

**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 Clive Warren Huggins Corporate Evidence**

**14 November 2023**

# Statement of evidence of Clive Warren Huggins

## Corporate Evidence

### 1 Introduction

#### Qualifications and experience

- 1.1 My name is Clive Warren Huggins. I hold the position of Director Land Investment and Planning. This national team is part of the National Property Services Group of Property Delivery, in Te Pou Hanganga, Matihiko – Infrastructure and Digital, at the Ministry of Education – Te Tāhuhu o te Mātauranga (Ministry). I work out of the Ministry office in Tauranga in the Bay of Plenty. I have responsibility for securing tenure and the designation of land to enable the development of the network of state schools in New Zealand.
- 1.2 I am a qualified engineer. I have over 10 years’ project management experience with the Ministry of Defence in the United Kingdom and three years’ experience with the British Embassy in the United States. I have been leading the acquisition and designation programme for the Ministry of Education since June 2005.
- 1.3 This statement of evidence is in support of the Notice of Requirement (NoR) for Designation by the Minister of Education (Minister) regarding a new school for Māori Medium education to be located at 9 Tawa Avenue, Kaiwaka (site). The proposed designation is for “education purposes” to enable the relocation of the existing Te Kura Kaupapa Māori o Ngāringaomatariki (Kura). Schooling provision on site will extend from year 0 to year 13 Māori Medium Immersion.
- 1.4 I am authorised to give this evidence on behalf of the Minister and Ministry.

#### Scope of evidence

- 1.5 My evidence will address:
- (a) my role and involvement in the project;
  - (b) the Minister’s educational responsibilities;
  - (c) the Minister’s objectives for the project;
  - (d) the need to relocate the Kura; and
  - (e) the site selection and acquisition process.
- 1.6 My evidence will focus on the Ministry and Minister’s general responsibilities in

relation to state education.

## **2 Role and involvement in the project**

- 2.1 In 2019 I was advised of the network requirement for a new site in the Kaipara region. The Ministry's intention being that a new site would permit the Kura to relocate and provide a permanent location together with purpose built facilities.
- 2.2 The team that I lead has the overall responsibility for delivering the land acquisition and designation component of this Kura relocation project. How we achieve that for the Ministry is covered later in my evidence.
- 2.3 I have read the NoR, supporting documentation, the s42A report, and the Planning, Landscape and Traffic evidence for the Minister. I am familiar with the issues involved and have recently visited the site.

## **3 The Minister and Ministry's educational responsibilities**

- 3.1 The Education and Training Act 2020 sets out the obligations and responsibilities of the Minister and Ministry. The Minister and Ministry have responsibility for the education outcomes of students across the full spectrum of the education sector, including pre-school, primary and secondary levels.
- 3.2 The Ministry's stated purpose is to shape an education system that delivers equitable and excellent outcomes<sup>1</sup>. The Ministry considers itself as having a stewardship role that helps to create, design, manage, regulate, foster and lead the education system.
- 3.3 The Ministry's responsibilities include the administration of all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus state school sector property, and managing teacher and caretaker housing.
- 3.4 The Ministry is also responsible for the delivery of services that underpin the quality of the learning environment experienced by teachers and students. A key aspect of this responsibility is the prudent fiscal management of school property, which is a key Crown asset portfolio.

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<sup>1</sup> Ministry of Education, Statement of Intent 2018-2023.

- 3.5 The Ministry's preferred investment model for school land and buildings is Crown ownership. Schools are established through a process of application to the Minister and community consultation.
- 3.6 The Minister is a requiring authority under the Resource Management Act 1991 (RMA) with the power to designate land for education purposes. Schools are large capital works projects and are a significant investment in essential community infrastructure.
- 3.7 Designating a site allows the Minister to carry out development of the site in accordance with the designation purpose (subject to compliance with conditions) notwithstanding the underlying zoning. The Minister prefers to designate all state school sites as this provides the Minister with the flexibility to manage changing capacity demands and educational needs across the network.

#### **Minister's objectives**

- 3.8 This section addresses the Minister's objectives and explains why the designation and the new purpose-built facilities for the Kura are reasonably necessary to meet the Minister's objective.
- 3.9 Ka Hikitia is the Māori Education Strategy, and Tau Mai Te Reo is the Māori Language in Education Strategy. Together, they outline the shifts needed in education for Māori to enjoy and achieve educational success as Māori, and growth in Te Reo Māori for both Māori and non-Māori learners.
- 3.10 In summary, the Minister's objectives for the project are:
- Increased participation and success by Māori through the advancement of Māori education initiatives, including education in Te Reo Māori ;
  - To provide for an alternative learning pathway for students/ākonga to learn Te Reo Māori from early childhood education (Puna Reo) through to secondary school (Wharekura) including the establishment of Kura Kaupapa Māori and Māori medium schools whose medium of instruction is Te Reo Māori; and
  - To provide a new site to establish a new purpose built facility for the Kura to operate from.

#### **Educational needs of the Kura**

- 3.11 Although the current system delivers an excellent education and great outcomes

to many children, young people and students, continued efforts are necessary to make a step change towards equity. Realising Māori potential is essential for New Zealand to make that step change and achieve education success.

- 3.12 The Kura opened for instruction in 2007 and has been temporarily located at Oruawharo within the Kaipara / Tupuni area which is located to west of Wellsford and across the river from Port Talbot. The 1.4ha site is held through a leasehold agreement and is situated 300m from the nearest sealed road. The leasehold status presents the Ministry with challenges regarding the justification of long term capital investment. The site is also fairly remote and is not considered viable for development.
- 3.13 As alluded to above the Ministry does not typically commit significant capital investment into temporary property (unless there are health and safety concerns) as this can represent a poor long term investment. As such the Kura has been operating without the purpose built facilities that one would typically find in a modern school.
- 3.14 Establishing new educational facilities at the new site will provide the Kura with access to not only the full suite of accommodation property to deliver the curriculum but also the support and funding mechanisms to maintain that property in the long term. In turn this will allow the Kura to focus on ākonga/student achievement and educational outcomes, which helps deliver on the Minister's objectives. In this case, the Minister considers that establishing a new site for the Kura will assist in achieving the Minister's objective of providing Māori language facilities for the area.
- 3.15 The Minister considers that a NoR is the most appropriate RMA planning mechanism to enable the Kura's establishment as it will provide long term certainty and flexibility for the Minister to develop and use the site for education purposes.

#### **4 Site selection and Acquisition process**

- 4.1 The subject site is owned by the Ministry and is held in a single record of title (Lot 5 DP 388478 ID 353928) located at 9 Tawa Road, Kaiwaka.
- 4.2 Although the site is owned by the Ministry, I note that some submitters have opposed the designation on the basis of the site chosen. I will therefore provide a short summary as to how the Ministry approaches the

process for site identification and acquisition, and how that occurred for this particular project.

### **Site selection**

- 4.3 For the English medium schooling network the Ministry is mostly concerned with population growth and where this is occurring. Location central to this anticipated growth is a key driver in our considerations. A site evaluation methodology has been developed over many years to assist in the selection of suitable school sites. The methodology requires that factors including district plan provisions, traffic, topography, size, geotechnical and adjacent activities are considered.
- 4.4 In regards to access, development costs and environmental effects, the same considerations apply to Kura as they would for any other school.
- 4.5 For the Kura network a modified approach of the evaluation methodology is applied. We work closely with the Boards of Trustees to identify geographical areas that meet the Kura's cultural requirements. The existing geographical distribution of students is important, as is how students will travel to the new Kura.
- 4.6 In 2016/2017 consultation occurred with the board Te Uri o Hau and Te Runanga o Ngati Whatua, Kaipara which resulted in agreement to proceed to relocate Te Kura Kaupapa Māori o Ngāringaomatariki Kura. This will enable all uri (descendants) of Ngati Whatua to access full immersion Māori Medium education, particularly those currently enrolled at the Kura.
- 4.7 TKKM o Ngāringaomatariki is located within the hapu of Te Uri o Hau. Te Uri o Hau is a Māori hapu (or sub tribe) of Ngāti Whātua which aligns to the shores of the Kaipara Harbour. The constituent's whakapapa to local marae across the Kaipara. The matua marae is Otamatea Marae located at Tanoa, 12.7 kms from Otamatea High School. The hill called Pukekaroro is situated in Kaiwaka and sacred to the Te Uri o Hau hapu of Ngati Whatua.
- 4.8 The Kura draws its roll from a large geographical area with students attending from as far as Ruakaka, Mangawhai and Maungaturoto. A location in Kaiwaka is seen as strategically appropriate so as to be able to accommodate potential demand from growth in the wider catchment (Warkworth and Mangawhai). The nearest kura to the proposed site is

60km to the north (Whangarei) and 80km to the south (North Shore, Auckland).

#### **Acquisition process**

- 4.9 The Ministry's Land Investment and Planning team and its agents undertook a robust site identification and evaluation of sites suitable for the Kura within the identified search area. The first stage of that evaluation identified 63 sites, of which 11 sites were progressed to the second stage of evaluation.
- 4.10 In 2021 three sites were shortlisted and with the input of the Kura's Board of Trustees, two sites were pursued for further investigation and discussions commenced with the landowners of the preferred sites of interest.
- 4.11 The Ministry identified the subject site as suitable for the Kura and this central location (1.7km from SH1) is considered to be far superior than the temporary site. The Board of Trustees from the Kura, the local Iwi and hapū visited the site and are very supportive of this proposed location, acknowledging the suitability of the site for the intended use. A native bush area protected by a QEII Trust covenant within the site is thought to add excellent educational and outdoor learning opportunities.
- 4.12 The owner of the subject site was willing to enter into negotiations with the Ministry. After undertaking the necessary due diligence including geotechnical, contamination, ecological, and a bulk and location study, an agreement on sale and purchase terms was reached in October 2021, settlement occurred in February 2022.
- 4.13 Since that date the Land Investment and Planning team has focused on the Notice of Requirement for designation which will enable the planning and development of the new Kura to proceed.
- 4.14 The Ministry acknowledges that several submitters in opposition are unhappy with the choice of location. School site identification and acquisition (regardless of whether they are kura or English medium) is not an exact science. The Ministry is required to take a balanced approach to the process and consider how the environment around a school site may

evolve over the long term. At the center of the decision making process is what is best for the ākonga/learners.

## **5 Design, Construction and Operation of school facilities**

- 5.1 Once the designation process is completed, a consortium of construction and design professionals is then appointed by the Ministry to work closely with the Kura Board of Trustees and Ministry officials to develop the vision of the Board into a fully operational educational facility.
- 5.2 The consortium is responsible for the preparation and lodgement of all necessary building consents, securing additional consents such as regional earthworks or National Environment Standard consents, and the establishment (and subsequent) Outline Plans as required by section 176A of the RMA.
- 5.3 The Ministry's model for the design and construction of new school facilities is based on a reference design with specific drawings developed for each stage of development and will support te ao Māori values and mātauranga. The Ministry has a rigorous design assurance process which is undertaken by a panel of expert architects who review the architectural design and layout of schools as they are developed. The urban design context, form, bulk and appearance of buildings are critiqued and reviewed during the design process to ensure that the specific needs of the Kura can be met, and that the layout and design of buildings are appropriate for the environmental and neighbourhood context. Once the Kura is constructed and operational the Board of Trustees is responsible for the day-to-day management of the school, including the property maintenance. A Property Maintenance Grant is provided by the Ministry as part of the Kura's operational funding to pay for maintenance works on Ministry-funded property. The Ministry has developed a standard Property Occupancy Document that sets out the role and obligations of the Board and is a legally binding document that applies to all state schools. The Ministry also provides direction to schools for the management of waste on the site.

## **6 Response to Section 42A Report and Submissions**

- 6.1 The Council planner's s42A hearing report has recommended that the NoR be confirmed subject to conditions. The intention of those conditions are generally acceptable to the Minister and (apart from the areas of disagreement discussed in the technical evidence on behalf of the Minister).

- 6.2 The Minister prefers the conditions set out in Attachment 2 to Mr Ensor's evidence, for the reasons stated by Mr Ensor.
- 6.3 Several submissions have raised concerns regarding the adequacy of engagement on both the site selection process and the NoR including the limited time that submitters had to respond, the fact they were not directly engaged with, and an overall concern at the lack of wider community consultation.
- 6.4 The specific evidence of Mr Ensor provides a summary of the engagement process undertaken to date for the Project. This included an information evening, local landowner meetings, letters and individual landowner meetings occurring over the last year.
- 6.5 The Ministry acknowledges that this engagement occurred after the Ministry had acquired the site. As discussed in section 4, the process for acquiring a site includes negotiation with the landowners, and significant due diligence on the site. The Ministry does not and is not required to consult with the wider community prior to engaging in acquisition negotiations as this could prejudice land owners rights under the Public Works Act 1981. For example, a land owner may feel pressured by a neighbour to sell their land for a school in the interests of community outcomes. Conversely a willing seller could become unwilling through targeted objections to them. The process we follow is designed to protect the landowners rights of confidentiality and allow the Crown to acquire land in a cost effective manner.
- 6.6 A number of submitters raise the site selection process as a concern. Section 4 of my evidence outlines the process the Ministry undertakes to select a site.
- Other submitters raised operational matters as an issue. This is addressed in Section 4.19 of my evidence.
- 6.7 A few submitters raised the potential for the new school to have an adverse effect on property values. I am not aware of any evidence to suggest this has occurred where the Ministry secured land for education (Māori or English medium).
- 6.8 The Ministry acknowledges that locating a new Kura at 9 Tawa Road will represent a change for the local community. I understand from my colleagues

that the Kura Board of Trustees is keen to engage with the community on this exciting project and work with them to allay/address concerns that they may have.

- 6.9 The Minister will rely on the expert evidence provided in support of the NoR in regards to the other matters raised in submissions.

## **7 Conclusion**

- 7.1 The Minister and Ministry supports the Council planner's recommendation to confirm the designation on the site, albeit subject to the appropriate conditions of designation that are set out in Attachment2 to Mr Ensor's evidence.
- 7.2 The designation over the site for education purposes is required by the Minister to protect the land for the construction, operation and ongoing maintenance of the new purpose-built education facilities for the Kura. This is in accordance with the Minister's objectives and obligations under the Education and Training Act 2020 and the Minister's specific objectives for Kura Kaupapa Māori and this project.
- 7.3 The Minister and Ministry ask that you recommend the NoR, subject to the conditions attached as Attachment 2 to Mr Ensor's statement of evidence.

**Clive Warren Huggins**

**14 November 2023**