

ROTORUA DISTRICT COUNCIL

REPORT TO:	COMMISSIONERS GREG HILL AND ANTOINE COFFIN	DATE:	25 MAY 2021
FROM:	REPORTING PLANNER ANN NICHOLAS SIGMA CONSULTANTS LTD	FILE NO:	RDC-
		DATE NOTIFIED:	28 NOVEMBER 2020
		SUBMISSIONS CLOSED:	15 JANUARY 2021

SUBJECT: NOTICE OF REQUIREMENT FOR DESIGNATION – MINISTER OF EDUCATION-
EDUCATIONAL PURPOSES

1.0 NOTICE OF REQUIREMENT DETAILS

Consent no:	RC17061
Applicant:	MINISTRY OF EDUCATION
Agent:	TONKIN & TAYLOR LTD
Type of application:	POLICY - DESIGNATION
Proposal:	NOTICE OF REQUIREMENT TO DESIGNATE LAND FOR EDUCATIONAL PURPOSES
Site address:	116 STATE HIGHWAY 30, TIKITERE
Legal description:	LOT 2 DPS 136866
Property File Number:	P14159
Site Area:	4.4692 HECTARES
Zone:	Rural 1
Designation / Limitations:	NA



Figure 1- Site Location

1. INTRODUCTION

- 1.1 My name is Ann Lloyd Nicholas. I have a Bachelor of Arts in geography from the University of Canterbury and a Bachelor of Town Planning from the University of Auckland. I have been a member of the New Zealand Planning Institute since 1980. I have nearly forty years' experience as a planning consultant in the Bay of Plenty and Central North Island. I am a principal of Sigma Consultants Ltd, Rotorua.
- 1.2 Over a period of many years, I have reported to the Rotorua District Council on a range of applications within the District, as well as on planning policy. I am therefore very familiar with the Rotorua District and the Operative District Plan.
- 1.3 I was been engaged by Rotorua Lakes Council to report on this notice of requirement. I have visited the site and I have been generally familiar with the surrounding environment for many years.
- 1.4 I can confirm that I have read and that I understand the code of conduct for expert witnesses contained within the Environment Court Practice Note 2014 and that I agree to comply with it. I can confirm that I have considered the material facts that I am aware of that might alter or detract from the opinions expressed here. I also confirm that the opinions that I have expressed in my evidence are mine, unless I have specifically stated that I have relied on others in forming my opinions. However, I note that I may amend my opinion and subsequent recommendation in whole or in part as a result of any evidence, information or other matters that are raised during the course of the hearing that I am not aware of at the time of writing this report.
- 1.5 This report has been prepared under s42A of the Act. It provides a summary of the proposed notice of requirement to designate the site and the issues raised by submitters, it identifies the relevant District Plan provisions, assesses the environmental effects of the proposal, and evaluates the proposal against the relevant statutory considerations. The purpose of this report is to provide an evaluation with respect to the recommendation required under s171 of the Resource Management Act 1991 (the "Act"), to confirm, modify, impose conditions or withdraw the Notice of Requirement.
- 1.6 The following documents available on the Council website (<https://www.rotorualakescouncil.nz/our-services/planningservices/Resourceconsentinformation/Pages/Publicly-Notified-Resource-Consents.aspx>) are referenced in this report:
- Notice of Requirement
 - Further Information
 - Public Notification Report and Public Notice
 - Submissions

2. OVERVIEW

- 2.1 The Minister of Education has given notice of their requirement to designate the site located at 116 State Highway 30, Tikitere, for education purposes. The designation will allow a new site on which to relocate an established Kura Kaupapa Maori and Wharekura o Ngāti Rongomai (Kura and Wharekura) for Years 0-13 and kohanga reo (Maori immersion early childhood education centre).
- 2.2 The Kura provides for Years 0 to 13 students with a current role of approximately 120. It is also proposed to establish a kohanga reo on the new site. The potential role will be up to 275 students at the kura and 50 kohanga reo students, giving a total of 325 students. The number of staff to be engaged on site will be up to 38 full time equivalents, with provision for residential accommodation for a caretaker.
- 2.3 The NOR identifies that the designation will enable the Minister to:
provide for education activities and facilities for pre-school and school aged children including but not limited to learning/ teaching spaces (classrooms), formal and informal sport and recreation, cultural, health / medical, social service and specialist unit facilities and activities, halls and gymnasiums, administrative services, vehicular parking / access /manoeuvring areas etc.
- 2.4 The purpose of this designation is set out in the draft conditions as:
- *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;*
 - *Enable the provision of supervised care and study opportunities for students outside school hours in school facilities;*
 - *Enable the provision of community education (eg: night classes for adults) outside school hours in school facilities;*
 - *Include but not be limited to the provision of academic, sporting, social and cultural education including through:*
 - *Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;*
 - *Formal and informal cultural activities and competitions whether carried out during or outside school hours; and*
 - *The provision of specialist hubs and units (including language immersion units and teen parenting units) for students with particular educational requirements or special needs;*
 - *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.*
 - *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*

- *Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretakers) and their families.*

2.5 Conditions proposed in section 9 of the NOR are summarised as follows:

- *Maximum building height – 12 m;*
- *Maximum building height on the ridge identified on Plan A – 7.5 m;*



Figure 2 – Plan A

- *Building setback – 7.5 m front boundary, 5.0 m all other boundaries;*
- *Site coverage - maximum 25% (approximately 1.1 ha).*
- *Noise levels at the notional boundary or boundary*

Hours	Noise Level (Leq) dBA
Monday to Saturday 0700 – 2200 hours	55 dB LAeq (15-min)
Sunday 0900 – 1800 hours	
All other times	45 dB LAeq (15-min) 75 dB L AF max

- *On site carparking - two carparks per classroom or classroom equivalent (unless NZTA accepts fewer as appropriate).*
- *Provision of pick-up and drop off bays on site*
- *Access in accordance with NZTA standards or as otherwise agreed*
- *Minimum floor levels to be set at the time of an outline plan*

2.6 The conditions in the NOR seek to exempt from the outline plan process the following:

- Any internal building works except where they result in a net increase in the number of classrooms or equivalent
- General building maintenance or repair
- Playground furniture and sports structures
- Internal pedestrian circulation routes or pathways
- In ground infrastructure
- Landscaping and gardens not otherwise specified on conditions of the designation or required as mitigation.

2.7 The designation plan is shown below.

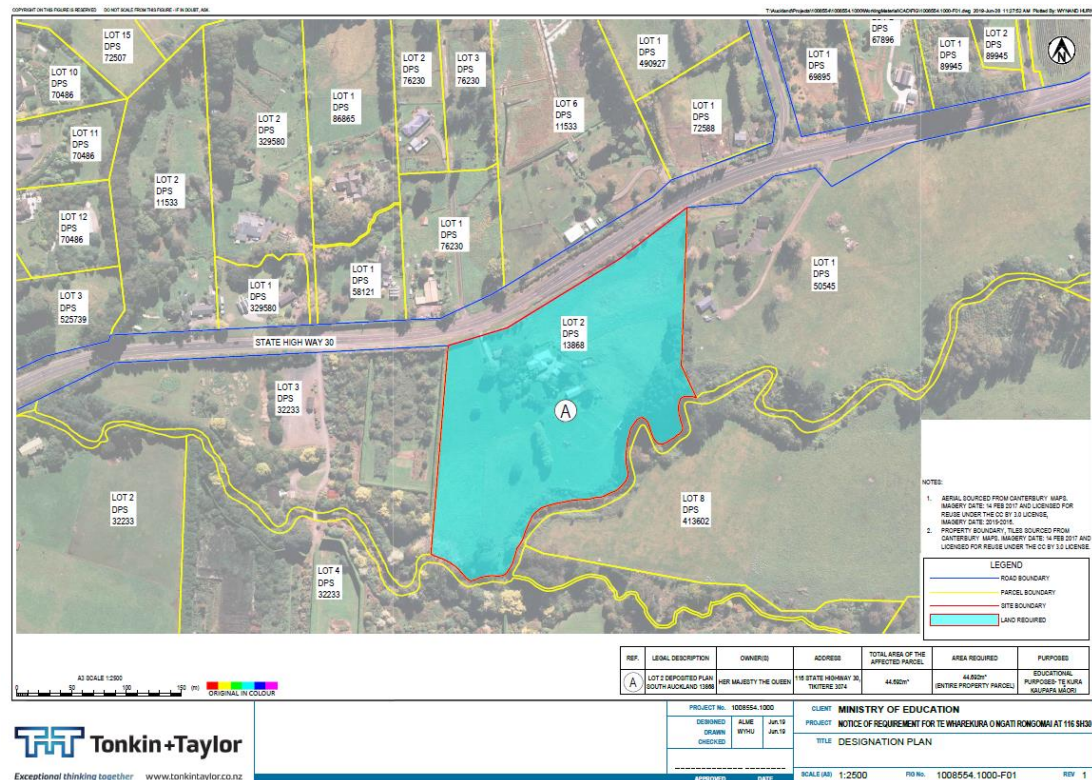


Figure 3 - Designation

2.8 A copy of the NOR is available on the Council website. It seeks a lapse period of 10 years to give effect to the designation.

2.9 The NOR was lodged on 3 June 2020. Further information was requested on 9 July 2020 and provided to Council on 16 September 2020. Public notification proceeded on 28 November 2020 and submissions closed on 15 January 2021. The agent for the Minister requested additional time to consult with submitters. To my knowledge the consultation undertaken has not resulted in any changes or additional mitigation.

3. EXISTING ENVIRONMENT

3.1 The site is legally described as Lot 2 DPS 136866 and has an area of 4.4692 hectares. It is located at 116 State Highway 30, Tikitere, and is on the south side of the State highway, a short distance south-west of Okahu Lane, as shown below.

3.2 From the State highway frontage, the eastern part of the site rises to a ridge that runs parallel to the road and is up to 10m above the level of the road. On the top of the ridge there is an existing dwelling together with several accessory buildings. The site has not been occupied for some time but the site has continued to be used for grazing. The southern half of the site is flat to rolling and backs on to the Waiohewa and Ohuanui Streams.

- 3.3 There is a memorandum of encumbrance on the title (BOPRC M1580) from 2007 that affects 0.8ha of the stream margin. The purpose of the encumbrance is to protect soil and water quality in Lake Rotorua as well as protect and enhance biodiversity values in and along the Wairewarewa Stream.
- 3.4 The site is located in a rural environment that is used for a mix of lifestyle and productive rural lots. The site is immediately adjoined by land owned by two parties:
- Tikitere Gardens and Nursery adjoins to the west and south. The site is generally flat and there is a dense established shelterbelt which appears to be located within the Tikitere Gardens site along the common boundary with the subject site. This provides current screening between the two sites.
 - To the east and south-east are two lots in the same ownership, used for pastoral farming. The main dwelling and a second dwelling are located immediately adjacent to the eastern boundary of the subject site, on the same ridge that runs parallel to the State highway.

To the south beyond the immediately adjacent lots the land rises on to rolling country with scattered dwellings and lifestyle lots.

- 3.4 To the north across the State highway, there are lifestyle lots ranging in size from 0.5ha to 3.3ha, with the Brunswick Park settlement on the hills beyond. Most lots are developed with a single dwelling.
- 3.5 The site is zoned Rural 1 in the District Plan, with no special notation. The purpose of the Rural 1 Zone is to provide productive rural land for agriculture and forestry. The zoning is shown in [Figure 4](#) below.



Figure 4 - Zoning

4. STATUTORY REQUIREMENTS

4.1 Under Section 168 of the Act a Minister of the Crown may at any time give notice in the prescribed form of its requirement for a designation. Section 169 identifies the relevant process to be followed for such notices of requirement, including requesting further information, notification, submissions and hearing.

4.2 Section 171 of the Act sets out the process for the Council to make a recommendation on the NOR and any submissions received. Section 171(1) and (1B) requires that when considering a notice of requirement from a Minister of the Crown and any submissions the following provisions apply:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
- (a) *any relevant provisions of—*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*
 - (iii) *a regional policy statement or proposed regional policy statement:*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
- (1B) *The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.*

4.3 Under Section 171(2), the Council may recommend to the requiring authority that it:

- (a) *confirm the requirement:*
- (b) *modify the requirement:*
- (c) *impose conditions:*
- (d) *withdraw the requirement.*

Reasons must be given for the recommendation.

- 4.4 It is noted that section 171(2A) prevents a financial contribution to be imposed.
- 4.5 The matters to which Section 171(1) and (1B) requires particular regard is given when considering the effects on the environment are considered in the following sections.

5. SUBMISSIONS

5.1 Further information was requested on 9 July 2020 and provided on 16 September 2020. The NOR was then publicly notified on 28 November 2020. The further information is available on the Council website, together with the notification report and public notice. The submission period closed on 15 January 2021. A memorandum is attached as Appendix A to correct the section references in the notification report.

5.2 138 submissions were received, of which 8 are in opposition and 130 are in support. The submissions are available on the Council website. Forty submitters requested to be heard: 8 in opposition and 32 in support. There was one late submission, which is discussed below, as well as one submission in opposition on which clarification was sought, also discussed below.

5.3 There were 130 submissions in support of the proposal, of which 100 submitters used one similar format and 19 submitters used a slightly different format but covered similar points. These submitters identified the following reasons for supporting the proposed designation:

- The kura is integral to educate tamariki/mokopuna in the Ngāti Rongomai world.
- The kura is supported by iwi and hapū of Ngāti Rongomai to strengthen Ngāti Rongomai whanau and iwi.
- The kura has a proven track record in nurturing leadership.
- The site provides space to grow the roll and influence lives and education of tamariki/mokopuna, including establishing a kohanga reo, strengthening Ngāti Rongomai whanau and iwi.
- The site allows closer access to traditional rohe, marae and paiaha closer to ancestral land which is essential to delivering iwi centric curriculum. This is the only site available to allow the kura to do this.
- There are very few appropriate sites available for the kura within traditional tribal boundaries.
- The expanded kura will increase employment, with potential for succession as students return as staff.

5.4 A third group of submitters in support (8 submitters) lodged individual submissions. These set out additional reasons which are summarised as follows:

- Provide a Kohanga Reo (ECE) for community

- Many rangatahi/tamariki of Ngāti Rongomai & Ngāti Pikiao will be taught, but not restricted to only these hapū
- Support for the academic and cultural strengths it teaches (5 areas cited).
- A permanent location is needed but has proven difficult to find close to tribal boundaries as well as meeting access and geotechnical requirements. The new site will release the current site to revert to church use.
- The proposal will help advance Te Reo Maori and aligns with the strategic direction of Mauri Tu Mauri oho – the Te Arawa Vision
- The relationship with Ngāti Rangiteaorere is acknowledged, including some reservations about the purchase of the land, loss of land that once belonged to Ngāti Rangiteaorere, as well as noting support from some kuia and koroua of Ngāti Rangiteaorere for the new site.
- This is the only Kura Kaupapa Maori within Ngāti Pikiao
- Health outcomes: the proposal will help improve health and wellbeing outcomes and the school promotes healthy eating and exercise outcomes

5.5 The submitters in support generally seek that the designation is confirmed. One submitter stated that as Ngāti Rangiteaorere are mana whenua then they should have the deciding voice and if Ngāti Rangiteaorere approved the proposal, that they would support it as well.

5.6 There are eight submitters in opposition, including the statements from Ngāti Rangiteaorere. Of the eight submitters in opposition, seven are nearby landowners.



Figure 5 – Submitters in Opposition

5.7 One submitter lodged an individual submission while six shared the same format. The reasons for opposing the notice of requirement are summarised as follows:

- Lack of detailed information about the potential development of the site location, height and specific use of proposed structures), as well as landscape assessment
- Adverse effects will be more than minor, including visual amenity and noise effects
- Inadequate time provided to review application and respond
- Traffic safety effects: adverse effects for local residents, history of crashes, especially from turning movements, higher frequency traffic turning movements around the site, effect of queueing, drop off and pick ups, bus stop location, congestion during extra-curricular school events such as sporting fixtures, kapa haka etc and potential roadside parking on SH30
- Noise effects from school outdoor recreational activities between 8am and 1800 hours Monday to Saturday and traffic movements has the potential to materially affect nearby sites
- Potential effect of lighting not considered
- Security effects
- Water supply and wastewater infrastructure effects, as well as impact for future subdivision and health implications of untreated groundwater
- Whether alternative sites were identified
- Implications for the District Plan if proceeds
- Benefits for the wider local community

5.8 The adjacent landowner at 164 SH30 to the east and south-east set out the following additional reasons:

- Significant potential effects, including effect on landscape and visual amenity, views, especially on ridgeline, planting, reverse sensitivity on farming operation and noise
- Lack of meaningful consultation undertaken through NOR process
- The height, scale and extent not consistent with surrounding rural-residential development and Rural 1 Zoning
- Designation conditions lack detail and will allow a higher level of development than what is permitted or anticipated in Rural 1, including a reduced 10m setback
- Rural 1 zone is not a suitable location for school and not considered consistent with Rural 1, including Objectives 9.3.3 & 9.3.4

5.9 The submitters in opposition seek that the proposal is declined in its entirety. The submitters at 164 SH30 provided matters that should be considered if the recommendation is to confirm the designation:

- Opportunity for comment on any future locations of buildings & uses
- 'No Development Area' excluding buildings and outdoors play areas as identified on attached plan

- No further development of the existing dwelling
- Yard setbacks in addition to proposed 'No Development Area' at a minimum 10m
- Maximum height limit of 7.5m outside of 'no development area'
- Rural 1 noise requirements consistent with plan/standards
- Bulk and location of new structures specified
- Limit of 1 caretaker dwelling
- No landscaping along eastern boundary

5.10 One late submission was received on 26 January 2021 from Grace Ransfield. The submission is in support of the proposal and sets out reasons that are similar to reasons given by other submitters in support, in particular in relation to positive education and health outcomes. The Commissioners are required to have regard to Section 37A(1) of the Act as follows:

- (a) The interests of any person who, in its opinion, may be directly affected by the extension; and*
- (b) The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement, or plan; and*
- (c) The Council's duty to avoid unreasonable delay.*

Because the submission does not raise any new issues, it is my recommendation that the submission is accepted.

5.11 Dr Ken Kennedy on behalf of Ngāti Rangiteaorere has requested firstly on 27 November 2020 that public notification did not proceed and then on 27 May 2021 seeking that the hearing is deferred to enable discussions with the Minister about the purchase of the land. As the ownership of the land is not a matter that may be considered under the Act further information was requested in relation to the matters that can be considered. This further information has not been received at the time of finalising this report.

5.12 In summary, the reasons set out in submissions in support to be considered in relation to this process and site are its size and accessibility as well as proximity to traditional rohe of Ngāti Rongomai.

5.13 I also summarise the reasons for the submissions in opposition as follows:

- Lack of detailed information
- Potential adverse effects in relation to noise
- Adverse effects in relation to visual change (buildings, structures, landscaping)
- Traffic effects on safety: increased traffic movements, turning into and out of the site, drop off and pick up, potential congestion for larger events on site
- Servicing.

6. RELEVANT POLICY PROVISIONS

- 6.1 Section 171(1)(a) requires consideration of the relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement and a plan. As part of the request for further information, an assessment of the requirement in relation to such relevant provisions was requested and subsequently provided.

National Policy Statements

- 6.2 There are currently four National Policy Statements (NPS): freshwater Management, Electricity transmission, Renewable Energy generation and Urban development. The further information response states that none of these NPS are relevant to this process. I concur with this evaluation. none of which were considered relevant to this proposal.

NZ Coastal Policy Statement

- 6.3 The site is not located within the coastal environment and this policy statement does not need to be considered.

Regional Policy Statement

- 6.4 The further information considers the provisions of the Bay of Plenty Regional Policy Statement (RPS). The RPS provides the regional level framework for considering the project. The response to the request for further information refers to Objective 26, Policy UG 18B and Policy UG 20B which relate to urban development in rural areas.

In addition, Objective 31 and Policies NH 3B, NH 4B, NH 9B are evaluated in relation to potential flooding hazard.

The RPS also sets objectives and policies that recognise that tangata whenua have a specific rights and responsibilities under the Treaty of Waitangi and also recognise the role of tangata whenua in identifying measures to avoid, recognise or mitigate adverse cultural effects in relation to use and development activities.

Overall, it is considered that the designation is consistent with the Regional Policy Statement.

Regional Plans

- 6.6 No evaluation of regional plans was provided as part of the NOR or RFI. I consider that the Bay of Plenty Regional Natural Resources Plan provisions may be relevant when development of the site proceeds, depending on the scale and location of earthworks and stormwater management. The key relevant objectives and policies relate to kaitiakitanga, the integrated management of land and water, and discharges to water and land.

Comments were received from BOPRC dated 20 June 2020 (Refer Appendix E). these identified that consent could be required if the permitted activity conditions for

earthworks or stormwater were not met. In addition, the regional council commented on potential flooding and building platform levels, stability, geotechnical requirements, nutrient management, an existing encumbrance in relation to the riparian margins and geothermal recommendations. These are considered later in this report in relation to the effects on the environment.

Rotorua District Plan

- 6.7 The site is zoned Rural 1 in the Rotorua District Plan. The response to the RFI sets out a detailed evaluation of the proposal against the objectives and policies in the District Plan. In particular an evaluation against the objectives and policies in Part 1 Matters of National and Strategic Importance, Part 2 Section 6 Matters of national Importance and 9 Rural is provided. The evaluation concludes that the proposed requirement and subsequent development are consistent with the objectives and policies in the District Plan.

The objectives and policies in the District Plan may be summarised as directing consideration to the following issues:

6.7.1 Part 1 - Matters of National and Strategic Importance

Issues identified in Part 1 include an efficient transport network,

Transport Network	
Objective 1.3.7 A regionally integrated, efficient, safe and sustainable transportation network that supports development and enables alternative modes of transport and contributes to economic growth.	
Policy 1.3.7.1	Protect the safety, efficiency, sustainability and capacity of the transport network through avoiding, remedying or mitigating the adverse effects of land use, development and subdivision
Policy 1.3.7.2	Ensure the safe function and efficient use of the transport network to provide for the social, cultural and economic wellbeing of the Rotorua District and region

Comment:

The site has direct access to the State highway network. Although concerns have been identified by submitters, the written approval of Waka Kotahi has been provided in support of the proposed designation and eventual development.

Natural Hazards	
Objective 1.3.9 Minimise or reduce the level of risk to life, property and the environment from the subdivision, use and development of land in areas subject to a natural hazard.	
Policy 1.3.9.1	Require the design and location of activities to avoid or mitigate natural hazards to an acceptable level of risk to life, property and the environment.

Comment:

The designation will enable the development of a site which is subject to flood hazard. Therefore, earthworks to change the ground contour and building platform levels will need to need to be designed to avoid increased floor risk for downstream sites and to ensure that buildings within the site will not result.

6.7.2 Part 2 – Nga Take: Wahanga 6 - Section 6 Matters

Natural Character of Lakes, Rivers and Streams	
Objective 2.3.1 The natural character of the district’s lakes, rivers, streams, wetlands and their margins is protected from inappropriate subdivision, use and development.	
Policy 2.3.1.1	Ensure the design, location and form of subdivision, use and development adjacent to waterbodies (outside of the Lakes A zone) is appropriate to the level of natural character of the area and avoids, remedies or mitigates potential adverse effects on the natural character of lakes, rivers and streams and their margins.
Objective 2.3.2 Management of riparian margins and waterbodies to protect natural conservation values, aquatic habitats, and improve water quality.	
Policy 2.3.2.1	Avoid, remedy or mitigate adverse effects of subdivision use and development on riparian margins and water bodies to maintain or enhance natural character, ecological functions, biodiversity, water quality, and aquatic habitats.

Comment:

There is an encumbrance on the title that provides protection to the stream that forms the boundary of the site and its habitat values, through fencing, planting and pest control. This encumbrance remains in place and will be consistent with the outcomes sought through the objective and policies above.

6.7.3 Part 3 - Iwi Cultural and Historic Heritage and Economic Resources

Areas and Sites of Cultural and Historic Heritage Value	
Objective 3.3.2 Resource management decisions that give appropriate weighting to the relationship of tangata whenua with water, the lakes, rivers, and streams of the district.	
Policy 3.3.2.3	Consider Iwi and Hapū management plans, or memoranda of understanding between Iwi and the council (available on the Council’s website) when making decisions on resource consents and plan changes.

Comment:

There are no cultural heritage sites identified in the District Plan in relation to the project site. The values of the stream are protected by the established protection mechanism for the riparian margins.

6.7.4 Part 9 – Rural

Maintenance of Productive Rural Land	
Objective 9.3.2 Rural land that can be efficiently used for a wide range of productive uses.	
Character and Amenity Values	
Objective 9.3.3 The character and amenity values of the rural environment are maintained and enhanced.	
Policy 9.3.3.1	Ensure land use change does not create adverse effects on rural character and amenity values.
Policy 9.3.3.2	Enable activities that enhance the rural character and amenity in the rural zone, including: <ul style="list-style-type: none"> • Diverse land uses • Maintaining the diverse landscape types • A low density of buildings and generous separation distances between dwellings and other buildings • Buildings that are subordinate to the surrounding landscape • An open vegetated landscape • No continuous ribbons of residential development along roads • Low levels of artificial light • Unobtrusive and limited signage • Minimal earthworks or changes to landform associated with new subdivision, use or development

Policy 9.3.3.6	<p>Avoid, remedy or mitigate the adverse effects of activities on the transport network when they could affect the function of the road within the road hierarchy and the safe and effective functioning of the wider transport network by:</p> <ul style="list-style-type: none"> • Providing on-site vehicle parking, loading and turning, and safe vehicle and pedestrian access to a road • Considering the impact of increased traffic movements on the transport network, including the wider network intersections
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Comment:

In terms of Objective 9.3.3, the Plan seeks to protect the established rural character and amenity from new activities with low density of buildings and an open vegetated landscape. The conditions imposed to manage the eventual development of the site will enable a higher density of buildings with a high degree of visibility along the frontage with the State Highway. While the traffic effects have satisfied Waka Kotahi, in relation to the broader amenity effects, the current conditions proposed do not result in an outcome that will be consistent with these expectations.

Reverse Sensitivity	
Objective 9.3.4	
New sensitive activities are located and managed to avoid potential reverse sensitivity effects on lawfully established activities in the rural environment.	
Policy 9.3.4.1	Avoid reverse sensitivity effects on lawfully established rural industries, recreation, farming activities, infrastructure and network utilities by managing the location of new activities and buildings.

Comment:

Sensitive activities are defined in the Plan and include schools. Therefore, it will be important to ensure that any potential reverse sensitivity effects are addressed and a condition may be recommended in this regard.

Appropriate Noise Environment	
Objective A11.3.1	
A noise environment consistent with the character and amenity expected for the zone.	
Policy 11.3.1.4	Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.

Comment:

The Plan establishes an expectation that noise will be consistent with the character and amenity for the zone. Although the Rural zones include activities that are noisy, the

nature of the noise arises from machinery and animals rather than people and outdoor activities.

Reverse Sensitivity	
Objective A11.3.2 Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity.	
Policy 11.3.1.4	Encourage activities to locate in areas where the noise generated from existing activities, or noise anticipated by the zone rules, is compatible with the proposed activity

Comment:

It is important that reverse sensitivity effects do not arise where a noise sensitive activity such as a kura, establishes in a working rural environment. While a potentially noisy activity itself, the activities within a kura may anticipate that nearby rural sites are not undertaking harvesting and other normal farming activities.

Rural 1 Zone Provisions

6.7.5 In relation to the Rural 1 Zone, it is noted that Table 9.5.27 lists educational facilities as a discretionary activity. Therefore, provision is made for a kura within the zone, while recognising the broad discretion to consider each proposal on its merits. General criteria are provided in 9.9.1 and include:

- character and amenity,
- the effect on the amenity of the neighbouring residents, including protection of privacy and outlook and protection from adverse effects from any source of disturbance,
- The effect on the landscape and on-site landscaping, in particular where the activity is prominent when viewed from the road or other public land
- the impact of the proposal on the function and safe and efficient operation of the transport network
- The effects of non-residential activity on the character and amenity of the zone
- any potential adverse effects of noise, vibration, light or any other source of disturbance.
- The potential for reverse sensitivity to the effects of noise, vibration, light or any other source of disturbance.
- The potential adverse effect on the sustainable use of the land and quality of the soils.
- How the activity complies with the Objectives and Policies of the zone and Parts 1, 2 and 3.
- The level of compliance with the performance standards of the zone

These matters are considered in more detail below.

- 6.8 Overall, the proposed kura is an activity anticipated within the Rural 1 Zone, but the management of the effects on the environment, including amenity including lighting and noise, landscape and visual change and reverse sensitivity effects must be considered.

7. ALTERNATIVE SITES AND METHODS

- 7.1 Section 171(1)(b) requires that adequate consideration should be given to alternative sites or methods of undertaking the works if

- (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- (ii) it is likely that the work will have a significant adverse effect on the environment; and*

- 7.2 The Minister of Education owns the land and therefore have a sufficient interest in the land.

8. REASONABLY NECESSARY

- 8.1 Section 171(1)(c) requires that the effects on the environment must also be considered in relation to whether the work and the designation is reasonably necessary to achieve the objectives of the Minister.

- 8.2 The work, being the relocation of an established kura, is consistent with the role and responsibility of the Minister of Education.

- 8.3 The designation process protects the land until the kura is established and provides the authorisation or the development of the site in accordance with the designation. While the alternate process of applying for resource consent could be utilised the designation of the site is consistent with the Ministry of Education's designation of other sites used for educational facilities in the District.

- 8.4 Therefore, I consider that it is reasonable to conclude that both the work and the designation are reasonably necessary to achieving the objectives of the requiring authority.

9. ANY OTHER MATTER

- 9.1 Under section 171(1)(d) any other matter that is reasonably necessary in order to make a recommendation may be considered. In general this consideration allows other

(including non-RMA) strategies and documents to be considered. The main documents identified are:

- i. National Environmental Standards
- ii. Iwi Management Plans

National Environmental Standards

- 9.2 There are seven national environmental standards, relating to fresh water, marine aquaculture, plantation forestry, air quality, sources of drinking water, telecommunications facilities, electricity transmission activities, and assessing and managing contaminants in soil to protect human health. Of these, the NES CS is potentially relevant to consider.

The NESCS seeks to manage actual and potential adverse effects of contamination in soil on human health from particular activities that have occurred on the site. The NESCS includes a Hazardous Activities and Industries List (HAIL) that sets out which activities may have potentially contaminated the soil. The site is not identified on the BOPRC HAIL website and there is no reason to conclude that the NESCS applies in this case.

Iwi Management Plans

- 9.3 There is one relevant Iwi Management Plan which has been considered in relation to the proposal, Ngāti Pīkiao Iwi Resource Management Strategy Plan 1993/1997. Reference is also made to Te Tuapapa o Ngā wai o Te Arawa / Te Arawa Values Cultural Framework.

Ngāti Pīkiao Iwi Resource Management Strategy Plan 1993/1997 provides discussion about educational goals to match the economic and social well-being needs of their people, including kura tuatahi and kura tuarua as well as kohanga reo. This proposal is consistent with the stated aspirations and supported by submissions in support.

Te Tuapapa o Ngā wai o Te Arawa / Te Arawa Values Cultural Framework

Te Arawa Lakes Trust has developed Te Tuapapa o Ngā wai o Te Arawa as a values-based Policy Statement that articulates Te Arawa values in relation to long term aspirations for the Te Arawa Lakes. The purpose of the framework is to provide a holistic and values-based foundation for the management of Te Arawa lakes and surrounding land. The ongoing management of the stream margins forming a boundary of the site is consistent with this framework.

10. EFFECTS ON THE ENVIRONMENT

10.1 Section 171 of the Act requires that the effects on the environment of allowing the requirement must be considered in relation to the matters discussed in the previous sections of this report. The NOR identifies the following effects to be relevant:

- Positive Effects
- Visual and amenity effects
- Traffic and Transportation effects
- Acoustic effects (internal and external)
- Flooding and hydraulic effects
- Geotechnical stability effects
- Cultural effects.

Further information was requested in relation to visual and amenity effects and acoustic effects and additional information was provided in response, including a landscape and visual amenity assessment.

10.2 An evaluation of the relevant plan provisions and matters raised in submissions identified the following matters:

- Rural character and visual amenity (buildings, structures, landscaping)
- Noise effects
- Cultural effects
- Lighting effects
- Reverse sensitivity effects
- Traffic effects
- Services
- Positive effects: appropriate site to accommodate the kura and its expansion, relationship with the traditional rohe of Ngāti Rongomai,

These effects are considered below.

Rural Character and Visual Amenity

10.3 The potential visual change and the effects of buildings structures and landscaping must be considered in the context of the conditions proposed in the NOR, which does not contain a site layout or building plan but proposes a building envelope. The building envelope will provide for the following, with a comparison against the permitted building standards:

Control	District Plan #	Rural 1	Proposal
Maximum Height and Daylight Envelope	9.6.1 ii	7.5m for habitable buildings 10 metres above the natural ground level for non-habitable buildings	7.5m – Plan A area 12.0m rest of site
Yard Requirements - Front Yard	9.6.2a i	10.0 metres	7.5m
Yard Requirements - Side Yard	9.6.2a ii	10.0 metres	5.0m
Yard Requirements - Rear and Rear Site Yards	9.6.2a iii	10.0 metres	5.0m
Site Coverage -	9.6.3 a	Buildings - 25% Impermeable surfaces – 40%	25%
Parking, Access and Turning - in accordance with the provisions of Appendix 4	9.6.5 a	2 for every 3 staff members plus 1 for every 20 students over the age of 16 years.	2 per classroom
Noise	Refer below		
Glare and Light -	9.6.8 a	Activities shall be managed so that direct or indirect illumination measures not more than 10 lux on any site boundary.	No condition proposed
Earthworks	9.6.9	Appendix A10	To be addressed through outline plan

The analysis above identifies that the conditions proposed reduce setbacks from all external boundaries and allow buildings of increased height by comparison with the Rural 1 Zone.

The NOR concludes that the visual and amenity effects arising from the designation are less than minor, although there are no site layout or building plans available. The NOR

considers the effects in relation to the residents north of the site, east of the site and from users of SH30. The conclusion is that the context would comprise existing built structures within the site and on adjacent sites and that the kura buildings would fit into the scale of existing buildings.

A request for further information asked for an assessment of visual effects of the proposed building envelope in relation to the adjacent sites and the reliance on vegetation located on other sites, rather than the subject site. The Landscape and Visual Amenity Assessment prepared by Isthmus provided additional evaluation of the effects for surrounding sites. It notes that the 12m height is to enable the development of a school hall and pou whenua, referring to this being located in a less elevated and less visually prominent part of the site. The scale of the building on the ridgeline is stated to be consistent with other rural/ residential buildings in the local area. In addition, the reduced setbacks are noted as being more generous and appropriate separation. No further analysis of the potential effects on the sites to the south and west has been provided, nor has consideration been given to reliance, in reaching that conclusion, on vegetation within those adjacent sites which cannot be relied on by the subject site.

No recommendations are included for landscape treatment or on restrictions on building size or scale or on those up to 12m high to less visually prominent parts of the site. Given that the height is greater and the setbacks are reduced by comparison with the Rural 1 zone in general, buildings would be able to be constructed closer to the boundaries than generally required in the Rural 1 Zone.

The site rises directly from the road frontage. I consider that the rural character of the environment would be substantially changed with the potential development of buildings across this area, as they could be constructed up to 7.5m from the road frontage, up to 12m in height and with no restriction on floor area. In addition, there is no restriction on the scale and extent of buildings along the higher part of the ridge, except for the standard 7.5m maximum height. Building on this higher part of the site will be highly visible and could result in buildings that are out of character with the area.

I do not accept that the effects on the adjacent sites, and in particular the sites immediately adjacent, will be less than minor. This process is the only opportunity to impose appropriate controls on the potential location and scale of the kura, as the outline plan process is not open to third party input.

I consider that additional controls are required to adequately mitigate the potential effects of visual change on the nearby sites, especially to the east. Additional conditions are recommended for inclusion, as set out in [Appendix B](#). These relate to setting specific performance standards that:

- Require a 25m setback from the front boundary of the site to avoid visually intrusive buildings adjacent to the road frontage
- Requiring as a minimum a 10m setback from other boundaries which is consistent with the Rural 1 Zone setbacks
- Maximum height of 7.5m except for the hall and pou whenua which may be up to 12m.
- Limiting the scale of buildings within the Plan A ridge area to a scale compatible with the Rural 1 Zone
- Requiring that outdoor play areas are set back from external boundaries by a minimum of 10m and subject to a noise management plan.

Noise Effects

10.4 An Acoustic Assessment was provided as part of the NOR and conditions are proposed to set noise levels on site. The conditions do not align with the Rural 1 standards set in rule A11.6.1.9. In particular, the daytime noise level in the Rural 1 Zone (7am to 10pm any day) is 50dB_{LAeq (15 max)} compared with the proposed condition set at 55dB_{LAeq (15 mins)}. In addition, the night-time level is set at 40dB_{LAeq (15 mins)} in the Rural 1 Zone where the conditions proposed 45dB_{LAeq (15 mins)}. In addition, outdoor recreation activities occurring between the hours of 0800 and 1800 hours Monday to Saturday are exempt in the conditions.

The acoustic assessment of the effect of noise from the use of the site on other sites identifies that the noise of children playing outdoors could impact on the sites at 154 SH30, 111 SH30 and 137 SH30, but notes that the effects could be managed appropriately by locating activities away from the boundaries.

Further information was requested on managing those effects in relation to the adjacent sites. The response identified that such specific controls could not be provided until detailed design is completed and proposed that the outline plan process could be utilised.

As the suggested conditions seek a higher daytime and night time level as well as exclusion of noise from outdoor recreation activities, leaving the management of noise effects arising from outdoor recreation activities as well as other school activities to the outline plan stage would not enable more restrictive controls to be imposed.

I consider that the effects of noise on nearby properties have not been demonstrated as being acceptable and may impact on the amenity enjoyed by adjacent sites. Therefore, additional conditions are recommended in [Appendix B](#) condition 6 with, as a minimum:

- the existing noise levels in the District Plan to apply
- outdoor recreation activities to be included in noise management within the site.
- A noise management plan for the site, potentially including setbacks for outdoor recreation from external boundaries, to be prepared.

Lighting Effects

- 10.5 There is a general requirement in the Rural 1 Zone to comply with a maximum of 10lux at the boundary. The proposed density of development would potentially result in a higher level of lighting effects. This could change the night time amenity. Therefore, it would be appropriate to require the lighting design to be provided at the time of outline plan, to ensure that no unacceptable effects result for the surrounding rural environment.

Reverse Sensitivity

- 10.6 The kura falls into the definition of a sensitive activity in the District Plan and there is potential for reverse sensitivity effects to result from establishing such an activity in a working rural environment, with pastoral farming and a commercial plant nursery adjacent. While increased setbacks are recommended to mitigate noise effects on the adjacent sites, the same setbacks provide a more effective buffer to protect the adjacent land parcels from reverse sensitivity effects. An advice note is also recommended for inclusion.

Cultural Values

- 10.7 The kura is supported by iwi and hapū of Ngāti Rongomai as integral to educating their tamariki/mokopuna. As the kura is established elsewhere, the site is identified as enabling the growth and development of the kura into the future to strengthen Ngāti Rongomai hapū and iwi. The location is also supported as being close to traditional tribal boundaries.

No assessment of effects on cultural values was provided as part of the NOR given the support for the role of the kura. However, it is acknowledged that there are different views held by tangata whenua with interest in the area. Those who have mana whenua are the only group who are able to determine cultural effects. As not all parties have clarified their view through this process, this is a matter that the Commissioners may give further consideration to at the hearing.

Engineering and services

- 10.8 Council's Development Engineer has reviewed the engineering reports provided as part of the NOR and has not identified any concerns. These reports include an evaluation of flood hazard and avoiding adverse natural hazard effects.

Conditions have been recommended and are included in [Appendix B](#).

Traffic and Transportation effects

- 10.9 An ITA was provided as part of the NOR and concluded that the transportation effects would be no more than minor. In addition, the written approval of Waka Kotahi / NZTA has been provided and the effects on the road network are therefore concluded to be acceptable.

Conditions have been recommended and are included in [Appendix D](#).

Construction effects

- 10.10 During construction there will be issues of noise, vibration, dust, sediment runoff, disruption to access and potential discovery of archaeological sites. These issues can be avoided or mitigated by appropriate management during construction and good communication and liaison with affected property owners. This is best addressed in a Construction Management Plan.

Conditions are recommended in [Appendix B](#) to ensure that a Construction Management Plan is in place prior to construction commencing and that the works are managed appropriately, to minimise adverse effects for nearby properties.

Positive Effects

- 10.11 Section 171(1B) requires that any positive effects on the environment relate to effects that result from measures proposed or agreed to by the requiring authority. There are no measures proposed by the requiring authority to be considered in addition to the conditions set out in the NOR.

Summary

- 10.12 The NOR seeks to provide a permanent location for an established kura where it will be closer to the traditional rohe of Ngāti Rongomai and which is supported by the kura community. However, there is little certainty about the scale and location of buildings and effects on visual and acoustic amenity for the surrounding environment. The conditions proposed by the requiring authority set a less restrictive framework than that set under the Rural 1 zoning. I consider that additional conditions are required to provide an appropriate level of management and an essential level of certainty for landowners in the surrounding environment before the effects on the environment can be concluded to be acceptable. I have recommended conditions in [Appendix D](#) and there may be additional measures that may be included from the requiring authority and submitters during the hearing.

11. PART 2 MATTERS

- 11.1 The overriding requirement of the evaluation under s171 is Part 2 of the Act, which contains the purpose and principles of the Act. This is to promote the sustainable management of natural and physical resources, where sustainable management means:

“ managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *avoiding, remedying or mitigating any adverse effects of activities on the environment.”*

11.2 Section 6 identifies seven matters of national importance that must be recognised and provided for. In summary, these relate to preservation of the coastal environment, outstanding natural features and landscapes, significant indigenous vegetation and habits; maintenance and enhancement of public access to and along the coastal area, lakes and rivers; the relationship of Maori and their culture and traditions, and protection of historic heritage. The relocation of the kura to an appropriate permanent site Ngāti Rongomai to provide for their culture and relationship with their rohe. This provides for the matter of national importance as set out in section 6(e).

11.3 Section 7 identifies eleven other matters which must be considered in achieving the purposes of the Act. The following are considered to be of particular relevance to the requirement:

- (a) *kaitiakitanga*
- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment*

It is considered that, on the basis of the information provided as part of the NOR, the project will contribute to achieving s7(a). However, additional management is required of the potential adverse effects on the maintenance and enhancement of amenity values and the quality of the environment. With appropriate mitigation, the proposal may not result in an environment that will inconsistent with achieving these outcomes.

11.4 Section 8 requires that, in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The notice of requirement identifies consultation having been undertaken with tangata whenua. Dr Ken Kennedy has raised an issue in relation to the purchase of the site by the Crown on which further information may be available to the Commissioners at the hearing.

11.5 Overall, the proposal is concluded to recognise and provide for matters of national importance but additional mitigation is required in relation to section 7(c) and (f).

12. CONCLUSIONS

- 12.1 The Minister of Education has lodged a notice of requirement to designate the site for educational purposes and enable the relocation of the Kura Kaupapa Maori and Wharekura o Ngāti Rongomai (Kura and Wharekura) for Years 0-13 and kohanga reo (Maori immersion early childhood education centre). An appropriate permanent site is sought to enable it to be continue and grow in the long term.
- 12.2 Submitters have supported the proposal to designate this site as appropriate and in proximity to traditional rohe of Ngāti Rongomai. Submitters in opposition are nearby landowners who seek greater certainty about the development of the site and the potential effects on rural character and amenity, in particular visual and acoustic effects and traffic safety.
- 12.3 Section 171(1) requires that when considering the NOR and any submissions to it, the effects on the environment must be considered in relation to:
- relevant provisions of policy statements and plans
 - whether adequate consideration has been given to alternative sites, routes and methods of undertaking the work
 - whether the work and the designation is reasonably necessary to achieve the objectives of the requiring authority
 - any other matters.
- 12.4 In relation to s171(1)(a), the assessment above identifies that the effects on the environment will not be contrary to or inconsistent with the relevant provisions of policy statements and plans, subject to the imposition of additional conditions to ensure a higher level of certainty.
- 12.5 In relation to s171(1)(b), as the Minister owns the site there is an interest in the land sufficient for undertaking the work and consideration of alternatives is not required.
- 12.6 In relation to s171(1)(c), the work and the designation are concluded to be reasonably necessary to achieving the objectives of the requiring authority.
- 12.7 In relation to s171(1) the effects on the environment when evaluated against the relevant provisions of the District Plan have the potential to be more than minor and additional conditions are recommended to ensure that the kura will not be detrimental to the established rural environment arising from noise and visual change.
- 12.8 The implementation of recommended mitigation measures are required to ensure that the effects on the environment will be reduced to an acceptable level and managed appropriately. Conditions are recommended in Appendix B to this report based on the

information available at the time of writing this report. Amendments may be required in response to matters raised by any parties at the hearing.

13. RECOMMENDATION

13.1 Under section 171(2), the consent authority may recommend to the requiring authority that it:

- (a) confirm the requirement
- (b) modify the requirement
- (c) impose conditions
- (d) withdraw the requirement

13.2 Subject to information to be provided at the hearing and subject to the additional conditions recommended in Appendix B being accepted, it is my recommendation that the notice of requirement is confirmed.

Ann Nicholas
Consultant Planner

4 June 2021

APPENDIX A
NOTICE OF REQUIREMENT FOR DESIGNATION
MINISTER OF EDUCATION - EDUCATIONAL PURPOSES

MEMORANDUM RE PUBLIC NOTIFICATION

Introduction

I prepared the notification report and it was signed by the then Team Leader Consents, prior to public notification proceeding.

Following public notification Council became aware that the incorrect template had been used as the basis for the notification report and therefore cited different sections of the RMA. However, the relevant evaluation had been undertaken, albeit under different sections of the Act.

Amendments

Section 169(1) requires that a territorial authority must decide whether to notify a notice of requirement under either section 169(1A) or sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE and 149ZCF (with all necessary modifications). Rather than section 169(1A), it was advised that sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE and 149ZCF provided the appropriate process.

Therefore, the section references were corrected in section 4 (4.2, 4.3, 4.4, 4.5 and 4.7), section 7 (7.1, 7.2, 7.3, and 7.5) and 8.1.

Recommendation

The recommendation was unchanged, except for the section references as follows:

THAT the application **be publicly notified** in accordance with sections 169 and 149ZCB ~~95A(8)(b) and 95D~~ of the Resource Management Act 1991 as Council considers that the effects of the activity which is subject of the notice of requirement on the environment (including effects on persons who own or occupy the land adjacent to the subject land) will have or is likely to have in Council's opinion effects that are more than minor.

Ann Nicholas

4 June 2021

APPENDIX B – RECOMMENDED CONDITIONS

NOTICE OF REQUIREMENT FOR DESIGNATION MINISTER OF EDUCATION - EDUCATIONAL PURPOSES

Subject to information to be presented by all parties at the hearing, I recommend the following conditions for inclusion in the recommendation in relation to the Notice of Requirement:

1. Designation

1.1 The designation shall be included in the District Plan to the following effect:

A6.6.42 MEDU-042 Kura Kaupapa Maori and Wharekura o Ngati Rongomai (Kura and Wharekura) and Kohanga Reo

Kura Kaupapa Maori and Wharekura o Ngati Rongomai (Kura and Wharekura) and Kohanga Reo	
Designation unique identifier	MEDU-042
Designation purpose	Education Purposes
Site Identified	116 State Highway 30 Lot 2 DPS 136866
Lapse Date	(ten years from date)
Designation hierarchy under section 177 of the Resource Management Act 1991	Primary
Conditions	Yes
Additional Information	Underlying Zoning: Rural 1 Map

Conditions for Kura Kaupapa Maori and Wharekura o Ngati Rongomai (Kura and Wharekura) and Kohanga Reo

1. Definitions

1.1 In these conditions the following terms are used, as defined:

“District Council” means the Chief Operating Officer, Rotorua District Council or their delegate

“Requiring Authority” means the Minister of Education or their nominee.

2. General

2.1 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.

- 2.2 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.

3. Outline Plan

- 3.1 In addition to the information required by section 168A of the Resource Management Act 1991, the Requiring Authority shall provide the following information as part of the Outline Plan:

- (a) Construction Management Plan required by condition 4.0 below;
- (b) Site Layout Plan, including the location of all buildings, structures and infrastructure
- (c) Building Plans and Elevations
- (d) Lighting design to include low impact lighting
- (e) Building Platform levels based on flood modelling current at the time
- (f) Noise Management Plan required by condition 6.3 below
- (g) Landscape Plan required by condition 7 below
- (h) Site access, including the design of the vehicle entrance from State Highway 30, as required by condition 8 below to ensure that vehicles can safely and efficiently enter and exit the roading network.

4. Construction Management Plan

- 4.1 A Construction Management Plan (“CMP”) shall be submitted to the District Council for certification by the District Council that it contains all information required by condition 4.2 at least 20 working days prior to the commencement of construction. This may be submitted as part of the Outline Plan or at an earlier date.

- 4.2 The CMP shall provide the following details relating to the construction and management of all works associated with the construction on site including:

- (a) Provision of a single point of contact for general enquiries from the public and complaints. The point of contact shall be advised to all relevant parties as part of (b) below.
- (b) Procedures for ensuring that landowners, local business operators and the public in the immediate vicinity of the site are given prior notice of the commencement of construction activities and are informed about the expected duration of the works;
- (c) Details of traffic management measures for providing vehicular access during construction (ingress and egress), proposed maximum numbers and timing of truck movements throughout each day, and the proposed routes to and from the site;
- (d) Details of construction management procedures, including temporary activities and the storage of equipment, security, and lighting during construction.
- (e) A site plan showing the location of the site office, including any temporary buildings and activities, equipment, materials stock piling areas and fuel storage, and contractor car parking;

- (f) The location and means of protection of existing services such as power and telephone lines and transmission lines crossing the access road;
- (g) Hours of operation and days of the week for construction activities;
- (h) Construction noise control measures that will be implemented to achieve compliance with noise standards in condition 6 below.
- (a) Containment of dust within the boundaries of the designation: measures to ensure that dust nuisance due to construction does not affect adjacent properties.
- (h) Measures to ensure that any construction vehicles leaving the land on which works are being carried out do not deposit soil, or other debris on the State highway, and the remedial measures to be taken should that occur.

4.3 The Requiring Authority shall implement the certified CMP during the construction of the Works and shall ensure that all contractors are aware of its provisions.

5. Complaints

5.1 The Requiring Authority shall keep and maintain a register of complaints received for all aspects of the works during construction. The register shall be made available to the District Council on request. The complaints register shall include:

- (a) The date, time and type of complaint;
- (b) The cause of the complaint, and
- (c) The action taken by the Requiring Authority in response to the complaint and steps to prevent a reoccurrence.

5.2 The Requiring Authority shall, upon receipt of any complaint in relation to construction, promptly:

- (a) Investigate the complaint;
- (b) Where appropriate remedy or mitigate the cause of the complaint; and
- (c) Inform the District Council as soon as practicable, but no later than 48 hours of receiving the complaint, of the details of the complaint and the action taken.

6. Noise

6.1 Noise associated with construction activity, including earthworks, shall comply with the limits recommended in, and shall be measured in accordance with, NZS6803:1999 – Acoustics – Construction Noise.

6.2 Once commissioned, the WWTP and all ancillary activities shall not exceed the following noise limits when measured at the notional boundary of a receiving site:

Daytime	7am to 10pm, any day	50dB L _{Aeq}
Night-time	and at all other times	40dB L _{Aeq} and 75dB L _{Amax}

6.3 A noise management plan shall be submitted to the District Council for certification by the District Council that it contains all information required by condition 6.4 as part of the Outline Plan or at an earlier date.

6.4 The Noise Management Plan shall provide the following details relating to the management of noise within the site once educational activities commence including:

- (a) A site plan showing areas to be used for outdoor recreation, outdoor educational activities, play equipment and any other outdoor activities associated with the educational use of the site.
- (b) Any setbacks required to achieve separation from adjacent sites in other ownership and compliance with the specified noise levels.
- (c) A plan in writing

7. Landscape Plan

7.1 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. The Landscape Management Plan shall be prepared by a suitably qualified and experienced Landscape Architect. The landscape plan shall be based on the information provided as part of the application and further information [and any information presented to the hearing] shall include:

- (a) A site layout plan showing areas to be used for outdoor activities, buffers required to provide setbacks for noise attenuation and visual mitigation of buildings and structures.
- (b) A schedule of the species to be planted including botanical name, average plant size t time of planting, plant density and average mature height of each.
- (c) Maintenance and establishment requirements for a three year period following planting and reinstatement of road verges on completion of construction.

7.2 The Landscape Plan shall be certified by the District Council and shall be implemented not later than the first growing season following completion of construction.

8. Specific Performance Standards

8.1 The following performance standards shall apply to any buildings or structures within the site:

- (a) Minimum setback to all buildings to the east of the vehicle entrance – 25m.
- (b) Minimum setbacks for all buildings and structures from all other boundaries: 10m
- (c) Maximum building height – 7.5m, except for pou whenua which may be up to 12m in height and the school hall which may be up to 12m unless it is located within the area including the ridge on Plan A or between the area including the ridge through to the road frontage;
- (d) Site coverage - 25% provided that buildings shall be located west of the vehicle entrance or south of the ridge.
- (e) Within the area identified as the ridge on Plan A – one building up to 6m in height with a maximum footprint of 200m²;
- (f) Outdoor recreation areas and play structures shall be located a minimum of 10m from external boundaries of the site, subject to compliance with the noise condition as demonstrated by the noise management plan.



Figure 2 – Plan A

8. Archaeological Sites

- 8.1 Prior to the commencement of construction, a full archaeological assessment shall be undertaken and a copy provided to the District Council.

9. Accidental Discovery

- 9.1 In the event of any archaeological site or material being uncovered or reasonably suspected to have been uncovered during the exercise of this designation, activities in the vicinity of the discovery shall cease and the Requiring Authority shall notify the District Council as soon as possible.
- 9.2 If any koiwi (human remains) uncovered, or reasonably suspected to have been uncovered during the exercise of this resource consent, the Requiring Authority or their representative shall:
 - (a) Notify Heritage New Zealand’s Pouhere Taonga Regional Archaeologist, the New Zealand Police and the District Council; and

(b) Undertake no further work may take place until future actions have been agreed by all parties.

9.3 In the event of an accidental discovery, the Requiring Authority shall notify the Iwi Collective and shall ensure, as far as practicable, that procedures are undertaken in accordance with any discovery protocols they have.

10. Engineering Works

10.1 All engineering works required to be undertaken to satisfy the conditions of this consent shall be carried out in accordance with the requirements of the Waikato Local Authority Shared Service, Regional Infrastructure Technical Specifications (RITS), and any agreed OR conditioned departures to the satisfaction of the General Manager Infrastructure, Rotorua District Council, or their delegate.

11. Sediment and Erosion Control

11.1 In carrying out the proposed works no run off, silt, sediment, dust or other materials shall be permitted to discharge off-site that could damage or disturb neighbouring properties, public roads, drains or waterways. This shall be achieved by installing and maintaining appropriate erosion, sediment and dust controls (in accordance with the Bay of Plenty Regional Council Sediment and Erosion Control Guidelines) prior to and during the works until the site is stabilised.

12. Water Services

12.1 A satisfactory supply of potable water shall be provided, the water shall be tested for potability in accordance with the Drinking Water Standards for New Zealand and proof must be provided in conjunction with the Building Consent.

12.2 Upon construction of the buildings, sufficient water volume, pressure and flows must be provided for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice.

12.3 A capital contribution for the subsidised network component of reticulated Brunswick sewerage scheme shall be paid to Council prior to connecting to the wastewater network. The amount of the capital contribution if paid before 30 June 2021 is \$152,918.11 (excluding GST) otherwise this amount shall be recalculated annually to allow for an inflation adjustment. **Refer to advice note (h).**

12.4 A new 150mm wastewater connection to the reticulated network shall be provided.

13. Minimum Building Level

13.1 The minimum building platform level shall be constructed 0.5 m, 0.3 m, and 0.2 m above the 1% AEP flood level for habitable dwellings, commercial and industrial buildings, and non-habitable buildings respectively in general accordance with the *Flood Assessment for Te Wharekura o Ngati Rongomai, Prepared for Ministry of Education, Tonkin & Taylor Ltd, July*

2019 and the *Interpretation of Flood Assessment for Te Wharekura o Ngati Rongomai*, Prepared for Ministry of Education, Tonkin & Taylor Ltd, October 2019. The building platform level is the underside of the slab or underside of the floor joists (**whichever is applicable**).

14. Access (NZTA)

- 14.1 The site access shall be located to achieve the minimum safe sight distance requirements in the NZ Transport Agency Planning Policy Manual.
- 14.2 An on-site pick-up and drop-off facility designated to accommodate busses 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 shall be submitted as part of the first outline plan and any subsequent outline plan to increase classrooms or classrooms equivalents.
- 14.3 Staff and visitor car parking shall be provided at the rate of two car parks per classroom or classroom equivalent, except where the NZ Transport Agency accepts, on the basis of a specifically commissioned parking study by an appropriate qualified engineer and/or transportation planner, that a lesser level is appropriate.
- 14.4 Access to and from the site on to State Highway 30 shall be provided either:
- a) In accordance with the NZ Transport Agency Planning Policy Manual Diagram E, with modifications to include channelised left and right turn bays as shown in Figure 3.20 and Figure 3.25 of MOTSAM Part 2: or
 - b) In accordance with an alternative access designed by an appropriately qualified engineer and agreed with the NZ Transport Agency.

15. Access (RDC)

- 15.1 The vehicle access and parking areas shall be formed, drained and surfaced with permanent wearing materials and the car parks marked in general accordance with the District Plan.

16. Geotechnical

- 16.1 The Preliminary Geotechnical Desktop Assessment undertaken by Tonkin and Taylor Limited as part of the consent process has identified that the soils found on-site do not meet the definition of 'good ground' as specified by NZS3604:2011. Further geotechnical investigation and a specific engineered foundation is required for any buildings in general accordance with the recommendations of the Preliminary Geotechnical Desktop Assessment undertaken by Tonkin and Taylor Limited (1008024, 1000.v1, 4 September 2019).

17. Lapse Period for Designation

- 17.1 In accordance with s184(I)(c) of the RMA, this designation shall lapse on the expiry of 10 years from the date on which the designation is included in the Rotorua District Plan, unless the designation has been given effect to.

ADVICE NOTES

- a. Resource consents may be required from Bay of Plenty Regional Council.
- b. In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, an authority may need to be obtained from the Heritage New Zealand to destroy, damage or modify an archaeological site(s)
- c. The RMA the actual and reasonable costs incurred by Rotorua District Council in monitoring conditions of this decision shall be paid by the Requiring Authority.
- d. The requiring authority is reminded that the site is located in a working rural environment where the predominant use of land is typically rural production and other rural based activities. The effects of these activities, including fertilizer and chemical spray applications may from time to time result in effects such as dust, noise, lighting, or increased traffic volumes and types of vehicles. These effects are typical of the rural environment and complaints should not be made to the Rotorua District Council or the Bay of Plenty Regional Council or any other party concerning such effects arising from rural activities that are being carried out lawfully.
- e. Works within the State Highway boundaries
Work within the State Highway boundaries will require the prior approval of the Transport Agency pursuant to Section 52 of the Government Roding Powers Act 1989. Design details and then construction details will need to be submitted by the Ministry's contractor to the Transport Agency for approval as part of this approval. Please contact out network consultants to discuss such approval. Our Consultant is:

Higgins Contractors Limited
71 Pururu Street
PO Box 10167
Rotorua Mail Centre
Rotorua 3046 P:07 349 3802
Attn: Lillian Tulloch
bopetmps@higgins.co.nz

All works on the State Highway are to be completed to the satisfaction of the Highways Network Manager, Transport Agency Tauranga, or their delegate.

Please note that once the access way is constructed, the Ministry will need to inform NZTA (TaurangaPlanning@nzta.govt.nz) and request a new crossing place notice under s91 of the Government Roding Powers Act.

The property has frontage to State Highway 30, which is declared a limited access road under the Government Roding Powers Act 1989. Section 91 enables the Transport Agency to authorise the use of a crossing place on a limited access road, impose conditions on its usage, specify the location of a crossing place or cancel the right to use any crossing place

if legal access is available from another road. In accordance with Section 92 of the GRPA, no person may drive or move any vehicle or animal, or permit any vehicle or animal to be driven or moved, on to or from any limited access road except at any crossing place authorised by the Transport Agency.

The Ministry of Education has advised the NZ Transport Agency that it intends to engage with the Agency to initiate a speed limit change process for the school site (variable speed limit school zone). In order for a variable; speed limit system to be in place before the school opens, the Ministry intends to initiate this process as soon as practicable once the designation is in place.

f. Infrastructure Standards

The Regional Infrastructure Technical Specifications (RITS) and Rotorua Civil Engineering Industry Standards (RCEIS) can both be used as a means of compliance with the engineering conditions of consent.

g. Works on Council's Services

Any works to be undertaken on Council's services must be by a Council approved contractor.

h. Application for a new Wastewater Connection

Application for a new wastewater will need to be made to Council with the payment of appropriate fees.

The wastewater network in this area was installed at Council's cost with an adjoining subdivision to allow for future development in this area, any application to connect to this wastewater main requires a financial contribution for infrastructure upgrades/capital contribution of \$9,576.69 (excluding GST) per household unit equivalent (HUE).

The capital contribution for the Brunswick sewage scheme has been calculated assuming the maximum people on-site of 363, the NZS1547:2012 wastewater flow for a school is 30l per person per day, this equates to 10,890l of expected wastewater generated per day for the school.

The wastewater flow used from the NZS1547:2012 is the lowest when comparing with other examples i.e. from Metcalf and Eddy 2015 wastewater flow for a school is 42l per person per day, the wastewater from the Rotokawa School has been calculated as 56l per person per day.

From the Rotorua Civil Engineering Standards a HUE is 682l, therefore $10,890/682=15.96$ HUE, the total amount is $15.96 \times \$9,576.69 = \$152,918.11$ (excluding GST).

h. Potable water supply

There is no public water supply in this area. The owners are responsible for providing a potable water supply. Options are roof water or bore water that is tested and meets the

drinking water standards or has an appropriate treatment system installed to ensure the water is potable.

i. Stormwater

In order for the discharge of stormwater to be a permitted activity the applicant should ensure they comply with the Regional Natural Resources Plan, otherwise a resource consent from the Bay of Plenty Regional Council is required.

j. Registering the Water Supply with Toi Te Ora Public Health

The water supply will have to be registered with the Toi Te Ora Public Health in accordance with the Health (Drinking Water) Amendment Act 2007 which considers any drinking water that is piped across a boundary to be a “net –worked” supply and therefore must be registered. Please contact Toi Te Ora Public Health Phone 07 3493520.

k. On-site Turning

The development of land and buildings shall be designed with sufficient on-site turning area to comply with the District Plan, so that reversing of vehicles along a right of way, access lot, or access leg will not be necessary.

l. Permanent Wearing Materials

Permanent wearing materials shall include (but not limited to) concrete, cobblestones, asphaltic concrete (hot mix), chip sealed surfaces or any paver with tight joints.

m. Electricity and Telecommunication Services

Electricity and telecommunication services to any future buildings must be installed underground unless it is demonstrated to be impractical.

All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed lines parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code.

n. Copy of the Preliminary Geotechnical Desktop Assessment

A copy of the Preliminary Geotechnical Desktop Assessment undertaken by Tonkin and Taylor Limited (1008024, 1000.v1, 4 September 2019) will be placed on the relevant property file for future reference.