.

The traffic assessment has been prepared to confirm the following key issues:

- The extent of additional traffic expected to be generated by the Kura and Kohanga Reo and the integration of this traffic into the surrounding road network;
- The likely effect that generated traffic will have on the operational safety and efficiency of the surrounding road network;
- The ability of the site and its surrounds to accommodate the parking and pedestrian demands expected to be created by the proposed facility; and
- The extent of compliance with the objectives, rules, and assessment criteria of the District Plan.

The traffic assessment finds that the Kura and Kōhanga Reo are likely to generate a demand in the order of an additional 320 additional vehicle trips per day. Accordingly, there are neither any apparent or known network capacity issues nor road safety concerns that would necessarily be further exacerbated by the establishment of a school on the site over most of the surrounding network. TDG do however note that the Stop controlled intersection at Bennett Road/SH2 may experience some increased queuing particularly during the morning period. Once a final site design has been developed then further investigation into this can be undertaken. This assessment and any necessary mitigation measures can be further assessed at the Outline Plan of Works stage. It is noted that early engagement with NZTA has been undertaken and is discussed later in this report.

TDG have confirmed that vehicle access and servicing arrangements can be designed in a manner that matches the requirements of such a development.

With regard to car parking and associated pedestrian linkages, these can be designed to cater for the expected demand such that no over-spill of parking onto Bennett Road is anticipated.

TDG conclude that the proposed development can be accommodated on the site with the overall traffic related effects being no more than minor. No parties are considered to be affected with respect to traffic related effects.

Nuisance Effects

An Environmental Impact Assessment of Odour and Dust has been prepared by Tonkin & Taylor Limited and is attached as Appendix 7.

The Environmental Impact Assessment has been commissioned to undertake an assessment of the environmental impacts, including but not limited to potential odour and dust effects associated with activities identified within the vicinity of the site. Following pre-application discussions with the Council this assessment has been amended to consider spray drift effects from the neighbouring horticultural activities. This was not initially undertaken given Hawke's Bay Regional Resource Management Plan has comprehensive rules relating to the application of agrichemicals that limits the discharge of any agrichemical beyond the boundary of the application property for small scale application and the necessary compliance with mandatory requirements of a New Zealand Standard. An assessment of spray drift has, however, now been undertaken as a caution considering the sensitive nature of the proposed activity. The assessment also confirms prevailing wind directions as this was queried at the pre-application meeting.

With regard to odour and dust, the assessment identifies five nearby activities with the potential to generate odour and dust. Of these activities only two are located close enough to the site to have the potential to generate odour and dust effects: a poultry farm to the southwest and a composting operation to the south. The assessment concludes that the potential for reverse sensitivity effects from these activities to be low for the following reasons:

- The proposed school buildings are separated by the poultry farm and composting operations by 250 to 300 metres;
- During normal school hours the percentage of calms or light wind directed toward to the school from these activities is low (between 5% and 8% of the time);
- The risk of odours being present on site, and considered offensive or objectionable, outside of school hours is greater than during normal school hours (given the proportion of calms is greater (approximately 22% of the time) but is still considered low given the separation distance and that there is a reduced likelihood of activities which have a greater potential for odour to be undertaken; and
- The composting operation is only small scale and is currently operating at a low level with activities with increased odour potential (such as turning the windrows) only being undertaken occasionally (approximately monthly).

The assessment acknowledges that whilst it has evaluated the risk of odours that are offensive or objectionable to be low, this does not mean that the school site will have no odours present. These can however be further mitigated by the proposed school layout and design following careful consideration of the environmental issues at the design phase.

With regard to the potential for spray drift the assessment notes that whilst the adjacent properties are operated as orchards where spraying of agrichemicals is undertaken, the use and application of

these chemicals is not limited to orchards. They are used throughout the country for most rural activities as well as spraying within urban environments. The Hawke's Bay Regional Resource Management Plan (operative August 2006) ("RRMP") has comprehensive rules relating to the application of agrichemicals including training and notification requirements to mitigate any potential risks associated with spray drift. For these reasons the Environmental Impact Assessment considers that effects associated with spray drift are not likely.

For the above mentioned reasons the potential for reverse sensitivity effects from odour, dust and stray drift are considered to be less than minor with no persons being adversely affected.

Flooding Effects

The northern portion of the site is identified as being an area of 50-year storm flooding risk by the Hawke's Bay Regional Council ("Regional Council"). A Flooding Assessment has therefore been undertaken by Surveying The Bay Limited ("Surveying the Bay") and is attached as Appendix 8.

The Flooding Assessment confirms the flood risk for the site. The Flooding Assessment does not limit any part of the site with respect to construction.

Rather, the report notes that flooding risk will need to be accounted for in the earthworks and stormwater designs for the future school. Mitigation of potential effects on neighbouring properties will also be required. These are all matters for detailed design and mitigation of any potential flood risks will be demonstrated and subject to compliance with the relevant building code and parts of the Building Act (e.g. freeboard requirements).

The RRMP identifies the susceptibility of the region to flooding as a natural hazard (issue ref: 3.12.1). Objective 31 seeks "the avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood". The related policy 55 outlines the non-regulatory methods as the principle means of addressing hazard avoidance and mitigation. One such measure is to provide the information on natural hazard risk and advocate that future development is managed in such a way that the risk of exposure to natural hazards is avoided, remedied or mitigated. The Flooding Assessment identifies the potential for flood risk and is satisfied that mitigation of these potential flood risks will be achievable with the detailed design of the future Kura and Kōhanga Reo. This NOR is therefore consistent with the relevant objective and policy of the RRMP with respect to flood management.

For these reasons any potential for flooding effects can be appropriately mitigated with no more than minor effects with no persons or property being adversely affected.

Infrastructure Effects

An Infrastructure Assessment has been prepared by Surveying the Bay and is attached as Appendix 9. This assessment examines the ability of the site to be adequately serviced with respect to wastewater drainage, water supply, stormwater drainage, electricity supply, telecommunications and gas supply.

The Infrastructure Assessment concludes that infrastructure services are generally available. The proximity of high voltage power lines on Bennett Road means the provision of power is feasible. Gas and ultra fast broadband services are feasible by connecting to nearby infrastructure. The provision of wastewater drainage will be by connection to an existing gravity main in Otene Road. Water supply is likely through a new private bore (subject to Regional Council approval). With regard to stormwater there appears to be capacity in the open road drains in Otene Road to convey stormwater to the Karamu Stream. The Flooding Assessment, however, noted that the Karamu Stream has some flooding issues in storm events. Stormwater will therefore require some further investigation during the detailed engineering design stage of the development of the future school to ensure that there is no increase in peak flow or volume post-development compared to pre-development. This will likely require be achieved through on-site attenuation.

For the reasons discussed above, the site can be adequately serviced by the infrastructure required for the Kura and Kōhanga Reo.

Noise Effects

Given the nature of education facilities, the activity will generate some degree of noise. However, this noise is most likely to be noticeable during play times, lunch time and during outdoor activities. The proposed conditions for the designation include a condition that the site activity must meet noise standards that are consistent with the District Plan standards but with an exception for noise from standard school outdoor recreational activities occurring between 0800 and 1800 hours Monday to Saturday. Demonstration that this condition can be met will need to be included at the Outline Plan of Works stage for the future Kura and Kōhanga Reo. The potential for noise effects of the Kura and Kohanga Reo will be further assessed at Outline Plan of Works stage with any necessary mitigation measures proposed at this detailed design stage.

The size, shape and generally flat topography of the site is such that it will enable the site layout to have regard to locating the main noise sources away from immediate proximity to adjacent properties to ensure compliance with the proposed noise condition. The proposed noise condition will achieve an appropriate balance between enabling school activities to occur whilst providing adequate level of acoustic amenity for any noise sensitive activities on adjacent sites.

The site being in the Plains Production zone means that the majority of the surrounding sites are occupied by farming and horticultural activities. The closest noise sensitive activity is the residential dwelling at 120 Bennett Road which is located on the immediately adjoining property to the north. This dwelling is approximately 10m from the common boundary. This separation distance, coupled

with the building setback and noise conditions will ensure any potential noise effect on this property will be no greater than what the District Plan anticipates in this zone.

Overall, the proposed Kura and Kōhanga Reo can be designed in a manner to ensure that noise levels effects meet the proposed noise condition and that noise effects will therefore be less than minor with no persons being adversely affected.

Geotechnical Effects

A Preliminary Geotechnical Investigation for the site has been undertaken by Land Development and Exploration Limited (LDE) dated 15 June 2017, and is attached as Appendix 10. The purpose of this investigation was to define the site and determine the best location for buildings and to identify the broad scale foundation conditions at the site with respect to any significant geotechnical hazards or constraints surrounding the development of any future building configuration.

This geotechnical investigation identified that the site has an overall moderate to high susceptibility to liquefaction. For normal classrooms this would lend itself to timber floor/prefab style of construction with some additional enhancements, or enhanced concrete slab foundations with ground improvement. Larger buildings will need further detailed investigation and assessment and are likely to require some form of deep treatment or foundation type, such as deep piles or cement stone columns and deep soil mixing. Further geotechnical investigation will happen before the detailed design of buildings and will be assessed by the Council as part of the building consent process. This is not a matter that requires further assessment as part of this NOR.

The geotechnical investigation also identifies the potential for lateral spreading that could occur for any building located within approximately 200m of the infilled stream channel to the east of the site. This may require investigation and this to be a consideration for foundation design. As with the susceptibility to liquefaction noted above, any further geotechnical investigations and detailed foundation design will be assessed by the Council as part of the building consent process and is not a matter that requires further assessment as part of this NOR.

The investigation did not find any evidence for land instability, erosion, or fault rupture at the site. In addition, there were no areas encountered where natural subsurface conditions differ significantly from another that would require the implementation of a building avoidance zone plan.

Given the conclusions of the Preliminary Geotechnical Investigation undertaken by LDE the ground conditions of the site are suitable for the intended purpose of a school subject to further investigation and detailed design. Overall, any potential for geotechnical effects will be less than minor with no persons being adversely affected.

Soil Contamination Effects

A Preliminary and Detailed Site Investigation ("PSI" and "DSI") has been prepared by LDE and is attached as Appendix 5.

The objective of the PSI and DSI is to identify any potential sources of contamination from past and present land use activities at the site and surrounding area. The purpose is to determine the contamination status of soils at the site and to subsequently assess compliance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES") in regards to the proposed development of the site for education purposes.

The future development of the site for education purposes will result in a change of land use with future construction works also resulting in land disturbance across the site. Earthworks associated with the construction of the Kura and Kōhanga Reo are likely to exceed the permitted activity threshold of Regulation 8(3) of the NES.

Evidence from the site history indicates that horticultural use at the site and surrounding area has occurred. Therefore, it is more than likely that HAIL A10 (persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds) activities have occurred on the site. Given the site has potentially had HAIL activities occurring, Controlled Activity consent under Regulation 9(1) and 9(3) of the NES will be required. Prior to commencing construction of the Kura and Kōhanga Reo resource consent under the NES will be applied for.

The laboratory soil analysis undertaken as part of the DSI undertaken by LDE shows trace levels of organochlorine pesticides. This is likely to be present due to spray application of chemicals that have been applied to the site as part of historical horticultural use and activities related to HAIL activity A10. The results of the analysis are all within the soil contaminate standards for a 'residential 10% produce' land use which is applicable to the proposed school development.

LDE considers that due to the low level of contamination concentrations identified, and the nature of contamination that no further testing is necessary and that the proposed development on the piece of land is suitable.

The DSI also notes that since DDT Isomers were detected in the soil, any soil exported off site for the disposal cannot be considered clean fill and therefore it will have to be disposed of at a managed or licensed landfill. This matter will be assessed and discussed in more detail as part of a future resource consent application under the NES.

For the above mentioned reasons the potential for soil contamination effects are less than minor with no persons being adversely affected.

Cultural Effects

As noted above, the site is not subject to any cultural overlays in the District Plan. The proposed use of the site for the Kura and Kōhanga Reo is not anticipated to have any adverse cultural effects.

Social/Community Effects

Designating the site for a future Kura and Kōhanga Reo site is considered to have the following positive social effects:

- The kaupapa of the Kura and Kōhanga Reo is well established in this Hastings/Havelock North community, with proven and consistent delivery of positive learning and cultural outcomes/objectives for Maori, consistent with the objectives of the Minister;
- The Kura and Kōhanga Reo have the potential to become a piece of key community infrastructure for the Waipatu community by acting as a focal point of the local area;
- The Kura and Kohanga Reo is likely to have wider benefits for community for example as a recreational area;
- Sets the site aside for an important physical resource (being an educational facility) to enable the community to provide for their wellbeing; and
- The Kura and Kōhanga Reo have a cultural connection to the Bennett Road area and the site was specifically selected to meet their requirements following a comprehensive site selection process as that connection will assist in integrating the Kura and Kōhanga Reo into the local community.

Effects Conclusion

For the reasons discussed above, the proposal to designate the site for education purposes will have no more than minor effects on the environment with no persons being adversely affected.

7.0 NATURE OF PROPOSED DESIGNATION CONDITIONS

The Minister proposes that the designation is subject to the following conditions.

1. Purpose	<p><i>"Educational Purposes – Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and Kōhanga Reo (early childhood education)" for the purposes of these designations shall, in the absence of specific conditions to the contrary:</i></p> <p><i>a. Enable the use of the facilities on the designated site by and for the educational benefit of any pre-school and school age students (ie: years 0 to 13) regardless of whether they are enrolled at an institution located on that designated site.</i></p> <p><i>b. Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.</i></p> <p><i>c. Enable the provision of community education (eg: night classes for adults) outside school hours in school facilities.</i></p> <p><i>d. Include but not be limited to the provision of academic, sporting, social and cultural</i></p>
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		<p>education including through:</p> <ul style="list-style-type: none">i. Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours; andiii. The provision of specialist hubs and units (including language immersion units and teen parenting units) for students with particular educational requirements or special needs.iv. 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.v. Enable the provision of associated administrative services; car-parking and vehicle manoeuvring; and health, social service and medical services (including dental clinics and sick bays).vi. Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretakers) and their families.										
2.		Where any standard condition below conflicts with a specific condition on a designation, the site specific condition takes precedence										
General Conditions												
3.	Building bulk and form	<p>Any new building or building extension (excluding goal posts and similar structures) shall comply with the following building bulk and form standards:</p> <ul style="list-style-type: none">• Maximum building height – 10m• Building setback – 7.5m front boundary 5.0m all other boundaries										
4.	Noise	<p>The operation of the school shall comply with the following noise limits at the boundary of any site zoned primarily for a residential purpose, or in the case of a rural zone, at a point 20m from the facade of any dwelling, or the site boundary, whichever is closest to the dwelling:</p> <table><tr><th>Hours</th><th>Noise Level (Leq) dBA</th></tr><tr><td>0700 – 1900 hours</td><td>55 dB LAeq (15min)</td></tr><tr><td>1900 – 2200 hours</td><td>50 dB LAeq (15min)</td></tr><tr><td>2200 – 0700 hours the following day</td><td>45 dB LAeq (15min)</td></tr><tr><td>2200 – 0700 hours the following day</td><td>75 dB L AF max</td></tr></table> <p>These noise levels shall not apply to noise from standard school outdoor recreational activities occurring between 0800 and 1800 hours Monday to Saturday.</p> <p>Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".</p> <p>Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".</p>	Hours	Noise Level (Leq) dBA	0700 – 1900 hours	55 dB LAeq (15min)	1900 – 2200 hours	50 dB LAeq (15min)	2200 – 0700 hours the following day	45 dB LAeq (15min)	2200 – 0700 hours the following day	75 dB L AF max
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5.	On-Site Car Parking - Schools	On-site car parking shall be provided for the Kura at the rate of two carparks per additional new classroom or classroom equivalent, except where the Council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate.										

	<p><i>On-site car parking shall be provided for the Kohanga Reo at a rate of one car park per FTE staff member and one drop off space per 5 children that the facility is designed to accommodate.</i></p> <p><i>For the avoidance of doubt, this condition shall only apply where there is a net increase in the number of classrooms or classroom equivalents and only applies following the initial establishment of a school on the site.</i></p>
6. Outline Plan	<p><i>That an outline plan of works shall not be required for:</i></p> <ul style="list-style-type: none"> <i>a. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;</i> <i>b. General building maintenance and repair work including but not limited to re-painting, re-cladding and re-roofing;</i> <i>c. Installing, modifying and removing playground furniture and sports structures (e.g. goal posts);</i> <i>d. Amending any internal pedestrian circulation routes/pathways;</i> <i>e. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;</i> <i>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; or</i> <i>g. General site maintenance and repair work, or boundary fencing otherwise permitted by the District Plan.</i>
Specific Conditions	
7. Earthworks	<i>Any soil exported off the site for disposal cannot be considered clean fill and therefore it must be disposed of at a managed or licensed land fill.</i>
8. Designation Lapse Period	<i>Under section 184(1) of the Act this designation shall lapse if not given effect to within 10 years from the date on which it is confirmed.</i>
9. Contamination	<i>Prior to the commencement of construction of the establishment of the Kura and Kōhanga Reo resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health will be applied for from Hastings District Council.</i>

8.0 ALTERNATIVES CONSIDERED

Section 171(1)(b) of the Act requires that when considering the NOR, Council must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the work or it is likely that the work will have a significant adverse effect on the environment.

The Minister has an interest in the land sufficient to establish the Kura and Kōhanga Reo as the Crown now owns the site and as explained in the assessment of effects in section 6 above the Kura

and Kōhanga Reo will not have a significant adverse effect on the environment. Nevertheless the Minister has considered alternative sites and methods as summarised below.

Alternative Sites

The Ministry undertook a thorough multi stage site selection process which was specifically tailored to ensuring the site meets the educational needs and outcomes of the Kura and Kōhanga Reo. This site selection process requires the consideration and assessment of sites against numerous criteria (using typical Multi-Criteria Evaluation methodology) such as, but not limited to, cultural significance and connection. A summary of the process the Ministry undertook follows:

1. The Ministry engaged The Property Group Limited to undertake a site elevation study within a defined area using the Ministry's endorsed and tested Site Selection & Evaluation Methodology (version 6). Stage one identified over 100 potential sites. This was narrowed to 55 sites by focusing on certain areas. Stage two considered the seven top scoring sites.
2. The Ministry engaged with the Kura and Kōhanga Reo who were invited by the Minister to participate in the site selection process given their Kura Kaupapa Māori status under s155 of the Education Act 1989. The Kura and Kōhanga Reo nominated land owned by the Aorangi Trust Board in Bennett Road, which included this site for the Ministry to consider.
3. The site was not identified in the original site selection process and it was not in the original site selection area.
4. However, given that the site was being selected for a kura kaupapa Māori, additional weighting over and above what would be typical for a state school was given to the cultural connection which the Kura and Kōhanga Reo identified in relation to the site, as it is expected those connections will contribute to the Kura and Kōhanga Reo relocating successfully and will assist in each achieving their respective educational outcomes. This resulted in the site becoming the preferred site.
5. Subsequently, the site selection evaluation was updated to reflect these criteria and educational objectives.
6. A decision to proceed with this site was made in May 2017 at the conclusion of discussions with the owner and completion of due diligence.

As a result of the detailed site selection process, it is considered that adequate consideration has been given to alternative sites.

Alternative Methods

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

- The Act anticipates designations as the primary resource management method to be utilised by requiring authorities;
- The Ministry has a national policy to designate all its school sites;
- Designations provide greater certainty in terms of future management operations for the 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 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 District Plan in the meantime.

An alternative to designating the proposed school site would be for the Ministry to apply for a 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. Establishing a school through the resource consent process also does not 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 Resource Management Act, is the appropriate mechanism.

9.0 NECESSITY OF THE DESIGNATION

Section 171(c) of the Act requires that when considering the NOR, Council must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to whether the work and designation is *"reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought"*.

The Minister is a requiring authority pursuant to section 166 of the Act. 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 construction of the new Kura and Kōhanga Reo to meet the pre-school, primary and secondary school needs of the community and help foster cultural connections to tikanga Maori.

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

- To designate the land to provide for the efficient management of a nationwide portfolio of education facilities.
- To provide a new Kura and Kōhanga Reo to accommodate the growing roll of students associated with Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu and Kōhanga Reo, in a way that recognises the special cultural needs of the Kura and Kohanga Reo to have a strong connection with the land; 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.

Therefore, the designation is reasonably necessary to achieve the Minister's objectives.

10.0 CONSULTATION

Neighbouring Property Owners

Consultation has been undertaken with a large number of neighbouring property owners and more remote Waipatu residents. Consultation methods included face to face meetings with many of the more immediate neighbours and a mail drop to properties a little further afield with an invitation to meet and/or speak with the Ministry. Copies of the letters that were delivered personally by the Ministry (following in-person meetings) and were part the mail drop are included as Appendix 11. These letters were also accompanied by a map illustrating the location of the site and a Ministry for the Environment booklet entitled "The Designation Process" which outlines the designation process. A map is also included which illustrates all of the individual properties consulted and the method of consultation.

The table below is a summary of the response received from the neighbours the Ministry individually met with. A more detailed recording of this consultation is attached as Appendix 12 as part of the consultation documents.

Address	Owner	Response
71 Bennett Road (Lot 9 and 11 DP 5181)	Spray-Free Holdings Limited	Neutral (Director Andrew Davies)
83 Bennett Road (Lot 1 DP 16537)	Hastings Rugby & Sports Club Incorporated & Hasting's Bay Polo Club (Inc.)	Neutral feedback. (Richard Hunt on behalf of Polo Club and Jack Saunders on behalf of Rugby and Sports Club)
103 Bennett Road (Lot 1 Deed 657)	Denise Bentall, Hugh Bentall, James Bentall	Neutral feedback conditional on resolving concerns around the aesthetic impact, environmental effects and safety matters (Denise and Hugh Bentall).
120 Bennett Road (Lot 1 DP 18816)	Joyce Pope, Nathan Pop and Thomas Donovan	Neutral feedback conditional on setback to address spray drift concern.
90 Bennett Road (Lot 1 DP 11280)	Alaster Holman, Janine Holman	No response received.
72 Bennett Road (Lot 1 Deed 11280)	Andrew Davies, Neville Goldie	Neutral (Andrew Davies)
66 Bennett Road (Lot 2 Deed 564)	Andrew Davies, Neville Goldie	Neutral (Andrew Davies)
66 Otene Road (Lot 2 DP 11816)	Christopher Paterson and Jared Thompson	Neutral feedback (Jared Thompson)
71 Ruahapia Road (Pt Karamu C2C2B6)	Gorden Paku, Hine Tuki, Jim Panapa, Judy Kaa, Laura Karauria, Meretene Cunningham, Peter Alexandra Paku, Rangi Logan	Support expressed verbally via Mike Paku as representative of the Ruahapia Marae and wider whanau.
81 Ruahapia Road	Ross Menzies	Neutral
Karamu C2C1	The Maori Trustee	Support (Wendy Mohi)
Pt Karamu C2C2B7	Donna Whitiwhiti, James Purcell, Melissa Panapa-Frazer, Michael Paku, Owen Purcell, Tanenuiarangi Paku	Support expressed verbally by Mike Paku as representative of the Ruahapia Marae.

The table below is a summary of the response received from the neighbours that received a more generic consultation letter as part of the wider mail drop. Responses came in person (meetings), email and telephone. If no response is recorded in this table then no response was received. Full written responses are attached as Appendix 11.

Address	Owner	Response
4 Panapa Road	Anna Ward	Meeting. Neutral conditional on addressing concerns around environmental impact.
23 Panapa Road	Dominic Salmon	Meeting. Neutral with concerns around environmental impact.

15 Panapa Road	Lynne Howard	Email. Negative. Does not support location
10 Kauru Road	Amokura Hutana	Email. Support
6 Panapa Road	Sharon Hughes	Email. Negative. Does not support location
10 Panapa Road	Patrick Lander	Meeting. Neutral conditional on addressing concerns around environmental impact.

Consultation with Local Marae

Consultation has been undertaken with four local Marae. The following table outlines this consultation and the response received.

Marae	Address	Response
Kohupatiki Marae	Farndon Road, Clive	Support from the board
Matahiwi Marae	Lawn Road, Clive	Support from the board
Ruahapia Marae	71 Ruahapia Road	Verbal support provided by Mike Paku on behalf of Ruahapia Marae
Waipatu Marae	71 State Highway 2, Waipatu	Support but wishes to have further discussions with the Wharekura and Kōhanga Reo about responsibilities.

Whakatu Action Group

The Ministry has engaged in consultation with the Whakatu Action Group. Des Ratima has provided a neutral position, however identified concern regarding the effect of the Kura relocation on the Mangateretere Kura, Te kōhanga Reo O Whakatu and the communities of Whatatu and other satellite communities.

Des Ratima on behalf of the Whatatu Action Group has outlined in his correspondence that he wishes to work with the Ministry to ensure an outcome that benefits both parties.

Hawkes Bay Regional Council

Surveying the Bay undertook consultation with Regional Council as part of their Flooding Assessment and Infrastructure Assessment. This consultation was particularly around stormwater drainage during storm events. Further details regarding this consultation can be found in these assessments attached as Appendix 8 and 9 respectively.

New Zealand Transport Agency (NZTA)

Consultation is currently being undertaken with NZTA. A formal response from NZTA will follow this NOR.

Consultation Summary

The above outlines the consultation that the Ministry has undertaken. This consultation demonstrates generally neutral responses from the more immediate local community. The response from the local Marae is supportive. The response from the wider community has been more mixed with many of the residents who responded to the Ministry's invitation to meet and speak sharing the same concern regarding environmental effects which the Kura will have the rural character of the area.

11.0 OTHER MATTERS

Plains Production Zone

The site is located in the Plains Production zone of the District Plan. This zone recognises the significant role of cropping, viticulture and orchard activities and their contribution to the economy of the District. The key to this productivity is the versatile land resource that forms one of the District's cornerstones for natural and physical resources in the area. Notwithstanding this, the Plains Production zone is also an areas where communities live, work and play. Whilst the zone's commercial focus is for activities that utilise the life supporting capacity of the soil the community needs such as education, must also be catered for.

The Ministry has purchased only 3h of the larger 9.247ha original site. This will ensure the Kura and Kōhanga Reo site is large enough to cater for their needs while allowing the remainder of the site to be available for activities that can continue to utilise the land resource. This land area equates to a negligible percentage of the wider Plains Production zone and as such will not undermine the availability of the valuable land resource to cater for the District's growing production needs. In addition, the positive effects of the site being utilised for education purposes must be weighed against the negligible effect on the loss of this site as a productive land resource.

Part 2 Matters

Section 171(1) of the Act requires the Council to consider a NOR subject to Part 2 (the purposes and principles of the Act).

Section 5: Purpose

The purpose of the Act 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 education needs of both the local and wider community who wish to be educated in a Te Kura Kaupapa Maori environment and will provide for the community's social, economic and cultural wellbeing. The effects of the designation and activity have been discussed in section 6.0 of this NOR where it is concluded that any potential for adverse effects are able to be avoided, remedied or mitigated through the eventual design of the Kura and Kōhanga Reo. 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 Act as defined in section 5 of the Act.

Section 6: Matters of National Importance

Section 6 of the Act sets out matters of national importance which must be recognised and provided for. Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, site waahi tapu and other taonga is a matter of national importance. The Kura and Kōhanga Reo have a cultural connection with the site. The NOR is therefore consistent with section 69(e).

There are no other section 6 matters relevant to this NOR.

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 wellbeing of the community by providing Te Kura Kaupapa Maori education facilities for students of both the local and wider community for year 0-13 levels and Kōhanga Reo (early childhood education). The protection of the land for the purpose of the Kura and Kohanga Reo development within an area that they have a cultural connection to is an efficient use of land.

With regard to section 7(c) amenity values are defined in the Act 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 comprehensive landscaping throughout the site. The proposed designation conditions relating to building bulk and form, noise and car parking 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 Outline Plan process.

Similarly, the quality of the environment can be maintained and enhanced through the development of the Kura and Kōhanga Reo.

Section 8: Treaty of Waitangi

This section of the Act requires those exercising powers and functions under the RMA to take into account the principles of the Treaty of Waitangi. Whilst there are no identified known sites of cultural significance on the site the Kura and Kōhanga Reo have cultural connections to the site. In addition, consultation has been undertaken with whakapapa of mana whenua in the form four local marae and the Whakatu Action Group. As such, the proposed designation and future establishment of a Kura and Kōhanga Reo on this site is consistent with the principles of the Treaty.

Overall, the proposal is considered consistent with Part 2 of the Act.

Notification

The Minister requests public notification of this NOR as soon as possible.

12.0 CONCLUSION

The Minister requests that the Council proceed to process this NOR pursuant to section 169 of the Act with public notification as soon as possible. This NOR addresses all the relevant matters under section 171 of the Act.