



Form 21

Submission on a requirement for a designation or an alteration to a designation subject to full or limited notification under Section 168A, 169, 181, 189A, 190 and 195A of the Resource Management Act 1991

Date: 8 November 2024

To: Hamilton City Council

Name of Submitter: Te Tāhuhu o te Mātauranga | Ministry of Education

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Submission on Notice of Requirement for the Rotokauri Strategic Transport and Three Waters Infrastructure

SUMMARY

1. Te Tāhuhu o te Mātauranga / The Ministry of Education (“the **Ministry**”) is the Government’s lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government’s goals for education.
2. Hamilton City Council (“**HCC**”) has lodged a Notice of Requirement (“**NoR**”) for the Rotokauri Strategic Transport and Three Waters Infrastructure which includes the construction and operation of a multimodal transportation and infrastructure corridor. The NoR project scope (“the **Project**”) includes:
 - Proposed major arterial road - approx. 0.7km widening on Te Kowhai East Road;
 - Proposed minor arterials - approx. 3.8km, north-south arterial and a portion of Te Kowhai East Road to connect to the existing corridor;
 - Proposed collector roads - approx. 0.8km Chalmers Road extension and Arthur Porter Drive north realignment;
 - Proposed local road - approx. 0.5km connection to Arthur Porter Drive realignment to provide continued access to industrial/commercial properties; and
 - Associated three waters infrastructure and network utilities.
3. This submission relates to the entirety of the NoR lodged by HCC.
4. The Ministry considers that they are a key stakeholder with land interests both adjacent to, and within proximity to, the Project. The Ministry requests HCC to consult and engage with the Ministry and directly affected educational facilities throughout the Project timeframe.
5. With several existing designated educational facilities in proximity to the NoR, there is potential for these educational facilities, or any future educational facilities developed in this area, to be affected by traffic, noise and other nuisance effects arising from future construction works of this transportation network. The Ministry is

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seeking to ensure that appropriate conditions are included in the designations to mitigate any adverse effects associated with the construction of the Rotokauri transport network.

6. The Ministry's role is to support future development areas through roll growth projects and/or new site selection and establishment of new educational facilities where required. In this regard, the Ministry has interests in future landholdings adjacent to the proposed Project boundary. It is important that the Project responds to, facilitates, and enables the establishment of future educational facility infrastructure in key locations in the Rotokauri area to support growth. In this regard, the Ministry requests that HCC establish a land integration process to ensure that the integration of land directly affected or adjacent to the designation is implemented through the design process.
7. The Ministry supports the provision of active transport modes (e.g. walking and cycling) as proposed through the Rotokauri Transport Network, provided that access and supporting transportation functions required for educational facilities is appropriately accommodated in the future design of the network.
8. Overall, the Ministry's submission is neutral on the NoR, subject to the following request for inclusions and changes being made to the conditions including:
 - a) A new condition for a Stakeholder Communication and Engagement Management Plan ("SCEMP"). Stakeholders should include the Ministry and local educational facilities within proximity to the designation;
 - b) Amendments to the Construction Traffic Management Plan ("CTMP"), to manage road usage around educational facilities, restrict heavy vehicle routes, and facilitate safe and legible access for all road corridor users; and
 - c) A new condition to establish a land integration process to ensure that the integration of land directly affected or adjacent to the designation is implemented through the design process.
9. The Ministry wishes to be heard in support of its submission.

OVERVIEW OF THE MINISTRY'S RESPONSIBILITIES & LAND INTERESTS

10. The Ministry is the Government's lead advisor on the New Zealand education system. The Education and Training Act 2020 sets out the obligations and responsibilities of the Ministry. The Ministry have responsibility for the education outcomes of students across the full spectrum of the education sector, including pre-school, primary and secondary levels.
11. The Ministry assesses population changes, school roll fluctuations and other trends and challenges impacting on education provision at all levels of the education network to identify changing needs within the network so the Ministry can respond effectively.
12. The Ministry is a Requiring Authority under the Resource Management Act 1991 ("RMA") and has over 40 education purposes designations in the Hamilton City District Plan ("HCDP").
13. The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing.
14. The Ministry is therefore a considerable stakeholder and social infrastructure provider in terms of activities that may impact existing and future educational facilities and assets in the Waikato region.
15. The Ministry has multiple education facilities within the Rotokauri area including (approximate distance from the Project location indicated):
 - Te Rapa School (600m);
 - Ngā Taiātea Wharekura (850m);

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- Te Kōpuku High (1 km);
- Pukete School (1km); and
- Rotokauri School (2km).

16. In addition, the Ministry has interests in future landholdings in proximity to the NoR for future education facility purposes. This includes land immediately adjacent to the designation.

17. The location of the NoR in relation to the Ministry's existing assets is shown in Figure 1.

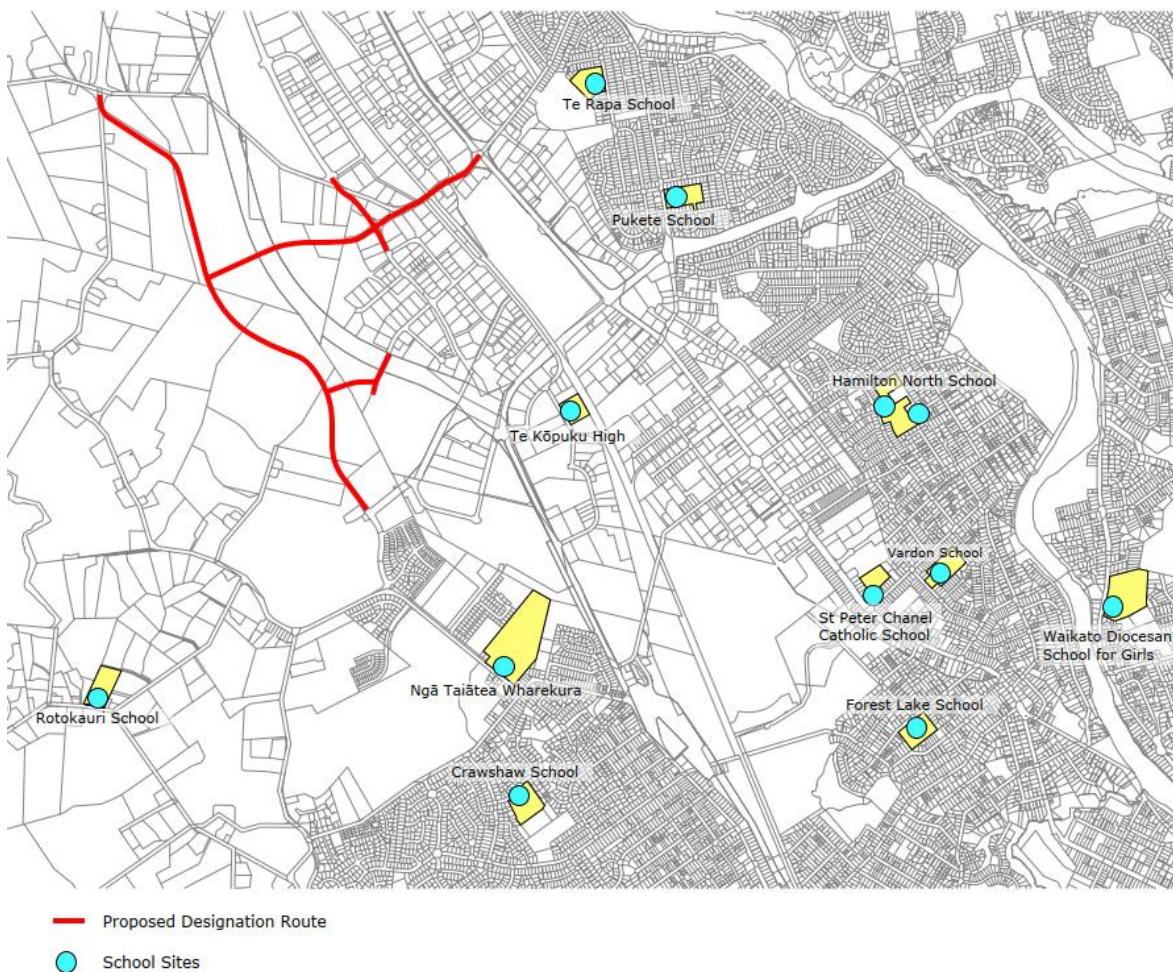


Figure 1: Proximity of NoR to the Ministry's Educational Facility Sites (Source: Woods)

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18. Under the RMA, decision makers must have regard to the health and safety of people and communities. Furthermore, there is a duty to avoid, remedy or mitigate actual and potential adverse effects on the environment.

19. The NoR to designate land for the Rotokauri future strategic transport and infrastructure corridor will enable the future construction, operation, maintenance of transport and three waters infrastructure to support anticipated growth within Hamilton's future urban zoned area over the next 10 - 30 years. The Project supports improved walking and cycling, public transport, intersection upgrades and general traffic improvements. The key reasons

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for this investment are to improve safety, better integrate transport and land use, improve accessibility, transport resilience, and promote travel choice.

20. The Ministry broadly supports the Project aim to plan transport and infrastructure investment in Hamilton's Rotokauri area. In particular, the Project will improve active mode facilities, enhancing the safety of students walking and cycling to and from educational facilities.
21. The Ministry supports the provision of shared pathways, bi-directional cycle ways, upgrading of intersections, that will provide safe access to the current and future wider educational facility network. Encouraging modal shift will provide significant health benefits for students and staff, and reduce traffic generation at pick up and drop off times. Educational facilities should be well serviced by safe and accessible pedestrian and cycling links as well as public transportation facilities, and it is considered that the proposed upgrades will provide adequate active mode infrastructure to the surrounding area.

Future Education Facilities

22. The Ministry has land interests immediately adjacent to the NoR for the purposes of establishing a future education facility. While the Ministry supports the overall intent of the Project, including the multimodal transportation corridor and proposed network infrastructure, it is concerned that insufficient consideration has been given to how the integration of surrounding land uses will be facilitated by the future network design. In this regard:
 - a) It is important that the Project responds to, facilitates, and enables the establishment of future educational facility infrastructure in key locations in the Rotokauri area to support growth.
 - b) As currently drafted, there is insufficient consideration of how land directly affected or adjacent to the designation boundary will be integrated with the transport network design.
 - c) A key concern is how access and supporting transportation requirements for future educational facilities adjacent to the designation boundary will be facilitated. Particularly where multimodal corridors are planned or where fixed intersection design are proposed without full consideration of the site layout and function of adjoining land uses. There is potential for design conflict with the multimodal design of the road network and fixed intersection locations may preclude the ability of the Ministry to achieve their own site needs (for example, enabling access, providing for larger vehicles such as buses, specific pedestrian requirements).
 - d) There is no provision within the NoR as currently drafted to require engagement with key stakeholders around design integration of adjoining land uses with the transport corridor.
 - e) The Ministry considers that a land integration process should be established as part of the NoR to ensure that the integration of land directly affected or adjacent to the designation is fully provided for through the detailed design process to ensure appropriate outcomes for both HCC and stakeholders and sound resource management practice.

Construction Programme

23. The Project is a large programme of works anticipated to be delivered in 3 stages. The quantum of construction required to deliver the projects will likely have temporary adverse effects on the surrounding environment. There are several educational facilities in proximity to the NoRs. There is potential for these educational facilities to be affected by traffic, noise and other nuisance effects arising from future construction works. The construction timing is yet to be determined, so there is uncertainty regarding the construction methodology, including the routes for construction vehicles and the location of construction laydown areas.
24. The Ministry seeks to appropriately address and manage construction related effects and the ongoing potential effects the Project may have on the operation and management of educational facilities. Additionally, as the project is planned for works over the next 10 to 30 years, the Ministry's Submission is intended to address any new educational facilities that are developed proximate to the Project area in the future. The key issues that the Ministry has concerns about in relation to the NoRs include construction traffic effects, and stakeholder engagement. These concerns are outlined in detail below.

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Construction Traffic Effects

25. The surrounding educational facilities (and any future facilities) will potentially be affected by an increased volume of heavy vehicles to access the construction area of the NoRs. Further, there is potential for students making their way to and from educational facilities to pass through / near to construction areas. This is a traffic safety concern for students walking, cycling and using other active transport modes to educational facilities at peak pick up and drop off times and a network congestion issue.
26. Condition 8.1 requires the preparation of a CTMP prior to the start of construction, Condition 8.2 sets out the objectives of the CTMP which includes Stakeholder communication, and Condition 8.3 sets out the requirements of the CTMP.
27. The Ministry supports the inclusion of these conditions but requests that specific reference is made to active mode users and educational facilities to address the estimated numbers, frequencies, heavy vehicle routes, detours and timing of traffic movements, including any specific non-working or non-movement hours (for example on roads servicing educational facilities during pick up and drop off times) to manage vehicular and pedestrian traffic near educational facilities or to manage traffic congestion.

Stakeholder Engagement

29. The Ministry is a key stakeholder to this NoR. This Submission requests that HCC consult with the Ministry to discuss the integration of the designation with future educational facilities and maintain engagement throughout the full extent of the Project timeframes to ensure sound resource management outcomes.
30. The Ministry also requests that a Stakeholder Engagement condition is established to clearly identify who key stakeholders are. This is particularly important during the design and construction phase and the implementation of the CTMP to address nuisance effects and ensure the safety of students, staff and their whānau. The list of stakeholders should include both the Ministry and educational facilities within 1km of the staged works areas including Te Rapa School, Ngā Taiātea Wharekura, Te Kōpuku High, Pukete School, and any future educational facilities that may be established during the lifetime of the Project.

Summary

31. The requested changes to address the above through the proposed conditions of the Designation are included in **Appendix 1** to this submission.

RELIEF SOUGHT

32. In principle, based on the above, the Ministry supports multimodal corridors, including walking and cycling facilities proposed in the NoR application. The Project will provide improved active mode connectivity and is essential to provide existing and future communities with a sustainable means of accessing education facilities in Rotokauri and surrounding suburbs.
33. The Ministry requests that HCC consult and engage with the Ministry as a key stakeholder. In particular, consultation and engagement should occur immediately regarding its future landholding interests adjacent to the designation boundary. Consultation should occur throughout the Project stages to ensure that the integration of land use and transportation planning occurs. During the construction phase, individual educational facilities within proximity to the works area should be directly engaged through the CTMP process.
34. The Ministry has interests in landholdings immediately adjacent to the designation boundary for a future educational facility. It is requested that the inclusion and amendments to conditions as set out in **Appendix 1** are adopted by HCC to address the following:
 - a) The NoR application should respond to, facilitate, and enable the establishment of a future educational facility proximate to the designation boundary. The design of the strategic transport and infrastructure

network corridors should not preclude the ability of the Ministry to obtain access and supporting transportation functions required for a future educational facility;

- b) Include provision within the NoR to require engagement with key stakeholders around integration of adjoining land uses with the transport and infrastructure corridor. The Ministry considers that a land integration process should be established as part of the NoR to ensure that the integration of land directly affected or adjacent to the designation is fully provided for through the detailed design process to ensure appropriate outcomes for both HCC and stakeholders such as the Ministry; and
 - c) Consequential amendments to recognise both existing and proposed educational facilities
35. To ensure temporary construction effects associated with the NoR on the Ministry are appropriately managed, it is requested that appropriate conditions are imposed on the NoR in accordance with the RMA. It is requested that amendments to conditions as set out in **Appendix 1** are adopted by HCC. The amendments sought include:
- a) Inclusion of a new condition to require a SCEMP;
 - b) Request that the Ministry and educational facilities within 1km of the designation boundary are identified as stakeholders in the CTMP; and
 - c) Request changes to the CTMP to recognise effects on education facilities and address the estimated numbers, frequencies, heavy vehicle routes and timing of traffic movements, including any specific non-working or non-movement hours (for example on roads servicing educational facilities during pick up and drop off times) to manage vehicular and active mode traffic near educational facilities or to manage traffic congestion. Also request additional amendments to ensuring safe access is maintained and detours are provided / communicated.
36. Overall, the submission is **neutral** subject to the above changes being made to the designation conditions.
37. Such other consequential amendments to the NoR necessary to give effect to the relief sought through this submission.
38. The Ministry wishes to be **heard** in support of its feedback.

Ngā mihi nui



Joanne Sunde

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Woods

Appendix 1 - Relief Sought - New & Amended Conditions

Proposed Amendments to the Proposed Designation Conditions¹

Additions underlined, deletions ~~struckthrough~~

No.	Conditions	Comment
	<u>Land Use Integration Process</u>	
[x]	<p>a. <u>The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation and the Start of Construction. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the designation. To achieve this purpose:</u></p> <ul style="list-style-type: none"> i. <u>the Requiring Authority shall include the contact details of a nominated contact on the project website (or equivalent information source) required to be established by Condition [x]; and</u> ii. <u>the nominated contact shall be the main point of contact for a Stakeholder wanting to work with the Requiring Authority to integrate their development plans or master planning with the designation.</u> <p>b. <u>At any time prior to the Start of Construction, the nominated contact will be available to engage with a Stakeholder for the purpose of:</u></p> <ul style="list-style-type: none"> i. <u>responding to requests made to the Requiring Authority for information regarding design details that could assist with land use integration; and</u> ii. <u>receiving information from a Stakeholder regarding master planning or land development details that could assist with land use integration.</u> <p>c. <u>Information requested or provided under Condition [x]b. above may include but not be limited to the following matters:</u></p> <ul style="list-style-type: none"> i. <u>design details including but not limited to:</u> <ul style="list-style-type: none"> A. <u>boundary treatment (e.g. the use of retaining walls or batter slopes);</u> B. <u>the horizontal and vertical alignment of the road (levels);</u> C. <u>potential locations for mid-block crossings;</u> D. <u>integration of stormwater infrastructure; and</u> E. <u>traffic noise modelling contours.</u> ii. <u>potential modifications to the extent of the designation in response to information received through Condition [x]b.ii.</u> iii. <u>the timing of any response to information received through Condition [x]b.ii.</u> iv. <u>a process for the Requiring Authority to undertake a technical review of, or provide comments on, any master planning or development proposal advanced by the Stakeholder as it relates to integration with the Project; and</u> 	<p>Inclusion requested</p> <p>This condition is requested to enable the future design of the strategic transport corridor to have regard to the design and functional needs of adjacent and directly affected landholdings, such as the Ministry's future educational facility, so that land use needs can be appropriately integrated into the Rotokauri strategic growth network design to achieve a well functioning urban environment.</p> <p>This will achieve efficient and effective integrated planning outcomes in line with sound resource management practice.</p> <p>Similar conditions have been adopted through the Support Growth Alliance (SGA) NoRs in Auckland by Auckland Transport and the New Zealand Transport Agency (NZTA) and are considered appropriate to be adopted by HCC for the purposes of this NoR</p>

¹ Rotokauri Strategic Infrastructure Designation Report, Section 10, prepared by Beca Limited, dated 19/09/2024

	<p>v. <u>details of how to apply for written consent from the Requiring Authority for any development proposal that relates to land is within the designation under section 176(1)(b) of the RMA.</u></p> <p>d. <u>Where information is requested from the Requiring Authority and is available, the nominated contact shall provide the information unless there are reasonable grounds for not providing it.</u></p> <p>e. <u>The nominated contact shall maintain a record of the engagement between the Requiring Authority and Stakeholders for the period following the date in which this designation is included in the HCDP through to the Start of Construction for a Stage of Work. The record shall include:</u></p> <p>i. <u>details of any requests made to the Requiring Authority that could influence detailed design, the results of any engagement and, where such requests that could influence detailed design are declined, the reasons why the Requiring Authority has declined the requests; and</u></p> <p>ii. <u>details of any requests to co-ordinate the forward work programme, where appropriate, with Stakeholders.</u></p> <p>f. <u>The record shall be submitted to Council for information ten working days prior to the Start of Construction for a Stage of Work.</u></p>	
	Stakeholder Communication and Engagement	
[x]	<p>Stakeholder Communication and Engagement Management Plan</p> <p>a. <u>At least 6 months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify:</u></p> <p>i. <u>A list of Stakeholders;</u></p> <p>ii. <u>A list of properties within the designation which the Requiring Authority does not own or have occupation rights to; and</u></p> <p>iv. <u>Methods to engage with Stakeholders and the owners and occupiers of properties identified in a.i. - ii. above.</u></p> <p>b. <u>A record of a. shall be submitted within an Outline Plan for each relevant Stage of Work.</u></p>	<p>Inclusion requested</p> <p>This condition is requested to ensure that key stakeholders are accurately identified and appropriately engaged throughout the Project works to ensure the efficient and effective delivery of the Project and enable integrated land use planning. The Ministry and local educational facilities within 1km of the designation boundary are considered key stakeholders.</p> <p>Similar conditions have been adopted through the Support Growth Alliance (SGA) NoRs in Auckland by Auckland Transport and the New Zealand Transport Agency (NZTA) and are considered appropriate to be adopted by HCC for the purposes of this NoR</p>
	Management Plans	
6.1	<p>The following Management Plans must be prepared by a suitably qualified and experienced person and be submitted to the Territorial Authority for certification that they are consistent with the conditions of the Designation:</p> <p>a. Construction Environmental Management Plan.</p> <p>b. Construction Traffic Management Plan with a Stakeholder and Engagement Plan.</p> <p>c. Construction Noise and Vibration Management Plan.</p> <p>d. Construction Erosion and Sediment Control Plan.</p> <p>e. Construction Level Crossing Safety Management Plan.</p> <p>f. Ecological Management Plan; and</p>	<p>Amendment requested</p> <p>The Ministry requests that a Stakeholder Communication and Engagement Plan is required as a new condition. This is a consequential amendment to reflect this inclusion.</p>

	<p>g. <u>Landscape Management Plan;</u> and</p> <p>h. <u>Stakeholder Communication and Engagement Management Plan.</u></p>	
	Construction Traffic Management Plan	
8.2	<p>The objective of the CTMP is to minimise adverse effects on property access, <u>active transport users</u>, traffic safety and efficiency as a result of enabling or construction works activities, and effectively communicate those effects to stakeholders and the public. The CTMP forms part of the CEMP required by Condition 7.</p>	<p>Amendment requested</p> <p>Inclusion requested to recognise pedestrians, cyclists, and other active transport users who rely on a CTMP to enable their safe and efficient movement through a construction zone. This is particularly relevant mode of transport for educational facility users.</p>
8.3	<p>The CTMP must include, as a minimum:</p> <ol style="list-style-type: none"> Identification of traffic management activities and sequencing proposed for the Project, including staff travel, site access routes, hours of operation for service and Heavy Vehicles. A Stakeholder and Engagement Plan <u>required by condition [x]</u> which describes how stakeholders and the public will be communicated with and can register complaints during construction in relation to the following matters: Methods for managing traffic effects, including through temporary traffic management activities, including: <ol style="list-style-type: none"> To communicate traffic management measures to affected road users. To provide for safe and efficient access of construction vehicles to and from construction sites, including consideration of capacity for queuing vehicles, restrictions on turning movements and sight distances. To maintain vehicle access to <u>and within</u> property and/or private roads <u>for all transport modes</u> where practicable, or to provide alternative access arrangements when it will not be. To maintain local access during Project works, where practicable. For temporary road closures, with road closures to be conducted at times of lowest traffic, at night if practicable. To identify how impacts on the road network from construction related light vehicle movements will be managed during peak traffic periods. To identify how impacts from construction related light vehicle movements will be managed during peak traffic periods. To identify how impacts from construction related Heavy Vehicle movements on traffic flow and level of service of the road network will be managed. To ensure that any construction vehicles leaving the land on which works are being conducted do not deposit soil or other debris on local roads, and the remedial measures to be taken should this occur. <u>The estimated numbers, frequencies, routes and timing of traffic movements, including how heavy vehicles must avoid the schools at peak school pick up and drop off times</u> <u>identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport service, pedestrians, cyclists and other active mode users.</u> 	<p>Amendment requested</p> <p>As addressed in the submission, there are several educational facilities in proximity to the NoRs. There is potential for these educational facilities to be affected by traffic, noise and other nuisance effects arising from future construction works.</p> <p>It is important that the CTMP recognises facilitating safe and efficient network during the construction phase is critical to ensuring that students, staff and their families are able to navigate the works site, and ensure that the network is able to function during drop off and pick up times.</p> <p>Further, as a key stakeholder, communication through the Ministry and local educational facilities will also ensure effective communication channels with the wider communities.</p>

	d. An explanation of how pedestrian and cycle access will be maintained. e. An explanation of how emergency vehicle access is always provided; and f. Methods to minimise disruption or delays to bus services.	
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