



Hastings District Council

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OPEN A G E N D A

HEARINGS COMMITTEE MEETING

Meeting Date: **Wednesday, 7 February 2018**

Time: **9.35am**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

**(PRE-CIRCULATED EVIDENCE FROM MINISTRY OF EDUCATION
REPRESENTATIVES FOR NOTICE OF REQUIREMENT HEARING
COMMENCING ON 7 FEBRUARY 2018)**

Committee Members	Panel for this hearing: Chair: Councillor Lyons Plus Members Rostered on - Councillors Barber and Heaps Other Members (not on this hearing): Councillors Kerr and Redstone and Hastings District Rural Community Board Member: Mr P Kay
Officer Responsible	Environmental Consents Manager – Murray Arnold
Reporting Planner	Senior Environmental Planner (Consents)
Committee Secretary	Christine Hilton (Ext 5633)

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required under the provisions of the:

Resource Management Act 1991
Building Act 2004
Health Act 1956
Dog Control Act 1996
Litter Act 1979
Hastings District Council Bylaws
Local Government Act 1974
Local Government Act 2002
Gambling Act 2003

Membership

Chairman appointed by the Council
Deputy Chairman appointed by the Council
3 members appointed by the Council
1 member appointed by the Council from the HD Rural Community Board

Quorum* –

- a) A maximum of three members including the Chairperson (or Deputy Chair, in the Chair's absence) to meet for any one hearing, except for Council Initiated Plan Change hearings where all members may attend and take part in the decision making process.
- b) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- c) For Council Initiated Plan Change Hearings the quorum shall be three members.
- d) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- e) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

* In the case of hearings under the provisions of the Resource Management Act 1991 the quorum is to meet the obligations contained in section 39B of the Act.

Delegated Powers

HEARINGS COMMITTEE

1. RESOURCE MANAGEMENT ACT 1991

Pursuant to Section 34(1) of the Resource Management Act 1991 the Hearings Committee of Council is delegated power to:

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| 1) | Hear, consider and decide upon any Resource Consent application or any other application made to Council under the Act (including private plan change requests). For the avoidance of doubt, this includes the use or exercise of any powers vested in the Council under the Act to process, hear and decide upon any such application. | Decide on Applications and Private Plan Change requests. |
| 2) | Hear, consider and recommend to the Planning and Regulatory Committee or Council as it considers appropriate, on submissions made on any proposed plan or any Council initiated change to the District Plan or variations to the Proposed Plan. | Submission on Council Plan Changes. |
| 3) | Appoint a Commissioner or Commissioners to hear, consider and decide on any Resource Consent application or any other application made to Council under the Act. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act. | Appoint Commissioner for Resource Consents. |
| 4) | Appoint a Commissioner or Commissioners to hear, consider | Appoint Commissioner for |

and recommend to the Planning and Regulatory Committee or Council as it considers appropriate, on any submissions made on any proposed plan or any Council or privately initiated change to the District Plan. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act.	Proposed District Plan and Council or Private Plan Changes.
5) Extend any time limits or waive compliance with any requirement specified in the Act or Regulations in respect of any matter before it under the Act and pursuant to the above delegations pursuant to Section 37 of the Act.	Extend Time Limits and Waive Compliance.
6) Hear and determine any objection made pursuant to Section 357, 357A, 357B, 357C and 357D of the Act	Review of Decisions made under Delegation.
7) Make an order, pursuant to Section 42 of the Act, relating to the protection of sensitive information in respect of any matter before it.	Protection of Sensitive Information.
8) Waive, pursuant to Section 42A(4) of the Act, compliance with Section 42A(3) of the Act relating to the receiving of officers' reports in respect of any matter before it.	Waive Time for Receipt of Officers' Reports.
9) Determine, pursuant to Section 91 of the Act, not to proceed with a hearing of an application for Resource Consent where it considers additional consents under the Act are required in respect of any application before it.	Defer Application Where Other Consents Required.
10) Require, pursuant to Section 92 of the Act, further information relating to any application before it and postpone notification, hearing or determination of the application.	Require Further Information.
11) The above delegations shall apply with all necessary modifications to:	
i) Any notice of review of Consent conditions issued by Council pursuant to Section 128 of the Act or by any committee or officer or the Council having delegated authority to do so.	Review of Consent Conditions.
ii) Any submissions on any requirement for a designation or alteration to a designation made pursuant to Sections 168, 168A or 181 of the Act.	Hear Submissions on Designations.
iii) Any submissions on any requirement for a Heritage Order made pursuant to Section 189 and 189A of the Act.	Hear Submissions on Heritage Orders.
12) Consider and make recommendations on any requirement for a designation or alteration to a designation pursuant to Section 171 of the Act.	Recommendations and Designations.
13) Consider and decide on any amendments to Council's District Plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors pursuant to Clause 16(2) or 20A of Part 1 of the First Schedule to the Act.	Amend District Plan.

2. HEALTH ACT 1956

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002 and Section 23 of the Health Act 1956 the Hearings Committee is delegated authority to:

i) Hear explanations against a notice to revoke registration issued pursuant to Clause 9 of the Health (Registration of Premises) Regulations 1966.	Explanations Why Registration Should Not be Revoked.
ii) Hear and determine any appeal against a direction or decision of any officer acting under delegated authority and any application or objection made pursuant to Clause 22 of the	Determine Appeals, Applications or Objections to Requirements Under

3. DOG CONTROL ACT 1996

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and determine any objections lodged against any decision of an officer acting under delegated authority or any notice issued by a Dog Control Officer pursuant to the following Sections.

Decide on objections under the Dog Control Act 1996

Section 22	Objection to the classification as a probationary owner.
Section 26	Objection to disqualification from being an owner of a dog
Section 31	Objection to the classification of a dog as a dangerous dog
Section 33B	Objection to the classification of a dog as a menacing dog under section 33A.
Section 33D	Objection to the classification of a dog as a menacing dog under section 33C as it is believed to belong to 1 or more classified breeds.
Section 55	Objection to the issue of an abatement notice for a barking dog.
Section 70	An application for the return of a barking dog seized under section 56 for causing distress.
Section 71	An application for the release of a dog that is being held in custody under section 71(1) and (2) for threatening public safety.
Section 71(1)(a)	To be satisfied that a dog seized under section 15(1)(c) because the dog was without access to proper and sufficient food, water or shelter, will be given access to proper and sufficient food, water, or shelter if returned to the land or premises from which it was removed.
Section 71A(2)(a)(i)	To be satisfied that the owner of a dog seized under section 33EC (because the owner failed to comply with his obligations in respect of a dog classified as menacing), or of a dog classified as a menacing dog seized under section 33EB (because the owner failed to have the dog neutered), has demonstrated a willingness to comply with the relevant requirements".

4. LITTER ACT 1979

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and decide on any objection lodged pursuant to Section 10 of the Litter Act 1979 against a notice issued under that section.

Decide on Objections to Notices Issued by a Litter Control Officer.

5. Building Act 2004

Pursuant to Section 67A of the Building Act 2004 the Hearings Committee is delegated authority to grant a waiver or modification to section 162C(1) or (2) (which requires residential pools to have means of restricting access by unsupervised children) the requirements of the Act (with or without conditions) in the case of any particular pool.

Grant Exemptions to Pool Fencing Requirements.

6. HASTINGS DISTRICT COUNCIL BYLAWS

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

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| i) | Hear and determine any application for a review of any decision of a duly authorised officer pursuant to any part or provision of the Hastings District Council Bylaws. | Review of Delegated Decisions. |
| ii) | Consider and determine any application under Clause 1.5 of Chapter 1 of the Hastings District Council Consolidated Bylaw for a dispensation from full compliance with any provision of the Bylaws. | Dispensations from Bylaws Requirements. |

7. LOCAL GOVERNMENT ACT 1974

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002 the Hearings Committee is authority to hear and recommend to Council on any objections to any proposal to stop any road pursuant to Section 342 and the Tenth Schedule to the Local Government Act 1974.	Hearing Objections to Road Stopping.
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8. GAMBLING ACT 2003

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

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| i) | Hear, consider and determine in accordance with section 100 of the Gambling Act 2003, applications for territorial authority consent required under section 98 of that Act, as required by the Hastings District Council Class 4 Gambling Venue Policy. | Hear and Decide on Applications for Territorial Authority Consent. |
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HASTINGS DISTRICT COUNCIL

A HEARINGS COMMITTEE MEETING WILL BE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON WEDNESDAY, 7 FEBRUARY 2018 AT 9.35AM.

1. APOLOGIES

At the close of the agenda no requests for leave of absence had been received.

2. PRE-CIRCULATED EVIDENCE FROM MINISTRY OF EDUCATION REPRESENTATIVES FOR NOR HEARING COMMENCING ON 7 FEBRUARY 2018

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT

<u>Document 1</u>	The covering administrative report	Pg 1
Attachment A	Brief of Evidence from Angela Jones - pre-circulated prior to hearing	Pg 3
Attachment B	Brief of Evidence from Glen Randall - pre-circulated prior to hearing	Pg 29
Attachment C	Evidence from Guy Panckhurst - pre-circulated prior to hearing	Pg 75
Attachment D	Brief of Evidence from Rob van de Munckhof - pre-circulated prior to hearing	Pg 81
Attachment E	Brief of Evidence from Dave Dravitzki - pre-circulated prior to hearing	Pg 91
Attachment F	Brief of Evidence from Orchid Atimalala - pre-circulated prior to hearing	Pg 97

The Application and Submissions can be viewed on the Council website and a reference hardcopy is held at the Council Civic Administration Building.

The associated web site link is:

www.hastingsdc.govt.nz/meetings

REPORT TO: HEARINGS COMMITTEE

MEETING DATE: WEDNESDAY 7 FEBRUARY 2018

FROM: COMMITTEE SECRETARY
CHRISTINE HILTON

SUBJECT: PRE-CIRCULATED EVIDENCE FROM MINISTRY OF
EDUCATION REPRESENTATIVES FOR NOR HEARING
COMMENCING ON 7 FEBRUARY 2018

1.0 SUMMARY

- 1.1 The purpose of this report is to have a way to attach the pre-circulated evidence and to then put it onto the website prior to the hearing – as is required by the provisions of the Resource Management Act.

2.0 RECOMMENDATIONS AND REASONS

That the evidence pre-circulated on behalf of the Ministry of Education be put onto the website prior to the hearing commencing on 7 February 2018 so it can be viewed by the submitters and members of the public.

Attachments:

- | | | |
|---|--|------------|
| A | Brief of Evidence from Angela Jones - pre-circulated prior to hearing | 55294#0164 |
| B | Brief of Evidence from Glen Randall - pre-circulated prior to hearing | 55294#0165 |
| C | Evidence from Guy Panckhurst - pre-circulated prior to hearing | 55294#0166 |
| D | Brief of Evidence from Rob van de Munckhof - pre-circulated prior to hearing | 55294#0167 |
| E | Brief of Evidence from Dave Dravitzki - pre-circulated prior to hearing | 55294#0168 |
| F | Brief of Evidence from Orchid Atimalala - pre-circulated prior to hearing | 55294#0169 |

In the matter of the Resource Management Act 1991
And
In the matter a notice of requirement to designate land for educational purposes at
Bennett Road, Waipatu, Hastings by the Minister of Education

Evidence of Angela Tracy Jones

22 January 2018

**MEREDITH
CONNELL**

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Statement of Evidence – Angela Tracy Jones - Planning

Evidence of Angela Tracy Jones

1 Introduction

Qualifications and experience

- 1.1 I currently hold the position of Senior Planner at The Property Group Limited and have held this position for approximately three years. Overall, I have approximately 24 years professional planning and resource management experience, primarily in New Zealand, and in the United Kingdom. My previous roles include being a Senior Planner in the resource consent team at Wellington City Council (for 9 years) as well as holding planning positions at Harrison Grierson Consultants, London Borough of Hammersmith and Fulham, and the former Manukau City and Rodney District Councils in Auckland.
- 1.2 I have a Bachelor of Planning from the University of Auckland and am a full member of the New Zealand Planning Institute. I have also received accreditation as a hearing commissioner under the RMA "Making Good Decisions" Programme.
- 1.3 In my current role I provide resource management advice and assistance to a range of government, local government and private sector clients. My experience has included the preparation of applications for resource consent, designation and associated Assessment of Environmental Effects reports for a diverse range of clients as well as planning due diligence and feasibility studies. I also process resource consent applications under the Resource Management Act and the Housing Accords and Special Housing Areas Act for Wellington City Council and Tasman District Council.

My background with the Notice of Requirement

- 1.4 My role in this project has been to prepare and lodge the Notice of Requirement ("NOR") with Hastings District Council on behalf of the Ministry of the Education. I have visited the site on a number of occasions and am familiar with the site and its immediate surroundings.
- 1.5 I have read the submissions received, the Council's section 42A Report, the reports submitted with the NOR and the evidence of Orchid Atimalala, David Dravitzki, Guy Panckhurst, Glen Randall and Rob van de Munckhof in the course of preparing my own evidence.

Purpose and scope of evidence

- 1.6 The purpose of my evidence is to outline the proposal and give a further planning review of the NOR in the context of the submissions received and Council's 42A report.
- 1.7 My evidence is set out as follows:
 - (a) a summary of the Notice of Requirement and site;
 - (b) planning framework and statutory considerations;

Statement of Evidence of Angela Tracy Jones - Planning

- (c) consideration of the submissions received relevant to my evidence;
- (d) discussion of the Council's s 42A report.

Expert Witness Code of Conduct

- 1.8 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2 Executive Summary

- 2.1 The 3.0012ha site is owned by the Ministry.
- 2.2 The purpose of the NOR is to designate the site for Educational Purposes - Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and associated Kōhanga Reo (early childhood education).
- 2.3 The NOR addresses all the relevant matters that the territorial authority must consider under section 171 of the Act.
- 2.4 An overwhelming 85 submissions out of the 92 received were in support of the NOR.
- 2.5 Addressing the matters raised in the submissions, the NOR is appropriate for the site.
- 2.6 I concur with the Council reporting officer's recommendation that the NOR be confirmed and generally concur with her assessment. That said, in my view, some of the recommended conditions are not appropriate to be included in a designation nor necessary for this proposed designation.

3 The Site

- 3.1 The site is located on the eastern side of Bennett Road, Waipatu, Hastings. At the time of lodgement of the NOR the Ministry had acquired the site although it had not yet been surveyed or legalised through LINZ. These processes have now been completed and a Computer Freehold Register has been issued for the site. The site is 3.0012 hectares in area and is legally described as Section 1 Survey Office Plan 514724 (806990). A copy of this Computer Freehold Register is **attached as Annexure 1** to this evidence.
- 3.2 The site is generally flat in topography, with access and frontage to Bennett Road. The site is currently being utilised for grazing purposes. It has no buildings or structures other than post and wire fencing and what is possibly a small platform in the centre of the site. Similarly, the site has no vegetation other than grass cover.
- 3.3 The site is zoned "Plains Production" as identified on Maps 27 and 35 of the Proposed Hastings District Plan 2015 ("District Plan"). This zoning, and the

provisions relevant to this NOR, are beyond challenge and therefore deemed operative. The District Plan does not identify the site as being subject to any notations such as cultural/heritage overlays, landscape areas/features or other overlays or precincts.

- 3.4 Whilst the wider environment is typically rural/commercial in character there are also clusters of residential development at the southern end of Bennett Road. This includes papakainga housing on the corner of the Bennett Road and Kauru Road.
- 3.5 In the context of the wider environment the site is located in close proximity to the urban edge of Hastings, between Hastings and Whakatu with the predominant land use activities surrounding the site being rural in nature – farming and horticulture. There are other commercial activities in the vicinity which include a composting operation, poultry farms, food processing/packaging and a rendering plant.
- 3.6 The Hastings Rugby and Sports Club and Hawke's Bay Polo Club grounds are also located approximately 50 metres south of the site on the opposite side of Bennett Road. The main access and car parking for this club and grounds is via Otene Road. There is a smaller car park for the grounds which is located approximately 230 metres south of the site on the opposite side of Bennett Road.
- 3.7 There are also four marae within eight kilometres of the site.

4 Notice of Requirement

- 4.1 The NOR was lodged with Hastings District Council on 8 September 2017. Under the NOR the then Minister gave notice, as a Requiring Authority, of her intention to designate the site for educational purposes (year 0-13 and early childhood education) public work. .
- 4.2 Specifically, the designation purpose to be included in the District Plan will be "Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and associated Kōhanga Reo (early childhood education)".
- 4.3 Section 7.0 of the NOR sets out the proposed conditions of the NOR.
- 4.4 The education purpose designation will best enable the Minister to provide for education activities and facilities for pre-school and school aged children including but not limited to learning/teaching spaces (classrooms), formal and informal sport and recreation, cultural, health/medical, social services and specialist unit facilities and activities, halls and gymnasiums, administrative services, vehicular parking/access/manoeuvring areas etc.
- 4.5 Under section 184(1)(c) the Minister requests a 10 year period after the date it is included in the District Plan to give effect to this designation. Although the Ministry intends to give effect to the designation as soon as possible, a 10 year lapse period is sought to give some flexibility in case of any unforeseen delays. It is also common practice for the Ministry to seek a 10 year lapse period for school designations.

- 4.6 As this NOR is for the designation of the site, there is currently no detailed information about the master planning and proposed site development (such as the locations of buildings, sport fields and associated accesses and parking) available. This information will only be available at the detailed design stage and will be submitted with the Outline Plan of Works under s176A, once the Minister's designation is confirmed.
- 4.7 By way of background, the Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu catered for years 0-8 until 2015 and is currently operating out of facilities located at 706 Albert Street, Hastings. In 2015, approval was received to transition over time to years 0-13. The Kura operates alongside its associated Kōhanga Reo (early childhood education centre) and a tertiary institution, Te Wānanga Whare Tāpere o Takitimu.
- 4.8 The Kura is educationally very successful. Its roll is growing to the extent that its current site cannot support anticipated future growth. It is expected that the Kura will remain in its current location until a new facility has been built. This NOR specifically relates to a new site which will accommodate the relocated Kura and Kōhanga Reo to enable them to cater for the educational needs of the students and growing roll.
- 4.9 The Kura does not operate a home zone enrolment scheme, and attracts students from the wider Hastings and Napier area.
- 4.10 For the avoidance of doubt, the NOR is for the Kura (years 0-13) and the Kōhanga Reo. Te Wānanga Whare Tāpere o Takitimu (the tertiary institution) is not covered by the NOR and, as far as I am aware, will continue to operate from the current site at 706 Albert Street, Hastings.

5 Community Engagement

- 5.1 The Ministry undertook a detailed and robust consultation process prior to the lodgement of the NOR with the Council. The details of the consultation are outlined in section 10.0 of the NOR. By way of a summary, the consultation included both a mail drop as well as face to face meetings with neighbours. Although consultation is not required by RMA the Ministry sought to engage with the neighbouring properties in an open dialogue.

6 Planning Framework and Statutory Considerations

- 6.1 Sections 166-186 of Part 8 of the RMA deals with designations. Of particular relevance to this hearing is section 171, which sets out the matters that a territorial authority must consider in making its recommendation.
- 6.2 Section 171(1) of the RMA (prior to its amendment by the Resource Law Amendment Act 2017) stated:
- (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 to 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.*

Effects on the environment

- 6.3 Section 6.0 of the NOR provides a detailed and comprehensive assessment of effects for the use of the site for education purposes. This assessment relied on expertise with respect to traffic, odour, dust and spray drift, infrastructure and flooding, geotechnical matters and soil contamination. The assessment of effects concluded that the overall effects of the proposal will be no more than minor. The assessment of these matters is further assessed in the evidence of the following persons, whose evidence I rely on where relevant to their area of expertise:
- David Dravitzki – Geotechnical
 - Guy Panckhurst – Infrastructure
 - Rob van de Munckhof – Dust, odour, spray drift
 - Glen Randall – Traffic

Consideration of alternative sites, routes and methods

- 6.4 Section 171(1)(b) requires a territorial authority to consider whether adequate consideration has been given to alternative sites, routes and methods only if the requiring authority does not have an interest in the land sufficient for undertaking the work or if the work will have a significant adverse effect on the environment.
- 6.5 As noted earlier, at the time the NOR was lodged the Minister had already purchased the site and subsequently a new title has been issued. The Minister therefore has sufficient interest in the site for the future development of the site for education purposes.
- 6.6 In addition, for the reasons outlined in the NOR assessment of effects, and the subsequent evidence of the above mentioned experts the NOR will not have significant adverse effects on the environment.
- 6.7 The Council is therefore not required to consider whether adequate consideration has been given to alternative sites, routes and methods. However, for completeness the site selection process and methodology has been outlined in the evidence of Orchid Atimalala. In my view, this illustrates that a robust site selection process has been adopted by the Minister and clearly

shows that adequate consideration has been given to alternative sites, routes and methods.

- 6.8 In my view, alternative methods to a designation such as a private plan change or resource consent application would not be appropriate planning tools for achieving the Minister's objective to relocate the Kura and Kōhanga Reo.
- 6.9 An application for resource consent (or a plan change) would require a much greater level of detail with respect to the design and layout of the school than is currently available. Given the zoning of the land, a resource consent application would be unduly complex and assessment against relevant objectives and policies would be difficult because schools are not a land use that is specifically anticipated in this zone. In relation to a plan change as an alternative method, even if this was successfully obtained, the site's zoning could subsequently be altered by a plan change or review. Accordingly, this method would not give the Minister sufficient certainty that the project to relocate the Kura and Kōhanga Reo could be delivered.

Necessity of the Designation

- 6.10 Section 171(c) of the Act requires that when considering an NOR, the Council must have regard to whether the designation is reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
- 6.11 The Minister has lodged the NOR to achieve the following objectives:
- to designate the land to provide for the efficient management of a nationwide portfolio of education facilities.;
 - to provide a new Kura and Kōhanga Reo to accommodate a growing roll of students associated with Te Kura Kaupapa Māori o Te Whare Tāpere o Takitimu and Kōhanga Reo, in a way that recognises the special cultural needs of the Kura and Kōhanga Reo to have a strong connection with the land; and
 - to allow land required for education purposes to be identified in the District Plan to give a clear indication to the public of its presence.
- 6.12 The Kura and Kōhanga Reo need to be relocated to a more suitable site. As explained above, in my view a designation is the most effective planning tool for achieving this outcome and accordingly, as other planning tools would be complex and less certain, the designation is reasonably necessary to achieve the Minister's objectives.
- 6.13 In summary the NOR therefore addresses all of the relevant matters under section 171 of the Act, and in my opinion, the site is therefore appropriate for the intended designation.

7 Submissions

- 7.1 At the Minister's request, the NOR was publicly notified on 20 October 2017. At the close of submissions on 17 November 2017 91 submissions were received. An additional late submission was also received. An overwhelming 85

submissions support the NOR and 5 submissions were received that object to the NOR.

- 7.2 I have reviewed and considered the content of each submission. There is considerable similarity in the key issues identified in many of the submissions which opposed the NOR, and I will discuss these matters in 'themes' rather than dealing with each submission individually. These themes can be grouped in the following broad categories:

- Traffic effects.
- Site selection process, consideration of alternatives and the necessity of the designation to achieve the Minister's objectives.
- Lack of demand for a new school.
- Loss of productive land.
- Rural character and amenity.
- Cultural effects.
- Spray drift.
- Climate change as a result of increased traffic.
- Rates increases.
- Support for the NOR.

- 7.3 These matters are discussed in turn:

Traffic

- 7.4 Concern has been raised in several submissions about traffic generation and the safety of cyclist and pedestrian movements. These concerns have been addressed in the evidence of Glen Randall on which I rely. Mr Randall concludes in his evidence that the *"proposed school can be accommodated within the site with no more than minor effects on the safety and efficiency of the adjacent road network."*

Site selection process, consideration of alternatives and the necessity of the designation to achieve the Minister's objectives

- 7.5 As discussed in sections 6.5-6.8 above, Section 171(1)(b) requires a territorial authority to consider whether adequate consideration has been given to alternative sites, routes and methods only if the requiring authority does not have sufficient interest in the land for undertaking the work or if the work will have a significant effect on the environment. Given the Minister owns the site and the work will not, based on the expert evidence, have significant adverse effects on the environment, the consideration of alternatives is not a relevant matter. However, for completeness, I have briefly discussed my views on alternative methods above and the site selection process and methodology has been outlined in the evidence of Ms Atimalala.
- 7.6 Likewise, sections 6.9-6.11 above outline why the designation is reasonably necessary to achieve the Minister's objectives, the reason primarily being to relocate the Kura and Kōhanga Reo as they have outgrown their current site.

Lack of demand for a new school

- 7.7 One submitter questions the motive of the Ministry to designate the site for a school as they are of the view that many schools have a dropping roll and there will not be the demand.
- 7.8 As noted earlier, the purpose of the designation is to relocate an existing Kura and Kōhanga Reo that has an increasing roll and which have therefore outgrown their current premises. The Kura and Kōhanga Reo provide a specific education choice that is based on Māori language immersion where the philosophy and practice reflect Māori values and culture. The aim is to revitalise Māori language, knowledge, and culture. In my view, this supports Part 2 of the RMA by providing for social, cultural and economic wellbeing under s 5 of the RMA, the relationship of Māori and their culture and traditions with their ancestral lands under s 6(e) of the RMA; the principle of kaitiakitanga under s 7(a) of the RMA and the requirement to take into account the principles of the Treaty of Waitangi under s 8 of the RMA.

The Kura and Kōhanga Reo offer a unique educational choice. The fact that the Kura does not have a zone under an enrolment scheme and attracts students from all over the Hastings area means that the location and role of other schools in the vicinity is not particularly relevant.

Loss of productive land

- 7.9 The site is located in the Plains Production Zone of the District Plan. This zone recognises the significant role of cropping, viticulture and orchard activities and their contribution to the economy of the District. The key to this productivity is the versatile land resource that forms one of the District's cornerstones for natural and physical resources in the area. Some submitters have objected to the NOR on the basis that a school would not be appropriately located in this zone. The Ministry acknowledges the fact a future Kura and Kōhanga Reo on the site, enabled by a designation, will contribute a small loss in the land available for productive use.
- 7.10 An assessment of the NOR in the context of the relevant objectives and policies of the District Plan with regard to the Plains Production zoning is discussed below:

Objective PP01 To ensure that the versatile land across the Plains Production Zone is not fragmented or compromised by building and development.

Policy PPP3 Limit the number and scale of buildings (other than those covered by Policy PPP4) impacting on the versatile soils of the District.

- 7.11 The NOR site now sits on its own title. The site originally formed part of a wider 9.247ha site. The land acquired was the northwest portion of the original site ensuring the site was not fragmented more than necessary while still ensuring the site was of a size and shape appropriate for the future Kura and Kōhanga Reo use. The number or scale of the future buildings will not impact on any versatile soils outside of the site. Notwithstanding this, the NOR is within the Plains Production zone and is therefore contrary to Objective PP01 and Policy PPP3. Notwithstanding this, it is noteworthy that the Minister has only acquired

the amount of land necessary for the new Kura and Kōhanga Reo and the remainder of the original site remains available for productive land uses.

Objective PP03 To retain the rural character and amenity values of this Plains Production Zone.

Policy PPP13 Require that any new development or activity is consistent with the open and low scale nature that comprises the rural character and amenity of that Plains Production Zone.

Policy PPP14 Require that any new activity locating within the Plains Production Zone shall have a level of adverse effects on existing lawfully established land uses that are no more than minor.

Policy PPP15 Noise levels for activities should not be inconsistent with the character and amenity if the Plains Production Zone.

- 7.12 The future built development of the Kura and Kōhanga Reo will be assessed through the Outline Plan of Works process once detailed design has been undertaken. This process follows the NOR process. Although the detailed design is not yet known it is envisaged that the proposed Kura and Kōhanga Reo layout and buildings will be open and low scale with large areas of open spaces which can be used for landscaping and playing fields and that the design and layout will not compromise the character and amenity of the area.
- 7.13 Given the nature of education facilities, the activity will generate some degree of noise. However, this noise is most likely to be noticeable during play times, lunch time and during outdoor activities. The proposed conditions for the designation include that the site activity must meet noise standards that are consistent with the District Plan standards, but with an exception for noise from standard school outdoor recreational activities occurring between 0800 and 1800 hours Monday to Saturday. The potential for noise effects of the Kura and Kōhanga Reo will be further assessed at the Outline Plan of Works stage. Any necessary mitigation measures will also be proposed at this stage.
- 7.14 The size, shape and generally flat topography of the site are such that they will enable the site to be laid out in a manner that locates the main noise sources away from the adjacent properties, to ensure compliance with the proposed noise condition. The proposed noise condition will achieve an appropriate balance between enabling school activities to occur whilst providing adequate level of acoustic amenity for any noise sensitive activities on adjacent sites.
- 7.15 The closest noise sensitive activity is the residential dwelling at 120 Bennett Road which is located on the immediately adjoining property to the north. This dwelling is approximately 10 metres from the common boundary. In my view, this separation distance, coupled with the building setback and proposed noise conditions will ensure any potential noise effect on this property are no greater than what is anticipated by the District Plan.
- 7.16 Therefore, in my view, the NOR is not inconsistent with PPO3, PPP13, PPP14 and PPP15.

Objective PP04 To enable the operation and activities relying on the productivity of the soil within limitation as a result of reverse sensitivities.

Policy PPP16 Require that any activity locating within the Plains Production Zone will need to accept existing amenity levels and the accepted management practices for land based primary production activities.

- 7.17 The proposed use of the site for a Kura and Kōhanga Reo does have the potential to result in reverse sensitivity effects. With regard to air quality related reverse sensitivity effects, I rely on the evidence of Robert van de Munckhof. Mr van de Munckhof considers the potential for dust, odour, spray drift (as discussed in more detail below) and smoke effects from open burning. In his evidence, he concludes that, provided that the surrounding land uses comply with the existing regulatory regime for the use of agrichemicals (in the Regional Plan and relevant New Zealand Standard) there is no need for a buffer or a specific condition to address these potential effects.
- 7.18 In my opinion, the NOR is therefore consistent with PPO4, and PPP16.
- 7.19 A school activity is not specifically anticipated or provided for by the Plains Production zone and this is reflected in the objectives and policies of the zone. I acknowledge that the use of the site for a Kura and Kōhanga Reo is not entirely consistent with the relevant objective and policies of the Plains Production Zone. However, this is to be expected and, in my view, is not particularly significant (or a reason for recommending that the NOR be withdrawn). In my experience, this inconsistency with objectives and policies of the underlying zone is often the case for new schools or many other public works in many district plan frameworks and is not unique to this NOR. This is precisely the reason why Part 8 of the Act sets out a separate process for designations that operate as an exception to the district plan and one of the reasons why a resource consent under Part 6 is not appropriate.

Rural character and amenity

- 7.20 A number of submitters have raised concerns that the use of the site for a Kura and Kōhanga Reo will compromise the character and rural amenity of the area and question my assessment of the surrounding area in the NOR including the comment *"it is important to note that whilst this area has been described as rural it is a place for rural commercial activities which should not be misinterpreted as being a quiet rural environment with limited built structures"*.
- 7.21 I stand by my assessment above. The site is currently being used for grazing purposes and therefore the future use of the site for a Kura and Kōhanga Reo would change the character of the site. Large buildings and structures are not, however, an uncommon feature in the surrounding environment which is evident in the surrounding rural/commercial activities. These rural/commercial activities include poultry farms, food processing/packaging and a rendering plant. All have large buildings and structures that make up the existing environment. These buildings offer very little in the way of visual amenity to the character of the surrounding area however they are appropriate for their purpose and therefore acceptable in the existing surrounding environment.
- 7.22 The Ministry is offering conditions with regard to building bulk and form (namely building height limit and setbacks). In my view, these will ensure that future school buildings will meet the anticipated bulk and form for buildings in the Plains Production zone. These conditions also ensure that any potential effects

from building structures will have no greater effect on adjoining properties than is already anticipated by the District Plan.

- 7.23 The future Kura and Kōhanga Reo buildings will also be of a high quality design and appropriately landscaped to ensure they will make a positive contribution to the visual qualities of the surrounding environment. The visual qualities of the surrounding environment will be assessed through the Outline Plan of Works process.
- 7.24 Therefore whilst a Kura and Kōhanga Reo on the site would introduce a change to the surrounding environment, this change would not be incompatible with the surrounding environment. Any potential character and amenity effects will be acceptable and, and will generate only a minor effect on the environment.
- 7.25 It is also important to note that schools are not exclusively an urban activity. Schools in rural areas are a common, and indeed necessary, occurrence.

Cultural effects

- 7.26 Questions on how the NOR considered cultural effects have been raised in submissions. The site is not identified in the District or Regional Plans as being a site of cultural or heritage significance.
- 7.27 With regard to the cultural connection that the Kura and Kōhanga Reo have with the site, I defer to the submission by the Kura and Kōhanga Reo which have explained their connection with the land in their own words.

Spray drift

- 7.28 One submitter has raised concern that the NOR addressed odour but was less concerned with mitigating chemical spray drift from neighbouring horticultural activities. Regarding spray drift I rely on the evidence of Robert van de Munckhof. In his evidence Mr van de Munckhof outlines the relevant permitted activity rules in the Hawke's Bay Regional Resource Management Plan and notes that there should be no spray drift effects on the Kura and Kōhanga Reo provided the permitted activity standards are being met. Providing the permitted activity standards are met then Mr van de Munckhof considers the risks of agrichemical spray drift affecting the proposed Kura and Kōhanga Reo are low.

Rates increases

- 7.29 Submissions have raised concern that further development in the area may result in the Council increasing property rates. Rates and property values are not a resource management matter and not a matter a under section 171 of the RMA that the Council can consider when making its recommendation.
- 7.30 Notwithstanding this, the designation covers a total area of 3ha within the wider environment. It is not envisaged that the designation of this site will have any influence on the likelihood of future development in the wider area.

Support for the NOR

- 7.31 There has been overwhelming public support for the NOR from the majority of submitters.

8 Section 42A Report

- 8.1 The Council's 42A officer report has been prepared by Catherine Boulton.
- 8.2 I concur with Ms Boulton's recommendation that this NOR be confirmed.
- 8.3 I have reviewed Ms Boulton's assessment and generally concur with her overall assessment and findings. In particular, I concur with Ms Boulton's assessment against the objectives and policies of the Hawke's Bay Regional Policy Statement, the Hawke's Bay Regional Resource Management Plan, the Proposed Hastings District Plan and the Heretaunga Plains Urban Development Strategy.
- 8.4 The areas in which I have a difference in opinion from Ms Boulton are, for the most part, matters that have come through as recommended conditions. For this reason my response focuses first on Ms Boulton's recommended conditions and then follows with comments on other matters.
- 8.5 The purpose of conditions on a designation is to define the general nature and extent of the future public work that can be carried out on the site. The details of the public work and how it affects on the environment will be mitigated are considered during the Outline Plan of Works process. If a development does not meet the purpose of the designation or fails to meet the conditions of the designation then normal district plan provisions apply and a resource consent may be required (instead of an Outline Plan).
- 8.6 Several of the conditions recommended in Ms Boulton's s42A officer report are of such a nature that, in my view, they would more appropriately be placed on a resource consent decision for a specific proposal and are not appropriate for a designation. Many of the recommended conditions are more complex than what would ordinarily be placed on an overarching designation for an educational site.
- 8.7 For clarity, **attached as Annexure 2** to my evidence is a marked up version of Ms Boulton's recommended conditions with my suggested changes. This should be read alongside the discussion below on these conditions.

Designation Purpose

- 8.8 The recommended conditions do not outline the purpose of the designation, which was an offered condition in the NOR. It is important to include a purpose statement in all designations to define the over-arching purpose of the designation. This assists both Council officers processing future Outline Plan of Works processes, as well as the local community in understanding the intended use of the site. It is therefore my opinion that the hearing committee should include the purpose of the designation (as offered) in their recommendation.

In general accordance with supporting documentation

- 8.9 Condition 1 requires that the designation be undertaken in accordance with the information provided in the NOR application and supporting documents. In my experience, a condition referencing back to the NOR process is highly unusual and does not align with the typical approach to conditions ascribed to designations and is more typical of a condition on a resource consent and not a designation.

- 8.10 A designation is a notation in the District Plan that gives the public notice of an intended future land use. It should stand alone in a District Plan and should not reference external documents. In this case, provided that the purpose of the designation as set out in the NOR is included, the purpose of the proposed designation is clear. There will be no need to reference back to the NOR documents. In my view, the approach of referencing back in this way adds a layer of complexity that is unnecessary and makes future administration of the designation difficult to achieve (as the documents will not be within the District Plan's designation and may not be readily accessible). It is therefore my opinion that the hearing committee should not recommend that condition 1 form part of the designation.

Matters to be included in an outline plan

- 8.11 Condition 2 requires that prior to the commencement and construction of the proposed Kura and Kōhanga Reo an Outline Plan be submitted to the Council. Condition 2 further outlines the matters that the Outline Plan must address. Such a condition is not strictly necessary. Section 176A of the RMA requires that the requiring authority of the public work submit an Outline Plan to the territorial authority, to allow the territorial authority to request any changes. However, I am aware that such conditions are imposed on designations when territorial authorities want to ensure that a particular adverse effect on the environment is addressed through the Outline Plan process. On that basis, I am happy for this condition to remain on the recommendation. However, I consider that changes are required to ensure that the condition is specific and enforceable, and only includes matters required to address adverse effects on the environment.
- 8.12 Condition 2(a) requires the requiring authority to show how the design will assimilate the buildings into the rural environment. This condition is both vague and not something that can easily shown on an Outline Plan. In addition, it is not required to address an adverse effect on the environment.
- 8.13 Condition 2(c) requires consideration of a planted buffer to minimise spray drift from the adjoining orchards. Once again, this is not required to address an adverse effect on air quality as the evidence of Mr Munckhof concludes that no specific conditions are required in this regard. Further, in my view, it may not be appropriate for the detailed design to include a planted buffer around the proposed Kura and Kōhanga Reo in terms of Crime Prevention Through Environmental Design(CPTED) principles.
- 8.14 Condition 2(e) also requires a Traffic Management and Parking Plan. I consider that what should instead be required is a Traffic Impact Assessment Report, given what is being asked for relates to the wider traffic network and not just on-site school traffic and parking matters.
- 8.15 Further, condition 2(e)(i) requires a new footpath be included, to extend along Bennett Road from Otene Road to Kauru Road. Kauru Road is on the western side of Bennett Road, therefore I assume that the Council is requesting a footpath on the eastern side of Bennett Road (which is on the same side as the proposed Kura and Kōhanga Reo). The length of this path would be over 1.1 km in total and would extend approximately 980m south of the Kura and Kōhanga Reo site. Given the small residential catchment at the southern end of Bennett Road, and the fact that not all of the children in this area will choose the very

specific educational choice of the Kura and Kōhanga Reo I do not consider that a footpath of this length is warranted. In that regard, I rely on the traffic evidence of Mr Randall that concluded that a footpath connecting to the Otene Road cycle way and extending along the frontage of the Kura and Kōhanga Reo site would be appropriate.

Conditions prevail

- 8.16 Condition 3 is redundant and not required because, as outlined above, the NOR should not form part of the designation conditions. Once the designation is confirmed then this, along with the conditions of the designation should stand-alone without reference back to the NOR.

Building setback

- 8.17 Condition 5 relates to building setbacks, and is very similar to condition 3 offered in the NOR, which also concerns building setbacks and heights. The difference between the conditions is that Condition 5 requires a 15m building setback from all boundaries other than the front boundary. The extended setback of 15m appears to come from industrial standards in the District Plan, and has been included to address spray drift and visual amenity.
- 8.18 As already outlined above, the evidence of Mr van de Munckhof concluded that, provided that agrichemical users in the vicinity are complying with the existing regulatory regime, there is no reason for the NOR to generate reverse sensitivity spray drift affects. Further, as explained above, in my opinion the 5 metre set back (as offered in the NOR) will not result in adverse visual amenity effects or effects on rural character and amenity. The reasons for the change in this condition are therefore redundant. In addition, visual amenity will be a matter addressed through the Outline Plan of Works process.
- 8.19 In my view, a 15m setback places far too much restriction on the site, and has the potential to hinder the Ministry's ability to provide the most appropriate education facilities for the relocating Kura and Kōhanga Reo. I therefore suggest that the hearing committee recommend the setback requirement of 5m (for all boundaries other than the front boundary) as offered in the NOR instead.

No complaints

- 8.20 Condition 6 requires that a no-complaint covenant is registered on the title. The reasons why the Minister cannot agree to such a condition will be addressed in legal submissions. However, I note that the condition as drafted refers to s 108 of the RMA (which relates to conditions on a resource consent). Further, the condition as drafted is very broad and would potentially deny the Minister the usual public participation rights under the RMA to be involved in plan change processes that affect the Kura and Kōhanga Reo and the surrounding area.
- 8.21 **Car parking ratios**
- 8.22 Condition 7 was offered as a condition in the NOR. However, unlike the section 42A report, the NOR notes that the condition only applies following the initial establishment of the Kura and Kōhanga Reo. The reason for this is to ensure that the Ministry has sufficient flexibility to design and build the most appropriate education facilities for the Kura and Kōhanga Reo on the site. I therefore suggest that the hearing committee include this clarification offered in the NOR.

Erosion and sediment management

- 8.23 Conditions 9-11 require that the requiring authority submit an Erosion and Sediment Control Plan to the Council for its *approval* as part of the Outline Plan of Works process. Earthworks and sediment control are matters that should be addressed through the Outline Plan of Works process. Section 176A of the RMA only gives the Council the ability to *request*, not *approve*, changes. These conditions are also of a complexity and nature that, in my view, overstep the form of conditions that would typically be found on a designation of the nature proposed. It is therefore my opinion that these conditions should not be included, as it is important to maintain the integrity of the designation and the Outline Plan of Works process.

Landscaping

- 8.24 Likewise, conditions 13-16 deal with landscaping. Landscaping is also a matter that will be addressed through the Outline Plan of Works process and is not a matter that the Council should be 'approving' outside of that process.
- 8.25 I therefore suggest that the hearing committee does not recommend that condition 9-11 and 13-16 be placed on the designation.

Other matters

- 8.26 With regard to other matters, section 5.2 of the 42A officer report states that a future resource consent will be required for earthworks. For clarification, any earthworks required as part of the detailed design of the Kura and Kōhanga Reo will be assessed through the Outline Plan of Works process and will not require a further resource consent under the District Plan (the rules within the Hawke's Bay Regional Council plan will continue to be relevant). The earthworks will however require a resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

9 Conclusions

- 9.1 In considering the purpose of the NOR, the section 171 considerations and the submissions the site is, in my opinion, appropriate for the NOR.
- 9.2 I concur with the Council officers' recommendation that the NOR be confirmed although suggest a number of amendments to the recommended conditions.

Angela Tracy Jones

22 January 2018

Item 2

Attachment A

Annexure One - Certificate of Title

7741288_5

**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy



Identifier 806990
Land Registration District Hawkes Bay
Date Issued 29 September 2017

Prior References

HBB3/462

Estate	Fee Simple
Area	3.0012 hectares more or less
Legal Description	Section 1 Survey Office Plan 514724
Purpose	Education Purposes

Proprietors

Her Majesty The Queen

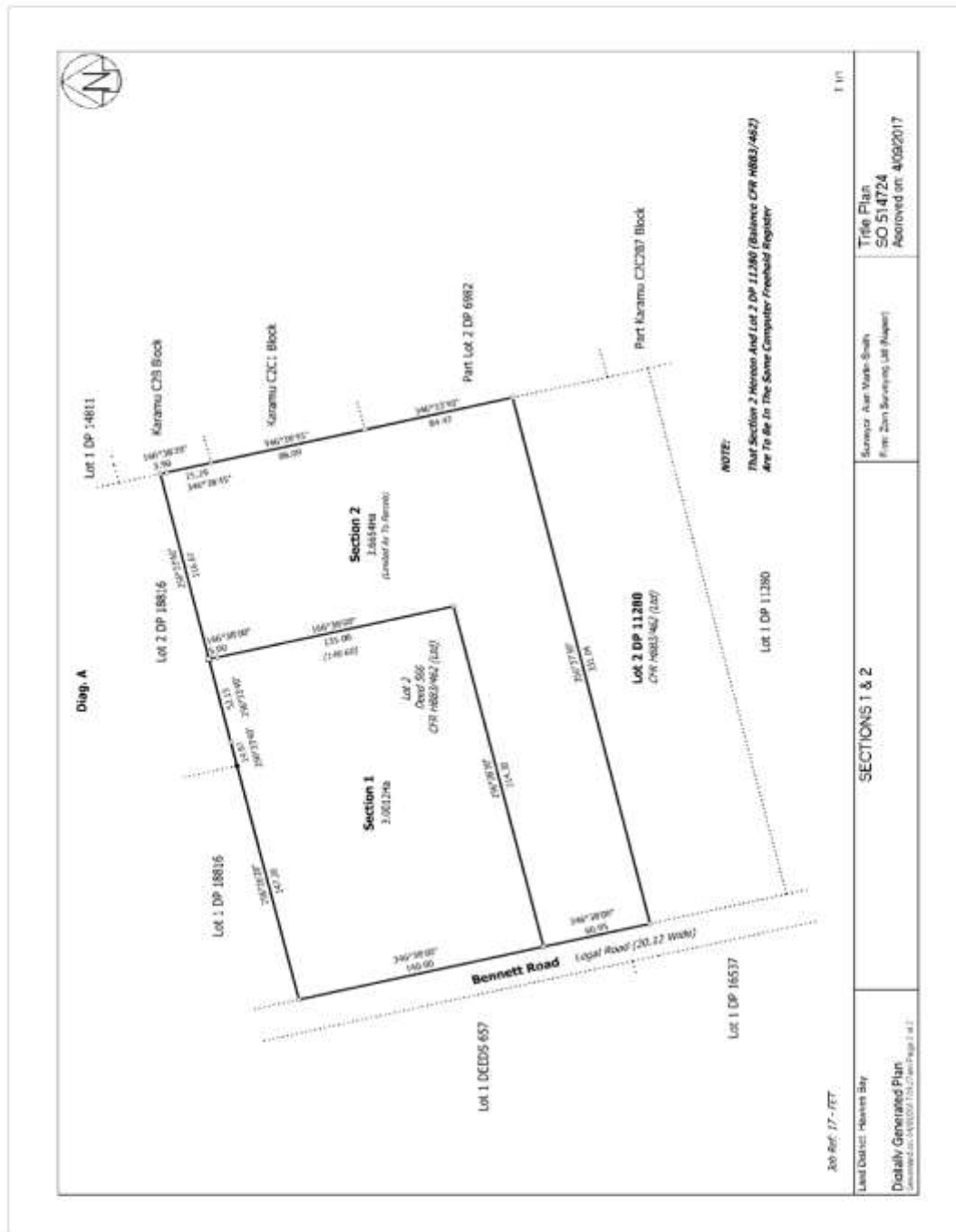
Interests

Transaction Id
Client Reference 16492.1307

Search Copy Dated 17/01/18 11:34 am, Page 1 of 2
Register Only

Identifier

806990



Transaction Id	
Client Reference	16492.1307

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Register Only

Annexure 2 – Proposed Conditions

Item 2

Attachment A

7741288_5

MINISTER'S PROPOSED NOR CONDITIONS FOR COUNCIL HEARING

Recommendation to requiring authority

- A. That pursuant to Sections 168(1), 171 and 184 of the Resource Management Act 1991, the Notice of Requirement by The Minister of Education to designate land for 'Educational Purposes - Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and associated Kohanga Reo (early childhood education)' be CONFIRMED subject to conditions, with a 10 year lapse period. The area of land to be designated is legally defined as Section 1 Survey Office Plan 514724 (CFR: 806990) at Bennett Road, Waipatu, Hastings.

Purpose

Educational Purposes – "Te Kura Kaupapa Māori o Te Wānanga Whare Tāpere o Takitimu (years 0-13) and associated Kōhanga Reo (early childhood education)" for the purposes of this designations shall, in the absence of specific conditions to the contrary:

- (a) Enable the use of the facilities on the designated site by and for the educational benefit of any pre-school and school age students (ie: years 0 to 13) regardless of whether they are enrolled at an institution located on that designated site.
- (b) Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.
- (c) Enable the provision of community education (eg: night classes for adults) outside school hours in school facilities.
- (d) Include but not be limited to the provision of academic, sporting, social and cultural education including through:
 - (i) Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;
 - (ii) Formal and informal cultural activities and competitions whether carried out during or outside school hours; and
 - (iii) The provision of specialist hubs and units (including language immersion units and teen parenting units) for students with particular educational requirements or special needs.
 - (iv) Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.
 - (v) Enable the provision of associated administrative services; car-parking and vehicle manoeuvring; and health, social service and medical services (including dental clinics and sick bays).
 - (vi) Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretakers) and their families.

Conditions

7742851_2

General

1 ~~Except as modified by the conditions below, the Designation shall be undertaken in accordance with the information provided by the Requiring Authority (the Minister of Education) in the Notice of Requirement dated 61 h September 2017 and supporting documents being:~~

(a) ~~The Notice of Requirement Application (55294#0006);~~

(b) ~~The Appendices of Information submitted with the application as follows:~~

(i) ~~Appendix 1 Existing Kura Distribution Map (55294#0129)~~

(ii) ~~Appendix 2 Certificate of Title (55294#0131)~~

(iii) ~~Appendix 3 Map of Site (55294#0132)~~

(iv) ~~Appendix 4 Photos of Site (55294#0133)~~

(v) ~~Appendix 5 Site Investigation (55294#008)~~

(vi) ~~Appendix 6 Traffic Assessment (55294#0009)~~

(vii) ~~Appendix 7 Environmental Impact of Odour and Dust (55294#0010)~~

(viii) ~~Appendix 8 Flooding Assessment (55294#0011)~~

(ix) ~~Appendix 9 Infrastructure Assessment (55294#012)~~

(x) ~~Appendix 10 Preliminary Geotechnical Investigation (55294#0013)~~

(xi) ~~Appendix 11 Consultation Letters & Information (55294#0138)~~

(xii) ~~Appendix 12 Consultation Responses (55294#0130)~~

~~And further information submitted:~~

(i) ~~Traffic Assessment (55294#0124)~~

~~(ii)(i) Preliminary Geotechnical Investigation (55294#0026)~~

2 That prior to the commencement of construction of the Kura and Kohanga Reo and any site works, an Outline Plan be submitted to the Environmental Consent Manager to allow the Environmental Consents Manager to request any changes before construction is commenced. The Outline Plan must:

(a) Provide plans and information showing the configuration of the development, ~~and how design will assimilate the buildings into the rural environment.~~

(b) Provide detail on the extent of any site works required and the likely finished contour of the site.

(c) Provide detail on the landscaping proposed ~~and consideration of provision of a planted buffer to minimise spray drift from adjoining orchards.~~

- (d) Demonstrate how stormwater management will address and mitigate the potential for any flooding hazard or ponding on land adjoining the site, how the overland flows will match pre-development flows and the minimum floor level requirements for the buildings
- (e) Shall include a Traffic ~~Management and Parking Plan~~ Impact Assessment Report developed in direct consultation with HDC and NZTA Traffic Engineers. The Traffic Management Plan shall ~~that~~ include:
- (i) Is consistent with the ~~Details on the~~ Bennett Road/State Highway 2 intersection upgrade proposed in the "Traffic Design Group Limited Bennett Road, Hasting Transportation Assessment, Proposed Improvements DWG No 14683A2A dated 12 December 2017".
- (ii) Includes ~~P~~plans for a new footpath to extend along Bennett Road from ~~the~~ frontage of the site to Otene Road ~~to Kauru Road~~ (including connection to the Otene Road pathway).

~~3 If a conflict arises between any conditions of this designation and the Notice of Requirement, the conditions of this designation will prevail.~~

Noise

- ~~43~~ The operation of the school shall comply with the following noise limits at the boundary of any site zoned primarily for a residential purpose, or in the case of a rural zone, at a point 20 metres from the façade of any dwelling, or the site boundary, whichever is closest to the dwelling:

Control Hours	Noise Level
0700 – 1900 hours	55 dBA L _{Aeq} (15 min)
1900 – 2200 hours	50 dBA L _{Aeq} (15 min)
2200 – 0700 hours the following day	45 dBA L _{Aeq} (15 min)
2200 – 0700 hours the following day	75 dBA L _{AFmax}

These noise levels shall not apply to noise from standard school outdoor recreational activities occurring between 0800 and 1800 hours Monday to Saturday ~~(excluding amplified noise). To clarify in accordance with Standard 25.1.6B(b) of the Proposed District Plan (2015) amplified music shall comply with the above table of Maximum Noise Limits.~~

Noise levels shall be measured and assessed in accordance with NZS 6801 :2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".

Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise".

Building Setbacks

- ~~54~~ Any new building or building extension (excluding goal posts and similar structures) shall not be erected within 7.5 metres of the front boundary and ~~15.5~~ metres on all other boundaries.

No complaints covenant

- ~~6 Pursuant to Section 108 of the Resource Management Act 1991, a covenant shall be registered (at the Requiring Authorities expense) against the certificate of title CFR: 806990 for Section 1 Survey Office Plan 514724.~~

~~This property is located in a productive rural area where agricultural management practices such as agrochemical spraying, poultry farming, composting operations, the use of farm machinery, the operation of bird scarers and other similar activities may occur.~~

~~Where land use activities in the surrounding area are carried out in accordance with the relevant District Plan requirements, the property owner, users of the site, or their successor in title shall not:~~

~~Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or~~

~~Make nor lodge; nor~~

~~Be party to; nor~~

~~Finance nor contribute to the cost of;~~

~~Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any rural activity on surrounding land, including without limitation any action to require the surrounding landowners/occupiers to modify the rural operations carried out on their land.~~

Building Height

~~75~~ Any new building or building extension (excluding goal posts and similar structures) shall have a maximum building height of 10m.

On-site car parking

~~86~~ On-site car parking shall be provided for the Kura at the minimum rate of two car parks per additional new classroom or classroom equivalent, except where the Council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified expert and/or transportation planner, that a lesser level is appropriate.

On-site car parking shall be provided for the Kohanga Reo at a minimum rate of one car park per FTE staff member and one drop off space per 5 children that the facility is designed to accommodate.

For the avoidance of doubt this condition shall only apply where there is a net increase in the number of classrooms or classroom equivalents and applies only following the initial establishment of a school on the site.

Earthworks

~~9~~ The Requiring Authority shall submit an Erosion and Sediment Control Plan to the Environmental consents Manager, Hastings District Council (or Nominee) for approval prior to the commencement of any construction activities on the site.

~~10~~ Construction activities shall not commence until the Erosion and Sediment Control Plan has been certified by the Environmental Consents Manager (or Nominee) and written confirmation of certification has been received.

~~11 — All construction works shall be carried out in accordance with the approved Erosion and Sediment Control Plan.~~

~~127~~ Prior to any earth disturbance activities occurring on the site a Resource Consent shall be obtained under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

~~138~~ Any soil exported off the site for disposal cannot be considered clean fill and therefore it must be disposed of at a managed or licensed land fill unless testing by a suitably qualified and experienced practitioner pursuant to the NES soils confirms otherwise.

Landscaping

~~14 — The Requiring Authority shall submit a landscape plan prepared by a suitably qualified and experienced person for the approval of the Environmental Consents Manager (or Nominee) prior to the commencement of any work onsite. The landscaping plan shall include (as a minimum) planting specifications detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes. The landscaping plan shall ensure that the proposed carpark area is integrated into the surrounding environment and that additional buffer planting is provided adjacent to the adjoining orchards.~~

~~15 — The landscaping shall be planted and irrigation installed in accordance with the approved landscape plan required by Condition 13, within 12 months of the landscape plan being approved.~~

~~16 — That in regard to Conditions 13 and 14 the required landscaping shall be maintained for the duration of this Designation to the satisfaction of the Environmental Consents Manager (or Nominee), Hastings District Council.~~

Designation lapse period

~~179~~ Under section 184(1) of the Act this designation shall lapse if not given effect to within 10 years from the date on which it is confirmed.

Contamination

~~1810~~ Prior to the commencement of construction of the establishment of the Kura and Kohanga Reo or disturbance of soil, resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health will be applied for from Hastings District Council.

Outline plan

~~1911~~ That an outline plan of works shall not be required for:

- (a) Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;
- (b) General building maintenance and repair work including but not limited to re-painting, re-cladding and re-roofing;
- (c) Installing, modifying and removing playground furniture and sports structures (eg goal posts);

- (d) Amending any internal pedestrian circulation routes/pathways;
- (e) Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks;
- (f) Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan for other works; or
- (g) General site maintenance and repair work, or boundary fencing otherwise permitted by the District Plan.

In the matter of the Resource Management Act 1991
And
In the matter of a notice of requirement to designate land for educational purposes
at Bennett Road, Waipatu, Hastings by the Minister of Education

Evidence of Glen Stuart Randall

22 January 2018

**MEREDITH
CONNELL**

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Evidence of Glen Stuart Randall

1 Introduction

Qualifications and experience

- 1.1 I am a Principal Transportation Engineer at Traffic Design Group Limited, based in the Napier office.
- 1.2 I hold a Bachelor of Science degree in Civil Engineering obtained in 1998 from the University of Cape Town and a Master of Engineering degree in Transport from Stellenbosch University. In 1999 I began my career as a traffic engineer in the United Kingdom and have continued to work within the transport planning/traffic engineering field since.
- 1.3 Throughout my career I have worked for several engineering consultancies in the United Kingdom and South Africa specialising in preparing transport assessments for resource consents, although my wider experience also includes transport modelling and design.
- 1.4 While working in the United Kingdom I was a member of the Institution of Highways and Transportation. While working in South Africa I was a member of the South African Institute of Civil Engineers. In New Zealand I am an Emerging Professional Member of Engineering New Zealand.

Purpose and scope of evidence

- 1.5 I have been asked by the Ministry of Education to examine and describe the transportation needs and effects of a proposal to designate and establish a Kura and Kōhanga Reo at 90-120 Bennett Road, Hastings.
- 1.6 I am familiar with the site and the surrounding road network, which I have visited on a number of occasions including the busiest periods relevant to this assessment (weekdays at 08:00-09:00 and 14:00-16:00) to observe current traffic patterns.
- 1.7 I prepared a Preliminary Transport Assessment dated 4 September 2017, which included an assessment of the traffic issues associated with the proposed activity. This report has subsequently been updated to respond to traffic considerations raised by Council. A copy of the Transport Assessment Report dated 12 December 2017 (the Transport Assessment) is attached as **Annexure 1**.
- 1.8 My evidence summarises the primary traffic matters relating to the proposal with a particular focus on:
 - (a) the ability of the local road network to accommodate the additional traffic safely and efficiently;
 - (b) the ability of the local road network to provide for cyclists and pedestrians; and
 - (c) consideration of matters relating to traffic raised by submitters; and

- (d) consideration of the Transportation Comments in the Council Planner's.

1.9 My evidence is set out as follows:

- (a) Site Location and Adjacent Road Environment;
- (b) Existing Traffic Conditions, including Safety;
- (c) Traffic Generation and Effects;
- (d) Intersection Operation;
- (e) An assessment of the submissions received relevant to my evidence; and
- (f) An assessment of matters raised in the Council Planner's Report.

Expert Witness Code of Conduct

- 1.10 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2 Executive summary

- 2.1 Based on my assessments, I have concluded that the traffic generation expected from the proposed activity can be accommodated safely and efficiently on the surrounding road network with minor effects.
- 2.2 I have concluded in the Transport Assessment that the Ministry intends to meet the on-site parking requirements of the District Plan, and is capable of accommodating the expected parking demand.
- 2.3 I also conclude that the proposed improvements to the State Highway 2 (SH2) / Bennett Road intersection will ensure that the intersection continues to perform within acceptable capacity limits comparable to the existing situation.

3 Site Location and Adjacent Road Environment

- 3.1 **Figure 1** shows that the site is located on the east side of Bennett Road, approximately 100 metres south of the intersection with Otene Road and approximately 1 kilometre north of the intersection with SH2.
- 3.2 The site is currently owned by the Crown for education purposes. The site is flat and bounded on each side by 'Plains Zone' land as defined in the Hastings District Plan.



Figure 1 - Site Location

- 3.3 A full description of the existing road environment is given in sections 3.1 and 3.2 of the Traffic Assessment. In summary, Bennett Road is classified in the District Plan as a Local Road, and serves rural properties and dwellings along its length. In the vicinity of the site Bennett Road is straight and level, with a single traffic lane in each direction, as shown in **Photograph 1** below. No road markings are present. The speed limit is 80km/h along this section of Bennett Road.



Photograph 1 - Bennett Road looking south

- 3.4 Bennett Road connects with Otene Road to the north. Otene Road is classified as a Collector Road and connects to Elwood Road to the west and Ruahapia Road to the east. Otene Road has a single traffic lane in each direction. To the north of Otene Road is an existing off-road pedestrian / cycle path as shown in **Photograph 2** below.



Photograph 2 - Off-road path along Otene Road looking west

- 3.5 Bennett Road connects with SH2 to the south. SH2 is classified as a National Route and of regional significance. It provides direct access to Hastings town centre to the west and Clive to the northeast. SH2 has a posted speed limit of 70km/h and has one lane in each direction together with 2.5 metre-wide shoulders either side as shown in **Photograph 3** below.



Photograph 3 - SH2 looking west towards Bennett Road

- 3.6 The intersection with Bennett Road is stop controlled. There are no turning bays for left or right turning vehicles wishing to turn into Bennett Road.

4 Existing Traffic Conditions

- 4.1 I arranged for manual turning movement counts to be undertaken at the SH2 / Bennett Road intersection and Bennett Road / Otene Road intersection on Tuesday 30 May 2017. A supplementary count was conducted on Monday 27 November 2017 for the Elwood Road / Otene Road intersection. The counts covered the weekday morning peak period 08:00-09:00 and afternoon peak period 14:00-16:00 which typically represent the busiest school periods relevant to this assessment. The recorded peak-hour traffic volumes are summarised in **Figure 2**.

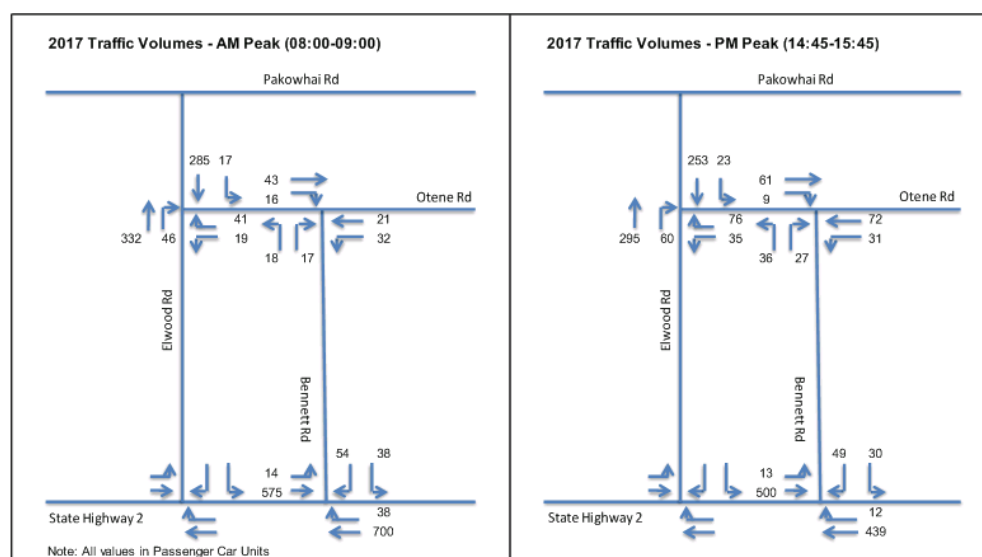


Figure 2 - 2017 Traffic Volumes

- 4.2 The data confirms the relatively low traffic volumes on Bennett Road, with 92 vehicles exiting and 52 vehicles entering during the AM peak hour. Similarly, in the afternoon peak period 79 vehicles exit and 25 vehicles enter Bennett Road.
- 4.3 Traffic volumes along SH2 were higher, with 575 vehicles eastbound and 700 vehicles westbound during the AM peak hour. In the PM peak period the volumes were recorded as 500 vehicles eastbound and 439 vehicles westbound.
- 4.4 I have also undertaken a search of the recorded crash data along the surrounding roads. In the five-year period January 2012 to December 2016, no crashes were reported along Bennett Road. Two occurred at the Bennett Road / Otene Road intersection, both at night. One crash was due to the driver not seeing the intersection and crashing into the fence and the other was due to the driver trying to overtake while under the influence of drugs. Neither were due to traffic volumes or effects.
- 4.5 Four crashes occurred at the SH2 / Bennett Road intersection, three of which were rear end type crashes and one in which the driver lost control. The rear end crashes were all related to drivers either being distracted or following too closely to the vehicle in front.
- 4.6 While there is no underlying safety issue that is currently being addressed by Council or the NZ Transport Agency (NZTA), it is fundamental that safe access is achieved to and from the site, hence my recommendation that improvements be made at the SH2 / Bennett Road intersection, as set out later in my evidence.

5 Traffic Generation and Effects

- 5.1 The proposal is for a Kura and Kōhanga Reo which will grow to a maximum roll of 350 students, of which 300 will be years 0 to 13 students and 50 will be Kōhanga Reo students. The students likely to attend this school from the opening date presently attend the existing Te Kura Kaupapa Māori facility on Albert Street in Hastings. For the purpose of modelling traffic generation and effects I have adopted the maximum roll number of 350 students.

- 5.2 I have used a trip generation rate equivalent to 1.2 vehicle movements per student based on the following:
- (a) 40 Full Time Employees (FTE) generating 80 trips (vehicle movements) per day. These movements are likely to occur outside the typical arrival and departure times of the pupils;
 - (b) one third (105 children) of all children arrive by bus/minivan, equating to 20 bus/minivan trips (based on discussions with the Ministry and the operation of the existing Kura);
 - (c) the remaining two thirds (245 children) will arrive by private car;
 - (d) 30% of children have siblings attending the same school (based on a previous school survey). This equates to 74 children sharing a vehicle. The 245 children arriving by private car therefore use 208 vehicles.
- 5.3 I have then assigned these trips to the road network based on the origin catchment areas for the existing Kura. The following percentages were used as the origins of the children based on discussion with the Ministry and the existing Kura Distribution Map (**Appendix 1**):
- (a) 30% to/from Flaxmere;
 - (b) 30% to/from Hastings;
 - (c) 10% to/from Havelock North;
 - (d) 10% to/from Napier;
 - (e) 10% to/from Clive; and
 - (f) 10% to/from Haumoana.
- 5.4 These assumptions result in 55% of all trips using the SH2 / Bennett Road intersection with the remaining 45% using the Otene Road / Bennett Road intersection.

6 Intersection Operation

- 6.1 On the basis of the turning movements counted at the SH2 / Bennett Road and Otene Road / Bennett Road intersections, and the trip generation described above, I have modelled the performance of the intersections. The current and assessed Level of Service and Delay data is set out in **Table 1** and **Table 2**. This analysis assumes that the maximum capacity of the Kura and Kōhanga Reo is 350 students.

	Approach	Movement	Average Delay (seconds)		Level of Service	
			Current	Assessed	Current	Assessed
SH 2 / Bennett Road AM	SH2 (East)	Through	0.1	0.1	A	A
		Right	5.5	5.5	A	A
	Bennett Road	Left	13.5	221.4	B	F
		Right	31.6	253.6	D	F
	SH2 (West)	Left	5.6	5.6	A	A
		Through	0	0	A	A
	All vehicles		1.6	30.8	N/A	N/A
SH 2 / Bennett Road PM	SH2 (East)	Through	0	0	A	A
		Right	5.5	5.5	A	A
	Bennett Road	Left	11.0	15.2	B	C
		Right	16.9	24.5	C	C
	SH2 (West)	Left	5.6	5.6	A	A
		Through	0	0	A	A
	All vehicles		1.3	3.8	N/A	N/A

Table 1: SH2 / Bennett Road Intersection Performance

	Approach	Movement	Average Delay (seconds)		Level of Service	
			Current	Assessed	Current	Assessed
Otene Road / Bennett Road AM	Bennett Road	Left	6.5	6.5	A	A
		Right	5.4	6.0	A	A
	Otene Road (East)	Left	5.6	5.6	A	A
		Right	4.1	4.1	A	A
	Otene Road (West)	Left	4.1	4.1	A	A
		Through	6.0	6.0	A	A
	All vehicles		5.1	5.8	N/A	N/A
Otene Road / Bennett Road PM	Bennett Road	Left	6.7	6.7	A	A
		Right	5.8	6.4	A	A
	Otene Road (East)	Left	5.6	5.6	A	A
		Right	4.1	4.1	A	A
	Otene Road (West)	Left	4.1	4.1	A	A
		Through	6.0	6.0	A	A
	All vehicles		5.0	5.6	N/A	N/A

Table 2: Otene Road / Bennett Road Intersection Performance

- 6.2 My analysis shows that the performance of the Otene Road / Bennett Road intersection is not anticipated to be affected by the additional traffic from the activity. This is to be expected given the existing low traffic volumes at the intersection.
- 6.3 The performance of the SH2 / Bennett Road intersection is shown to deteriorate due to the additional school traffic, particularly during the AM peak. The analysis indicates that delays to traffic exiting Bennett Road would reach unacceptable levels.
- 6.4 To mitigate the impact, I have proposed a dedicated right turn bay for vehicles turning right into Bennett Road, as well as providing a merge lane for vehicles turning right onto SH2. The proposed intersection layout is included in the Transport Assessment as **Figure 13** and the performance of the improved layout is given in **Table 3** below for the AM and PM peak periods.

	Approach	Movement	Average Delay (seconds)	Level of Service	Average Delay (seconds)	Level of Service
			AM Assessed	AM Assessed	PM Assessed	PM Assessed
SH 2 / Bennett Road AM	SH2 (East)	Through	0.1	A	0	A
		Right	5.6	A	5.6	A
	Bennett Road	Left	23.2	C	13.0	B
		Right	36.1	E	17.7	C
	SH2 (West)	Left	5.6	A	5.6	A
		Through	0	A	0	A
	All vehicles		4.5	N/A	3.1	N/A

Table 3: SH2 / Bennett Road Intersection Performance with Improvements

- 6.5 The AM peak analysis shows that expected delay for vehicles turning left out of Bennett Road increases from 13.5 seconds to 23.2 seconds, a 9.7 second increase. The delay for the right turn out of Bennett Road increases from 31.6 seconds to 36.1 seconds, a 4.5 second increase. In the manner I have recommended, the intersection improvements would ensure that the intersection continues to operate within capacity, and only to a minor degree worse than the existing situation.
- 6.6 I therefore conclude that the effect of the additional school traffic, together with the proposed intersection improvements, is minor. I observe too that NZTA holds the same view and has provided affected party approval accordingly. A copy of NZTA's approval dated 10 November 2017 is attached as Appendix A to the Transport Assessment.

7 Submissions

- 7.1 I have read the submissions received and consider that the principal traffic related matters can be grouped as follows:
- (a) concerns regarding potentially high traffic volumes; and

- (b) concerns regarding the safety of cyclist and pedestrian movements.

Traffic Volume Effects

- 7.2 The key traffic concern raised by five submitters¹ is the impact the proposed Kura and Kōhanga Reo will have on the SH2 / Bennett Road intersection and its impact on the ability for vehicles to enter and exit Bennett Road.
- 7.3 Submitters are concerned that this intersection is currently busy during peak periods and gaps in through traffic on SH2 are infrequent leading to long delays.
- 7.4 As I have described, I have considered the traffic effects which could be expected from the Kura and Kōhanga Reo development as proposed, and agree there is a need for mitigation.
- 7.5 I recommend that works be undertaken at the intersection to provide more safely and efficiently for existing and future traffic, as described in Section 6 of my evidence.
- 7.6 I conclude that provided these intersection improvements are implemented, the adverse impact due to increases in school traffic will be mitigated to a level comparable to current traffic levels.

Pedestrian and Cycle Facilities

- 7.7 I note that two submissions² raise concerns regarding the ability for children to walk to and from the proposed Kura and Kōhanga Reo along Bennett Road, which currently does not have any walking/cycling facilities. The main concern appears to be the lack of infrastructure to support these activities.
- 7.8 I acknowledge in Section 3.6 of the Transport Assessment that no walking and cycling provision presently exists. I also mention that the Ministry intends to provide a shared footpath / cyclepath along Bennett Road extending along the full length of the site as well as extending the path northwards to connect with the existing cyclepath along Otene Road.
- 7.9 In my opinion, it is not currently feasible to provide a footpath along the entire length of Bennett Road, on the basis that SH2 itself does not provide suitable walking and cycling facilities. That is, there is no connecting cycle or pedestrian network. The footpath would therefore terminate on SH2 leaving pedestrians stranded or forced to continue walking along SH2 with no facilities whatsoever. However, that does not foreclose the ability for Council and NZTA to provide connecting infrastructure in the future.

Safer Journeys for Schools

- 7.10 I note that one of the submissions³ suggests that the development is inconsistent with NZTA's Safer Journeys for Schools guidelines. The main concern appears to be the lack of integration with Hastings' iWay cycle project.

¹ Stephen and Julie-Ann Norman, Patrick Lander, Dominic and Sarah Linehan, Wayne and Sharon Hughes, Paul and Anna Ward.

² Dominic and Sarah Linehan, Paul and Anna Ward.

³ Patrick Lander.

- 7.11 I do not agree with that conclusion. I note that the cyclepath along Otene Road is part of the iWay network and the Ministry, in extending along the full length of the site as well as extending the path northwards to connect with the existing cyclepath along Otene Road, intends to provide a direct connection to this network.
- 7.12 In section 5.3 of the Transport Assessment I recommend that the Kura and Kōhanga Reo introduces a school travel plan to educate and guide safety initiatives. I conclude that this is in accordance with the Safer Journeys for Schools principles.

8 Hastings District Council – Transportation Comments

- 8.1 I have read the Council's Transportation Comments dated 8 January 2018 (**Annexure X**) to the Planner's Report and address the relevant issues below.

Community

- 8.2 I cannot comment on whether or not the proposed footpath connectivity is deemed appropriate for the purposes of integrating the Waipatu community. This question, although transport related, is best answered by the planning expert. The footpath is primarily to serve those attending the proposed Kura, while at the same time allowing any person passing to use the facility. The footpath is not intended to integrate the Waipatu community.

Intersections

- 8.3 The Transport Assessment did not include the SH2/Elwood Road intersection as almost all traffic travelling to the proposed Kura Kōhanga Reo along SH2 would ideally use Bennett Road rather than Elwood Road as this is a more direct route. The preliminary Transport Assessment dated 4 September 2017 assumed no vehicles using Elwood Road. During the Council meeting dated 13 November 2017 it was agreed that some vehicles should be assigned to use this road. I assigned 21 vehicles (10%) to turning left into Elwood Road from SH2 and similarly 10% of the traffic turning right out of Elwood Road.
- 8.4 A sensitivity analysis has not been undertaken within the Transport Assessment as the trip generation rate used to calculate the number of vehicles is considered a worst case scenario. In addition, the modal split conservatively assumes only 105 children (30%) arrive by bus, and assumes no absenteeism or siblings sharing a vehicle. It is my assessment that the Transport Assessment substantially overestimates the vehicular trips to represent a worst case scenario.
- 8.5 I agree with the Council report that the provision of a right turn bay will not improve vehicles turning left into or out of Bennett Road. However, the results of the analysis demonstrate that these movements will continue to be possible with only a minor adverse impact (the movement reduces from a Level of Service B to a C in the AM peak period).
- 8.6 The Council suggests that the introduction of a right turn bay could introduce safety concerns. I accept the Council's statement and would recommend that a safety audit be undertaken of the proposed design to ensure safety is not

compromised. The results of the safety audit will form part of the detailed design process when engineering approval is sought.

- 8.7 The Council believes that once the Kura and Kōhanga Reo are fully operational, the traffic will re-route to use other intersections. It is my assessment that drivers default to the quickest route possible. Drivers travelling westbound on SH2 are therefore unlikely to pass Bennett Road, which will have a right turn bay provided, and instead use Elwood Road which has no right turn bay and is longer. I do accept that if travelling from the west along SH2, drivers might turn left into Elwood Road but only if SH2 is congested.

Crash Records

- 8.8 The Council's report requires an assessment of the crash rate. The NZTA High Risk Intersections Guide (July 2013) categorises intersections from Low to High Risk by measuring the total number of Fatal and Serious crashes and dividing that total by a measure of the traffic volume. As reported in the Transport Assessment only one severe injury and no fatalities was recorded from January 2012 to December 2016. This injury occurred at the Elwood Road / Otene Road intersection. The NZTA methodology results in all intersections being categorised as having Low Risk.

Network Changes

- 8.9 I accept the Council's corrections to the Transport Assessment regarding future infrastructure. The comments do not have an impact on other sections of the report.

Speed Limits

- 8.10 I agree with the Council recommendation that an urban speed limit be introduced along Bennett Road. However, this is not a matter that can be included as a condition on the NOR as the Minister has no power to determine speed limits.

NZTA

- 8.11 The Ministry consulted NZTA without my involvement. I received a copy of the NZTA approval letter and sketch of their preferred improvements prior to updating my Transport Assessment. It is my understanding that NZTA were given a copy of my initial Transport Assessment and, upon agreeing with my intersection analysis and proposed improvements, prepared their sketch.

9 Conclusions

- 9.1 Based on my assessments, I conclude that the traffic generation expected from the proposed Kura and Kōhanga Reo can be accommodated safely and efficiently on the surrounding road network, with only minor effects, provided improvements are made at the SH2 / Bennett Road intersection in the manner I have recommended.

- 9.2 The Ministry has indicated that it will provide a walking and cycling path along the entire frontage of the site as well as extending the path north to connect with the existing facility along Otene Road.
- 9.3 I note that NZTA is similarly satisfied as to the levels of traffic effects and mitigation proposed.

Glen Stuart Randall

22 January 2018

Annexure One: Transport Assessment

Item 2

Attachment B

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**Ministry of Education TKKM
Takitimu**

Bennett Road

**Transportation Assessment
Report**

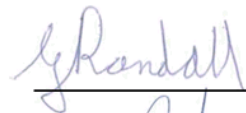
December 2017

TDG Ref: 14683 bennett rd ta 171212

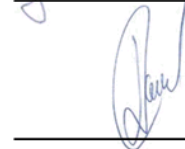
Ministry of Education TKKM Takitimu
Bennett Road

Transportation Assessment Report
Quality Assurance Statement

Prepared by:
Glen Randall
Principal Transportation Engineer



Reviewed by:
Cobus de Kock
Associate



Approved for Issue by:
Mark Georgeson
Director



Status: Final

Date: 12 December 2017

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Ministry of Education TKKM Takitimu, Bennett Road
Transportation Assessment Report

Item 2

Attachment B

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Appendix A NZTA Letter

1. Background and Introduction

The purpose of this report is to detail initial investigations relating to a proposal by the Ministry of Education (MoE) to establish a new kura and kohanga reo educational facility (TKKM) at 90-120 Bennett Road, Hastings.

Traffic Design Group (TDG) has undertaken a transportation assessment to ascertain the existing road conditions, expected trip generation and also pedestrian access to and from the site. The purpose of this report is to assess the extent to which the existing road network can safely support the establishment of the TKKM, and the level of mitigation (if any) that may be needed.

It is also noted that at this preliminary phase of the project no detailed design for the site has been developed. Given that this report is intended to support the Notice of Requirement (NoR) lodged with Hastings District Council (HDC), these investigations and the findings that are provided in this regard are appropriate for the intended purposes.

Notwithstanding this purpose, in order to highlight matters that will need to be addressed during the detailed design phase, traffic matters including road safety and alignment with the standards of the Hastings Proposed District Plan (HDP) involving access, sightlines and parking, have been considered and the outcomes of these findings are reported.

2. Site Location

The site under consideration is located between Hastings and Whakatu and generally surrounded by farmlands. The site is currently vacant and used for grazing purposes. It is understood that the proposed TKKM will be developed progressively with pupil numbers growing from around 120 to a maximum of 350 students (including 50 Kohanga Reo children).

Figure 1 shows the geographical location of the site within the surrounding road network.

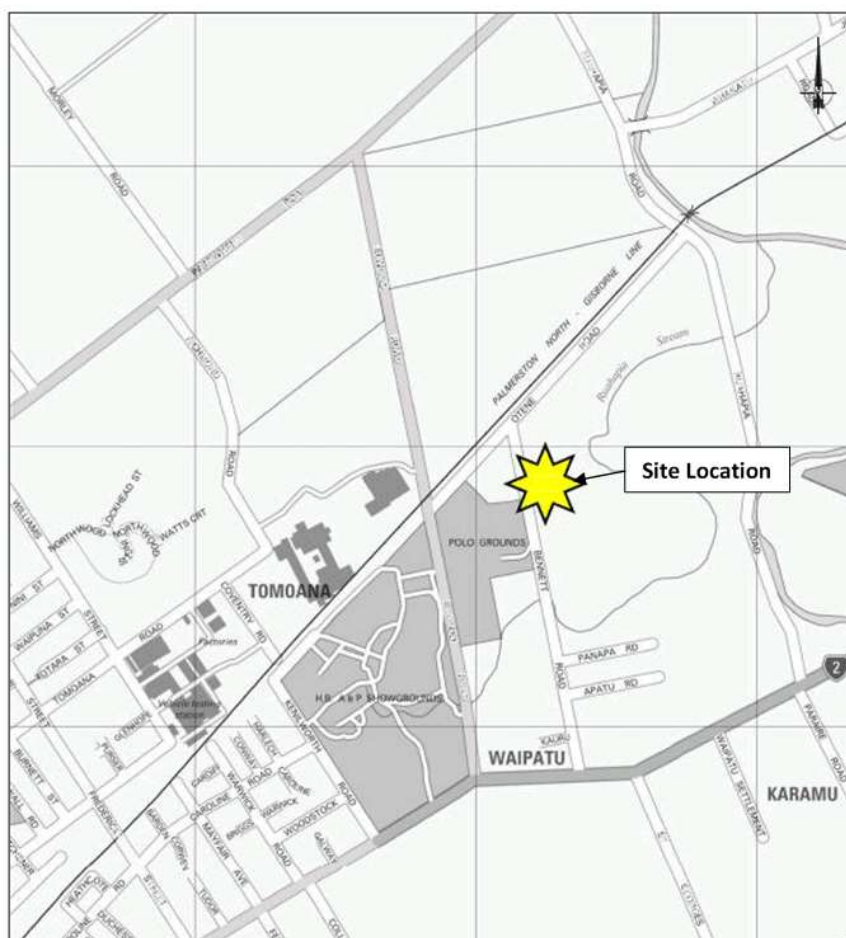


Figure 1 - Site Location

The existing site is located towards the northern end of Bennett Road and is bounded on all of its boundaries by 'Plains Zone' land as defined in the HDP. **Figure 2** shows the location of the full development site along Bennett Road. The NoR application is for the development of Area 1A only. Also shown in Figure 2 is the context of the surrounding rural environment.

The site itself is flat and grassland, the only structures being some wooden stables at the south western corner. No formal vehicular access currently exists on Bennett Road other than farm gates located at the northern and southern edge of the property. The area is used for training horses as depicted by the large oval track shown in Figure 2.



Figure 2 - Site Location

3. Existing Roads and Traffic

3.1 Existing Road Infrastructure

The site has direct frontage access to Bennett Road (a Local Road) which connects with Otene Road to the north (a Collector Road) and State Highway 2 (SH2) to the south (a National Route). Vehicular access to the proposed TKKM is available from these surrounding roads including Elwood Road (a Collector Road), which runs parallel to Bennett Road and provides access to both SH2 to the south and Pakowhai Road to the north (an Arterial Road).

The Hastings City Centre is located approximately 3km to the southwest of the site.

Panapa Road, Apatu Road and Kauru Road all intersect with Bennett Road south of the site. These roads are minor local residential roads serving a small number of dwellings.

Figure 3 shows the existing Road Hierarchy, as defined within Appendix 69 of the HDP.

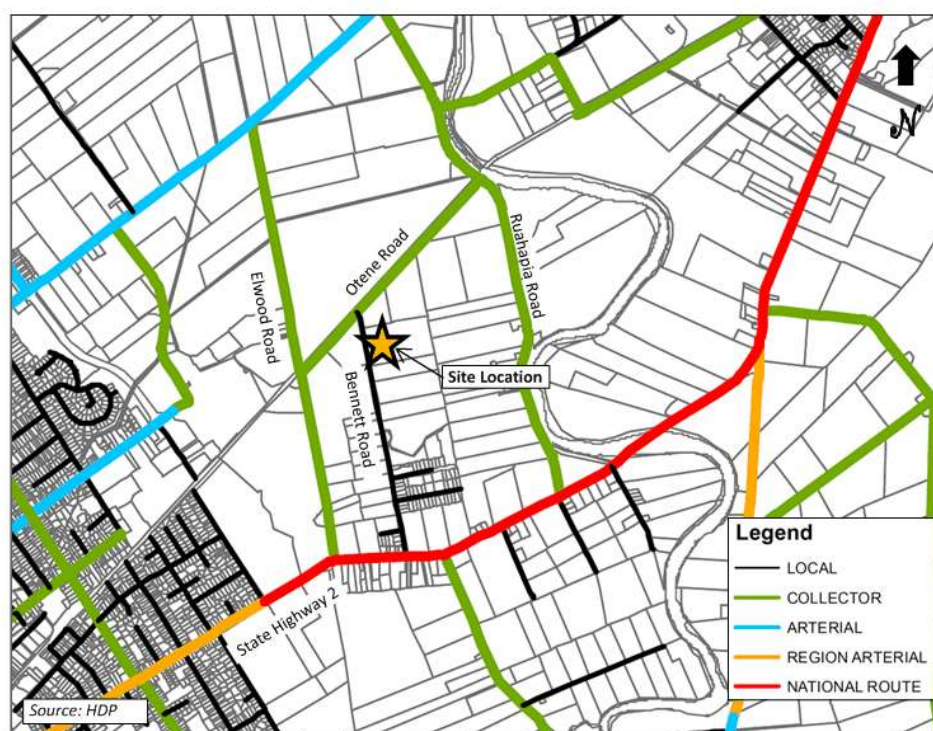


Figure 3 - Existing Road Hierarchy

From the south, vehicular access to and from the site is achieved directly via the intersection of Bennett Road with SH2. To the north Bennett Road intersects with Otene Road and in turn with Elwood Road which then links with the Pakowhai Road arterial. As

such, the site is positioned strategically with good road connections to and from both the north and south.

3.2 Existing Roads

3.2.1 Bennett Road

Bennett Road has a posted speed limit of 80km/h between its intersection with Otene Road and a culvert crossing opposite 66 Bennett Road, some 400m south of the proposed school site. Hereafter the posted speed limit reduces to 70km/h.

The road carriageway has a width of 5.5m along its full 1.3km length. No road markings are currently present along its length other than a stopline marking at the intersection with SH2. There is no kerbing, shoulders, footpaths or cyclepaths and the cross section can therefore be best described as “rural”.

The intersection of Bennett Road / SH2 is Stop controlled with no definition provided for left or right turning vehicles wishing to turn into Bennett Road. This is consistent with the current rural function of Bennett Road.

At the northern end, Bennett Road connects with Otene Road with no control signage or roadmarkings in place.

Photographs 1 to 4 illustrate the existing carriageway provisions along Bennett Road at various locations.



Photo 1 - Bennett Road looking North (near SH2)



Photo 2 - Bennett Road looking North (near speed change)



Photo 3 - Bennett Road looking South (near speed change)



Photo 4 - Bennett Road looking North (near proposed site)

3.2.2 SH2

As has been previously reported, SH2 is classified as a National Route and therefore of regional significance. It provides direct access both to Hastings City Centre to the west and Clive to the northeast. Given that the road's primary function is mobility, limited access points are provided along its length.

SH2 has a posted speed limit of 70km/h and has been constructed with a 3.5m lane width in each direction together with 2.5m shoulders either side (see **Photograph 5**). The road markings vary along its length to accommodate the various intersections. The road surface is sealed with an overall width of around 12m. A footpath does exist which begins at the intersection of St Georges Road and extends along the southern carriageway, separated by a grass verge. Flag lighting is only present at the intersection. No cyclepaths exist within the vicinity of Bennett Road.

The footpath along SH2 primarily serves the Te Kohanga Reo o Te Whareo Wikitoria School located to the south of the SH2 / Bennett Road intersection. No-Stopping lines have been painted within the shoulder of the southern carriageway to prevent vehicles from stopping directly in front of the school (see **Photographs 5 and 6**).



Photo 5 - SH2 Looking West towards Bennett Road



Photo 6 - SH2 looking East towards Bennett Road

3.3 Planned Road Infrastructure Improvements

Based on discussions with HDC several infrastructure improvements are known within the vicinity of the site. A brief summary of each is provided below:

3.3.1 Whakatu Arterial Link

This link road provides a 3.4km connection between SH2 and Pakowhai Road, passing through fields within the Whakatu area. The project includes three large roundabouts along its length and construction is currently underway.

As part of the planning work undertaken, the Hastings Area Traffic model was used to predict the future traffic volumes and redistribution of traffic once the link road is completed. The approved option (known as Option 5A) is compared against the Do Minimum scenario below in **Figure 4**.

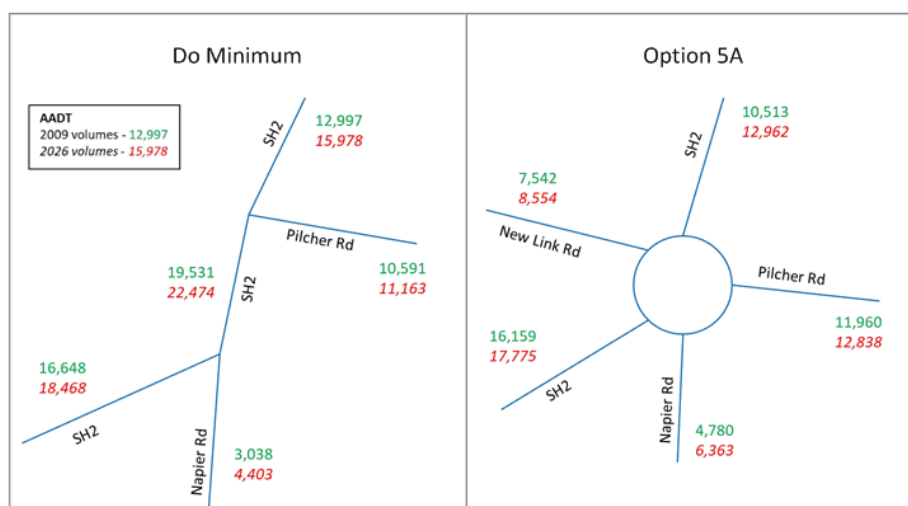


Figure 4 - Whakatu Arterial Link Traffic Volumes

The modelling results predict the volumes along SH2 passing Bennett Road to reduce by around 5% due to the new link road being built.

3.3.2 Northern Arterial

The project is for a 7.5km linage between the SH50A and Havelock North. In 2001 the initial link between the SH50A and Pakowhai Road was built (Evenden Road) including roundabouts at both the SH50A and Pakowhai Road intersections. The extension of Evenden Road however, is currently on hold. In 2009 independent commissioners declined the project because of impacts on Maori land, and related cultural issues, and on productive plains land. The project is therefore unlikely to be rejuvenated in the near future, especially since the Whakatu Link Road offers regional linkages similar to the Northern Arterial. The project is also not featured in the Hawkes Bay Regional Land Transport Plan 2015-2025 (RLTP) and funding for the project is therefore unlikely.

3.3.3 Food Hub Connection

It is understood that this link is the formalising of an existing informal route between Richmond Road and Elwood Road. A diagram of the proposed link is shown in **Figure 5**. The link is unlikely to have any significant impact on the trip distribution for the proposed development.

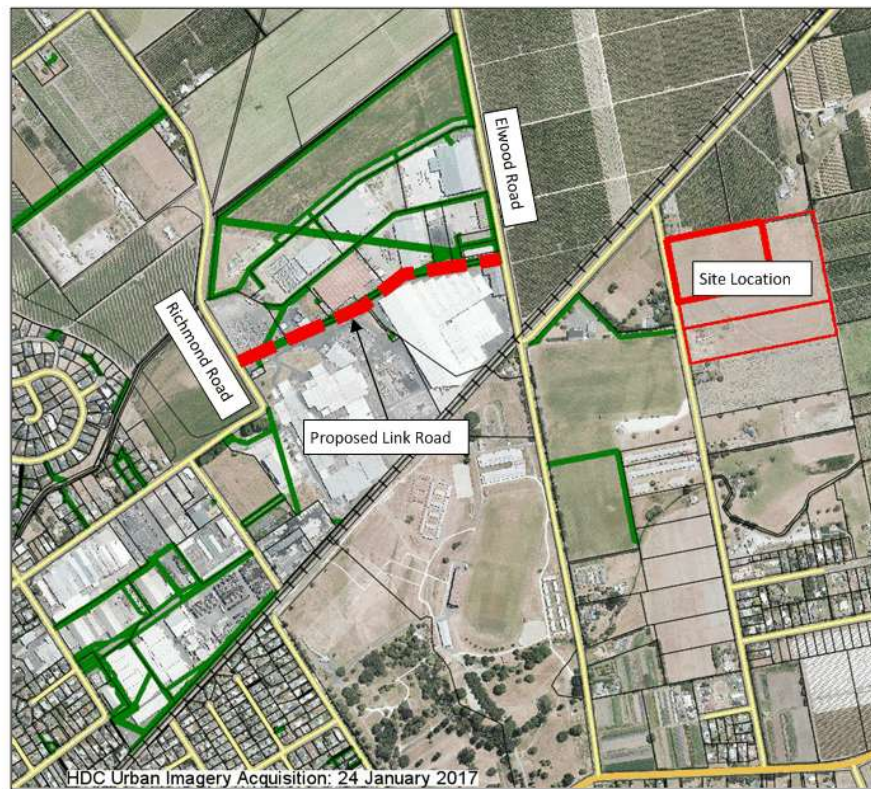


Figure 5 - Proposed Alignment of Food Hub Link

3.3.4 St Georges Road roundabout

HDC have proposed a roundabout at the intersection of St Georges Road and SH2, located some 200m from the Bennett Road / SH2 intersection. New Zealand Transport Agency (NZTA) have confirmed that they are opposed to the intersection upgrade on account that it could negatively impact SH2 traffic by introducing additional delays to through moving traffic. Nevertheless, should the roundabout be implemented there would be reduction in operating speeds for vehicles travelling in a westbound direction. The roundabout will also assist in regulating the arrival pattern of vehicles passing Bennett Road and gaps in the traffic flows are more likely, through which vehicles can more readily turn to and from Bennett Road. The introduction of a roundabout at this location would therefore be beneficial to the proposed development. However, it is also accepted that the implementation is subject to an agreement between NZTA and HDC. The timeframe for

implementation is also uncertain as it is currently not included in the current RLTP and is therefore unlikely to be constructed before 2025.

3.4 Existing Traffic Flows

For this investigation, TDG commissioned traffic surveys at the following three intersections, namely:

1. Otene Road / Elwood Road;
2. Bennett Road / Otene Road; and
3. Bennett Road / SH2

The Bennett Road surveys were conducted on 30 May 2017 by Mr John Trevor, an independent traffic surveyor in the Hawkes Bay area. In addition, a supplementary traffic count was conducted on 27 November 2017 for the Elwood Road / Otene Road intersection following discussions with HDC. Turning volumes were taken for the morning (8:00am to 9:00am) and afternoon (2:00pm to 4:00pm) peak periods to coincide with typical school peak periods. The existing peak hour turning movements are shown in **Figure 6**.

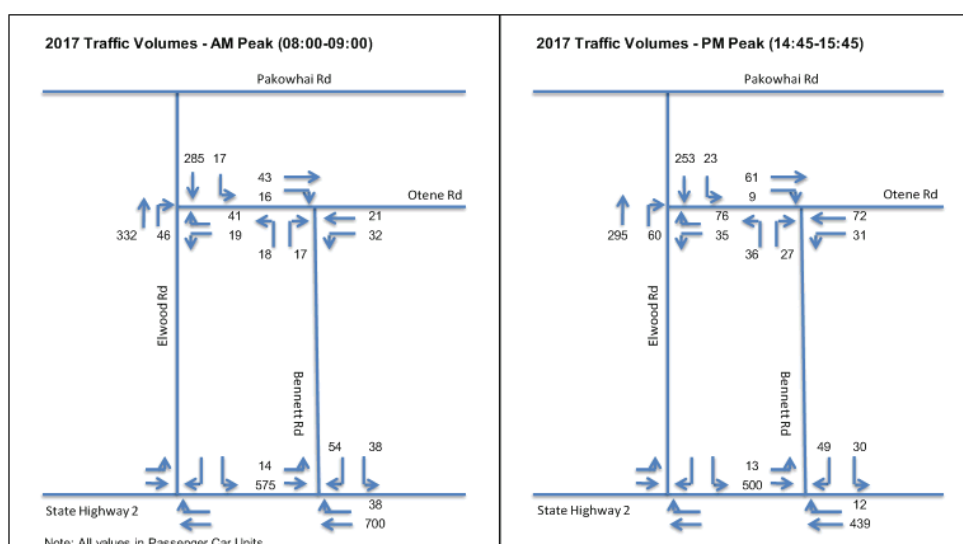


Figure 6 - 2017 Existing Traffic Volumes (AM and PM)

Supplementary traffic data available on HDC's webpage was also used as part of this investigation and confirmed the following:

- Bennett Road (between SH2 and Kauru) = 700vpd with a peak volume of 108 vehicles per hour (vph) at 17:00 on a weekday;
- Bennett Road (between Otene Road and Panapa Road) = Estimated at 300vpd;
- Otene Road (between Ruahapia Road and Bennett Road) = 400vpd with a peak hour demand of 96vph at 17:00 on a weekday;

- Otene Road (between Elwood Road and Bennett Road) = 660vpd with peak hour demand of 87vph at 17:00 on a weekday;
- Elwood Road (between SH2 and Otene Road) = 4000vpd with a peak volume of 434vph at 16:00 on a weekday; and
- Elwood Road (between Otene Road and Pakowhai Road) = 3500vpd with a peak volume of 369vph at 17:00 on a weekday.

The above confirms that Elwood Road currently carries significantly more (approximately 13 times) more daily traffic than Bennett Road.

All of the local roads are assessed to have ample spare carrying capacity and operating levels of service that are proportionate with their hierarchical function.

3.5 Public Transport Provision

There are no public bus routes or stops on any of the local roads surrounding the site. The nearest bus service that operates within the area is Route 11 which operates between Napier, Clive, Hastings and Havelock North. Since the service is a commuter express service the nearest bus stops are located in Hastings Town Centre some 1.7km away. No bus stops therefore exist along the segment of SH2 passing Bennett Road.

With regards to school transport the existing Te Kohanga Reo o Te Whare o Wikitoria School is understood to be separately supported by school vans and occasionally one-off school bus services.

3.6 Footpaths and Cycle Routes

No walking and cycling provision currently exists along Bennett Road. The extent that the proposed school can include dedicated footpaths is limited by the current formation and restrictions of the existing road, including the nearby culvert shown in **Photograph 7** below.



Photo 7 - Bennett Road facing South with existing bridge structure



Photo 8 – Northern edge of proposed footpath



Photo 9 – Southern edge of proposed footpath

It is therefore recommended that a shared footpath / cyclepath be provided along Bennett Road fronting the development site extending northwards to the boundary edge where an existing accessway serves the adjacent property (see **Photograph 8**). To the south it is recommended that the proposed footpath extend along the frontage of the site to a point some 20m south of the site boundary where an existing accessway is present (see **Photograph 9**). The total footpath distance recommended is therefore approximately 300m in length, which HDC can extend in the future.

It is further recommended that the school explore opportunities to extend this shared footpath / cyclepath north of the site to link with the existing cyclepath along Otene Road. This connection will require a crossing, median islands, roadmarkings and signage in order to allow users across Otene Road. It is proposed that this link be developed with HDC and affected parties to ensure that it facilitates connectivity with the surrounding communities.

4. Road Safety

For the purpose of assessing the road safety environment of the area, the NZTA Crash Analysis System (CAS) online database was searched to determine the pattern of accidents occurring along SH2, Bennett Road, Otene Road and Elwood Road. The crashes within 50m of the intersections with SH2, Pakowhai Road and Ruahapia Road have also been included in the study area. As is usual industry practice, a full five year period was assessed from 2012 to 2016. The data is presented in **Figure 7** below.

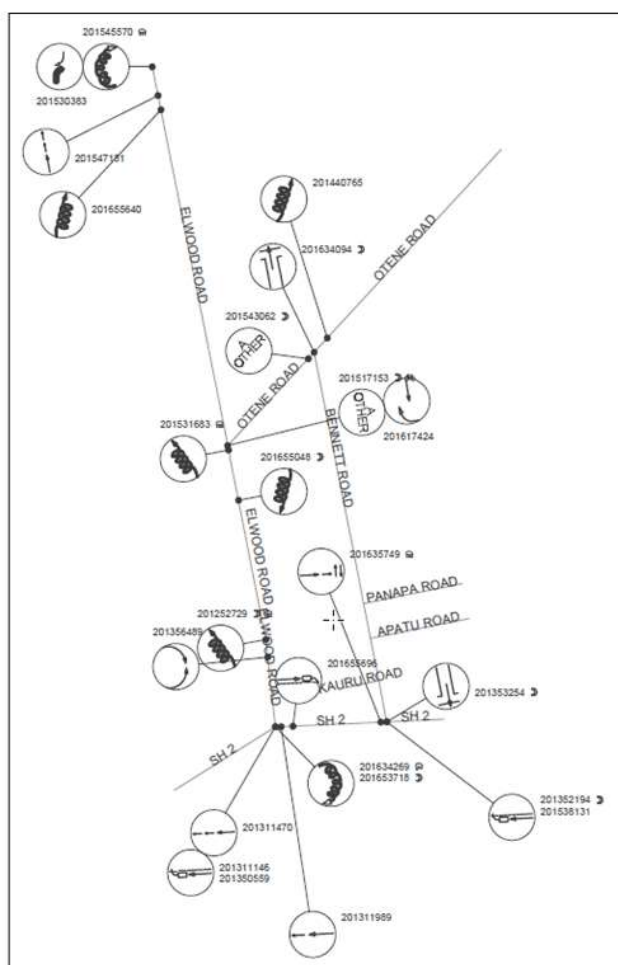


Figure 7 - 5-Year Crash Locations

The crash data for the Otene Road / Ruahapia Road intersection is not shown in Figure 7 but has been included in the analysis.

The data shows that 33 crashes have occurred within the past five years resulting in five minor injuries and one severe injury. No fatalities were recorded during the analysis period.

The majority (79%) of all crashes occurred within 50m of an intersection and these are presented **Table 1**. The results confirm that the majority of the crashes were rear end type crashes where drivers failed to slow down for a vehicle in front of them.

The majority (52%) of crashes occurred during daylight hours with 24% occurring twilight or dark conditions.

Six crashes occurred at the Ruahapia Road / Otene Road intersection, five of which were rear end type crashes.

Two crashes were recorded at the Bennett Road / Otene Road, both at night. One crash involved a driver under the influence of drugs.

Six crashes were recorded at the SH2 / Elwood Road intersection, four of which were rear end type crashes and the remaining two being loss of control (typically due to excessive speeding).

Three crashes were recorded at the Elwood Road / Otene Road intersection, which includes the level crossing. One crash involved a cyclist, one was due to the driver being distracted while another was due to the driver failing to give way at the priority intersection (Otene Road approach).

Intersection	Cyclist	Driver Distracted	Driver Intoxicated	Failed to Give Way	Learner Driver	Lost Control	Rear End	Total
Bennett / Otene			1			1		2
Elwood / Otene	1	1		1				3
Pakowhai / Elwood				4	1			5
Ruahapia / Otene						1	5	6
SH2 / Bennett						1	3	4
SH2 / Elwood						2	4	6
Total	1	1	1	5	1	5	12	26

Table 1 - Summary of Intersection Crashes

A similar summary is presented in **Table 2** below which shows the number of crashes along each of the road segments included in the study area.

Road	Driver Distracted	Driver Intoxicated	Failed to Give Way	Lost Control	Rear End	Total
Bennett Road						0
Elwood Road	1		1	2	1	5
Otene Road		1				1
SH2					1	1
Total	1	1	1	2	2	7

Table 2 - Summary of Road Segment Crashes

The results confirm that no crashes occurred along Bennett Road, while five occurred along Elwood Road. Two crashes were recorded where the driver lost control and these both involved the driver spinning his / her wheels. Similarly, one crash was recorded along Otene Road and the driver was found to be intoxicated.

5. Proposed Development

MoE has investigated relocation options for the existing TKKM facility located in Albert Street, Hastings and now seeks to designate the Bennett Road site for:

- new facilities to cater for Years 0 to 13 students – 300 student capacity (initially 120 students); and
- 50 Kohanga reo students relocated from the Arataki Road site.

It is also understood that the new TKKM would be progressively developed in stages to accommodate these facilities. The MoE expects that around 170 students would be initially catered for at the site by the end of 2018. TKKM's school role would then progressively increase to 350 students at the conclusion of the staged development by 2019.

5.1 Access

While it is currently unclear as to the details of the accessway provisions for the development, any new vehicle crossing would be able to meet the traffic requirements for the student numbers set out above and be in excess of the 6m minimum prescribed in Table 26.1.6.1-1 of the HDP to allow vehicles to enter and exit the site safely.

It is also noted that any new access can be positioned well clear of any intersection or adjacent property access that would impact on the safety or the operational performance of the TKKM's access needs. Accordingly, subject to the application of sound traffic engineering design, the proposed site is able to meet the District Plan requirements.

5.2 Safe Sight Distances

Based on the site location, and noting that this section of Bennett Road permits traffic speeds of 80km/h, it is concluded that the site is easily able to provide in excess of 121m of sight line provisions along its frontage. As such, a safe accessway location can be provided along the property frontage (more than 100m from an adjacent intersection), noting also that there is a single property accessway opposite the site that will also influence the final access location.

5.3 Provision of On-Site Parking

The relevant minimum parking requirements as contained in the District Plan are as follows:

- For Education Facilities - 1 space per classroom plus 1 space per five classrooms;
- For Daycare Centre (pre-school) facilities - 1 parking space per FTE staff member.

In the absence of building plans it has been assumed that each classroom would cater for up to 30 children. Licensed Early Childhood Centres are required to have an adult to child ratio of 1 to 5 for children under two and 1 to 10 for children over two. **Table 3** below shows a breakdown of the number of children for each of the age groups together with the associated number of FTE staff required.

Classification	Number of Children	Ratio	Number of FTE Staff required
Early Childhood (ages 0-2)	50	1 to 5 children	10
Pre-school (ages 2-5)	100	1 to 10 children	10
Primary School (ages 5-13)	150	1 to 10 children	15
Kohanga Reo (all ages)	50	1 to 10 children	5
Total	350		40

Table 3 - Full Time Employee Staff Requirements

Assuming 30 children per classroom this equates to 2 classrooms for the Early Childhood, 4 classrooms for the pre-school, 5 classrooms for the primary school and 2 classrooms for the Kohanga Reo. The number of FTE staff has been calculated to be 40.

The associated parking requirements are summarised in **Table 4** below.

Classification	No. of FTE Staff	No. of Classrooms	Ratio	Parking Spaces Required
Early Childhood (ages 0-2)	10	2	1 parking space per FTE staff member	10
Pre-school (ages 2-5)	10	4	1 parking space per FTE staff member	10
Primary School (ages 5-13)	15	5	1 space per classroom plus 1 space per five classrooms	5+1 = 6
Kohanga Reo (all ages)	5	2	1 parking space per FTE staff member	5
Total	40	13		31

Table 4 - Parking Requirements

On the basis assumed, it can be seen that a total of 31 parking spaces would be required in order to comply with the HDP.

Notwithstanding these minimum standards, it is anticipated that the fully occupied facility would generate larger parking demands, particularly at drop-off and pick-up times. As such, the proposed development would be expected to provide a good allocation of car parking spaces that will address the needs of staff, visitors and parents / caregivers (dropping off and collecting their children), without creating parking issues on Bennett Road. These provisions would be in addition to dedicated bus and / or minivan parking that is also understood to be planned to be used to collect and return enrolled children from Hastings and / or the wider community. The actual level of car parking provision will be determined when the detailed design for the TKKM is undertaken and an outline plan of works lodged with the Council.

Additionally, and in accordance with current MoE practices it is also envisaged that the TKKM will introduce a school travel plan in which the new facility will look to manage parking and the behaviours of parents / caregivers dropping off and picking up their children.

5.4 Trip Generation

The trip generation of the development can be separated into two distinct parts; those trips associated with the staff, and those associated with the pick-up and drop-off of the children. For the purposes of this analysis, the two components have been assessed separately.

When fully established, the development is intended to cater for no more than 350 children with at least 120 being anticipated to be enrolled for the first full year (i.e. by the end of 2018). MoE rules stipulate the number of teachers required based on the number and age of the children enrolled at the facility. Accordingly, as assessed in the previous section of this report, it is expected that this proposal would require around 40 full-time equivalent staff at maximum future occupancy. All staff are expected to travel to the site by private motor vehicle.

Based on a maximum occupancy of 350 children, it is conservatively anticipated that at least 30% of the children will arrive at the school by bus and / or a minivan service. These transport options would be able to collect and drop-off children from Hastings and other surrounding communities. The remainder of the children attending the facility are assumed to arrive and be collected by parents / caregivers in a private motor car. It is also conservatively estimated that at least 30% of the pupils will have a sibling at the same facility¹. Based on these assumptions the following traffic movements have been calculated;

- 40 FTE staff generating 80 trips (vehicle movements) per day;
- 105 children arriving by bus and / or minivan. This would require 3 bus trips (assuming each bus can carry 35 children each) generating 6 trips; or 14 minivan trips (assuming 15 children per vehicle); and / or a combination of both transport options potentially generating around 20 trips between them;
- 245 children travelling to and from the site via private motor vehicle. With an assumed 30% having siblings and therefore sharing a vehicle, the total volume of movements generated by parents / caregivers of these children is estimated to be around 420 trips in the AM and PM peak periods (i.e. 08:00 - 09:00 and 14:45 -15:45 respectively).

In relation to staff, they typically arrive before and leave after the key drop-off and pick-up peaks and therefore do not add to the 420 vehicle trips in the peak period.

It is also noted that this estimate omits any consideration for children that could travel with their parents / caregivers to the TKKM on foot. Additionally, it is common that around 8% of the younger pupils (i.e. less than 5 years old) are typically sick or absent on any given day², which again has not been taken into account at this stage.

Nevertheless, these predicted traffic movements are considered to be a good approximation for assessment purposes of the proposed designation based on the information provided and the expectation that a bus and / or a minivan service will be used to collect a large proportion of the enrolled children.

¹ TDG conducted a survey in 2017 at an existing childcare facility in Havelock North and the results revealed that 42% of children have siblings at the same facility

² Survey conducted in 2017 for existing facility in Havelock North

5.5 Trip Distribution

The MoE has provided the primary catchment areas for the existing TKKM facility located in Albert Street, Hastings. The information suggests that Flaxmere and Hastings are the primary areas catchment areas, with less children living in the Napier, Clive and Havelock North areas. **Figure 8** shows the anticipated catchment areas and is summarised below:

- 70% of all school trips would be generated from areas to the west of the proposed school, i.e. Hastings, Havelock North and Flaxmere areas. The remaining 30% would be generated from areas to the east, i.e. Clive, Haumoana and Napier.

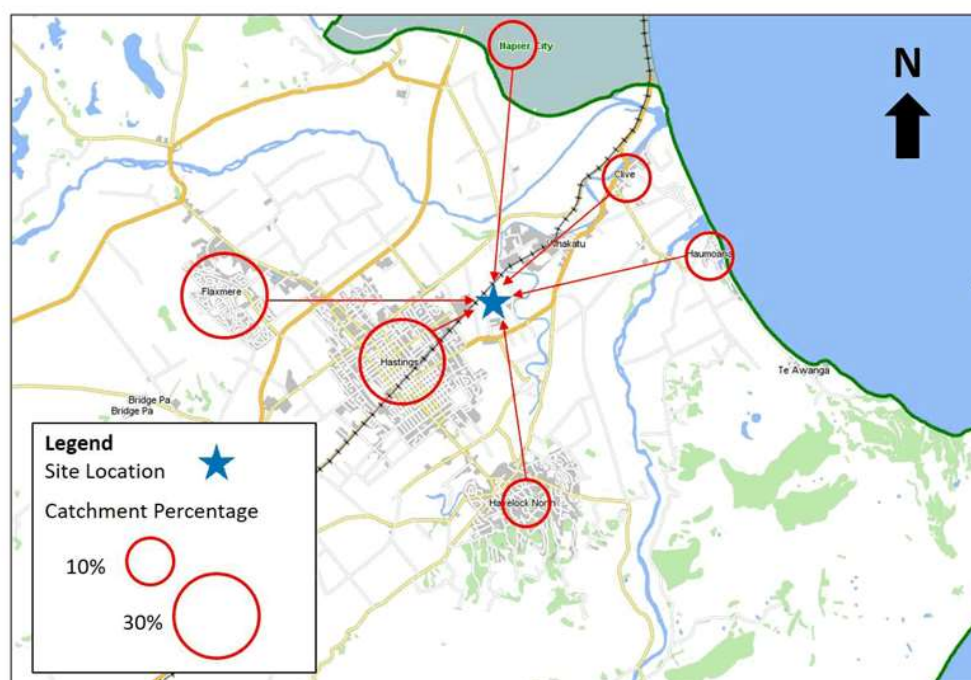


Figure 8 - School Catchment Areas

The anticipated trips occurring relative to the various catchment areas have been assigned along the most likely route to the proposed site and is summarised below:

- from the west, 45% has been assumed to travel using SH2, while 25% would use Pakowhai Road; and
- from the east, 5% has been assumed to travel using Pakowhai Road, 5% would use Otene Road (i.e. from Napier and Whakatu) and 20% from Clive / Haumoana using SH2.

The distribution of the predicted traffic demands for the morning and afternoon weekday peak periods is illustrated in **Figure 9**.

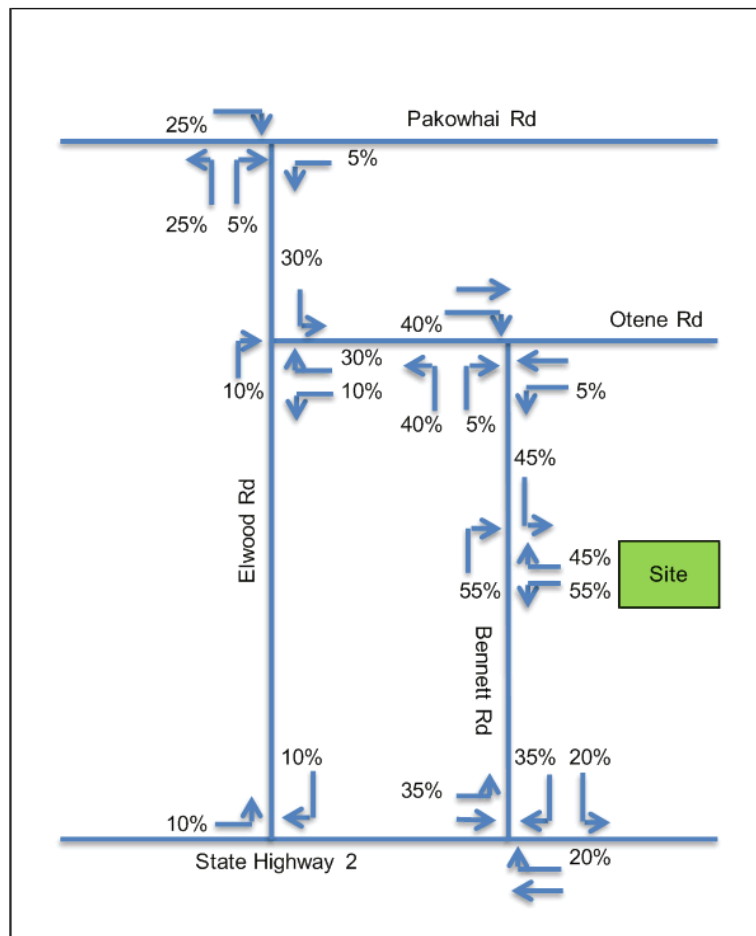


Figure 9 - Predicted Trip Distribution

It has been assumed that all AM drop-off and PM pick-up movements occur within the hour (i.e. a 50:50 directional split). The predicted post development traffic demands are shown in **Figure 10** below.

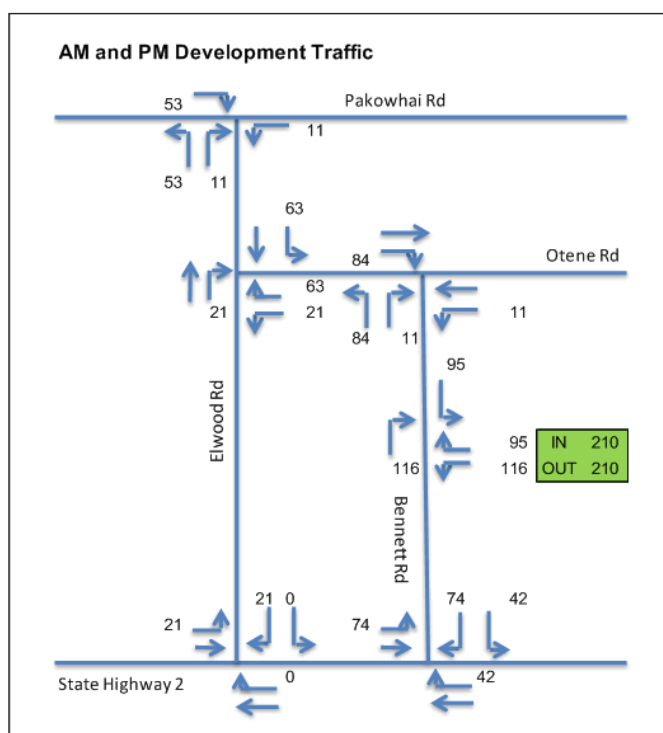


Figure 10 - Trip Distribution

6. Traffic Impact Assessment

6.1 Traffic Growth

It is understood that subject to gaining the necessary planning approvals, the proposed development is expected to be fully established by the end of 2019. In order to consider the potential future performance of the road network, the traffic volumes set out at Section 3.4 have been factored to 2019 levels to determine the potential impact that the development may cause relative to the efficiency and operational performance of the local road network.

An average traffic growth rate of 1% per annum has been assumed based on the NZTA Economic Evaluation Manual 2016 for the Hawke's Bay region. The 2019 total traffic volumes are shown in **Figure 11**.

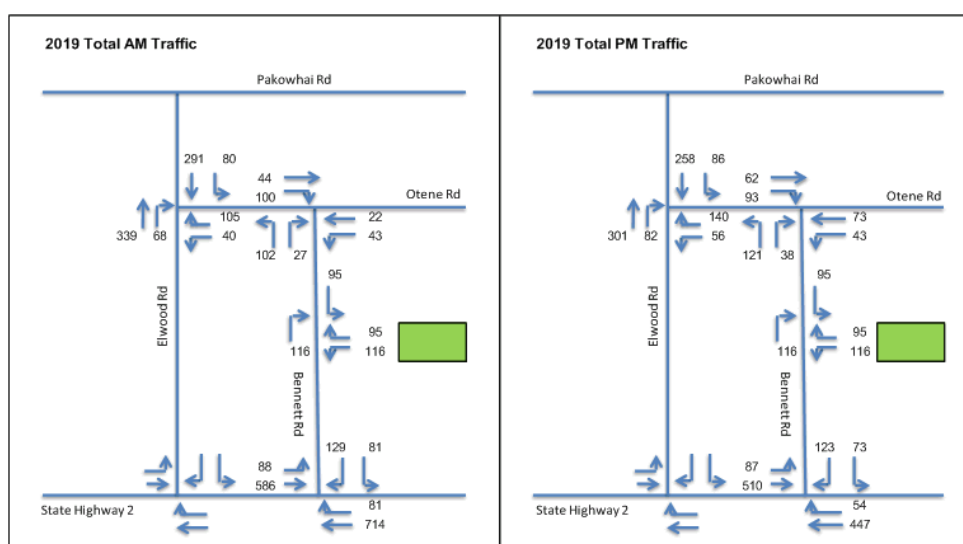


Figure 11 - 2019 AM and PM Traffic Volumes

6.2 Intersection Analysis

Based on the distributions set out at Section 5.5, and noting the quality of the local roading network that is expected to support the estimated flows, the intersections of Bennett Road / Otene Road, Bennett Road / SH2 and Elwood Road / Otene Road were analysed for both the existing and future (post development) scenarios.

6.2.1 Bennett Road / Otene Road

An analysis of this intersection has confirmed that no improvements are required. The overall performance of the intersection remains at a Level of Service (LOS) A for both the AM and PM peak periods with the full development in place. The available spare capacity at this intersection therefore remains high, as expected, given the small volumes.

It is however recommended that some roadmarking and road signage be provided at this intersection to improve safety and visibility.

6.2.2 Bennett Road / SH2

A review of the predicted traffic volumes that are anticipated to use this intersection (particularly in the morning period) has confirmed that right turning traffic on Bennett Road will experience longer delays in exiting onto SH2. The initial analysis of this intersection is shown in **Figure 12** below and indicates that the LOS for the Bennett Road approach will deteriorate from LOS C to F in the AM peak period once the development becomes fully utilised. In the PM peak period the LOS decreases from LOS B to C and therefore remains with an acceptable performance.



Figure 12 - Bennett Road / SH2 Results

Based on these preliminary findings, it is noted that the intersection treatment at Bennett Road / SH2 is likely to require physical works to accommodate additional turning and / or queued vehicles. Based on the anticipated vehicle volumes, Section 4.8 of the industry-recognised Austroads Guide to Road Design Part 4A confirms that there is a need to provide both an Auxiliary Left and Right Turn Bay. These improvements have been discussed with Mr Ken Holst, the Traffic and Safety Engineer at NZTA responsible for this section of SH2.

The improvements proposed have been agreed and a copy of the approval letter is included as **Appendix A**. The proposed intersection improvements shown conceptually in **Figure 13**.

Item 2

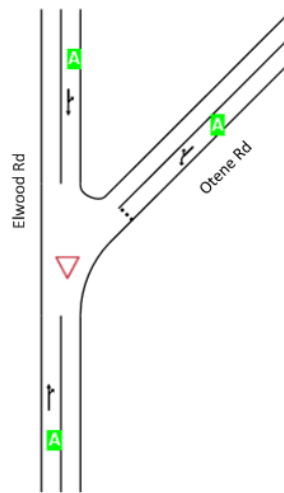
Attachment B



6.2.3 Elwood Road / Otene Road

The analysis of this intersection is shown in **Figure 14** below and indicates that the LOS for the Otene Road approach will deteriorate from LOS A to B in both the AM and PM peak periods once the development becomes fully utilised. The intersection therefore remains with an acceptable performance and no improvements are deemed necessary.

2017 AM and PM – No Development



2019 AM and PM – with Development

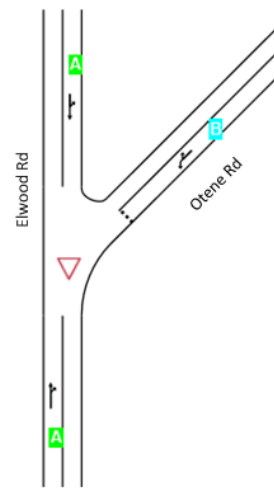


Figure 14 – Elwood Road / Otene Road Results

6.3 Link Capacity

As mentioned in Section 3.4 the existing traffic demands on Bennett Road are 144vph in the AM peak and 104vph in the PM peak, with 300vpd. With the development in place, this gives maximum peak hour traffic demands of 379vph in the AM peak and 337vph in the PM peak. The school will not generate any noticeable vehicular trips during the off-peak periods and the vehicles per day is estimated to increase to 768vpd (two-way volumes).

The typical capacity of a traffic lane ranges between 800vph to 1,200vph per lane depending on the individual road alignment, degree of side friction through on-street parking and layout. Assuming all trips to the school return along the same route the expected total traffic demands on Bennett Road are well below the theoretical maximum of 800vph per lane capacity.

In summary, it is assessed that the impact the proposed development will have on Bennett Road is well within its capacity.

6.4 School Access

The design of property accessway(s) be undertaken in accordance with the Council's design standards. Bennett Road is a 5.5m sealed carriageway and additional seal widening will be required at the proposed accessway(s) in order to provide appropriate turning, passing and manoeuvring space. The details will be developed in coordination with HDC in due course.

7. Conclusions

This investigation has broadly examined the anticipated traffic impacts related to the proposed new school development relative to the notice of requirements being sought by the MoE. The preliminary findings have indicated that the TKKM is likely to generate a demand in the order of 420 additional vehicle trips during the morning and afternoon peak periods. Generally during these times of day the surrounding road network experiences lower demands than accommodated at commuter peak times. That said, analysis shows that Bennett Road, being a low volume road, has substantial spare capacity to accommodate additional vehicles.

Once the development is in place the stop controlled intersection treatment at Bennett Road / SH2 is likely to experience some deterioration in capacity and performance, particularly during the morning arrival period, when right turning traffic flows exiting Bennett Road are expected to experience longer delays.

Preliminary investigations have confirmed that vehicle access arrangements can be designed in a manner that matches the requirements of such a development.

Parking will need to be carefully designed to cater for the expected demand and that no over-spill of parking occurs onto Bennett Road. Pedestrian and cycle linkages are proposed along the frontage of the site, with intentions to extend northwards to link with Otene Road. This however, requires engagement with the local communities.

In summary, it is concluded that the proposed development can be accommodated in this location, subject to the improvement of the SH2 / Bennett Road intersection. As such, the proposal is broadly evaluated as having traffic effects that will be no more than minor.

TDG

Appendix A

NZTA Letter



Form 8A

Affected person's written approval to an activity that is the subject of a resource consent application

Section 95E(3), Resource Management Act 1991

To: *Jesse Taylor – The Property Group*

Name of person giving written approval: *the NZ Transport Agency*

This is written approval to the following activity that is the subject of a resource consent application:

- *Proposed Kura on Lot 2 Deeds 566 on Bennett Road, Hastings near State Highway 2.*

The Transport Agency has read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows:

- *Email 23/08/2017 with attached description of proposal, scheme plan and map location.*
- *Email 09/11/2017 volunteering to construct a right hand turn bay at the State Highway 2 and Bennett Road intersection and scheme plan of right hand turn bay.*

In signing this written approval, the Transport Agency understands that the consent authority must decide that it is no longer an affected person, and the consent authority must not have regard to any adverse effects on the Transport Agency.

The Transport Agency understands that it may withdraw its written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Date: 10/11/2017

Signature:

Alan Catchpole – Principal Planner – System, Design and Delivery, on behalf of the NZ Transport Agency.

Address for service of person giving written approval: NZ Transport Agency, Level 5, 43 Ashley Street, PO Box 1947, Palmerston North Central, Palmerston North 4440

Telephone: (06) 953 6072

Fax/email: (06) 953 6203/Kelsey.armstrong@nzta.govt.nz

Contact person: Kelsey Armstrong – Planning Advisor

In the matter of the Resource Management Act 1991
And
In the matter a notice of requirement to designate land for educational purposes at
Bennett Road, Waipatu, Hastings by the Minister of Education

Evidence of Guy Derek Panckhurst

22 January 2018

**MEREDITH
CONNELL**

Solicitors:
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Evidence of Guy Panckhurst

1 Introduction

Qualifications and experience

- 1.1 My full name is Guy Derek Panckhurst. I am a Director of Surveying The Bay Ltd, a land development consultancy based in Hawke's Bay. Surveying The Bay performs subdivision planning, surveying and engineering for land development projects, in addition to general and specialised surveying applications.
- 1.2 I obtained a Bachelor of Surveying degree in 1984, and became a Licensed Cadastral Surveyor in 1986. I have extensive experience gained from working on land development and construction projects in various regions of New Zealand, the United Kingdom and Middle East. These include urban and rural land developments, motorway reconstruction, commercial buildings and oil and pipeline facility construction. Within the Surveying The Bay practice I specialise in the cadastral, land development engineering, and new technology aspects of the practice.
- 1.3 I am a member, and immediate past Chairman, of the Consulting Surveyors of New Zealand. I am also a member of the New Zealand Institute of Surveyors, where I am currently serving a term as Vice President.

Purpose and scope of evidence

- 1.4 I prepared two reports that were submitted with the Notice of Requirement (NOR). The first relates to the availability of infrastructure services - specifically sewage disposal, water and gas supply, electricity and telecommunications, and the disposal of stormwater. The second report is a high level investigation into the potential of the site for flooding.
- 1.5 The purpose of these reports was to assess the feasibility of relocating the Kura and Kōhanga Reo to the site in relation to flooding and the provision of infrastructure services.
- 1.6 My evidence is set out as follows:
 - (a) a summary of the infrastructure services and flooding reports;
 - (b) an assessment of the submissions received relevant to my evidence; and
 - (c) an assessment of matters raised in the Council Planner's s 42A Report.

Expert Witness Code of Conduct

- 1.7 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

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2 Executive summary

- 2.1 In my opinion relocating the Kura to the Bennett Rd site is feasible in terms of infrastructure provision and flooding.
- 2.2 Network services are close to the site for stormwater, wastewater, electricity and gas supplies. Telecommunications and reticulated water supplies are more remote, but in all cases there is sufficient capacity in the existing reticulated infrastructure to service the development.
- 2.3 The flooding assessment report indicates that parts of the site may be subject to minor inundation during a 1:50 year flood event. However, in my view, it will be possible for the Ministry to mitigate this risk to avoid adverse flooding effects when it undertakes the detailed design for the proposed Kura and Kōhanga Reo at the outline plan of works stage.

3 Infrastructure Assessment Report

- 3.1 There is an existing Council gravity wastewater main directly north of the site on Otene Rd that has capacity to service the proposed Kura and Kōhanga Reo.
- 3.2 There is an existing Council water bore approximately 1,000 metres to the south of the site, potentially with capacity to service the development, but not at high pressure or volume. Alternatively, there is an existing Council water main 1,200 metres to the west of the site with capacity to service the development, but at significant cost of construction. The third option is self-supply with an on-site bore.
- 3.3 There are existing high voltage electricity lines on Bennett Rd with capacity to service the proposed Kura and Kōhanga Reo.
- 3.4 There is existing Ultra-Fast Broadband infrastructure at the southern end of Bennett Rd with capacity to service the proposed Kura and Kōhanga Reo.
- 3.5 There is an existing high pressure gas main on Otene Rd with capacity to service the requirements of the proposed Kura and Kōhanga Reo.
- 3.6 There is an open drain in Bennett Rd to the north of the site that appears capable of providing off-site primary stormwater drainage. Due to downstream constraints in the Karamu Stream, on-site attenuation will be required to ensure there is no increase in peak flow or volume.
- 3.7 In conclusion, it is my assessment that there is adequate infrastructure to support the proposed Kura and Kōhanga Reo.

4 Flooding Assessment Report

- 4.1 Part of the site is identified in the Hawke's Bay Regional Council Natural Hazards Report as subject to possible flooding in a 1:50 year flood event.
- 4.2 Due to the downstream constraints, on-site attenuation will be required to ensure post-development overland flow is no greater than pre-development flows.

- 4.3 Design measures will be required to ensure there are no adverse flooding effects on neighbouring properties. For example, building floor levels can be designed at a height to mitigate the potential effects of flooding on buildings. Flooding could also be potentially mitigated by filling some areas of the site to raise ground levels. On-site stormwater attenuation can be designed to ensure flood levels are not exacerbated due to the development.

5 Submissions

- 5.1 I have reviewed the submissions relating to my evidence and consider that the only relevant submissions are submission number 54 from Waiariki Davis (representing Tomoana Whanau, Waipatu) and late submission number 93 from Marie Apatu
- 5.2 Submission number 54 supports the NOR, on the condition that "...any infrastructure and development supports and improves the whole Waipatu Community going forward and is not detrimental to the environment..."
- 5.3 Some of the infrastructure that the Ministry will need to construct for the proposed Kura (for example ultra-fast broadband) may offer future opportunities for other Bennett Road properties to connect to these services earlier than would otherwise be the case, which could be viewed as a positive effect for Bennett Rd properties and as supporting the whole community.
- 5.4 I understand that the Ministry proposes to dispose of wastewater to a Council main, and to design for no increase in peak stormwater flows. Low impact stormwater management could be implemented to reduce potential contaminants. Any effects on the environment can be minimised by the removal of waste off-site, and by using good design methodology. Therefore, in terms of infrastructure, I consider the establishment of the Kura and Kōhanga Reo will have little or no detrimental environmental effects.
- 5.5 Submission number 93 supports the NOR application only on the basis that the community will benefit by the provision of a waste management line that will service the Kura and community of Waipatu.
- 5.6 Whilst the Ministry will inevitably construct a wastewater line between the Kura site and the existing wastewater main on Otene Rd, this will be at the northern portion of Bennett Rd, and not close to the existing residential housing on Panapa and Apatu Roads.
- 5.7 While I agree with the submitter that environmentally it would be of benefit to provide a reticulated wastewater system for existing residences, this is outside the scope of this NOR application and is a Council responsibility.

6 Section 42A Report

Stormwater management

- 6.1 The Council Planner recommends at section 9.16 that a condition (proposed condition 2(d)) is included requiring an outline plan to illustrate how the effects of stormwater and flooding will be managed to avoid, remedy or mitigate adverse effects. In my view, this condition is reasonable and I support it.

Water supply

- 6.2 Section 9.20 of the Planner's report states that "Council's Development Engineer has stated that water supply will need to be from a private source". This appears to be based on a statement in a Council memorandum titled RMA20170341 Engineering Comments dated 27 September 2017 (attachment W to the Planner's report). I assume that this is because it is Council's preferred solution due to the site being outside Council's reticulated area. My understanding, based on a conversation with the Council Water Services Manager, is that connection to the reticulated supply in Coventry Rd/Kenilworth Rd is technically feasible, and is still a potential option for the Ministry, notwithstanding the potentially high cost of construction.
- 6.3 In any event, section 9.21 of the Planner's report refers to a letter from the Regional Council stating that an on-site bore could be established as a permitted activity for the take of up to 20m³/day. Preliminary calculations of the required daily volume for the proposed Kura appear to indicate that 20m³/day would be sufficient, thus this is also a feasible option.

Overall assessment

- 6.4 Section 9.23 of the Planner's report states that "Overall, it is considered that the site has the potential to be adequately serviced however it has not been confirmed how this servicing will take place yet..." It is appropriate and indeed usual that the level of detail required for final engineering design is deferred until the layout and infrastructure requirements for the Kura have been finalised at the outline plan of works stage.

7 Conclusions

- 7.1 I agree with the reporting planner's assessment that the site can be adequately serviced for the proposed Kura and Kōhanga Reo.
- 7.2 In my opinion, any details around detailed engineering design required for flood risk mitigation can be addressed at the time when the final layout and requirements for the proposed Kura and Kōhanga Reo are determined at the outline plan of works stage.
- 7.3 The Council Planner has proposed a condition at the outline plan stage regarding stormwater management. I support this condition and consider that this is appropriate.

Guy Derek Panckhurst

22 January 2018

In the matter of the Resource Management Act 1991
And
In the matter of a notice of requirement to designate land for educational purposes
at Bennett Road, Waipatu, Hastings by the Minister of Education

Evidence of Robert Alan van de Munckhof

22 January 2018

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Evidence of Robert Alan van de Munckhof

1 Introduction

Qualifications and experience

- 1.1 I am a Principal and Senior Environmental Engineer with Tonkin & Taylor Ltd. I hold the qualifications of Bachelor of Engineering (Chemical and Materials) from the University of Auckland.
- 1.2 I have 16 years experience as an environmental engineer. I have been employed at Tonkin & Taylor as a Senior Environmental Engineer, specialising in Air Quality Management, since January 2005. In this role I have worked on a wide range of resource management projects and undertaken more than 20 major technical assessments in the fields of air quality management and hazardous substances management. Prior to joining Tonkin & Taylor, I was employed by Auckland Regional Council in the Air Quality and Industrial Consents Teams involved in consent processing, enforcement and prosecutions and policy development projects. I am a committee member of the Auckland branch of the Clean Air Society of Australia and New Zealand.
- 1.3 I have visited the proposed Kura and Kōhanga Reo site, most recently on 31 December 2017.

Purpose and scope of evidence

- 1.4 I prepared an assessment of the potential odour and dust effects on the proposed Kura from activities in the vicinity of the site, dated August 2017, which was submitted as part of the Notice of Requirement (**Air Discharge Assessment**).
- 1.5 The purpose of my evidence is to summarise the findings of the Air Discharge Assessment and to address related submissions.
- 1.6 My evidence is set out as follows:
 - (a) A summary of the Air Discharge Assessment, including:
 - (i) the potential effects of odour and dust on the proposed Kura and Kōhanga Reo;
 - (ii) the potential effects of spray drift on the proposed Kura and Kōhanga Reo; and
 - (iii) a description of the potential effects on the proposed Kura and Kōhanga Reo of smoke from open burning.
 - (b) A discussion of the controls for managing agrichemical spray drift under the Hawke's Bay Regional Council Regional Resource Management Plan (operative 2006, current version dated 1 October 2015) in response to the concerns regarding potential spray drift raised in the submission of Mr Nathan Pope.

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- (c) Assessment of matters raised in the Council Planner's s 42A Report.

Expert Witness Code of Conduct

- 1.7 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2 Air Discharge Assessment

Potential odour and dust effects

- 2.1 My initial assessment comprised a desktop review to identify existing activities in the vicinity of the proposed site that have the potential to generate odour and dust and an assessment of the potential impacts of those discharges on the proposed Kura and Kōhanga Reo site.
- 2.2 I identified five relevant activities located between 250 metres and 900 metres from the site boundary. Of the five activities, I considered that only two were sufficiently close that discharges could impact on the proposed Kura and Kōhanga Reo site. These were an egg laying operation 300 metres to the southwest and a composting operation 250 metres to the south.
- 2.3 I undertook a more detailed assessment for these two activities, including assessing:
- (a) the potential for odour generation based on the scale of the operation; and
 - (b) the likelihood that odours could be present at the proposed Kura and Kōhanga Reo site based on the prevalent meteorological conditions in the area.
- 2.4 This assessment is set out in section 7 of the Air Discharge Assessment and, in summary, my conclusions were that:
- (a) the risk of odours from the poultry farm and composting facility being present on the proposed Kura and Kōhanga Reo site and being considered to be offensive or objectionable during normal school hours is low; and
 - (b) the risk of odours being present on the proposed Kura and Kōhanga Reo site and being considered to be offensive or objectionable outside of normal school hours is greater than during normal school hours but is still low.

Potential spray drift effects

- 2.5 My original assessment identified spray drift from adjacent orchards as a potential discharge to air within the vicinity of the proposed Kura and Kōhanga

Reo. I considered that the controls under the Hawke's Bay Regional Resource Management Plan would be adequate to minimise any potential effects from spray drift on the Kura.

- 2.6 This is discussed further in the following section, in response to submissions. However I record that I have not altered my opinion that provided that the methods outlined in the New Zealand Standard of the Management of Agrichemicals (NZS 8409:2004) are implemented, the risk of spray drift adversely affecting the proposed Kura and Kōhanga Reo is low.

Potential smoke effects

- 2.7 I did not consider the effects associated with smoke from open burning on the proposed Kura and Kōhanga Reo in my original assessment but I am aware that this matter has been raised through informal discussions during consultation.
- 2.8 The effects of discharges from open burning are controlled under Chapter 6.5.2 Burning of waste – discharges to air of the Hawke's Bay Regional Resource Management Plan. The chapter includes six permitted activity rules, one non-complying activity rule and one prohibited activity rule.
- 2.9 All six permitted activity rules include a condition which states "The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases". Therefore, provided the permitted activity rule is complied with, there should be no effects that are more than minor on the Kura from open burning.

3 Submissions concerning potential spray drift

- 3.1 As noted above, one submission (submission number 4 from Mr Nathan Pope) has been received on the Notice of Requirement identifying concerns about spray drift impacting on the proposed Kura.
- 3.2 The requirements for discharges of contaminants into air, land and water arising from the use or disposal of agrichemicals are outlined in Section 6.4.1 of the Hawke's Bay Regional Resource Management Plan, which I have **attached** to my evidence. These requirements include permitted activity rules 9 and 10, which manage discharges from small scale and widespread application of agrichemicals, respectively.
- 3.3 As these rules address the discharge of contaminants to air, land and water, not all of the conditions relate to the potential effects of discharges to air. I have only considered the controls that relate to discharges to air.
- 3.4 The two permitted activity rules address:
- (a) discharges from small scale application of agrichemicals, which include the use of handheld appliances (rule 9); and
 - (b) discharges from widespread application of agrichemicals which include aerial and ground based application (rule 10).
- 3.5 Unless a resource consent is obtained, any application of agrichemicals on land surrounding the proposed Kura site must meet the permitted activity rules and

conditions. I am not aware of any resource consents for the application of agrichemicals within the vicinity of the proposed Kura and Kōhanga Reo.

Handheld application

- 3.6 Rule 9 includes a condition which states “*there shall be no discharge or drift of any agrichemical beyond the boundary of the subject property*”.
- 3.7 Therefore, in my view, provided the permitted activity rule is complied with, there should be no spray drift from handheld application of agrichemicals on nearby sites and therefore no adverse effects on the proposed Kura and Kōhanga Reo.

Wide spread application

- 3.8 Rule 10 controls the discharge of agrichemicals from large scale application including motorised ground application and aerial application. The rule includes eight conditions of which three are specifically relevant to potential effects of spray drift. The key requirements comprise:
- (a) a requirement for the application to be undertaken in accordance with the mandatory requirements of Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409: 2004);
 - (b) requirements for GROWSAFE qualifications for both ground based application, and aerial application of agrichemicals; and
 - (c) notification requirements when the application is undertaken adjacent to private land.

NZS 8409:2004

- 3.9 Sections 2 and 6 of NZS 8409:2004 relate to the management and disposal of agrichemicals and are not directly relevant to the potential for spray drift impacts on the Kura. Section 5 relates to the safe use of agrichemicals, including the responsibilities of property owners and applicators and controls to reduce the risk to non-target areas.
- 3.10 NZS 8409:2004 outlines precautions that should be taken when undertaking widespread agrichemical application on private property based on three key requirements, as follows:
- (a) requirements prior to application, including the preparation of a spray plan and notification of neighbours and identified sensitive parties;
 - (b) precautions taken on the day of the application, including taking into account the ground and weather conditions on the day; and
 - (c) procedures in the event of unexpected conditions, or spray drift occurring.
- 3.11 In preparing a spray plan, the property owner or applicator must identify any sensitive areas. Sensitive areas include residential buildings, public places and amenity areas where people congregate and sensitive crops or farming systems used as organic farms and greenhouses.

- 3.12 Both the proposed Kura and the public road used by school children would be sensitive areas and therefore would have to be considered during the development of a spray plan (if one were required).
- 3.13 While the Kura would meet the definition of a sensitive area, I note that the adjacent residential dwellings surrounding the site, the reserve across Bennett Road and the Poultry Farm to the Southwest of the proposed school site would also meet the definition of a sensitive area and would need to be considered during the preparation of a spray plan.
- 3.14 The spray plan would need to consider appropriate mitigation measures when undertaking widespread agrichemical application in the vicinity of the proposed Kura and Kōhanga Reo and other sensitive activities in the area. NZS 8409:2004 includes a range of methods that can be considered and in my opinion the following controls would be appropriate for minimising the risk to the proposed Kura and Kōhanga Reo:
- (a) avoiding spraying near the road and Kura and Kōhanga Reo during times that children would be expected to be present;
 - (b) only undertaking handheld application of agrichemicals on parts of the site adjacent to the Kura when the Kura is occupied;
 - (c) avoiding application when the wind is blowing towards the Kura and Kōhanga Reo;
 - (d) establishing buffer distances between the application area and the proposed Kura and Kōhanga Reo site (Table G2 recommends buffer distances for different application methods depending on whether a shelter belt is present); and
 - (e) Using application methods which reduce the risk of spray drift including using large spray droplets and low volatility formulations;
 - (f) avoiding application during weather conditions which increase the risk of spray drift such as unstable conditions, very low wind, and winds blowing directly towards the proposed Kura and Kōhanga Reo.
- 3.15 A copy of the spray plan must be provided to neighbours and sensitive areas including the Kura and Kōhanga Reo. Therefore, the Kura would be aware of any proposed spraying, the controls in place to minimise the risk of spray drift and who to contact if they have any specific concerns.
- 3.16 I note that the above methods would also need to be considered when applying agrichemicals near any sensitive activity, including residential dwellings, or growers operating organic farms which may be impacted by off-target spray drift. They are not specific to the Kura.

GROWSAFE Qualifications

- 3.17 GROWSAFE is the training and accreditation scheme operated by the New Zealand Agrichemical Education Trust and is the main training and accreditation provider for the use and management of agrichemicals in New Zealand.

- 3.18 The requirement for application to be undertaken by persons with GROWSAFE Accreditation ensures that applicators are aware of the requirements of NZS 8409: 2004 and are suitably qualified to undertake agrichemical application in a manner which minimises any potential for off-site or target spray drift.

Notification Requirements

- 3.19 The permitted activity rule includes a requirement when undertaking aerial or ground based application of agrichemicals. This includes a requirement to prepare a spray plan and to provide this to adjacent properties within 50 metres of the site when requested, which is additional to the requirements under NZS 8409: 2004.
- 3.20 In addition to the requirements to prepare a spray plan and provide this to adjacent properties, signs are required to be used where the application is within 10 metres of public land where a shelter belt is present, and within 30 metres where there is no shelter belt.
- 3.21 Both requirements are included in NZS 8409:2004 and therefore make it explicit within the rules that the requirements for the preparation of a spray plan and to provide notification to adjacent properties is key in minimising the potential risk of spray drift.

Summary

- 3.22 Provided the permitted activity rules are met, I consider that the risks of agrichemical spray drift affecting the proposed Kura and Kōhanga Reo are low. Further, it would be expected that the controls would be no more onerous than would already be required to avoid effects on other sensitive activities within the existing environment.

4 Section 42A Report

- 4.1 Paragraphs 9.68 to 9.75 of the Council Planner's Report address effects associated with odour, dust and spray drift.
- 4.2 Paragraph 9.71 discusses the conclusion of the Air Discharge Assessment and the measures identified within the assessment that may reduce the effects of odour from the adjacent poultry farm and composting facility.
- 4.3 The Planner identifies a potential conflict between the need to maximise separation distances between the poultry farm and composting facility to the south and the need to have a buffer between the Kura and the application of agrichemicals at the Orchard to the north.
- 4.4 As outlined within my evidence, the use of buffer distances is only one method to manage the potential effects from spray drift and by itself (without consideration of the other methods) will not eliminate the risk from spray drift. This is also highlighted in NZS 8409:2004 Chapter G6.1 which highlights that buffer zones are only one of many methods to manage and reduce spray drift hazards.
- 4.5 I consider the use of a buffer zones and shelter belts will assist in minimising the potential for spray drift, but ensuring agrichemicals are applied during

appropriate weather conditions and during periods when students are not present, and employing appropriate application methods, should be considered first as these methods focus on avoiding spray drift impacting sensitive activities in the first place and are already required under the existing regulatory regime, whereas the use of buffer zones and shelter belts focus on minimising the potential impacts once spray drift has occurred.

5 Conclusions

5.1 In conclusion, I consider:

- (a) The risk of odour and dust effects from activities surrounding the proposed Kura and Kōhanga Reo is low;
- (b) The risk of smoke effects from open burning is low, provided any open burning meets the permitted activity requirements in the Hawke's Bay Regional Resource Management Plan; and
- (c) The risk of spray drift impacting the proposed Kura and Kōhanga Reo is low, provided any agrichemical application is undertaken in accordance with the requirements in the Hawke's Bay Regional Resource Management Plan including compliance with NZS 8409:2004, and that specific conditions are not necessary to minimise any potential effects.

Robert Alan van de Munckhof

22 January 2018

6.4 DISCHARGES TO AIR/LAND/WATER – AGRICHEMICALS & AGRICULTURAL DISCHARGES**6.4.1 AGRICHEMICALS - DISCHARGES TO AIR/LAND/WATER**

For information requirements refer to sections 7.4, 7.5, 7.6

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
9 Small scale application of agricultural chemicals Refer POL 10	The discharge of contaminants into air or onto land arising from the use or disposal of: <ul style="list-style-type: none">any agricultural chemicals for domestic purposes²⁴any licensed animal remedies, orany agricultural chemicals using a hand-held appliance²⁵ excluding the use of any agricultural chemicals approved for aquatic use.	Permitted ²⁶	a. The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agricultural manufacturer's instructions. b. There shall be no discharge or drift of any agricultural chemical beyond the boundary of the subject property. c. The discharge shall not result in any agricultural chemical entering a water body. d. Where the agricultural chemical is used for non-domestic purposes, the discharge shall be undertaken in accordance with all mandatory requirements set out in Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agricultural Chemicals (NZS 8499:2004) ²⁷ .		

²⁴ For the purpose of this rule, "domestic purposes" means the use of agricultural chemicals by a person, group or organisation in a private capacity who do not use agricultural chemicals in the course of their business activities.

²⁵ For the purposes of this Plan, a "hand-held appliance" refers to a knapsack sprayer, a non-motorsised hand gun sprayer, or a sprayer with a rate and volume of application no greater than these devices.

²⁶ If Rule 9 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30 or a discretionary activity under Rule 52, whichever is relevant.

²⁷ Section 2 of the Code deals with the management of agricultural chemicals (including risk management, user responsibility and identification of most suitable agricultural chemicals). Section 5 deals with the use of agricultural chemicals (including handling, mixing, an spill hazards) and Section 6 deals with the disposal of agricultural chemicals and their containers.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
10 Widespread application of agricultural chemicals Refer POL 8, 10, 17, 47	The discharge of contaminants into air or onto land, or into water, arising from the use or disposal of any agricultural chemical ²⁸ , except as provided for by Rule 9.	Permitted ²⁹	a. The discharge shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the agricultural manufacturer's instructions. b. The discharge shall be undertaken in accordance with all mandatory requirements set out in Sections 2, 5 and 6 of the New Zealand Standard for the Management of Agricultural Chemicals (NZS 8499:2004). c. For the ground based application of agricultural chemicals the following qualifications shall be held at all times: i. Every commercial user shall hold a qualification that meets the requirements of Schedule XI for commercial user or be under direct supervision of a person holding the qualification. ii. Every contractor shall be a GROWSAFE® Registered Chemical Applicator. iii. Every employee of a contractor shall hold or be under training for a valid qualification that meets the requirements of Schedule XI for contractor employees. d. Every pilot undertaking the aerial application of agricultural chemicals shall hold a GROWSAFE® Pilot Agricultural Rating Certificate. e. The discharge shall not result in any agricultural chemical being deposited on any roof or other structure used as a catchment for water supply other than in compliance with condition (f). f. Where the discharge is onto land or onto water for the purpose of eradicating, modifying or controlling unwanted aquatic plants: i. Only agricultural chemicals approved for aquatic use by the Environmental Risk Management Authority may be used. ii. The applications shall not exceed the quantity and concentration required for that purpose. iii. The discharge shall not include disposal to water of any agricultural chemical. iv. The discharger shall notify: <ul style="list-style-type: none">every person taking water for domestic supply within 1 km downstream of the proposed discharge, and		

²⁸ Rule 10 does not cover the disposal of agricultural containers.

²⁹ If Rule 10 cannot be complied with, then the activity is a restricted discretionary activity under Rule 30, or a discretionary activity under Rule 52, whichever is relevant.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<ul style="list-style-type: none"> every holder of a resource consent for the taking of water for public water supply purposes downstream of the proposed discharge at least 1 week before commencing the discharge; g. For aerial discharges, all reasonable measures shall be taken to prevent any discharge of agrichemicals within 20 m of: <ul style="list-style-type: none"> i. any continually flowing river which has a bed width of 3 m or more, and ii. any lake or wetland⁴⁰; h. Aerial and ground based discharges shall be notified by the property owner, manager or contractor in accordance with the following requirements⁴¹: <ul style="list-style-type: none"> i. Where the application is on private land, occurs on any land within 50 m of an adjacent property twice in any 12 month period, and occurs in circumstances where spray drift beyond the property boundary cannot be avoided, a property spray plan shall be prepared at the beginning of each year, or spray season, in accordance with Appendix M4 of the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004). The plan shall be given upon request to the owner or occupier of any adjacent property, or to a Council officer; ii. Where the application is on private land, signs shall be used to clearly indicate the use of any agrichemicals: <ul style="list-style-type: none"> • within 10m of public land where there is a shelter belt giving effective protection between the application and the public land, or • within 30m of public land where there is no shelter belt giving effective protection between the application and the public land; 		

⁴⁰ For the purposes of this Plan, the term 'wetland' does NOT include:

- wet pasture
- artificial wetlands used for wastewater or stormwater treatment
- farm dams and detention dams
- land drainage canals and drains
- reservoirs for firefighting, domestic or municipal water supply
- temporary ponded rainfall
- artificial wetlands created for beautification purposes.

⁴¹ For the avoidance of doubt, the notification requirements set out in condition h(i) do not apply to discharges of agrichemicals where there is never any spray drift beyond the property boundary.

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Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			<ul style="list-style-type: none"> iii. Where the application is on public land notification shall be given in newspapers or by door-to-door advice to land occupiers adjacent to the intended application at the beginning of the spray season, not more than six months prior to application and in any case not less than one month prior to application; and signs shall be used to clearly indicate the agrichemical use. iv. Where the application may affect bee keeping, prior notification shall be given to the affected parties. 		

ADVISORY NOTES:

1. Vertebrate toxic agents are covered under the Hazardous Substances and New Organisms Act 1996 and under the Agricultural Compounds and Veterinary Medicines Act 1997.
2. Agrichemical spray drift hazard – Table Y1 from the New Zealand Standard for the Management of Agrichemicals (NZS 8409:2004) includes the following guidance chart for assessing agrichemical spray drift hazard. Dischargers should note that adequate notification of those who may be at risk enables them to take precautionary action which can reduce the potential effects of spray drift.

FACTOR	POTENTIAL DRIFT HAZARD SCALE	
	HIGH	LOW
Wind speed	Zero/very low (<1 m/s) or >6 m/s	Steady (1-3 m/s)
Wind direction	Unpredictable	Predictable, and away from sensitive areas
Humidity	Low (delta T > 8°C)	High (delta T < 4°C)
Atmospheric stability	Inversion layer present	No inversion layer
Maximum height of release	>1.5 m above the target	<0.5 m above the target
Particle (droplet) size	<50 microns diameter	>250 microns diameter
Volatility	High (vapour pressure > 10 mPa)	Low (vapour pressure < 0.1 mPa)
Sensitive area	Close (<100 m away)	None, or more than 1 km distant
Buffer zone	None	Yes (>100 m)
Shelter belts	No shelter	Live shelter, >3 m high and 1 m thick
Toxicity	Scheduled agrichemicals	Unscheduled agrichemicals

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Republished as at 1 October 2015

In the matter of the Resource Management Act 1991
And
In the matter of a notice of requirement to designate land for educational purposes
at Bennett Road, Waipatu, Hastings by the Minister of Education

Evidence of David Neil Robert Dravitzki

22 January 2018

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Evidence of David Neil Robert Dravitzki

1 Introduction

Qualifications and experience

- 1.1 My full name is David Neil Robert Dravitzki. I am a Senior Engineering Geologist employed by Land Development & Exploration Limited (LDE). I hold the qualifications of Bachelor of Science (B.Sc.) in Earth Sciences and Mathematics & Statistics (Waikato 1995) and Masters of Science (M.Sc.) (First Class Honours) in Earth Sciences (Waikato 1999).
- 1.2 I have been practicing for approximately 18 years in the field of geological and geotechnical investigations for foundation design of buildings and geotechnical hazard assessments for subdivision consent processes.
- 1.3 I have been an elected technical member of Engineering New Zealand (formerly the Institute of Professional Engineers New Zealand) since 2006 and a Registered Professional Engineering Geologist (PEngGeol) with Engineering New Zealand since 2016, which now classifies my accreditation as Chartered Member of Engineering New Zealand: CMEngNZ (PEngGeol, Engineering Technologist).

Purpose and scope of evidence

- 1.4 I prepared the Preliminary Geotechnical Investigation Report (**Geotechnical Report**) for the Proposed New TKKM Te Wananga Whare Tāpere o Takitimu and Kōhanga Reo (**Kura**) dated 24 August 2017 and submitted as part of the Minister of Education's the Notice of Requirement for educational purposes at Bennett Road, Hastings.
- 1.5 The purpose of my evidence is to summarise the findings of the Geotechnical Report.
- 1.6 My evidence is set out as follows:
 - (a) A summary of the site geology and subsurface conditions.
 - (b) A summary of the assessment of the geotechnical hazards at the site.
 - (c) An assessment of the submissions received relevant to my evidence.
 - (d) An assessment of matters raised in the Council Planner's s 42A Report.

Expert Witness Code of Conduct

- 1.7 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

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2 Executive summary

- 2.1 I consider that the site is generally stable and suitable for building development.
- 2.2 The site subsoils are generally consistent across the site. The near surface soils are generally moderate to high in geotechnical strength with very high strength material identified at 7.6m to 10.6m beneath the site. No evidence for land instability, erosion, or fault rupture has been identified at the site.
- 2.3 The subsoils at the site are expected to be susceptible to liquefaction, with the potential for lateral spreading to occur within approximately 200m of the eastern boundary. Specific mitigation and design measures are considered necessary at the building consent stage for all building structures to address the liquefaction potential at the site.
- 2.4 The specific design measures are not considered to be materially different or excessive in comparison to that expected of any school or residential building development in the vast majority of the wider central Heretaunga Plains.

3 Site geology and subsurface conditions

- 3.1 The Ministry of Education (The Ministry) engaged LDE to carry out a preliminary geotechnical assessment of the property at 90-120 Bennett Road in order to evaluate the potential geotechnical hazards at the site. I have referred to the Geotechnical Report as preliminary to acknowledge that the investigation has been undertaken for the purposes of the NOR and in the absence of any detailed design for the school itself.
- 3.2 The geotechnical investigation comprised a review of geotechnical hazards, site inspection, and subsurface geotechnical investigations comprising four hand augered boreholes (HA) to 5m or refusal and 4 Cone Penetrometer Tests (CPT) to 20m or refusal.
- 3.3 I reviewed the investigation design and confirmed that it was expected to be sufficient for the purposes of the Geotechnical Report. I designed the HA and CPT test positions to give a geographical spread of the expected building areas within the site (allowing for road frontage setbacks). I then arranged for LDE staff to carry out the investigations under my direction and supervision. The CPT investigation was carried out on 1 June 2017 and the HA investigation was carried out on 6 June 2017.

Soil profile and strength

- 3.4 The subsurface investigations yielded the following simplified soil profile:
 - (a) A surface layer of topsoil to between 0.2m and 0.4m depth.
 - (b) High strength cohesive sediments to between 1.9m and 2.4m depth. Groundwater was generally encountered at the bottom of this layer.
 - (c) Interlayered medium and high strength sands, silts, and low strength clay sediments to between 7.6m and 10.6m depth. At the bottom of this layer the CPT tests refused on very dense materials, inferred to be the

surface of the dense to very dense floodplain gravels that make up the majority of the Heretaunga Plains.

Geotechnical hazards

- 3.5 Following the subsurface investigations at the site, we evaluated the potential geotechnical hazards relevant to the site, including: seismic shaking, fault line rupture, liquefaction, lateral spreading, slope stability, expansive soils, erosion, compressible materials, frost heave, and tsunamis.

Seismic risks

- 3.6 In summary, I consider that:
- (a) Slope stability, erosion, and frost heave are considered negligible at the site.
 - (b) In the absence of the identification of any significant expansive soils or compressible materials at the site, these hazards are not an issue for the site.
 - (c) As the site is located 1.5km inland from the nearest mapped tsunami inundation zone, this hazard is also negligible.
 - (d) As part of the seismic evaluation of the site, various seismic loads relevant to the site subsoils and potential building types have been assigned to the project for any future preliminary building designs.
 - (e) The nearest active fault is located some 4.6km north-west of the site, and therefore there is no significant likelihood of potential fault rupture of the ground surface at the site.

Liquefaction

- 3.7 The site is located in an area with a 'high' liquefaction susceptibility. Recently updated hazard maps (Hastings District Council December 2017) have not altered the classification of the site. The subsoils at the site are considered to be susceptible to liquefaction and detailed analyses were carried out on the CPT data to evaluate the potential for liquefaction to occur at the site.
- 3.8 I consider that, overall, the site has a moderate to high susceptibility to liquefaction. Specific design measures and building construction considerations will be required to mitigate against the liquefaction potential during the development of any specific building plans. I consider that the specific design measures likely to be required will not be materially different or excessive in comparison to that expected for any school or residential building development in the vast majority of the wider central Heretaunga Plains.
- 3.9 Due to the distance of the site from nearby existing stream channels, I do not expect the site to be subject to lateral spread movement during liquefaction inducing seismic events. However, as the backfill materials within a former stream channel located to the immediate east of the site is unknown at this stage, my recommendation is that the possibility of lateral spreading to occur for any buildings within approximately 200m of the eastern boundary should be

considered. Appropriate methodologies are available to be selected at the detailed design stage to mitigate against potential lateral spreading within this area.

- 3.10 In conclusion, the Geotechnical Report establishes that the soil conditions are generally consistent across the site and confirms that there is a known liquefaction potential at the site. The liquefaction potential can be mitigated by appropriate foundation selection and building design during the detailed design required in support of any building consent applications.

Other hazards

- 3.11 I consider that the risks of ground deformation from slope stability issues, erosion, and frost heave are negligible at the site.
- 3.12 Similarly, I have not identified any significant expansive soils or compressible materials at the site, and do not consider these hazards to be an issue.
- 3.13 As the site is located 1.5km inland from the nearest mapped tsunami inundation zone, this hazard is also considered to be negligible.
- 3.14 In summary, I consider that all other geotechnical hazards are negligible.

4 Submissions

- 4.1 There are no submissions raising issues within the scope of my evidence.

5 Regional Council

- 5.1 I have read the Hawke's Bay Regional Council letter dated 23 November 2017, which records that new liquefaction hazard mapping was released in December 2017. As discussed at paragraph 3.7 above of my evidence, I have reviewed the liquefaction hazard maps and these retain the Bennett Road site in the 'high zone'. There is nothing in these updated maps that changes my opinions expressed in the Geotechnical Report.

6 Section 42A Report

- 6.1 There are no items within the Section 42A Report raising issues within the scope of my evidence.

7 Conclusions

- 7.1 In my opinion, the site is generally stable and suitable for buildings associated with the proposed Kura and Kōhanga Reo.
- 7.2 No geotechnical constraints, issues, hazards, or considerations have been identified that preclude or hinder the development of the school project, beyond those which can be addressed by the normal detailed investigation and design processes that will be carried out during the design construction phase of the project.

David Neil Robert Dravitzki

22 January 2018

Item 2

Attachment E

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In the matter of the Resource Management Act 1991
And
In the matter of a Notice of Requirement by the Minister of Education for a Designation for *Educational Purposes – Te Kura Kaupapa Māori (years 0 - 8), Te Wharekura (years 9 – 13) and Kōhanga Reo (early childhood education centre)*, at Bennett Road, Waipatu, Hastings

Evidence of Orchid Laloifi Atimalala

22 January 2018

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Evidence of Orchid Laloifi Atimalala

1 Introduction

Qualifications and experience

- 1.1 My full name is Orchid Laloifi Atimalala. I hold the role of Principal Advisor: RMA in the Acquisitions and Designations (A&D) team of the Education Infrastructure Services (EIS) Group of the Ministry of Education.
- 1.2 In my current position I have responsibility for the procurement, co-ordination and management of professional services for the acquisition and designation of land for the Minister to enable the nationwide development of the network of state schools.
- 1.3 I am also responsible for all Resource Management Act and related legislative framework matters, as they relate to the Minister's schools, land and building/development, including but not limited to designations, outline plan of works, district plan reviews, strategy and policy planning support as well as building consent support.
- 1.4 I have been employed full-time by the Ministry of Education since January 2016; prior to which I was Principal Planner at Envivo Ltd, a consultancy specialising in resource management (surveying and planning) and civil engineering services based in Auckland. As a consultant specialist, I was responsible for managing the Minister's rollover of all 400 + education purpose designations, for the *Proposed Auckland Unitary Plan* process – a project I led and managed since 2012 as Principal Planner.
- 1.5 I hold the qualifications of Bachelor of Planning (BPlan) from the University of Auckland, and have practised variously as an RMA policy and consenting planner/strategic development advisor/Independent Hearings Commissioner in local government (in NZ, Australia and Samoa) and private consultant for the last 28 years. I am also a Full Member of the NZPI.

Scope of evidence

- 1.6 This statement of evidence is provided in support of the Minister's NOR to Hastings District Council to designate a site at Bennett Road, Waipatu, Hastings¹; as per the designation notation for educational purposes.
- 1.7 My evidence will outline key background information of the Ministry's processes and procedures to inform the Minister's designation, while also generally addressing some matters raised in submissions, as follows:
 - (a) My role and involvement in this project.

¹ The site is 3.0012 hectares legally described as Section 1 Survey Office Plan 514724, contained in identifier 806990 at Bennett Road, Waipatu, Hastings.

- (b) The Minister and Ministry's education responsibilities, including Maori-medium education and management of the education property portfolio.
- (c) The Minister's objectives in relation to the NOR.
- (d) The Ministry's site selection and evaluation methodology used to assist in selecting the Bennett Road site.
- (e) My comments on the Council's Planner's s 42A Report.

1.8 I confirm I have the appropriate authority to give this evidence on behalf of the Minister and the Ministry.

2 Role and involvement in the project

- 2.1 I am the team member within the Ministry that has overall responsibility for delivering the RMA outcomes of this project to relocate the Kura, Wharekura² and Kōhanga Reo.
- 2.2 My role is to ensure all authorisations required under the RMA (i.e. designation and regional consents) for the project are appropriately secured by the RMA/Planning and technical consultants appointed to the Project team. This role necessarily requires that I provide oversight and resource management planning advice, within the Ministry in relation to this NOR.
- 2.3 My formal involvement in the Project began prior to the completion of the settlement of the purchase of the preferred site by the Minister and the appointment of the consultant team - including legal, specialist technical and resource management / planning experts - who prepared the AEE and NOR.
- 2.4 Ms Danae Weston, who is the Project Delivery Manager in the A&D team of the Ministry, was responsible for managing the site acquisition process with the Ministry's consultants, The Property Group Limited (TPG), and for commissioning the Ministry's consultation and engagement with the community on this project.
- 2.5 Both Ms Weston and I have had the responsibility of engaging and briefing the Minister's consultants. We have also been jointly responsible for consulting and engaging with and for the Kura, Wharekura and Kōhanga reo's governance team.

3 Education Act 1989 objectives and obligations

- 3.1 The NOR sets out the Minister's objectives as follows:
 - (a) To designate the land to provide for the efficient management of a nationwide portfolio of education facilities.
 - (b) To provide a new Kura and Kōhanga Reo to accommodate the growing roll of students associated with the Kura and Kōhanga Reo, in a way that recognises the special cultural needs of the Kura and Kōhanga Reo to have a strong connection with the land.

² For clarity, I note that the Kura as referred to in the NOR and technical evidence includes both the Kura (years 0-8) and the Wharekura (years 9-13).

- (c) To allow land required for education purposes to be identified in the District Plan to give a clear indication to the public of its presence.

Provision of Maori language immersion education

- 3.2 The Ministry has obligations, as a Crown agency, to actively protect the Māori language as a taonga guaranteed under the Treaty of Waitangi. *Maihi Karauna* is the Government's strategy for Māori language revitalisation, mandated by Te Ture mō Te Reo Māori / the Māori Language Act 2016.
 - 3.3 Education is a significant contributor to Government efforts to protect and promote the Māori language, culture and knowledge.
 - 3.4 *Tau Mai Te Reo* (the Māori Language in Education Strategy) is the Ministry's key strategy document. *Tau Mai Te Reo* has been developed to ensure that there is a connected and cohesive approach to education contributions to support and strengthen the Māori language. Māori language in education is a defining feature of New Zealand's education system. High quality Māori language in education is important because it:
 - (a) Supports identity, language and culture as critical, but not exclusive, ingredients for success of all children and young people.
 - (b) Provides all Māori children and young people the opportunity they need to realise their potential and to succeed as Māori.
 - (c) Gives expression to the national curriculum documents for early learning, primary and secondary schooling that recognise the importance of te reo and tikanga Māori for New Zealand.
 - (d) Supports community and iwi commitments to Māori language intergenerational transmission and language survival.
 - 3.5 Māori language in education provision consists of two distinct streams – Māori-medium education and Māori language in English-medium education. Māori-medium education refers to kōhanga reo and puna reo (early learning), kura (primary education) and wharekura (secondary education) where curriculum is delivered in te reo Māori over 51% of the time. Just under 12% of all Māori students are in Māori-medium settings.
 - 3.6 The Minister has the power to establish schools under Part 12 of the Education Act 1989 and, in particular, may also designate a character school as a Kura Kaupapa Māori under section 155 of the Education Act.
 - 3.7 Kura Kaupapa Māori (such as the Takitimu Kura) are schools that provide immersion learning in Te Reo Māori based on Māori culture and values (matauranga Māori). Kura Kaupapa Maori are state owned and funded and they teach the national curriculum for Māori-medium schools, *Te Marautanga o Aotearoa*. Many Kura are composite schools - they have both primary and secondary departments (i.e. they teach Years 0-13).
- #### School network requirements
- 3.8 The Ministry employs staff in its Sector Enablement & Support Group (SES who are responsible for network planning at a regional and national level.

- 3.9 The SES teams constantly monitor and analyse (through demographic modelling), the rate and potential impacts of population on the schooling network(s) and the implications on the demand for particular types of education (e.g. primary, secondary, special, kura kaupapa Maori).
- 3.10 The modelling, analysis and forecasting undertaken by SES's network analysts, enables the Ministry to respond with the provision of appropriate capacity in that/those network(s).
- 3.11 This capacity can sometimes be achieved utilising a number of pedagogical tools available under the Education Act. If the Ministry considers that the acquisition of land for new schools and designation of sites is the appropriate to provide this additional capacity, then this is provided for under the Public Works Act and RMA
- 3.12 Our A&D team work closely with our network analysts in SES, who provide us with a brief for new school site(s)/designations. Additionally, the analysis provided may be targeted to accommodate student population growth in one or other of the Minister's schooling network such as a state school, a special school or a kura kaupapa Māori and may include early childhood learning, as is the case here.
- 3.13 In this case, the existing premises occupied by the Kura and Kōhanga Reo is constrained. This situation which has worsened as a result of the on-going educational achievements and success of the Kura which have resulted in a steady growth in student numbers and the granting of Wharekura status (i.e. providing education to students up to year 13).
- 3.14 There is now a demand for places beyond what the current premises can reasonably accommodate.
- 3.15 The Ministry's network analysts considered the issues and, after analysing all the options, concluded that the most appropriate response to accommodate the projected growth of the Kura, is a property one. That is, to secure land and relocate the Kura and Kōhanga reo, in order to continue to provide for an ongoing and sustainable Maori immersion education in the Hastings area.
- 3.16 The opening date for the relocated Kura, Wharekura and Kōhanga Reo, will be determined by various factors. In this case the relevant factors include the continued roll growth pressure from the Kura's educational success, the rate at which it is able to transition to a full wharekura and Cabinet approvals for establishment and capital funding. The Minister is therefore seeking a lapse date of 10 years for the designation to ensure all these factors can be programmed and aligned in an integrated manner.

4 Site selection and evaluation

- 4.1 As noted in 3.12 – 3.14 above, in August 2016 SES briefed the A&D team to carry out a site selection investigation in Hastings/Havelock North, with the express purpose of identifying a site suitable for the relocation of the Kura and Kōhanga Reo.
- 4.2 The A&D project delivery managers of the Ministry use a recognised multi-criteria evaluation/analysis) methodology to identify and evaluate the suitability of sites in the site selection area for education purposes. The methodology used to assist in selecting the site for the Kura was the Ministry's then current Methodology for New

School Site Evaluation (Version 6a Oct 15). I note that the Methodology is regularly reviewed and updated.

- 4.3 The methodology comprises two screening stages. The first stage, identifies any sites within the site selection area that potentially could be suitable for education purposes based on four broad criteria (locality, size/shape, current land use and access). The second stage is a more detailed assessment of ideally no more than 4-8 sites which have been identified in stage 1 as potentially suitable against, in this case, 18 more specific criteria which the Ministry has developed to ensure the final site selected is suitable for the Ministry's purpose. These criteria include, for example, consideration of how the site lends itself to school design, whether it is large enough to accommodate the particular school, whether the site has good road frontage, whether it can be connected to existing infrastructure and whether the owner is willing to sell.
- 4.4 Each site is given a score of between 0-5 against each of the stage 2 criteria, which together result in an overall score for the site. While the overall site scores inevitably differ, meaning sites are ranked from high to low, a site's placement in the ranking does not necessarily determine whether it will be selected as the preferred site. I note that at any stage in the site selection process additional sites can be added to the evaluation, or removed, as new information comes to light.
- 4.5 For example, in this case, because the Ministry is managing the relocation of an existing Kura Kaupapa Māori (rather than the establishment of a new state school) the particular educational and cultural needs of the existing Kura and its community were significant matters that the Ministry placed considerable weight on. The Minister considers the relocation of the Kura and Kōhanga Reo to be a matter of some urgency, so working with a willing seller was an important factor to consider when selecting the final site.
- 4.6 Once a preferred site has been identified through this iterative process then, subject to SES confirming that the identified preferred site complies with the original scoping brief, A&D commission a comprehensive due diligence be carried out on the relevant site to ensure the site is suitable for the proposed school.
- 4.7 This usually requires a significant investment in detailed geotechnical and engineering (infrastructure for stormwater, wastewater, water supply) and invasive land/ground investigations in accordance with accepted technical standards.

5 Whakakāinga for the Kura and Kōhanga Reo

- 5.1 The Kura currently operates out of facilities located at 706 Albert Street, Hastings. In 2015, approval was received to transition over time from a kura (providing for years 0-8) to a wharekura to Years 0-13. This transition is underway and the wharekura has around half a dozen secondary students but the Wharekura's capacity to offer secondary education is stymied by the current premises.
- 5.2 The initial search criteria in the brief from SES in August 2016 included a large geographical search area encompassing central and west Hastings and Havelock North.
- 5.3 The Ministry formally engaged TPG in May 2016 to undertake a site elevation study within the search area using the Ministry's standard two-stage site selection and evaluation methodology.

- 5.4 The stage one evaluation was undertaken in June 2016 and initially identified over 100 potential sites, a list which was narrowed to 55 sites by focusing on certain areas within the site selection area. Seven of the 55 sites assessed in stage one were selected to progress to stage two evaluation. This was undertaken in July 2016 and considered eight sites (including one additional site owned by the Ministry) in total.
- 5.5 The Bennett Road site was not in the original site selection area as it lies slightly east of the site selection area and was not therefore identified in the original site selection. The Ministry's local team, through discussions with the Kura and Kōhanga Reo in 2016, learned that the Kura and Kōhanga Reo were strongly opposed to possible sites located in the west of Hastings as they had no cultural connection to that area.
- 5.6 On 14 September 2016, the Kura met with Minister Parata who requested that the Kura work with the Ministry and participate in the site selection process given the Kura's Kura Kaupapa Māori status under s 155 of the Education Act.
- 5.7 In early October 2016 the Kura and Kōhanga Reo identified land owned by the Aorangi Trust Board in Bennett Road (which included this site) as its preferred permanent location.
- 5.8 In mid-October 2016 the Ministry's A&D team met with the Kura and the Kōhanga Reo to discuss the site purchase. At that meeting the Kura confirmed their cultural connections to the east of Hastings and their specific desire for this reason to relocate to Bennett Road.
- 5.9 The outcome of the site evaluation was that the basic attributes of the site all lent themselves to it being suitable for educational purposes.
- 5.10 Initially, it was unclear whether the Aorangi Trust Board would be willing to sell the land, which meant that for the factor of ease of acquisition the Bennett Road site received a low score.
- 5.11 In mid-March 2017 the Aorangi Trust Board advised that it would enter into negotiations to sell the site, changing the status of the low score to a higher score. Given the increased ease of acquisition, significance of the Kura having a strong cultural connection with the site and the overall suitability of the site, due diligence and designation work commenced and the Ministry made the informed decision to proceed with the Bennett Road site.
- 5.12 As the site was for the relocation of an existing kura kaupapa Māori it was appropriate for additional weighting over and above what would be typical for a state school to be given to the cultural connection which the Kura and Kōhanga Reo identified in relation to the site. The Ministry expects, and it is my experience, that those connections will contribute to the Kura and Kōhanga Reo relocating successfully and will assist in each achieving their respective educational outcomes.
- 5.13 Site acquisition has now been completed, title has issued and the site is now owned by the Crown for education purposes. I consider that the assessment of preferred sites for the relocated Kura, Wharekura and Kōhanga Reo, using the methodology I have described above has been comprehensive, robust and readily supported by the Ministry and the school communities affected.

- 5.14 I have read and understood site evaluation appraisals and the technical reports contained in them which were commissioned by the Ministry for this site and the Kura, Wharekura and Kōhanga Reo.
- 5.15 I note that existing Board of Trustees and leadership (including the Wānanga), as representatives of their school communities, have been consulted with and engaged throughout this process. This is not an opportunity typically available to the Ministry, where new schools on new sites have yet to establish this operational governance or deep community connection.

6 Establishment and construction

- 6.1 The purposed of the proposed designation is to enable the relocation of that existing Kura, Wharekura and Kōhanga Reo and the existing Board of Trustees will transition to continue to manage and operate the site and the educational objectives of the school (on behalf of the Minister/Ministry).
- 6.2 Construction and design professionals have been appointed by the Ministry and are on standby to commence design pending the outcome of this notice of requirement hearing. There are no design details for a future school currently available. However, when they are, the Ministry's project team will be required to work closely with the Board of Trustees and Ministry officials, to develop the vision of the Board into a fully integrated and operational educational facility.
- 6.3 These construction and design professionals will be responsible for preparing and obtaining all necessary building and other consents such as regional earthworks or NES consents and including the establishment (and subsequent) Outline Plan of Works as required by section 176A of the Resource Management Act 1991.
- 6.4 I wish to comment briefly one matter raised in the reporting planner's s 42A report relating to the need for a 15m building setback on the side and rear boundaries and the planting of evergreen shelterbelts within that setback area. The technical evidence will address why these measures are not required to address any adverse effects on the environment. From a school development and operational perspective these measures are problematic. In terms of crime prevention through environmental design (CPTED)Principles, the Ministry prefers not to have such glades of trees with poor visibility of students and to retain passive surveillance of the site.
- 6.5 Further, as there is no detailed design available for the school, the Ministry wishes to retain as much flexibility as possible in terms of how to best locate landscaping, car parks, buildings and play areas on the site; in an integrated manner with low impact design principles for example (site contouring/earthworks, swales, rain-gardens and other on-site stormwater detention/retention to assist with potential flooding, for example). The Ministry considers that such matters are best addressed through the OPW process when the overall site layout and its integration with the surrounding environment can be considered comprehensively.

7 Conclusion

- 7.1 The designation over the subject site for Maori immersion education purposes, is required by the Minister in order to protect the land for the construction, operation

and ongoing maintenance of the state education facilities on this site – the Kura, the Wharekura and the Kōhanga Reo.

- 7.2 This is in accordance with the Minister of Education's objectives and obligations under the Education Act.
- 7.3 New state schools are a public work of the Minister, provided and established in response to demand as a result of growth and development.
- 7.4 I have read and understood the Council's s42A report and concur with the recommendation to confirm the designation of the Minister on this site at Bennett Rd, Hastings; subject to appropriate conditions of designation.

Orchid Laloifi Atimalala
Ministry of Education

22 January 2018