

11 March 2015

The Manager

Christchurch City Council

P.O. Box 73012

CHRISTCHURCH 8154

Attention: Alan Matheson

Dear Alan,

DESIGNATION OF 8 INTEGRATED STATE SCHOOLS (CATHOLIC COLLEGES AND CHRISTIAN SCHOOLS)

You may recall discussions that were held with yourself and staff from the Council's Planning Administration section late last year with respect to this matter.

Subsequent to that, the Minister of Education has now approved Notices of Requirement for two Catholic Colleges, while that for Villa Maria College is currently with the Minister for signing. In addition, the Minister has agreed to the designation of 17 Catholic Diocese Schools. A covering letter and attached Notices of Requirement are being submitted separately but simultaneously for these schools.

Our initial inclination was that these NOR's be lodged with the Council and processed pursuant to section 168 of the Act. However following recent discussions with Council staff, and given the timing of notification for Phase 2 of the Replacement Christchurch District Plan ("the pRDP"), we have concluded that it will be preferable to have these Notices of Requirement served on the Council pursuant to Clauses 4(7) and (8) of the First Schedule of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. As you are aware, the NOR's may be included within the pRDP, if the pRDP is being notified within 50 days of the NORs being received. We understand notification of Phase 2 is to be 2 May 2015. Any hearings of submissions on the NOR's would be before the Hearings Panel appointed pursuant to the OIC, who would also make the decisions on the NORs.

We have attached in electronic form the signed Notices of Requirement for 7 of the 8 schools concerned, with a description of each of the schools. There is no intention to undertake any works on these sites as part of the Notice of Requirement in each case, as any works currently underway or proposed in the near future have already been authorised by resource consent. In future, works on these sites would be subject to the issue of an Outline Plan. The outstanding NOR for Villa Maria College will be served upon the Council as soon as possible.

Before initiating the necessary notification procedures, I would appreciate the Council advising as soon as possible what charges are likely to be made for processing these Notices of Requirement, if any, and on what basis.



Robert Nixon

Director, Planz Consultants

Notice of requirement by the Minister of Education under Section 168 of the Resource Management Act 1991

The Minister of Education hereby gives notice of a requirement for a designation for Education Purposes in the Christchurch City Plan.

The site to which the requirement applies is as follows:

Aidanfield Christian School, 2 Nash Road, Halswell (Aidanfield).

The school property is owned by the Kings Christian School Trust and comprises 4.4341ha in Lot 2 DP 48347, and Lot 340 DP 454126.

Site Description

Aidanfield Christian School is a state integrated composite school (years 1 to 10) established in 1996. It was integrated as a state school in 1999. Although gazetted to educate students from years 1 to 13, the school currently educate students from years 1 to 10, beyond which time the majority of students move to Middleton Grange School to complete their education. The school is linked through the Christian Schools Trust with Middleton Grange School. The site comprises a total area of 4.4341 ha, but a small area of land within the site is leased to a preschool operated by The Christian Schools Trust which is excluded from the site to be designated. The total area of the site to be designated is 4.3481 ha.

Aidanfield Christian School is a relatively new and growing school in the south western quadrant of the city that it primarily serves. The school roll in 2014 was 222 pupils, which is expected to increase to 275 in 2015. Application has been made to the Ministry of Education to increase the roll to 550 over a period of 7 – 8 years. The school currently has 12 classrooms, with an independently operated preschool on site for 30 children. There are 16.8 full time equivalent (FTE) staff on the site.

Apart from minor structures, the school is contained in one large and six smaller buildings at the western end of the site. Application has been made to the Council (2014) for two further classrooms and a hall in the same area. All of the existing buildings on site are of recent construction, as the original large masonry building on site was demolished following earthquake damage and the new buildings are purpose designed single storey structures.

There is also a swimming pool on the site which is used both by the school and leased to a commercial operator for swimming lessons. This pool is covered and contained in a building which predates the establishment of the school. The Pool currently operates 9am – 6pm Monday to Friday and 8:30am to 12pm on a Saturday.

The floor area of buildings on the site is 2552m², with a further 548m² currently under construction. The highest building currently on the site has a height of 6m. Future buildings on the site are expected to be either single or two storey structures, but in taking into account the projected growth of the school and population increases in the southwest of the city, the school will need flexibility to balance coverage, height, and open space on site to satisfy future needs.

Visual effects

The site is located on the edge of a newly established residential environment in the recently developed Aidanfield subdivision. To the west of the school is the long established St John of God Hospital and the Halswell Residential College which provides for children with specialised needs. To the north is Canterbury Park - Nga Puna Wai. To the east the site is adjoined by new housing in the Aidanfield subdivision.

The eastern part of the site, adjacent to the new residential area along Malachy Grove, comprises the school playing fields.

The school is set back from Aidanfield Drive and the residential area to the south, and is framed by trees along most of its boundary and particularly the Halswell Stream boundary with the St John of God property.

Traffic and Parking

Aidanfield Drive is classified as a collector road, and is a bus route. Primary access to the school is from Nash Road (off Aidanfield Road), to the western end of the site, where there is a place to drop off children delivered by vehicle. Secondary access is also available from Aidanfield Drive into the eastern end of the site, primarily for staff purposes and as an exit only point from the visitor parking area. Aidanfield Road has a planted median with a gap opposite Nash Road.

The school's clientele is drawn from parents seeking a specific spiritual component in their children's education. For this reason, a high proportion of the students attending the school are delivered or collected in their parent's vehicles.

Carparking on the site comprises the following:

- 51 visitor and staff car parks adjacent to the primary entrance from Nash Road.
- a further 10 carparks to be constructed as part of the hall project currently awaiting consent.

There are also 48 cycle parks on the site of which a maximum of 20 are used at any given time.

The preschool has 12 carparks for its own use.

Noise

A characteristic feature of schools is noise associated with children's activities during outdoor play, at times when children are arriving at, and leaving the school, and irregular noise generation associated with other school events such as organised sports.

Schools by their very nature are an inherent part of a residential community and are almost invariably surrounded by residential activities. Aidanfield Christian School is an established facility in the local community. It is set back from adjoining activities to the west, south and north and predates the establishment of the housing area to the east.

Positive effects

Aidanfield Christian School provides for the educational needs of students, particularly those in the southwest Christchurch area, through the provision of a national educational curriculum while also meeting the aspirations of those parents in the Christian community who wish to maintain a spiritual element as part of their children's education. There is substantial growth in the south-western quadrant of the city and the growth in the school roll reflects the demand for a Christian based education in this wider area. The schools activities are consistent with the purpose of the Act under Section 5, which seeks to enable people and communities to provide for their social and cultural wellbeing.

The nature of the proposed public work is:

The designation for education purposes under the Resource Management Act 1991 is to provide for the ongoing operation, maintenance, development of public education for primary school children on the site.

The nature of the work conducted and operated on the site subject to the designation notice is:

- the construction, undertaking, establishment, management, operation and maintenance of an integrated school; and
- the use of the land for educational public purposes where the relevant education authority constructs, undertakes, establishes, manages, operates, or maintains land for such work or use.

The nature of the proposed restrictions that would apply to the public work are:

No restrictions are considered necessary with respect to the operation of the school, and any future activities would be subject to the provisions of the Outline Plan provisions under section 176A of the Resource Management Act. Middleton Grange is an integrated state school, and as such is subject to the same regulatory regime as other existing state schools, which are not subject to conditions. Any Council comments on Outlined Plans could be guided by the underlying provisions of the Christchurch City Plan.

Alternative sites, routes, and methods have been considered to the following extent:

No consideration of alternative sites or routes is required in this case, as the proposed designation is required to recognise an existing school facility within the Aidanfield/Halswell community, and within the current boundaries of the school.

The only alternative method is for the school to be subject to the planning controls under the City Plan. In *Ministry of Education versus Christchurch City Council, Environment Court Decision C130/03* the Environment Court decided that as a general principle this was an inappropriate method. The Court stated (*refer paragraph 41*) that it was "*..... concerned with the methods in the sense of physical means of achieving the public work, not whether designation as opposed to plan provisions or a resource consent is the appropriate method of achieving the work*".

This decision confirmed that designations for schools hold a significant number of benefits over district plan controls and are therefore a preferable planning method to be utilised when providing for the operation, maintenance and development of primary and secondary schools in New Zealand.

The Minister of Education, as the relevant requiring authority, has accepted that State integrated schools are part of the school system for which the Minister holds financial responsibility. Designation of schools which have been integrated pursuant to the Private Schools Conditional Integration Act 1975 is the most appropriate method for the purpose of Section 171(1) of the Resource Management Act.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The designation is reasonably necessary for achieving the objectives of the requiring authority because this efficiently provides for the continued operation, development and improvement of the school in a manner consistent with that of other integrated schools and State schools.

Under the Private Schools Conditional Integration Act 1975, an "*integrated school*" is defined in Section 2 "*Interpretation*" as meaning-

".....a private school originally established to provide education with a special character that, in accordance with the provisions of this Act, has, by the free choice of the proprietors of the school, been established as an integrated school, and has thereby become part of the State system of education in New Zealand; and includes any school that has been established as an integrated school with the consent of the Minister given pursuant to subsection (3) of section 5".

The Ministry of Education has confirmed that they are prepared to issue Notices of Requirement on behalf of Catholic Diocese schools, which all have integration agreements with the Ministry of Education. The same principle would apply to any integrated school which has an integration agreement with the Ministry. It can be noted that integrated schools are already designated in District Plans, an example being Wellington City.

Section 2(3)(b) goes on to provide provides that unless the context otherwise requires, every reference in any other enactment or document to a State school shall be read as including a reference to an integrated school.

In the Ministry of Education decision referred to above (*paragraph 44*), the Court went on to identify the benefits for the Minister for designation, including among other things that it provided a clear methodology for changes to occur through the outline plan procedure, a uniform approach throughout many different districts, that the existing (school) uses were well-established, and that educational requirements and student numbers changed regularly.

The Minister considers that these factors are relevant to the operation and management of the many Diocese schools in Christchurch and in other district councils within the area covered by the Diocese, and for integrated schools generally.

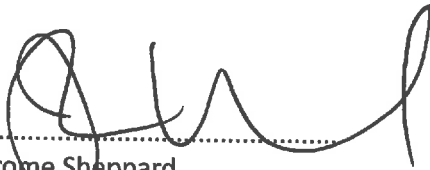
The technique of designation provides for greater consistency for the treatment of schools and greater certainty in terms of their future management. This certainty is considered to be important by the Minister of Education as a long-term commitment is made to the particular sites selected or used for the operation of a school. It also provides certainty to the local authority in terms of the presence of this and similar school activities, which is beneficial to other resource users.

The following consultation has been undertaken with parties that are likely to be affected:

No consultation has been undertaken with parties that are likely to be affected, as the effects of operating the existing school will be no different to those existing prior to the requirement. However in the event that there were significant new works proposed on the site, consultation would be undertaken as required by the circumstances.

The Minister of Education attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

Attached is a plan showing the area of the site subject to the requirement and the arrangement of buildings on the site.



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Jerome Sheppard
Group Manager Service Delivery
Education Infrastructure Service
Ministry of Education

16 February 2015

NOTICE OF REQUIREMENT TO CHRISTCHURCH CITY COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

AIDANFIELD CHRISTIAN SCHOOL 4.3481ha. being part Lot 2 DP48347 and Lot 340 DP454126 described in title CB28A/703.

