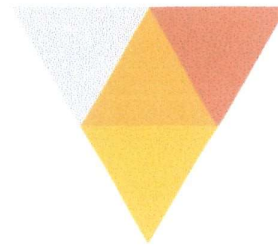


418/22



Designations Factsheet

What is a designation?

A designation is a way of authorising land use activities under the Resource Management Act 1991 (RMA). A designation is often described as a form of 'spot zoning' over a site or route in a district plan, and is an alternative to obtaining a resource consent for an activity that is otherwise not permitted by a district plan. Designations cannot be used to authorise activities managed by regional councils (e.g. discharges). The ability to designate a site or route is available to:

- A Minister of the Crown,
- A local authority, and
- A network utility operator (if approved by the Minister for the Environment).

These entities are referred to as 'requiring authorities' as they can require land to be designated for a specific purpose (e.g. a school). The Minister of Education is a requiring authority. Once a site or route is designated, the rules within the relevant district plan do not apply, and land use activities aligned with the purpose of the designation can occur without obtaining a resource consent. Designations may have conditions that restrict the activities that can occur within the area designated.

What is the process for designating a site?

To designate land, a requiring authority gives notice to a territorial authority (council) of its requirement to designate land for a specific purpose (e.g. for education purposes). This is called a 'notice of requirement'. A notice of requirement is accompanied by an assessment of effects on the environment (AEE). This is a report that assesses the actual and potential effects on the surrounding environment of designating land for a specific purpose. This assessment will address things such as noise, traffic generation, potential effects on indigenous biodiversity, landscape and visual amenity.

In certain circumstances, the territorial authority may notify neighbours and the public that a requiring authority wishes to designate land. This is called 'notification'. If notification occurs, those who have been notified can make submissions either in support or opposition of the designation, and will be given an opportunity to present their submission, and any supporting evidence at a hearing.

Following any hearing, and based on the evidence and submissions heard during the hearing process, the territorial authority will make a recommendation to the requiring authority that it:

- Confirm the requirement to designate the site or route,
- Modify the requirement to designate the site or route,
- Impose conditions,
- Withdraw the requirement.

The requiring authority then decides whether to accept or reject the recommendations of the territorial authority. This decision is open to appeal to the Environment Court by any party who was notified and therefore involved in the designation process. Once a decision has been made by the requiring authority and any appeals are resolved, the designation and any associated conditions are included in the relevant district plan.

Prior to any development occurring on the designated site or route, the territorial authority may require that the details of the development are provided to the territorial authority. The development details are called an 'outline plan'. If required, an outline plan must contain specific details such as:

- The height shape and bulk of the development, - Not clear
- The location of the development'
- Details relating to vehicle circulation and parking, - not clear, overflow?
- Landscaping, and
- Any other matters to avoid, remedy or mitigate adverse effects on the environment.

The territorial authority will review the outline plan and may request that changes are made. The requiring authority decides whether to accept or reject any requested changes. If any requested changes are rejected, the territorial authority may appeal the requiring authority's decision to the Environment Court.

Why does the Minister of Education designate its sites?

As a requiring authority, the Minister of Education may designate land. There are several reasons why the Minister of Education chooses to designate sites to authorise its education activities as opposed to applying for any necessary resource consents.

Flexibility

Once a site is designated, the rules of the relevant district plan do not apply to the site. The requiring authority can therefore undertake any land use activity provided it is in accordance with the purpose of the designation (e.g. education purposes), and any conditions placed on the designation. This provides the requiring authority with a level of flexibility that a resource consent may not. Flexibility is particularly important for schools as they need to develop and change through time in response to changing roles and student requirements. Designating a site provides the flexibility to make these changes without amending existing resource consents or applying for new ones.

Certainty

The process of acquiring a site for a school, obtaining the relevant RMA authorisations, designing and then constructing a school can take some time. Most often, the specific teaching space, play area, vehicle access and associated requirements are not fully developed at the time RMA authorisations need to be obtained. A designation and the outline plan processes provide the Minister of Education with a high level of certainty that a development can occur on a site, without a high level of specific detail being known about the final form of the development. This certainty provides the Minister of Education with the confidence to invest in the necessary design and construction work to realise the development.

Protection

Once a site is designated, any third party is unable to do anything in relation to the site or route that would prevent or hinder the development or project to which the designation relates without the prior written approval of the requiring authority. This provides an important protection that increases the degree of certainty provided by the designation.

Compulsory acquisition

A requiring authority may designate land that it does not yet own. Once designated, the requiring authority may use powers under the Public Works Act 1981 to compulsorily acquire the land for the purpose specified by the designation. These powers are not frequently used by the Minister of Education.

Project Summary: Relocation of Te Kura Kaupapa Māori o Ngāringaomatariki

Project Background and Overview

Te Kura Kaupapa Māori o Ngāringaomatariki is a small but well-established te reo Māori immersion kura. The current kura site is located on leased land on the Ō-Ruawhāro peninsula. The Minister of Education has approved a project to establish the kura on its own land in an area with greater accessibility and the provision for growth. The Ministry has purchased land at 9 Tawa Avenue, Kaiwaka for this purpose. The land is shown in figure 1 below.

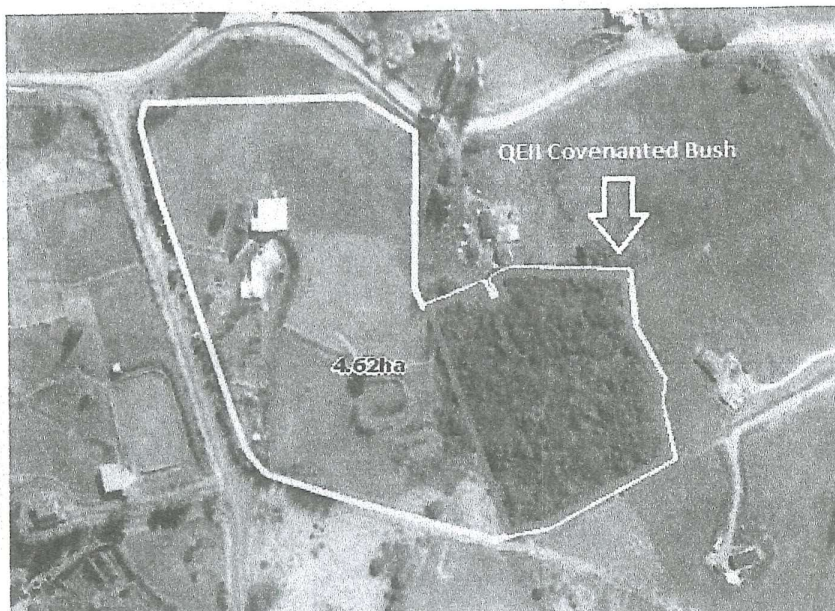


Figure 1: Site Location indicating site size and existing protected native bush

The Ministry is currently determining the best way to develop the site for educational activities. It is intended that the kura (primary school) and a wharekura (secondary school) will be established on the site. There are plans to add a puna reo (early childhood education centre) on site in the future.

Typical components expected on the site as it develops include:

- Classrooms, resource areas, library, gymnasium, administration office space
- Puna reo
- Sports field(s), outdoor play area, playground structures
- Vehicle access from Tawa Avenue
- Onsite student drop-off/pick-up areas, onsite bus and vehicle parking
- Associated infrastructure including outdoor lighting
- Landscaping

*Not enough
room.*

- On-site wastewater (septic tank), water supply and disposal of stormwater

The Ministry has commissioned an assessment of potential effects on landscape and visual amenity which will best inform how to design a state-of-the-art learning facility while minimising the effects on the natural environment. A small wetland on the Queen Elizabeth II covenanted bush boundary has been identified. To protect its ecological function this wetland will be excluded from any development, and a surrounding buffer area will be established. The covenanted bush will remain protected on the site and will be maintained and used as an outdoor learning area for the ākonga.

Designation

The Ministry first needs to “designate” the site for education purposes under the Resource Management Act 1991 (RMA) for the kura and puna reo. Once designated, the Ministry would work with the Board to procure a detailed design for the site. The designation essentially permits a kura and puna reo on this site, and will be subject to any conditions that are included on the designation. It is common for school designations to include conditions such as car parking and access, student drop-off and noise etc.

The Ministry plans to submit an application to designate the site with Kaipara District Council in late 2022. It is anticipated that Kaipara District Council will publicly notify the Notice of Requirement for designation, once submitted.

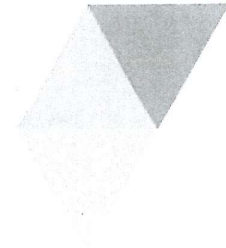
Additional Consents Required

Once the designation is confirmed and a design undertaken, the Ministry will be required to lodge an outline plan with Kaipara District Council for each development stage. An outline plan describes the development in greater detail (e.g. specific building heights, locations and design details) and allows the Council to assess the potential environmental effects of these specifics. If necessary, the Council may request changes to these designs (adequacy of road network and infrastructure services etc.).

In addition, regional resource consents will be needed for onsite wastewater and stormwater treatment for the initial stage of school development and will also likely be required for bulk earthworks.

change?

4/8/22
Received
at KCC



Proposed Notice of Requirement for 9 Tawa Avenue, Kaiwaka

FAQ

Frequently asked questions

1 What will the kura look like?

At this stage there are no plans of what the kura might look like. However, we have examples of recently constructed school that show the different ways that the buildings could be designed.

Once the kura site is designated, the design of the buildings will commence. Funding will be allocated to the design process which will work on a plan for the buildings and other site requirements.

2 When will it be built?

The goal is to have the school open for Term 1 of 2025 which is the bicentennial of the battle of Te Ika-a-ranga-nui.

3 How will the students get to the kura?

Currently, most students travel to the existing site via a shuttle bus. It is likely that the shuttle bus will remain a key component of travel to the site.

Katie Smith told me 30 →

Currently, 51 students attend the kura and most travel to the site by shuttle bus.

The designation for provide for a roll of around 250 ākonga (students), spread over early childhood education, primary and secondary levels.

changed to 200?

4 How much traffic will be generated by the kura?

It is predicted that the following traffic will be generated:

- All 15 staff will arrive in their own car resulting in 15 (two-way) car movements;
- 160 students will travel by bus resulting in 16 (two-way) bus movements per day; and
- 40 students will travel by private car resulting in 80 (two-way) car movements per day (this is a worst case assuming all students will be in individual cars).

5 Will the trees on the site be removed?

The protected area of native bush on the site will remain protected. There are also other natural features on the site such as streams and wetlands that will be enhanced during development.

Outside of these areas, the kura intends to retain as many mature trees as possible.

29 September 2022

**Te Kura Kaupapa Māori o Ngāringa o Matariki
Open day follow up information**

Introduction

The Ministry of Education (MoE) has purchased 9 Tawa Avenue in Kaiwaka, and recently held an open day at the Kaiwaka War Memorial Hall to share some information about the relocation of Te Kura Kaupapa Māori o Ngāringa o Matariki to this site. This open day was also an opportunity to ask questions, provide some initial feedback and to indicate interest in understanding more about the project.

This email is to provide some additional information regarding the kura and the process that MoE needs to follow in order to designate 9 Tawa Avenue for use as a kura. I would also like to extend the opportunity for you to ask further questions, and to provide feedback as to how the proposal might affect you specifically, so the MoE can consider what actions might be taken on the site to mitigate these effects.

The site

At the open day, there were several discussions regarding why the site was chosen. While it is extremely difficult to find the perfect site, there are several practical attributes that 9 Tawa Avenue has such as size and location in relation to transport links, students and the wider community. The site also has extremely strong cultural attributes. *Really?*

Maunga Pukekaroro is one of the main mountains that Māori are deeply connected to in the Kaipara area. You can see Pukekaroro from the proposed kura site and to its left is another set of mountains which is situated in Maungatūroto. This mountain range is called Pukearenga. The significance of this Maunga is that it has several caves that ancestors / tūpuna of whanau involved with the kura are buried in.

Maunga Pukekaroro is also near the site of a battle between local hapū, and hapū from Ngā Puhi. After being overpowered by attackers armed with muskets, many locals fled to Waikato, Tangihua and Hokianga. Those that stayed or returned later, embraced the beliefs, culture and language of European missionaries and discarded their own as they believed that by doing so they would be protected from their enemies to the north. This was a devastating event for this iwi resulting in the loss of lives, culture, language and rangatiratanga. ?

It is therefore significant that the site of the proposed kura faces Maunga Pukekaroro when providing a facility where Te Reo Māori can be revived in the Kaipara, and young and old can learn their own language, culture and values.

Process and next steps

Because 9 Tawa Avenue is currently zoned for rural use in the Kaipara District Plan, the MoE needs to gain approval under the Resource Management Act to use the site for the kura. The MoE is seeking to 'designate' the site for this purpose (see attached designation factsheet). This process has a number of steps as follows:

- 1 MoE will prepare a notice of requirement (NoR) to designate the site.
- 2 MoE will prepare an assessment of effects on the environment to accompany the NoR. This includes effects on neighbours' amenity.
- 3 These documents will be supplied to Kaipara District Council (KDC) to review.
- 4 KDC will publicly notify the NoR. All neighbours will receive notice that this has occurred, and notices will also be placed in local print media inviting people to make submissions.
- 5 KDC will review all submissions.
- 6 KDC will convene a hearing where submitters will be invited to talk to their submissions in front of an independent commissioner (or panel).
- 7 The commissioner will make a recommendation whether or not to confirm the designation, and under what conditions.
- 8 The MoE will make a decision whether to accept the recommendation.
- 9 Parties involved in the hearing process (submitters and KDC) may appeal this decision to the Environment Court.

The MoE is currently at Step 1 and 2 and plans on completing these stages in the coming months. This is why it is a good time to raise any concerns as to how the proposal might affect you specifically.

Closing

Because we are at an early stage in designating the site, we would like to extend the opportunity to continue the conversation started at the open day. If you would like further information regarding the proposed kura, the designation process or would like to share any concerns or support for the proposal, please email me in the first instance on tensor@tonkintaylor.co.nz.

Yours sincerely

Tim Ensor
Principal Planner

29-Sep-22
document4

Just to
ensure Bill Smith
has this
information.

Barbara Leslie.
Per additions - mine.

9 Tawa Ave

Nov 20, 23.

PI

My name is Barbara Leslie.
Now that I have the official reports I am making some updates. My position in previous submissions are unchanged.

I will use this latest document as time constraints don't allow for my fuller offering.

Our family have lived near, or on the site since 1859.

I am clearly indicating

- I oppose the application
- I am concerned about many

parts of the application, and have provided a submission, and will make these further comments as

a result of provided reports.

- I am making a submission as I am closely connected to Te Kāiwhake + Oruawhaka areas, and have lived most of my life in both, and worked as a community nurse for many years in Te kōmunitas + schools.

- I would like Te proposal to be dropped and the wider issues fully explored.

- If in the unlikely event you grant Te consent conditions would relate to

- Need-projections

- Environment

- Transport

- Space

- Community

- Yes I would like to attend and speak at the hearings, and am indeed doing so.

While submitters (such as myself and other community members) have had to have our reports done and delivered by Aug 14, no such deadline applied for the official paid, professional reporters. Indeed as late as the 20th Nov (ie Monday this week) their reports were still being received. This is not a level playing field. They have had more than 3 months to digest our reports, and we have had ~~less~~ at the most 2 weeks, and in at least 2 cases way less.

The professional Reports are full of inaccuracies and omissions.

Some examples: In Clive Huggins

Corporate Evidence he cant (like at least one other - Lindsay Leitch) even get place names correct.

(4)

Topuni is called Tupuni, Port
Albert Port Talbot, and Maungatoto
Clay is Maungatoroto Clay to give
some examples. Names are very important
to Maori in particular.

If these MOE staff or contracted staff
cant get names right what else cant
They get right. No doubt They are
well paid, while we are doing arguably
the same amount of work + research
volunterily.

Well, without fully studying the reports
(time issue) I can tell you that in (5)
The landscape report an old hay barn
is called an equestrian building

The writer also waxes lyrical about
exotic trees (shelter belt) cannot be relied
on due to maintenance issues-related.

I can assure you all after recent events
the same can apply to native trees.

Another strange comment is from the

Acoustics report who while commenting
on some immediate neighbors residents
possible effect, chooses to ignore 163
Settlement Rd where two young children
aged 3, 6 live

How can we have confidence in ⁶
These "experts" who are quick to point
out their qualifications + experience.

Site visit (s) and/or a perusal of
other reports hardly compares to those
of us who have much more skin in
the process. The paid professionals have
no attachment or no connections

Or have they?

This of course brings me to the MOE
allowing one of their senior staff
who lived for many years within 2 km
of the site, and with local connections
to be part of the process. Indeed this
person attended consultation meetings
in the Tawa / Settlement Rd neighbourhood
without declaring this potential conflict

Communication has been patchy
to say the least. (7)

Initially a mail drop was considered all that was needed, until leaflets ran out just beyond the proposed site. The powers that be forgot about absent landowners, people with P.O. Boxes and neighbours further along Settlement Rd.

Another example is Notification about Submissions.

Despite my email to Tim Ensor, and his assurance about bearing in mind local media the Council chose to use (as far as I'm aware) The Mangawhai Focus rather than more local, or more widespread media.

When I found out I quickly visited several outlets only to find all traces of The Mangawhai Focus had mysteriously and unusually disappeared.

I would now like to make some comment on a small number of issues brought up by the eventually received reports

Clive Huggins - Corporate Evidence

4.3 What exactly is an English medium Schooling network.

This sounds very loaded.

I can assure you here today the local primary school (and no doubt all) incorporates Te Reo, Kapa Kahae, history, culture etc in their day to day activities eg Matariki, school concerts,

I gave examples at the meeting.

Regarding his population projections like the European population birthrate the Maori Birthrate is also declining.

(Information from my partner who is a recently retired Stats NZ demographer)

4.4 Access. In the general schools in the area pupils travel relatively small distances by bus or by other means eg car.

The proposed Kura plans small vans which can travel huge distances eg from Ruakaka, Ruawai

This is a major concern - environmentally (9)
and from a social/community perspective.

It is too tiring + too long for young children.

4.6 This report and others talk about the
Kura being for Ngati Whata. What about
other tribal groups, or ethnicities. If the
history, culture etc of only Ngati Whata is
taught - and from their perspective, this has the
effect of others feeling unwelcome + their
history which may be different disrespected.

Note what Rena Skipper and others said at the
hearing was totally different to previous
offerings. (ie toned down) Is this just to
impress the commissioner?

4.7 The hapu aligns to the shores of the
Kaipere harbour.

I can assure you the Tawa Site is not on
the shores or saltwater fingers of the
Kaipere Harbour.

Note other suggested sites eg Mangatoto
Country Club, Te Hara Marae etc.

6.5. The purchase price of the land for the
Kura was not cost effective. The owner
put the price up considerably (way above
its value) during negotiations. Robin James told
me this himself.

6.8

The B.O.T of the kura will work with the community to allay fears. I've spoken to immediate neighbours eg my son Phillip Watter, and this hasn't happened.

In the landscape Report mention was made of several wetlands and ponds (ie dams) One area is the former effluent pond. Obviously wetlands + dams will need to remain intact (an environment issue) and could in times of flooding and wet weather of which we have recently had plenty could pose a serious safety problem for children in particular. This also reduces the amount of available land (approx by 1 acre is my estimation)

There is barely, if at all enough land for the kura requirements - no doubt extreme traffic will park along the private parts of Tawa, Tawa + Settlement (Roads) Heights of buildings - 10 metres. The words "broadly compatible" were used. That doesn't mean some parts will be higher thus contravening the usual rules, creating visual nuisance.

In the archeologist report the soil is described as poorly drained, leached, wet and puggy in winter, dry + cracking in summer + prone to pugging and erosion. Extensive earthworks would be required for the kura.

This sounds completely unsuitable for a school. Lots of water needed in summer - where will this come from? and gunboots in winter. What about wastewater - where will

This end up. Very probably in the Kaipara as local streams end up in the Kaiwaka River.

Is this a reason the kura are now thinking of connecting to the local town sewerage system instead of having their own systems as previously reported. Tim Ensor Planner 8.4

The local sewerage pond is just metres from the Kaiwaka River (salt water, soon to flow into the nearby Otamatea River).

As also mentioned in the Archeology report and well known to our family this area was part of the west/east historic Maori Portage route. There is much potential for significant sites yet to be found, some have been found close by.

Basically the official reports back each other up, and this is no surprise as the MOE is their employer.

Moving on -

(12)

Our children deserve a good all round education, fit to prepare them for a positive future. They need to have the best opportunity to be competent in all areas of the curriculum. It is also important that teachers teach to the strengths and interests of the children.

Our children deserve a school in a supportive community, and an appropriate environment, with the health & social support well resourced and appropriate.

Our children deserve to be given an education which encourages them to have a worldwide view

and that as their education progresses they have appropriate, well qualified teachers to encourage critical thinking and are able to specialise in their areas of interest

Our children deserve, especially the younger ones to have their education locally, in their own community and within easy reach of their homes. This gives them a sense of place, family + community

Our taxpayers money needs to be spent wisely and in accordance with what the taxpayer would deem reasonable and acceptable. Environmental concerns underpin modern thinking.

~~A school~~

In the planning stages a school needs to demonstrate need, projections,

sustainability, suitable
staff and realistic numbers.

14

eg a kura in Whangarei (serving a
much higher population) has an
established roll of only 150. (Advocate
Oct 27th, 2023)

The school, its administrators, its staff,
The MOE and all involved with the
planning should be open, honest, principled
and communicate in a timely, professional
and fair way.

The community should have been involved
right from the start.

In my view as previously stated the
best way forward is enhanced Māori
Studies in all schools.

As you (the team with the Power to
say yae or nae) will have read in
my submissions and others there are
many questions and not all the
answers.

Barbara Leslie