

**In the matter** of the Resource Management Act 1991

**And**

**In the matter** A notice of requirement to designate land for educational purposes  
at 9 Tawa Avenue, Kaiwaka by the Minister of Education

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## **Statement of evidence of Timothy Alistair Deans Ensor**

### **Planning**

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# Statement of evidence of Timothy Alistair Deans Ensor

## 1 Executive summary

- 1.1 The Minister of Education (**Minister**) seeks to designate 9 Tawa Avenue for 'Educational Purposes'. The site is located in the Rural Zone and the Kaipara District Plan (**KDP**) "*recognises that while farming activities are the defining feature of the Rural Zone, other activities are also appropriately located in the rural environment.*"
- 1.2 The positive effects associated with the proposal are best illustrated by the submissions received in support of the proposal. In summary, the proposal will enable Te Kura Kaupapa Māori o Ngāringaomatariki (**Kura**) to continue operations in a purpose-built facility better suited to its needs, allowing it to expand its roll (to 200 students), and reinforce and enhance the educational outcomes achieved to date. The NoR also enables provision of a Puna Reo on the site.
- 1.3 Submissions in opposition have raised concerns regarding effects on rural character and amenity, noise and traffic. The Minister has proposed designation conditions that include building location restrictions, landscaping and traffic safety and capacity assessments. Based on the evidence of other witnesses for the Minister, my opinion is that the actual and potential effects associated with the proposal will be adequately avoided, remedied or mitigated, and will achieve the objectives of the KDP.
- 1.4 My opinion is that designating the site for 'Educational Purposes' will achieve the objectives of the Minister, and is the best available mechanism to facilitate the development of the site for use as a Kura.

## 2 Qualifications and experience

- 2.1 My full name is Timothy Alistair Deans Ensor. I am currently a Principal Planner with Tonkin & Taylor Limited (**T+T**) having previously been employed by AECOM New Zealand Limited and its predecessor, URS New Zealand Limited. I have been a consultant planner for approximately 17 years. Prior to consulting I was employed by Environment Canterbury for approximately two and a half years as a consents planner.
- 2.2 I hold a Bachelor of Science and a Bachelor of Arts with Honours majoring in Geography, obtained from the University of Canterbury in 2002. In 2012 I graduated with a Post Graduate Diploma in Planning from Massey University. I am an associate member of the New Zealand Planning Institute.
- 2.3 I have worked throughout New Zealand assisting private and public sector clients with obtaining statutory approvals, undertaking environmental impact assessment and policy analysis for projects, and providing expert planning evidence at plan and consent hearings. These clients include the Department of Conservation, Waka Kotahi the NZ Transport Agency, Environment Canterbury,

Canterbury Aggregate Producers Group, Opuha Water Limited and the Ministry for the Environment.

- 2.4 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **3 Role in the project and scope of evidence**

- 3.1 My role in the project is the project Planner. I was engaged by the Ministry of Education (**Ministry, MoE**) in October 2021 to undertake planning and coordination tasks associated with the preparation of the Notice of Requirement (**NoR**). I am the T+T project manager and was the technical reviewer of the NoR. My colleague Nicolle Vincent authored the NoR report.
- 3.2 I have visited the site on multiple occasions with the Ministry, other witnesses for the Minister, Council staff, and neighbours.
- 3.3 The purpose of my evidence is to provide the planning context for the NoR, summarise the key elements of the NoR including the assessment of effects on the environment and respond to matters raised by the submitters and the Council planner's S42A Report. In relation to the latter, my view is that there is generally close agreement on the level of effects of the proposal on the environment and overall agreement that the potential effects are acceptable. In particular, both myself and the S42A officer agree that the NoR should be confirmed. On this basis, this evidence will focus most on the few areas where the S42A officer has invited additional comment or highlighted specific questions.
- 3.4 My evidence is set out as follows:
- (a) An overview of the planning context for the proposal.
  - (b) A summary of the actual and potential effects of the proposal incorporating an assessment of the actual and potential effects against the relevant plan and policy provisions.
  - (c) An assessment against ss 171(1)(b) and (c) of the Resource Management Act 1991 (**RMA**).
  - (d) An assessment of the proposal against Part 2 of the RMA.
  - (e) An assessment of the submissions received where these have not been addressed elsewhere in my evidence.
  - (f) An assessment of matters raised in S42A report where these have not been addressed elsewhere in my evidence.

## 4 The planning context

- 4.1 This section of my evidence sets out at a high level the planning context for the proposal. Any planning provisions referred to in this evidence are included in full in **Annexure 1**.
- 4.2 Section 171(1)(a) of the RMA identifies those matters that a territorial authority must have regard to when considering a notice of requirement and any submissions received. These are:
- (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; and
    - (iv) a plan or proposed plan.

### National Policy Statements

- 4.3 There are several national policy statements currently in force.<sup>1</sup> However, due to the site characteristics (in a rural area outside the coastal environment and not situated near electricity transmission lines) and the nature of the activity (for example, not a proposal for renewable energy generation), only the National Policy Statement for Freshwater Management 2022 (**NPS-FM**), National Policy Statement for Highly Productive Land (**NPS-HPL**), the National Policy Statement for Urban Development (**NPS-UD**) and the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) are potentially relevant to this NoR.

#### NPS-FM

- 4.4 The NPS-FM objective is based around the fundamental concept of Te Mana o te Wai, and prioritises the health of water over other uses. The NPS-FM objective is relevant to how the designation may impact on the onsite wetlands / streams, and on water quality objectives. While this is largely a matter for consideration by Regional Councils, I will comment on the NPS-FM in the context of the use of land for a Kura.

#### NPS-HPL

- 4.5 The NPS-HPL objective is that: *“Highly productive land is protected for use in land-based primary production, both now and for future generations.”* The term

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<sup>1</sup> NZ Coastal Policy Statement, National Policy Statement for Freshwater Management 2020, National Policy Statement on Urban Development 2020, National Policy Statement on Electricity Transmission, and the National Policy Statement for Renewable Electricity Generation 2011.

Highly Productive Land is defined within the NPS-HPL<sup>2</sup> and Clause 3.5 sets out the process for identifying Highly Productive Land. As the Northland Regional Council has not undertaken the process under Clause 3.5(1),<sup>3</sup> the default classifications set out in Clause 3.5(7) apply.

- 4.6 The site is identified on the Manaaki Whenua online GIS<sup>4</sup> as being land use capability (LUC) class 4. LUC class 4 land does not meet the definition of Highly Productive Land, and therefore no further consideration needs to be given the direction within the NPS-HPL in relation to the proposed designation.

#### NPS-UD

- 4.7 Objective 1 of the NPS-UD is: *“New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future”*.
- 4.8 The term Urban Environments is defined by the NPS-UD as (relevantly) any area of land, regardless of size, that is or is intended to be predominantly urban in character and is or is intended to be part of a housing and labour market of at least 10,000 people.<sup>5</sup>
- 4.9 As the site is zoned Rural it does not meet the definition of Urban Environment in its current form.
- 4.10 Nor do I consider that the site would be defined as an urban environment on the basis of its future land use as Kura. In my opinion such a use would not result in the land becoming ‘predominantly urban’ in character. While the character of the land use consists of a series of buildings, play structures, and associated infrastructure such as a car park, Kura also have open space areas such as playing fields and in the case of 9 Tawa Avenue, a large area of native bush.
- 4.11 In addition, my understanding of the NPS-UD Objective 1 is that it is seeking to influence urban activities / environments of a larger scale (as indicated by clause b) in the definition) than for example a rural residential development or a Kura located in a rural environment.

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<sup>2</sup> **highly productive land** means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).

<sup>3</sup> As soon as practicable, and no later than 3 years after the commencement date, every regional council must, using a process in Schedule 1 of the Act, notify in a proposed regional policy statement, by way of maps, all the land in its region that is required by clause 3.4 to be mapped as highly productive land.

<sup>4</sup> Baseline Highly Productive Land » Maps » Our Environment (scinfo.org.nz)

[https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri\\_luc\\_hpl](https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri_luc_hpl).

<sup>5</sup> urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- a) is, or is intended to be, predominantly urban in character; and
- b) is, or is intended to be, part of a housing and labour market of at least 10,000 people

- 4.12 The S42A officer agrees that the site does not meet the definition of Urban Environment,<sup>6</sup> and no further consideration of the NPS-UD is required. I agree with this assessment.

NPS-IB

- 4.13 The NPS-IB came into effect after NoR was filed with KDC. The objective of the NPS-IB is:

*(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*

*(b) to achieve this:*

*(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*

*(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*

*(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*

*(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

- 4.14 The site contains a stand of native bush on the southeast of the property that is subject to a QEII covenant which protects the land from development in perpetuity. There are also natural wetland areas on the fringe of the native bush associated with a stream system that flows along the eastern boundary of the site.
- 4.15 While the substantive work required to implement the NPSIB in the Kaipara District has not occurred, the Ministry is proposing to avoid development in and proximal to the QEII covenanted bush, the wetland areas and the stream. My conclusions in relation to the proposal and the NPS-IB are drawn later in this evidence.

**Northland Regional Policy Statement**

- 1.1 The relevant provisions of the Northland Regional Policy Statement (**RPS**) were set out in Section 7.3.2 of the NoR Report. In summary the relevant objectives and policies by theme are:

- (a) Indigenous ecosystems and biodiversity - Objective 3.4, Policy 4.4.1
- (b) Reverse sensitivity - Objective 3.6, Policy 5.1.3
- (c) Regional form - Objective 3.11, Policy 5.1.1, Policy 5.1.3
- (d) Tangata Whenua role in decision making - Objective 3.12, Policy 8.1.2
- (e) Active Management - Objective 3.15

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<sup>6</sup> S42A Planning Report, Paragraph 7.2

- 4.16 I can confirm that I agree with the conclusions drawn in the NoR Report and note that the S42A officer, aside from providing additional specific comments regarding Policy 5.1.3, accepts and adopts the assessment.
- 4.17 The Kaipara District Plan (**KDP**) is required to give effect to the RPS. As it relates to this proposal, the KDP provides more detailed guidance on the matters addressed by the RPS and therefore for the most part, greater focus is placed on the objectives and policies of the KDP in this evidence.

### **Kaipara District Plan**

- 4.18 The relevant provisions of the KDP were set out in Section 7.3.3 of the NoR Report. The KDP contains objectives and policies relating to activities in rural environments, the relationship of Māori with land, water, lakes, rivers, and streams, rural character, reverse sensitivity and transportation (among other matters). I can confirm that I agree with the conclusions drawn in the NoR Report and note that the S42A officer has accepted and adopted the assessment.
- 4.19 Select KDP provisions have also been addressed throughout my evidence within the context of the actual and potential effects of the proposal.

## **5 The actual and potential effects of the proposal**

### **Positive effects**

- 5.1 As described in Ka Hikitia – Accelerating Success 2013–2017, The Māori Education Strategy:

*There is a strong link between well-being and achievement. Students' well-being is strongly influenced by a clear sense of identity, and access and exposure to their own language and culture. Students do better in education when what and how they learn reflects and positively reinforces where they come from, what they value and what they already know.*

- 5.2 With this statement in mind, the positive effects of the proposal are best illustrated by the submissions received in support of the proposal.

- 5.3 For example, the submission from Patrick Nepia (and others):

*"There is a serious need to increase the cultural and language capacity in Te Uri o Hau with less people having the ability to carry out the roles adequately on the 14 marae within Te Uri o Hau area,*

*A new kura means that the number of students able to learn in an authentically Maori environment will grow as they are at capacity at their current site*

*Tūngia te ururuā kia tupu whakaritorito te tupu o te harakeke. Clear away the overhanging bush so that the new flax shoots will spring up"*

- 5.4 The submission of Josie Gritten:

*"I believe it will be a valuable asset to our community to have a full immersion kura in the Kaipara and I stand behind those who have entered this submission. The current school is run with integrity and a beautiful whanau feel with deep*

*care for the tamariki. To see that expanded and more accessible would be a wonderful development in our community.”*

5.5 The submission of Alamein Drummond:

*“... kura Kaupapa Maori is in HIGH demand because of its rich learning and therefore TKKM o Ngaringaomatariki need a bigger space so no one is left out on this amazing educational journey. Our children are our next leaders, this is common sense to ensure there is big, safe and practical kura in all areas of New Zealand and not just main stream schooling as it is not for everyone.”*

5.6 The submission of Donald Brown:

*“The increased learning of the Maori language can only strengthen the culture of New Zealand.”*

5.7 The submission of Jader Fairburn:

*“...the current location doesn’t reflect/uphold the mana of the Tamariki or the Kaiako.*

*Having the new Kura be built here in Kaiwaka doesn’t only open up more possibilities for my child/children, but other parents and children, giving them the ability to be able to access learning in Te Reo Maori.”*

5.8 In my view this proposal is therefore aligned with Section 6(e) of the RMA, being *“the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”* The proposal also recognises *“...the importance of providing for the relationship of Māori including their culture and traditions, with their ancestral lands, water, sites, wāhi tapu and other taonga”* and therefore contributes to achieving Objective 2.4.3 and 5.5.2 of the KDP.

5.9 Based on the submissions received in support of the proposal (the submissions referred to are simply examples of many that express similar views), my view is the proposal will result in positive social and cultural outcomes for the Kura, and the wider community by providing a permanent, purpose-built facility. The proposal also positively contributes to providing for the Kura’s connection with ancestral lands, Te Reo Māori, and other taonga which is a matter of national significance.

### **Rural amenity**

#### Planning context

5.10 Section 7(c) of the RMA requires the Minister and KDC to have particular regard to the maintenance and enhancement of amenity values. This includes visual amenity. The activities anticipated in the Rural Zone provide a useful starting point for considering potential effects on rural amenity. These anticipated activities are informed by policy and permitted activity standards contained within the KDP. In relation to the Rural Zone, Chapter 12 of the KDP states:

*“The [District] Plan recognises that while farming activities are the defining feature of the Rural Zone, other activities are also appropriately located in the rural environment.*

*[The rural] Chapter does not specify what land uses can or cannot be done in this Zone. Instead, it sets 'standards' to make sure that the effects of activities are within an acceptable level for the Rural Zone [...] As long as the standards are met, landowners have flexibility on what activities they undertake on their property."*

- 5.11 On this basis, a Kura is an activity that could potentially be anticipated in the Rural Zone (as it is not explicitly excluded). My view is planning standards such as bulk and location controls provide an appropriate and useful comparison when assessing the potential effects of built form on rural amenity. These controls anticipate 10 m high buildings, building coverage of up to 5,000 m<sup>2</sup> or 10% of the net site area (for industrial development), and boundary setbacks of 10 m from road boundaries and 3 m from any other boundary.
- 5.12 The KDP contains objectives and policies that attempt to provide further context for considering the potential effects on rural amenity. Objective 12.5.2 is to "...maintain the rural character and amenity" including a sense of openness, low dominance of built form, pasture and commercial forest areas, areas of indigenous vegetation and natural landforms. Policy 12.6.6 directs the integration of use and development with the protection and enhancement of natural features, vegetation, and open space.

#### Landscape character

- 5.13 The character of the landscape is influenced by the activities that are existing or anticipated to be undertaken within it. In the context of the site, this includes the surrounding rural residential development, the wider rural landscape to the north of Settlement Road and the potential for relatively large farm structures to be built as a permitted activity.
- 5.14 The Landscape Visual Impact Assessment (**LVA**) describes the character of the site as both one of openness (to the north of Settlement Road) and one of containment (due to the rural residential development and associated planting to the south of Settlement Road). The LVA cites the strong visual relationship of the site to Pukekaroro as contributing to landscape character from the perspective of mana whenua.
- 5.15 The LVA concludes that the scale and mass of the likely buildings can be accommodated in the existing landscape framework. Mr Scarles is of the view that mitigation measures proposed in my **Annexure 2**, will result in a very low adverse effects on the rural landscape character. The LVA also describes that these effects may be beneficial when viewed from mana whenua's perspective.
- 5.16 Based on the conclusions drawn by Mr Scarles in the LVA and in evidence, my opinion is designating the site for Educational Purposes will maintain rural character and therefore contribute to achieving Objective 12.5.2 of the KDP.

#### Visual amenity

- 5.17 The LVA and the evidence of Mr Scarles concludes that the development of the site for a Kura is not dissimilar (in terms of form) from development that could occur on the site under the current district plan permitted activity standards for bulk / form and location.

- 5.18 The LVA identifies five properties that may have their visual outlooks impacted by buildings on the site. However, the potential effects need to be considered in the context of what could be developed. In addition, there is the potential for these effects to be mitigated via screening planting or site design, all of which might not necessarily occur in the case of an alternative development complying with permitted activity standards.
- 5.19 The S42A officer has invited clarification of what is intended to address these visual amenity effects, and clarification regarding the proposed condition requiring a landscape plan for three of the five affected properties.
- 5.20 In relation to the second point, the LVA concluded that due to oblique views (22 Tawa Avenue) and an outlook beyond the site to the Kaiwaka River Valley and beyond to Pukekaroro and the Brynderwyn Range (50 Tawa Avenue), visual amenity effects on these properties were not such that specific screening planting would be required.
- 5.21 Regardless of this conclusion and responding in part to the S42A officers first point, the Minister is now proposing to apply the landscape plan condition to these properties as well as the three properties which were already included, along with an additional property (148 Settlement Road) discussed in Mr Scarles evidence, to account for the possibility that potential visual amenity effects at these properties could be lessened by landscaping. This plan will be prepared as part of the first / establishment outline plan as this is the stage of the project where the key design decisions will be made regarding layout and long-term planting based on a site-wide master plan.
- 5.22 Also, in response to the S42A offers comment regarding what is intended to address visual amenity effects, the Minister has considered the condition recommended by the S42A officer that requires a design statement to be provided as part of the outline plan process. MoE designs and delivers schools in accordance with a set of design standards contained in 'Designing Schools in Aotearoa New Zealand' (DSNZ).<sup>7</sup> School master planning, building design, landscaping, and amenity space design (as examples) is all done in accordance with the guidance contained in DSNZ, and other supporting guidelines.<sup>8</sup> The MoE has its own design assurance process which is undertaken by a panel of expert architects who review the architectural design and layout of new schools. The landscape context, form and appearance of the building are critiqued and reviewed during the design process with the aim of determining whether school design meets the requirements of the DSNZ. The design reviews are undertaken at three stages within the school design process. At the master planning stage, during the preliminary design, and during the developed design stage. The outcomes of this design and review process will be reflected in the Outline Plan and provides a key mechanism by which MoE will manage effects on visual amenity through built form. Based on this process, my opinion is that no additional designation condition requiring the preparation of a design statement is necessary, and that the Outline Plan process will adequately address site and building design matters. Consequently, I have not included the recommended condition in my **Annexure 2**.

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<sup>7</sup> Designing Schools in Aotearoa New Zealand, School Property Design Standards, Version 2.0, June 2022.

<sup>8</sup> DSNZ is the principle document in a suite of design standard and guideline documents.

- 5.23 The site design process and the proposed landscape plan condition offers the potential for mitigation of visual amenity effects through building placement, design, colouring and planting. The site development also offers opportunity for the maintenance and enhancement of the existing natural values of the site including the existing QEII covenanted bush, and through the establishment of native screening vegetation. Based on these opportunities, and the scale of development that could occur on the site within anticipated building control limits (height, site coverage etc), it is my view that designating the site for Educational Purposes can occur while maintaining rural amenity in accordance with Objective 12.5.2. In addition, my opinion is that the proposed Kura is consistent with the direction within Policy 12.6.6 to integrate the development and use of land, while also promoting the enhancement of existing indigenous vegetation.

#### Conclusion

- 5.24 In my opinion, Mr Scarles' assessment through the LVA and described in his evidence demonstrates that potential effects on landscape character and visual amenity can and will be mitigated to a level where amenity is maintained and therefore Objective 12.5.2 is achieved. On this basis, my view is that landscape character and visual amenity effects do not pose a barrier to designating the site for education purposes.

#### **Noise**

- 5.25 The Kura has the potential to generate noise through vehicle movements to and from the site and through activities on the site itself. Noise is the subject of several submissions received in opposition to the designation.<sup>9</sup> Both of these potential noise sources have been addressed in the noise assessment that accompanied the NoR, and in the evidence of Ms Lindsay Leitch.
- 5.26 Ms Leitch concludes that while the increase in vehicle movement as a result of the proposed Kura will result in a perceptible increase in noise level, the overall noise levels will remain low.
- 5.27 Ms Leitch has identified noise sensitive receivers in proximity to the site (within 200 m) with the closest being approximately 5 m from the site boundary. Potential noise sources from within the site include children playing and noise from building services. In relation to the latter Ms Leitch is of the view that because building services will need to be designed so as to manage noise so it does not interrupt the Kura, it is expected that this will result in a very low level of noise at neighbouring dwellings.
- 5.28 The Minister proposed a condition as part of the NoR limiting noise generated at the site. The noise limits in this condition differ from the permitted activity standards in the KDP for rural zones but in the opinion of Ms Leitch are appropriate for the proposed land use. The proposed noise condition does not apply to noise from children playing outdoors as this is a highly variable noise source and therefore is difficult to assess or to demonstrate compliance.
- 5.29 The LVA discusses a setback or buffer zone from the site boundary to achieve compliance with the KDP noise limits. Ms Leitch concludes that provided children playing are not concentrated in this area (indicated in Figure 4.1 of the

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<sup>9</sup> For example, the submissions of: Susan Joll, Philip Wattram, Dean Gray.

LVA and reproduced in Ms Leitch's evidence), noise from outdoor play can achieve the noise limits in the KDP. The area extends into the QEII covenanted bush, and a small strip of the site adjacent and to the west of 178 Settlement Road.

- 5.30 Based on the restrictions placed on the use of land under the QEII covenant (no play structure can be built in the area for example), concentrated play and associated noise is not envisaged in the buffer areas within the bush. The area adjacent 178 Settlement Road is very small and narrow, tight to the property boundary, and therefore unlikely to be utilised for a formal play area. Based on the extent and location of the areas identified by Ms Leitch, my opinion is that the risk of concentrated outdoor play in these areas resulting in noise effects that exceed the KDP limits is low.
- 5.31 Based on the specific noise limits included in **Annexure 2** to this evidence, and the very low potential for noise from outdoor play to cause an adverse effect on neighbours, Ms Leitch concludes that the potential effects of noise generated from activities on the site will be acceptable. Consequently, my opinion is that designating the site for Educational Purposes will maintain rural amenity values and assist in achieving Objective 12.5.2.

### **Reverse sensitivity effects**

#### Potential reverse sensitivity effects

- 5.32 There are a range of activities (and their associated potential effects) that could occur as a permitted activity in the Rural Zone that could give rise to reverse sensitivity issues. These are attributes associated with activities that would generally be described as agricultural production activities, and / or would reasonably be associated with a rural environment.<sup>10</sup> This includes noise from farm machinery and activities, and odour associated with the outdoor farming of livestock.
- 5.33 A key factor in understanding the potential for reverse sensitivity effects to arise is the nature and scale of activities that can occur on surrounding rural land and the potential for effects that are reasonably attributable to these activities to conflict with the proposed Kura. This potential is largely driven by the zoning of the surrounding land.
- 5.34 The site is located in the Rural Zone but land to the south of Settlement Road is largely surrounded by Rural Residential land use. While small scale agricultural production activities may occur in this area, adjacent properties to the south of Settlement Road are not in my view what would generally be characterised as working productive land. The immediately adjacent land is therefore less likely to be susceptible to reverse sensitivity effects from the proposed Kura as rural residential activities are unlikely to generate significant effects such as noise or odour that might cause conflict with the Kura. Given the density of residences in the zone surrounding the Kura, it is just as likely that noise or odour from rural activities would impact the permanent residents of the area as it would the more transient occupants of the Kura.

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<sup>10</sup> Activities that meet the performance standards set out in 12.10 of the KDP.

- 5.35 As discussed in Ms Leitch’s evidence, the learning spaces within the Kura will be required to comply with specific indoor ambient noise design levels<sup>11</sup> which will assist in minimising the risk of reverse sensitivity effects associated with noise from surrounding activities.

#### Future land use applications

- 5.36 Along with potentially affecting permitted activities, reverse sensitivity effects could impact the ability for adjacent landowners to gain resource consent for reasonably anticipated activities. The characteristics of the Rural Zone, and the activities that are anticipated to occur within them are key to understanding this risk.
- 5.37 The rule framework applying to the Rural Zone anticipates some industrial development, intensive farming and feedlots and mining or quarrying provided performance standards including setbacks from sensitive activities (300 m) are maintained.<sup>12</sup> As discussed above, the site is largely surrounded by rural residential development. North of Settlement Road the land is what would more typically be characterised as rural productive land. However, development of activities such as intensive farming or quarrying are unlikely to establish without resource consent in proximity to the site given the density of residential development in the area including on the property directly to the north of Settlement Road. On this basis, the presence of a Kura in the area is in my view unlikely to cause reverse sensitivity issues for future anticipated land use activities above and beyond what currently exists.

#### Reverse sensitivity summary

- 5.38 In summary, while the potential for reverse sensitivity effects to arise does exist, my view is the types of activities that can occur as a permitted activity on the adjacent properties are unlikely to be restricted in any way due to the presence of a Kura. This is due to the nature of the surrounding land use being closer to rural residential than rural production. In addition, the Kura is unlikely to create a significantly greater hurdle than would otherwise exist for obtaining resource consent for activities in the Rural Zone.
- 5.39 On this basis my view is that designating the site for Educational Purposes will not materially impact the ability to achieve Objective 12.5.6.

#### **Ecological effects**

- 5.40 The Ecological Opportunities and Constraints Assessment (**Ecological Assessment**) included with the NoR identified no particular ecological constraints in the northern portion of the site. However, the QEII covenanted bush in the eastern portion of the site, the natural wetlands to the south and the stream that flows adjacent the bush and along the eastern boundary are identified as having ecological value.
- 5.41 MoE is proposing to avoid development activities in the QEII covenanted bush, the wetland and the stream, thereby avoiding effects on these features and aligning the development with Policy 12.6.5 of the KDP. Construction related

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<sup>11</sup> Contained in: Designing Quality Learning Spaces (DQLS). Acoustics, Version 3.0, December 2020 (current version).

<sup>12</sup> Rule 12.10.9.

effects such as sediment runoff to the stream can be managed through standard construction management methods such as erosion and sediment control. The S42A officer has recommended that a construction management plan is prepared prior to work commencing (which MoE is agreeable to) and the details of erosion and sediment control processes (for example) would be contained in this documentation.

- 5.42 The Ecological Assessment recommended that an ecological management plan is prepared and implemented to manage the development of the site, and the 42A report has recommended a condition requiring this be imposed. This recommendation for an ecological management plan was provided to MoE at the pre-purchase stage of this project and therefore did not have the benefit of the discussions regarding potential use of the site that have occurred since. Given MoE's approach of avoiding the most sensitive ecological areas of the site, the requirement for a broad scope ecological management plan is in my view unnecessary.
- 5.43 The ecological values of the site provide significant learning opportunities for the Kura, and provided the key value areas are avoided my opinion is that potential effects on ecological values do not present a barrier for designating the site for Educational Purposes. My opinion is also that the proposal will contribute to achieving the objective of the NPS-FM, and contribute to the maintenance of indigenous biodiversity across Aotearoa New Zealand thereby assisting to achieve the objective of the NPS-IB.

#### **Natural hazards**

- 5.44 Section 6(h) of the RMA list "the management of significant risks from natural hazards" as a matter of national importance. The KDC planning maps do not identify the site as being subject to any particular natural hazard risk. Through the site selection and purchase phase of this project, MoE commissioned a geotechnical assessment that was included with the NoR. This looked at ground / slope stability and made recommendations for developing the site. This report did not identify any significant natural hazard risk, and the S42A officer notes that the KDC engineer confirms this assessment is acceptable.
- 5.45 Based on the lack of evidence to suggest there are significant natural hazard risks at the site, my opinion is that natural hazard risk does not provide an impediment to designating the site for Educational Purposes.

#### **Traffic**

- 5.46 The introduction of a traffic generating activity such as a Kura has the potential to adversely affect the ability "*To maintain a safe and efficient Transport Network...*" as envisaged through Objective 11.5.1 of the KDP.
- 5.47 The KDP also provides traffic related guidance for activities through several policies. These are:

*Policy 2.5.11 - By requiring land use, development, and subdivision to provide adequate reserves, utilities and transport connections, at the outset of development.*

*Policy 11.6.2 - By managing land use, vehicle access and traffic management controls, road maintenance and improvement programmes based on the purposes of the road.*

- 5.48 A number of submitters raise transportation related effects including safety concerns on Settlement Road and its intersections,<sup>13</sup> increased traffic causing delays,<sup>14</sup> stock safety concerns, concerns with parking, pick up and drop off,<sup>15</sup> and the suitability of the road network to accommodate increase traffic. There are also a significant number of submissions that support the NoR due to its location being much more accessible than the current location at Orawharo.
- 5.49 The Integrated Traffic Assessment (ITA) and the evidence of Mr Colin Shields concludes that the traffic generated by the Kura can be accommodated on the existing transport network without upgrade both from a network capacity and network safety perspective. Mr Shields summarises a number of transport measures such as pick up and drop off facilities and concludes that the site is suitable to accommodate these, and that there is appropriate access and egress to the site. He also concludes that onsite pick up and drop off facilities will avoid concerns raised by submitters in relation to activities occurring on Tawa Avenue
- 5.50 On advice from KDC engineers, the S42A officer has recommended that a Safe System Assessment (SSA) is required at the Settlement Road/Tawa Avenue intersection as part of the Outline Plan. As the ITA did not identify any network capacity or safety issues, Mr Shields is of the view that a SSA is not required for this intersection.
- 5.51 Based on the conclusions within the ITA and in Mr Shields' evidence, my opinion is that designating the site for Educational Purposes will not compromise the ability to maintain a safe and efficient Transport Network and achieve Objective 11.5.1. At the outset of the development, MoE has through the ITA, considered the proposed land use (for a kura) in the context of the transport network, and concluded that the surrounding transport network is adequate as directed by Policy 2.5.11. Overall, it is my view that transport safety and efficiency does not pose a barrier to designating the site for the intended purpose.
- 5.52 Based on Mr Shields' evidence regarding a SSA, I have not included a designation condition requiring a SSA as part of the Outline Plan in **Annexure2**.

## **6 Assessment against ss 171(1)(b) and (c) of the RMA**

### **Section 171(1)(b) of the RMA - alternatives**

- 6.1 Under s 171(1)(b) of the RMA a territorial authority must have particular regard to whether adequate consideration of alternative sites, routes or methods for undertaking works only if:
- (a) the requiring authority does not have an interest in the land sufficient for undertaking the works; or

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<sup>13</sup> For example: Fiona, Ian and Greg Hunter, Elizabeth Magdalene Thaisen, and Sydney Wayne Leslie and Linda Elizabeth Leslie

<sup>14</sup> For example: Peter Nicholas Bull

<sup>15</sup> For example: Barry Thomas Lee and Anna Catherine Lee

(b) it is likely that the work will have a significant adverse effect on the environment.

6.2 In terms of (a), the Crown owns 9 Tawa Avenue, therefore, the Minister has an interest in the work sufficient for undertaking the proposed development. In terms of (b), my view is that based on the technical information supporting the NoR and the evidence of other witnesses for the Minister, the proposal will not result in any significant adverse effect on the environment. On this basis, my opinion is that no further consideration of alternatives is required.

### **Section 171(1)(c) of the RMA – objective of the requiring authority**

6.3 Section 171(1)(c) of the RMA requires a territorial authority to have particular regard to whether the designation is reasonably necessary for achieving the objectives of the requiring authority. Having said that, the evidence on behalf of the Ministry will outline the site selection process followed in this case.

6.4 These objectives were expressed broadly in the NoR and draw on the National Education Goals, which set strategic direction for the education system within New Zealand and Ka Hikitia – Accelerating Success 2013–2017.

6.5 In the context of s 171(1)(c) of the RMA, the Minister’s objectives are:

- (a) Increased participation and success by Māori through the advancement of Māori education initiatives, including education in Te Reo Māori.
- (b) To provide alternative learning pathways for students to learn Te Reo Māori from early childhood education through to secondary school including the establishment of Kura Kaupapa Māori and Māori medium schools whose medium of instruction is Te Reo Māori.
- (c) To provide a new site to establish a new purpose built facility for Te Kura Kaupapa Māori o Ngāringaomatariki to operate out of.

6.6 My opinion is that designating the site for ‘*Educational Purposes*’ is the best available mechanism to facilitate the development of the site for use as a Kura. It provides flexibility through the design and development process, and therefore the opportunity to better reinforce where the students come from, what they value and what they already know.

6.7 My view is this flexibility can be achieved while appropriately avoiding, remedying or mitigating adverse effects through the suite of conditions proposed and through the future outline plan process. My opinion is that the proposed designation meets the test set out in s 171(1)(c) of the RMA as being “reasonably necessary to achieve the objectives of the requiring authority”.

## **7 Assessment of the proposal against Part 2 of the RMA**

7.1 As discussed in relation to positive effects above, the proposal actively provides for the matter of national significance as set out in s 6(e) of the RMA.

7.2 As discussed earlier in my evidence, s 7(c) requires particular regard to be had to the maintenance and enhancement of amenity values. Through the mitigation proposed, including considerations for design, building location, landscaping and

noise generation, my opinion is that the proposal and the Minister has given particular regard to this issue.

- 7.3 In terms of the purpose of the RMA as articulated in s 5, the designation will enable the community to provide for its social and cultural well-being through facilitating a purpose-built facility for the Kura to operate out of. This will allow the Kura to forge a greater connection to the whenua while avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 7.4 On this basis, my opinion is that the proposal will achieve the purpose of the RMA.

## **8 Section 42A report**

- 8.1 The S42A officer has raised several matters not addressed elsewhere in this evidence or the evidence of others.

### **Cultural effects**

- 8.2 The MoE has engaged with Environs Holdings LTD (**Environs**) the mandated environmental subsidiary of Te Uri o Hau Settlement Trust through the preparation of the NoR. Environs submission supported the designation and provided comment such as: *"The kura provides for authentic enculturation of Te Uri o Hau cultural values trans-generationally"*.
- 8.3 The submission also requested that MoE continue to consult with Environs and the Kura regarding cultural impact assessment. The MoE is committed to ongoing engagement and while a placeholder for a 'cultural condition' was included in Section 9 of the NoR Report, due to the ongoing constructive discussion, this condition is no longer considered necessary.

### **Wastewater management**

- 8.4 MoE has done a feasibility study for on-site wastewater disposal and has engaged with KDC regarding a connection to the Kaiwaka reticulated network. While onsite wastewater disposal is feasible it is likely to require a large area of land. If the disposal system was sized for the establishment roll with the intention that a future connection or system upgrade would be implemented once the roll grows this likely increases the feasibility.
- 8.5 KDC has indicated agreement in principle that MoE can connect to the Kaiwaka reticulated network but has requested that some work is completed to assess network capacity. This work is currently underway and if completed in time will be tabled at the hearing.
- 8.6 Regardless of the outcomes of this study, a feasible wastewater management option is available to MoE and therefore my opinion is that wastewater management is not an impediment to designating the site for Educational Purposes.

### **Lapse date**

- 8.7 Covid and recent adverse weather events around the country has taught us that project delays can happen. The designation process is time consuming and

expensive and having to repeat the process due to the designation lapsing as a result of circumstances beyond the MoE control is in my view inefficient.

- 8.8 The s42A officer states that an extended lapse date creates uncertainty for neighbours. Based on challenges with the current Kura site (size and access for example), MoE is motivated to relocate the Kura to 9 Tawa Avenue as soon as practicable. The parameters of the Kura (including future roll) are clear within the NoR, and while no site design has been produced, the roll, the need for buildings typical of a school, and associated parking and vehicle circulation facilities provide some understanding of the scale of development required. If for reasons unknown this development does not happen immediately, I am of the view that the uncertainty that remains regarding the actual built form of the Kura, is unlikely to significantly alter the actions of neighbouring property owners.
- 8.9 Consequently, my opinion is that a short lapse date has limited resource management purpose in this instance.

#### **Stormwater management plan**

- 8.10 The KDC Reporting Engineer has recommended that a stormwater management plan should be provided as part of any outline plan. The MoE is amenable to this, and an appropriate condition has been included in **Annexure 2**.

#### **Engagement**

- 8.11 Paragraph 4.5 of the S42A report discusses a number of submissions the officer considers to be outside the scope of the NoR. One of these matters is concern raised regarding the lack of consultation regarding the proposal. The S42A officer highlights that the RMA does not require any applicant (requiring authority in this case) to consult with any person.
- 8.12 Despite this, MoE has engaged with neighbours through the process of preparing the NoR. While there were some challenges contacting neighbours, feedback received through this process has informed the NoR and is summarised in Section 8 of the NoR report.
- 8.13 Submissions and comment received during engagement suggests that MoE did not start discussions early enough (i.e. prior to purchasing the site). This particular matter is addressed in the evidence to be presented on behalf of the Ministry.

## **9 Designation conditions**

- 9.1 The Minister proposed a set of designation conditions in Section 9 of the NoR Report, and the S42A officer has recommended additional conditions, some of which have been discussed in my evidence. I have included a consolidated set of the conditions the Minister is proposing as **Annexure 2**. **Annexure 3** contains a table with a column containing the conditions as proposed in the NoR report, a column showing any additional or amended conditions proposed by the S42A officer, a column stating the Minister's final position on each condition, and a column summarising the reasons for any changes or why conditions proposed by the S42A officer have not been proposed.

## **10 Conclusions**

- 1.2 Submissions in favour of the proposal clearly demonstrate the positive effects of designating 9 Tawa Avenue for use as a Kura. While the site is zoned rural, the surrounding rural residential land use characterises it as a transition between the rural residential and rural productive land to the north.
- 1.3 While a Kura is not permitted by the rules of the KDP to occur on the site, the development of a Kura in the Rural Zone is anticipated by the KDP, and the associated building bulk and form is not out of step with the type of structures that could be built as a permitted activity. The particular topographic characteristics of the site and the mitigation proposed by the Minister will appropriately address effects on rural landscape character and amenity, noise and traffic, which are the key effects of concern raised by submitters in opposition.
- 1.4 Based on these factors, my opinion is that the proposal will achieve the relevant objectives of the KDP, is consistent with the relevant provisions of the PRPS, will contribute to achieving the objectives of the relevant National Policy Statements, and is consistent with Part 2 of the RMA. Due to the flexibility that a designation provides, my opinion is that designating the site for 'Educational Purposes' is the best available mechanism to facilitate the development of the site for use as a Kura.

**Timothy Alistair Deans Ensor**

**7 November 2023**

## **Annexure 1 – Planning provisions referred to in evidence**

### **Northland Regional Policy Statement**

**Objective 3.4:** Safeguard Northland’s ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.

**Objective 3.6:** The viability of land and activities important for Northland’s economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

- (a) Reverse sensitivity for existing:
  - (i) Primary production activities;
  - (ii) Industrial and commercial activities;
  - (iii) Mining\*; or
  - (iv) Existing and planned regionally significant infrastructure; or
- (b) Sterilisation of:
  - (i) Land with regionally significant mineral resources; or
  - (ii) Land which is likely to be used for regionally significant infrastructure.

\*Includes aggregates and other minerals.

**Objective 3.11:** Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

**Objective 3.12:** Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

**Objective 3.15:** Maintain and / or improve; (a) The natural character of the coastal environment and fresh water bodies and their margins; (b) Outstanding natural features and outstanding natural landscapes; (c) Historic heritage; (d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours); (e) Public access to the coast; and (f) Fresh and coastal water quality by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.

#### **Policy 4.4.1**

(1) In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:

- (a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;

- (b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;
  - (c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.
- (2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:
- (a) Areas of predominantly indigenous vegetation;
  - (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;
  - (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.
- (3) Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:
- (a) Areas of predominantly indigenous vegetation;
  - (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;
  - (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.
- (4) For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects:
- (a) Recognise that a minor or transitory effect may not be an adverse effect;
  - (b) Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor;
  - (c) Recognise that there may be more than minor cumulative effects from minor or transitory effects.
- (5) For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it maybe appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4.

**Policy 5.1.1**

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

- (a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;
- (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;

- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;
- (f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and
- (g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.
- (h) Is or will be serviced by necessary infrastructure.

Note: in determining the appropriateness of subdivision, use and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.

### **Policy 5.1.3**

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

- (a) Primary production activities in primary production zones (including within the coastal marine area);
- (b) Commercial and industrial activities in commercial and industrial zones;
- (c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and
- (d) The use and development of regionally significant mineral resources

### **Policy 8.1.2**

The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):

- (a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;
- (b) Have particular regard to kaitiakitanga; and
- (c) Take into account the principles of the Treaty of Waitangi including partnership.

## **Kaipara District Plan**

### **Chapter 2 – District Wide Resource Management Issues.**

#### **Objective 2.4.3:**

To recognise the importance of providing for the relationship of Māori including their culture and traditions, with their ancestral lands, water, sites, wāhi tapu and other taonga.

#### **Policy 2.5.11**

By requiring land use, development, and subdivision to provide adequate reserves, utilities and transport connections, at the outset of development.

## **Chapter 5 – Tangata Whenua Strategy.**

### **Objective 5.5.2:**

To recognise the importance of providing for the relationship of Māori, including their culture and traditions, with their ancestral lands, water, sites, wāhi tapu and other taonga

## **Chapter 12 – Rural.**

### **Objective 12.5.2**

To maintain the rural character and amenity, including the:

- Sense of openness
- Low dominance of built form;
- Pasture and commercial forest areas,
- Areas of indigenous vegetation and significant fauna
- Unmodified natural landforms

### **Objective 12.5.6**

To provide for a range of activities in the Rural Zone which are located, designed, and operated in such a way as to avoid, remedy or mitigate reverse sensitivity effects on existing land uses in the vicinity.

### **Policy 12.6.5**

By avoiding, remedying or mitigating the adverse effects of subdivision and development (including ribbon development) on the natural environment values of the rural area.

## **Chapter 11 – Transport Network.**

### **Objective 11.5.1**

To maintain a safe and efficient Transport Network that enables the District to communicate, connect and do business with minimal conflicts between the environment, adjoining land uses, traffic and people.

### **Policy 11.6.2**

By managing land use, vehicle access and traffic management controls, road maintenance and improvement programmes based on the purposes of the road.

## Annexure 2 – Proposed designation conditions

<i>Designation purpose</i>	1.1	<p>“Educational Purposes” for the purposes of this designation shall, in the absence of specific conditions to the contrary:</p> <ul style="list-style-type: none"> <li>a) <i>Enable the use of the facilities on the designated site by and for the educational benefit of any pre-school and school age students (i.e.: years 0 to 13) regardless of whether they are enrolled at an institution located on that designated site;</i></li> <li>b) <i>Enable the provision of supervised care and study opportunities for students outside school hours in school facilities;</i></li> <li>c) <i>Enable the provision of community education (e.g.: night classes for adults) outside school hours in school facilities;</i></li> <li>d) <i>Include but not be limited to the provision of academic, sporting, social and cultural education including through:</i> <ul style="list-style-type: none"> <li>i. <i>Formal and informal recreational, sporting, and outdoor activities and competitions whether carried out during or outside school hours;</i></li> <li>ii. <i>Formal and informal cultural activities and competitions whether carried out during or outside school hours; and</i></li> <li>iii. <i>The provision of specialist hubs and units (including language immersion units and teen parenting units) for students with particular educational requirements or special needs;</i></li> </ul> </li> <li>e) <i>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.</i></li> <li>f) <i>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); and</i></li> <li>g) <i>Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretaker) and their families.</i></li> </ul>
<i>Designation Lapse Period</i>	2.1	<p><i>The designation shall lapse on the expiry of 15 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.</i></p>
<i>Definitions</i>	3.1	<p><i>In these conditions the following terms are used, as defined:</i></p> <p><i>“District Council” means the Chief Operating Officer, Kaipara District Council or their delegate.</i></p> <p><i>“Requiring Authority” means the Minister of Education or their nominee.</i></p>
<i>General</i>	4.1	<p><i>The Requiring Authority shall give notice in writing to the District Council of the intention to commence works at least two months prior to the start of any construction activities on site.</i></p>
	4.2	<p><i>The Requiring Authority shall ensure that all contractors working within the site have been provided with a copy of these conditions and are aware of their requirements</i></p>

Outline Plan	5.1	<p><i>That an outline plan of works shall not be required for:</i></p> <ul style="list-style-type: none"> <li><i>a. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;</i></li> <li><i>b. General building maintenance and repair including but not limited to re-painting, recladding, and re-roofing;</i></li> <li><i>c. Installing, modifying, and removing playground furniture and sports structures (e.g. goal posts), and shade canopies;</i></li> <li><i>d. Amending any internal pedestrian circulation routes/pathways;</i></li> <li><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></li> <li><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;</i></li> <li><i>g. General site maintenance and repair work, or boundary fencing otherwise permitted by the Kaipara District Plan;</i></li> <li><i>h. Installing, modifying, or removing minor ancillary buildings and structures (e.g. garden / storage sheds, temporary construction buildings / offices); or</i></li> <li><i>i. Any temporary mobile facilities or structures (e.g. oral health clinic, life education class, emergency generator).</i></li> </ul>							
Noise	6.1	<p><i>The noise level arising from the operation of the school must comply with the following noise levels when measured within the boundary of any residentially zoned site, or within the notional boundary 20 m from any dwelling on any site in any rural zone:</i></p> <table border="1" data-bbox="512 1216 1257 1552"> <thead> <tr> <th><i>Time</i></th> <th><i>Noise Level (Leq) dBA</i></th> </tr> </thead> <tbody> <tr> <td><i>Monday to Saturday 7am to 10 pm</i></td> <td rowspan="2"><i>55 dB LAeq (15 min)</i></td> </tr> <tr> <td><i>Sunday 9am to 6pm</i></td> </tr> <tr> <td><i>All other times</i></td> <td><i>45 dB LAeq (15 min)</i> <i>75 dB L AF max</i></td> </tr> </tbody> </table> <p><i>These noise levels shall not apply to noise from standard school outdoor recreational activities occurring between 8am and 6pm Monday to Saturday.</i></p> <p><i>Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 “Measurement of Environmental Sound” and NZS 6802:2008 “Environmental Noise”.</i></p> <p><i>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”.</i></p>	<i>Time</i>	<i>Noise Level (Leq) dBA</i>	<i>Monday to Saturday 7am to 10 pm</i>	<i>55 dB LAeq (15 min)</i>	<i>Sunday 9am to 6pm</i>	<i>All other times</i>	<i>45 dB LAeq (15 min)</i> <i>75 dB L AF max</i>
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<i>All other times</i>	<i>45 dB LAeq (15 min)</i> <i>75 dB L AF max</i>								
Setbacks	7.1	<p><i>The minimum building setback from boundaries shall be:</i></p> <ul style="list-style-type: none"> <li><i>a) 10 m from road boundaries</i></li> </ul>							

		<p>b) 3 m from all other boundaries</p> <p>“Building” in the context of this condition means a permanent structure intended for occupation by people or chattels.</p>
Landscape plan	8.1	<p>As part of the first Outline Plan, the Requiring Authority shall prepare a Landscape Plan to be implemented to mitigate the landscape and visual effects of the project on 148 Settlement Road, 178 Settlement Road, 4 Vista Lane, 15 Vista Lane, 22 Tawa Avenue, and 50 Tawa Avenue. The Landscape Plan shall be prepared by a suitably qualified and experienced Landscape Architect and shall include:</p> <ul style="list-style-type: none"> <li>a) A site layout plan showing areas to be planted to mitigate visual amenity effects.</li> <li>b) A schedule of the species to be planted including botanical name, average plant size time of planting, plant density and average mature height of each.</li> <li>c) Maintenance requirements for a three-year period following planting.</li> <li>d) Details regarding the timing of all plantings and intended time frame by which suitable mitigation will be achieved.</li> </ul>
Stormwater Management Plan	9.1	<p>As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall provide a Stormwater Management Plan prepared by a suitably qualified and experienced engineer. That Plan shall address the collection, diversion, and disposal of stormwater generated on the site from any / all buildings and impervious surfaces. Where any specific stormwater management (such as attenuation) or treatment is required, that shall be identified and installed at the appropriate time. Any upgrading of existing Council drainage channels identified in the Plan (including any new discharge structures) shall be undertaken subject to approval of the Council’s appropriate asset manager.</p>
On-Site Car Parking	10.1	<p>As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall undertake a parking study. The parking study shall be done by an appropriately qualified engineer and/or transportation planner to determine the appropriate amount of staff and visitor car parking. Any recommendations made in the parking study are to be incorporated into the Outline Plan.</p>
Pick-Up/Drop-Off Facility	11.1	<p>An on-site pick-up and drop-off facility designed to accommodate buses and private vehicles shall be provided. The number and design of pick up and drop off bays shall be determined by an assessment of the peak demand, to be demonstrated by a transport assessment by an appropriately qualified engineer and/or transportation planner. This assessment is to be submitted as part of the first outline plan and any subsequent outline plan to increase classrooms or classroom equivalents.</p>
Travel Plan	12.1	<p>Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to reduce private motor vehicle dependence. The Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.</p>

Annexure 3 – Conditions comparison

		Condition as contained in the NoR Report	Condition as recommended in the S42A report	Minister’s final condition	Comment / reasoning
Designation purpose	1.1	<p>“Educational Purposes” for the purposes of this designation shall, in the absence of specific conditions to the contrary:</p> <ul style="list-style-type: none"> <li>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 (i.e.: years 0 to 13) regardless of whether they are enrolled at an institution located on that designated site;</li> <li>b) Enable the provision of supervised care and study opportunities for students outside school hours in school facilities;</li> <li>c) Enable the provision of community education (e.g.: night classes for adults) outside school hours in school facilities;</li> <li>d) Include but not be limited to the provision of academic, sporting, social and cultural education including through: <ul style="list-style-type: none"> <li>i. Formal and informal recreational, sporting, and outdoor activities and competitions whether carried out during or outside school hours;</li> <li>ii. Formal and informal cultural activities and competitions whether carried out during or outside school hours; and</li> <li>iii. The provision of specialist hubs and units (including language immersion units and teen parenting units) for students with particular educational requirements or special needs;</li> </ul> </li> <li>e) 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.</li> <li>f) 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); and</li> <li>g) Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretaker) and their families.</li> </ul>	No change	No change	
Designation Lapse Period	2.1	The designation shall lapse on the expiry of 15 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.	No change	No change	
Definitions	3.1	In these conditions the following terms are used, as defined:	No change	No change	

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		<p>"District Council" means the Chief Operating Officer, Kaipara District Council or their delegate.</p> <p>"Requiring Authority" means the Minister of Education or their nominee.</p>			
General	4.1	The Requiring Authority shall give notice in writing to the District Council of the intention to commence works at least two months prior to the start of any construction activities on site.	No change	No change	
	4.2	The Requiring Authority shall ensure that all contractors working within the site have been provided with a copy of these conditions and are aware of their requirements	No change	No change	
Outline Plan	5.1	<p>That an outline plan of works shall not be required for:</p> <ul style="list-style-type: none"> <li>a. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;</li> <li>b. General building maintenance and repair including but not limited to re-painting, recladding, and re-roofing;</li> <li>c. Installing, modifying, and removing playground furniture and sports structures (e.g. goal posts), and shade canopies;</li> <li>d. Amending any internal pedestrian circulation routes/pathways;</li> <li>e. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;</li> <li>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;</li> <li>g. General site maintenance and repair work, or boundary fencing otherwise permitted by the Hamilton City District Plan;</li> <li>h. Installing, modifying, or removing minor ancillary buildings and structures (e.g. garden / storage sheds, temporary construction buildings / offices); or</li> <li>i. Any temporary mobile facilities or structures (e.g. oral health clinic, life education class, emergency generator).</li> </ul>	<p>That an outline plan of works shall not be required for:</p> <ul style="list-style-type: none"> <li>a. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;</li> <li>b. General building maintenance and repair including but not limited to re-painting, recladding, and re-roofing;</li> <li>c. Installing, modifying, and removing playground furniture and sports structures (e.g. goal posts), and shade canopies;</li> <li>d. Amending any internal pedestrian circulation routes/pathways;</li> <li>e. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;</li> <li>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;</li> <li>g. General site maintenance and repair work, or boundary fencing otherwise permitted by the <del>Hamilton City</del> Kaipara District Plan;</li> <li>h. Installing, modifying, or removing minor ancillary buildings and structures (e.g. garden / storage sheds, temporary construction buildings / offices); or</li> <li>i. Any temporary mobile facilities or structures (e.g. oral health clinic, life education class, emergency generator).</li> </ul>	<p>That an outline plan of works shall not be required for:</p> <ul style="list-style-type: none"> <li>j. Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;</li> <li>k. General building maintenance and repair including but not limited to re-painting, recladding, and re-roofing;</li> <li>l. Installing, modifying, and removing playground furniture and sports structures (e.g. goal posts), and shade canopies;</li> <li>m. Amending any internal pedestrian circulation routes/pathways;</li> <li>n. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;</li> <li>o. 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;</li> <li>p. General site maintenance and repair work, or boundary fencing otherwise permitted by the Kaipara_District Plan;</li> <li>q. Installing, modifying, or removing minor ancillary buildings and structures (e.g. garden / storage sheds, temporary construction buildings / offices); or</li> <li>r. Any temporary mobile facilities or structures (e.g. oral health clinic, life education class, emergency generator).</li> </ul>	Council name correction

		Condition as contained in the NoR Report	Condition as recommended in the S42A report	Minister's final condition	Comment / reasoning																
Noise	6.1	<p>The noise level arising from the operation of the school must comply with the following noise levels when measured within the boundary of any residentially zoned site, or within the notional boundary 20 m from any dwelling on any site in any rural zone:</p> <table border="1"> <thead> <tr> <th>Time</th> <th>Noise Level (Leq) dBA</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7am to 10 pm</td> <td>55 dB LAeq (15 min)</td> </tr> <tr> <td>Sunday 9am to 6pm</td> <td></td> </tr> <tr> <td>All other times</td> <td>45 dB LAeq (15 min) 75 dB L AF max</td> </tr> </tbody> </table> <p>These noise levels shall not apply to noise from standard school outdoor recreational activities occurring between 8am and 6pm Monday to Saturday.</p> <p>Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".</p> <p>Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".</p>	Time	Noise Level (Leq) dBA	Monday to Saturday 7am to 10 pm	55 dB LAeq (15 min)	Sunday 9am to 6pm		All other times	45 dB LAeq (15 min) 75 dB L AF max	<p>The noise level arising from the operation of the school must comply with the following noise levels when measured within the boundary of any residentially zoned site, or within the notional boundary 20 m from any dwelling on any site in any rural zone:</p> <ul style="list-style-type: none"> <li>Monday to Saturday 7am to 10 pm, and Sunday 9am to 6pm 55 dB LAeq (15 min)</li> <li>All other times 45 dB LAeq (15 min) and 75 dB L AF max</li> </ul> <p>These noise levels shall not apply to noise from standard school outdoor recreational activities occurring between 8am and 6pm Monday to Saturday.</p> <p>Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".</p> <p>Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".</p>	<p>The noise level arising from the operation of the school must comply with the following noise levels when measured within the boundary of any residentially zoned site, or within the notional boundary 20 m from any dwelling on any site in any rural zone:</p> <table border="1"> <thead> <tr> <th>Time</th> <th>Noise Level (Leq) dBA</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7am to 10 pm</td> <td>55 dB LAeq (15 min)</td> </tr> <tr> <td>Sunday 9am to 6pm</td> <td></td> </tr> <tr> <td>All other times</td> <td>45 dB LAeq (15 min) 75 dB L AF max</td> </tr> </tbody> </table> <p>These noise levels shall not apply to noise from standard school outdoor recreational activities occurring between 8am and 6pm Monday to Saturday.</p> <p>Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".</p> <p>Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".</p>	Time	Noise Level (Leq) dBA	Monday to Saturday 7am to 10 pm	55 dB LAeq (15 min)	Sunday 9am to 6pm		All other times	45 dB LAeq (15 min) 75 dB L AF max	<p>The proposed and final condition is the same as proposed by the S42A officer, just re-formatted. The format proposed is familiar to MoE and so is retained.</p>
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Setbacks	7.1	<p>The minimum building setback from boundaries shall be:</p> <ol style="list-style-type: none"> <li>10 m from road boundaries</li> <li>3 m from all other boundaries</li> </ol> <p>"Building" in the context of this condition means a permanent structure intended for occupation by people or chattels.</p>	No change	No change																	
Landscape plan	8.1	<p>Prior to the commencement of construction, the Requiring Authority shall prepare a Landscape Plan to be implemented to mitigate the landscape and visual effects of the project on 178 Settlement Road, 4 Vista Lane, 15 Vista Lane. The Landscape Plan shall be prepared by a suitably qualified and experienced Landscape Architect and shall include:</p> <ol style="list-style-type: none"> <li>A site layout plan showing areas to be planted to mitigate visual amenity effects and buffers required to provide setbacks for noise attenuation.</li> <li>A schedule of the species to be planted including botanical name, average plant size time of</li> </ol>	<p>As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall prepare a Landscape Plan to be implemented to mitigate the landscape and visual effects of the project on 178 Settlement Road, 4 Vista Lane, 15 Vista Lane, 22 Tawa Lane and 50 Tawa Lane. The Landscape Plan shall be prepared by a suitably qualified and experienced Landscape Architect and shall include:</p> <ol style="list-style-type: none"> <li>A site layout plan showing areas to be planted to mitigate visual amenity effects and buffers required to provide setbacks for noise attenuation.</li> </ol>	<p><del>Prior to the commencement of construction</del>As part of the first Outline Plan, the Requiring Authority shall prepare a Landscape Plan to be implemented to mitigate the landscape and visual effects of the project on 148 Settlement Road, 178 Settlement Road, 4 Vista Lane, 15 Vista Lane, <u>22 Tawa Avenue, and 50 Tawa Avenue</u>. The Landscape Plan shall be prepared by a suitably qualified and experienced Landscape Architect and shall include:</p> <ol style="list-style-type: none"> <li>A site layout plan showing areas to be planted to mitigate visual amenity effects <del>and buffers required to provide setbacks for noise attenuation.</del></li> </ol>	<p>Amendments:</p> <ul style="list-style-type: none"> <li>Link the landscape plan to the first outline plan as this is when the key design decisions to deliver the master plan will occur.</li> <li>Include 148 Settlement Road, 22 Tawa Avenue and 50 Tawa Avenue in the scope of properties to be considered through the landscape plan.</li> <li>Remove reference to noise attenuation buffers as these are not considered necessary,</li> </ul>																

		Condition as contained in the NoR Report	Condition as recommended in the S42A report	Minister's final condition	Comment / reasoning
		<p>planting, plant density and average mature height of each.</p> <p>c) Maintenance and establishment requirements for a three-year period following planting.</p>	<p>b) A schedule of the species to be planted including botanical name, average plant size time of planting, plant density and average mature height of each.</p> <p>c) Maintenance and establishment requirements for a three-year period following planting.</p> <p>d) Details regarding the timing of all plantings and intended time frame by which suitable mitigation will be achieved.</p>	<p>b) A schedule of the species to be planted including botanical name, average plant size time of planting, plant density and average mature height of each.</p> <p>c) Maintenance <del>and establishment</del> requirements for a three-year period following planting.</p> <p>d) <u>Details regarding the timing of all plantings and intended time frame by which suitable mitigation will be achieved.</u></p>	<p>with the large majority of the buffer already contained within the QEII bush.</p> <ul style="list-style-type: none"> <li>Remove 'establishment' as the term is redundant.</li> <li>Include details of timing as suggested by the S42A officer.</li> </ul>
Design statement	9.1	Not proposed	As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall provide a design statement from a suitable qualified and experienced architect that confirms the building design features to reduce the apparent bulk and scale of the proposed building/s, including use of multiple small scale building units, and provides a suitable recessive colour palette for the finished building/s.	Not proposed	Not adopted by MoE as documenting design decisions will occur as a result of the MoE DSNZ design review process, and reflected in any outline plan (see para 5.22 of my evidence). Including an additional condition is therefore unnecessary.
Ecological Management Plan	10.1	Not proposed	As part of the first Outline Plan, the Requiring Authority shall prepare and provide an Ecological Management Plan to be implemented following completion of a complete ecological survey of flora and fauna on the site. That Ecological Management Plan shall be prepared by a suitably qualified and experience ecologist that identifies the relevant ecological values on the site, assesses the potential effects of the proposed activity on those values, and provides a suitable framework by way of a Management Plan to avoid and mitigate effects on the ecological values on the site, and to identify suitable enhancement where appropriate.	Not proposed	Not adopted by MoE as it is proposing to avoid any areas of ecological value identified on site during the pre-purchase phase of the project (see paras 5.40 – 5.43 of my evidence).
Safe System Assessment	11.1	Not proposed	As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall undertake a Safe System Assessment of the intersection of Tawa Avenue and Settlement Road based on the ultimate likely traffic generation resulting from the proposed kura and puna reo. That assessment is to be carried out by an appropriately qualified engineer and/or transportation planner. Any recommendations made in the Safe System Assessment are to be incorporated into the Outline Plan.	Not proposed	Not adopted by MoE as the ITA and intersection modelling indicates that the intersection of Settlement Road and Tawa Avenue has capacity to accommodate the additional vehicle movements associated with the Kura. In addition, the ITA does not identify and current or future safety concerns with this intersection.
Stormwater Management Plan	12.1	Not proposed	As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall provide a Stormwater Management Plan prepared by a suitably qualified and experienced engineer. That Plan shall address the collection, diversion, and disposal of stormwater generated on the site from any / all buildings and impervious surfaces. Where any specific stormwater management (such as attenuation) or treatment is required, that shall be identified and installed at the appropriate time. Any upgrading of existing Council drainage channels identified in the Plan (including any new discharge structures) shall be undertaken subject to approval of the Council's appropriate asset manager.	As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall provide a Stormwater Management Plan prepared by a suitably qualified and experienced engineer. That Plan shall address the collection, diversion, and disposal of stormwater generated on the site from any / all buildings and impervious surfaces. Where any specific stormwater management (such as attenuation) or treatment is required, that shall be identified and installed at the appropriate time. Any upgrading of existing Council drainage channels identified in the Plan (including any new discharge structures) shall be undertaken subject to approval of the Council's appropriate asset manager.	Adopted into the MoE condition set.

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On-Site Car Parking	13.1	Staff and visitor car parking shall be provided based on a parking study by an appropriately qualified engineer and/or transportation planner. The parking study is to be submitted to the District Council as part of the first outline plan and any subsequent outline plan to increase classrooms or classroom equivalents.	Undertake a parking study by an appropriately qualified engineer and/or transportation planner to determine the appropriate amount of staff and visitor car parking. Any recommendations made in the parking study are to be incorporated into the Outline Plan.	<u>As part of the first Outline Plan and any subsequent outline plan to increase classrooms or classroom equivalents, the Requiring Authority shall <del>U</del>ndertake a parking study. The parking study shall be done by an appropriately qualified engineer and/or transportation planner to determine the appropriate amount of staff and visitor car parking. Any recommendations made in the parking study are to be incorporated into the Outline Plan.</u>	Amended to incorporate the S42A officers recommended wording but to make it clear when the parking study is required.
Pick-Up/Drop-Off Facility	14.1	An on-site pick-up and drop-off facility designed to accommodate buses and private vehicles shall be provided. The number of pick up and drop off bays shall be determined by an assessment of the peak demand, to be demonstrated by a transport assessment by an appropriately qualified engineer and/or transportation planner. This assessment is to be submitted as part of the first outline plan and any subsequent outline plan to increase classrooms or classroom equivalents.	Determine the design of the on-site pick-up and drop-off facility to accommodate buses and private vehicles. The number of pick up and drop off bays shall be determined by an assessment of the peak demand, to be demonstrated by a transport assessment by an appropriately qualified engineer and/or transportation planner. Any recommendations in the design shall be incorporated into the Outline Plan.	An on-site pick-up and drop-off facility designed to accommodate buses and private vehicles shall be provided. The number <u>and design</u> of pick up and drop off bays shall be determined by an assessment of the peak demand, to be demonstrated by a transport assessment by an appropriately qualified engineer and/or transportation planner. This assessment is to be submitted as part of the first outline plan and any subsequent outline plan to increase classrooms or classroom equivalents.	Minor amendment to the MoE proposed condition to reflect the S42A officer's recommended condition.
Travel Plan	15.1	Prior to opening of the school, the Requiring Authority shall, either directly or through the School Board of Trustees, develop a Travel Plan which provides specifically for measures to reduce private motor vehicle dependence. The Travel plan shall be maintained and regularly updated to respond to changes to the school and transport system while the school is operating under this designation.	No change	No change	