

2 March 2015

The Manager

Christchurch City Council

P.O. Box 73012

CHRISTCHURCH 8154

Attention: Alan Matheson

Dear Alan,

DESIGNATION OF 17 INTEGRATED STATE SCHOOLS (CATHOLIC DIOCESE)

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 17 Catholic Diocese Schools. A covering letter and attached Notices of Requirement will be submitted separately but simultaneously for 3 Catholic High Schools, and 5 Christian Schools, such that a total of 25 schools are to be designated.

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") which we understand to be 2 May 2015, we have concluded that it would be preferable to have these Notices of Requirement served on the Council pursuant to Clauses 4(7) and (8) 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 NOR's being received by the Council. Any hearings of any submissions on the NOR's would be before the Hearings Panel appointed pursuant to the OiC, who would also make the decision on the NORs.

We have attached in electronic form the signed Notices of Requirement for 16 of the 17 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 Mairehau Catholic Primary School (currently with the Minister for signature) will be served upon the Council as soon as possible.

We would appreciate the Council advising as soon as possible what charges are likely to be made, if any, and on what basis.



Robert Nixon

Director, Planz Consultants

Form 18

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:

Catholic Cathedral College and Marian College Campus, 62 Ferry Road, Christchurch (Lot 1 DP 50663).

Site Description

Catholic Cathedral College and Marian College Campus contains two state integrated schools which have been sharing the Catholic Cathedral College site since the Christchurch earthquakes required Marian College to co-locate on this site. Catholic Cathedral College (years 7 to 13) is a co-educational college which was originally established in 1868 as Sacred Heart School. Catholic Cathedral College arose from the amalgamation of Xavier College and Sacred Heart College and was integrated between 1983 and 1986.

Marian College (years 9 to 13) is a girls high school originally based in the suburb of Richmond which was established 1982 and integrated in 1983. Both schools were integrated under the Private Schools Conditional Integration Act 1975.

The combined site is located in the central city and adjoins the Catholic Basilica on the Barbadoes Street frontage. There are industrial activities beyond the eastern frontage extending towards Fitzgerald Avenue, including the adjoining 'Red Bus' depot. While in the same ownership, being that of the Roman Catholic Bishop of Christchurch, the site of the church buildings is not part of the proposed designation, and those buildings formerly used by the Christchurch School of Music have subsequently been demolished as a result of earthquake damage and the northern part of this area adjacent to the school is under temporary use as a Wilson's car park.

Catholic Cathedral College has a roll of 397 students in 2014 which is expected to increase to 430 in 2017. Marian College has a roll of 422 in 2014 and is expected to increase slightly to 430 in 2017.

Catholic Cathedral College has 25 classrooms and a total of 30.85 full time equivalent (FTE) staff are employed at the school. Marian College has 25 classrooms and a total of 32.38 full time equivalent (FTE) staff are employed at the school.

The combined school site contains an area to be designated of 3.6206ha. Site coverage on the combined site of the two schools is 21.4%. Cathedral College is housed in four large and four small blocks on the northern half of the site adjacent to Ferry Road and the eastern boundary of the combined site. Marian College is primarily housed in seven blocks and an administration block in the southern half of the combined site, primarily adjacent to Moorhouse Avenue and the southern part of the eastern and western boundaries. There is also a block on the southern boundary housing the Catholic Education Office and a building in the south-western corner leased to the Tafesilafa'i

Preschool, a community 'not-for-profit' centre. The two groups of school buildings are separated by sports fields which occupy the centre of the combined site.

The buildings of the Cathedral College are primarily modern structures. "I" Block is a three-storey structure with a height of 13.4 m. K block and G blocks are two storey structures with a maximum height of 12.6 m and 11.2 m respectively. The gymnasium has a height of 9.6 m. The buildings at the southern end of the site occupied by Marian College are predominantly single storey, except for a small portion of the Catholic Education Office and C block, with the latter having a maximum height of 9.3 m. This latter block is a modern building, with most of the other buildings being considerably older structures, and three of the blocks are temporary buildings placed on the site to accommodate students displaced from the original site in Richmond.

Catholic Cathedral College is a very long-standing part of the local environment, with a long history. In the future this school, along with Marian College sharing the campus, will need flexibility to balance coverage, height, and open space on site to satisfy future needs. For example, when the school property guide changed in the early 2000s the required school floor space increased by around 40% without any change to student numbers at a school. In addition to changes in the school roll, the school must also accommodate changes and additions to the curriculum as required by the Ministry of Education which can also increase demands for teaching space.

Visual effects

The surrounding area to the north, east and south beyond Ferry Road, Fitzgerald Avenue, and Moorhouse Avenue respectively, comprises commercial and industrial activities, with the very large campus of the Christchurch Polytechnic to the west on the opposite side of the Barbadoes Street. The current zoning framework in the Operative City Plan for these surrounding activities provides a high level of local activity and generates significant levels of traffic in their own right. Permitted height limits in the vicinity (under the Operative City Plan) range from 17m in the industrial zones to 30 m for the Christchurch Polytechnic. Although the larger in scale than school buildings on other Diocese sites, these buildings are not of a significant scale relative to that permitted in the surrounding area. The damaged Catholic Cathedral had a maximum height of 35.4 metres.

The school buildings along the southern boundary front directly on to Moorhouse Avenue, and those along the eastern boundary adjoin the common boundary of the Red Bus depot. There are well-established trees around the perimeter of the central sports fields, along the site frontage of Ferry Road, and the grounds and parking area between Ferry Road and the school buildings on the Catholic Cathedral part of the site are landscaped.

Traffic and Parking

Under the Operative City Plan both Barbadoes Street and Moorhouse Avenue are classified as major arterials; the section of Ferry Road between Moorhouse Avenue and Barbadoes Street is classified as a local road. Bus services operate along Moorhouse Avenue/Waltham Road, Ferry Road, St Asaph Street, and Barbadoes Street north of Ferry Road.

The main access to the Catholic Cathedral College is from Ferry Road, although this also serves as an access point to Marian College is well. Access to Marian College is available from Barbadoes Street near the Moorhouse Avenue intersection, and also from Moorhouse Avenue directly near the eastern end of the school frontage. There are 38 car parks on the Cathedral College site with access from Ferry Road and 15 on the Marian College site access from Barbadoes Street. There are also six carpark spaces in front of the Catholic Education office.

Traffic effects including increased traffic generation, and temporary on street parking associated with parents dropping off and picking up children, are typical of schools generally and of limited duration. Appropriate cycle and scooter parking for students is provided.

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. Catholic Cathedral College and Marian College is a long-standing facility in the local community and noise levels associated with school activities are not expected to change significantly. Most importantly, the site is surrounded by a heavily used road network, and industrial activities including the red bus depot.

Positive effects

Catholic Cathedral College has long been part of providing for the educational needs of secondary school children in the City, and since the earthquakes for Marian College students, pending a decision in the longer term as to the future development of the combined site. The Diocese is providing for the education of students of both schools on a combined campus through the provision of a national educational curriculum while also meeting the aspirations of those parents in the Catholic community who wish to maintain a spiritual element as part of their children's education. 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 development would be subject to the provisions of the Outline Plan provisions under section 176A of the Resource Management Act. Catholic Cathedral College and Marian College Campus are integrated state schools, and as such are subject to the same regulatory regime as other existing state schools, which are not subject to conditions. Any Council comments on Outline 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 long-standing school facility within the wider city community, particularly the eastern part of Christchurch 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 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.

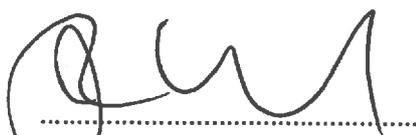
The technique of designation provides for greater consistency for the treatment of schools and greater certainty in terms of their future management. This certainty is considered to be important by the Minister of Education as a long-term commitment is made to the particular sites selected or used for 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.

1. A plan showing the area of the site subject to the requirement and its immediate surroundings, and the legal description.
2. An aerial photograph showing the arrangement of buildings on the site.

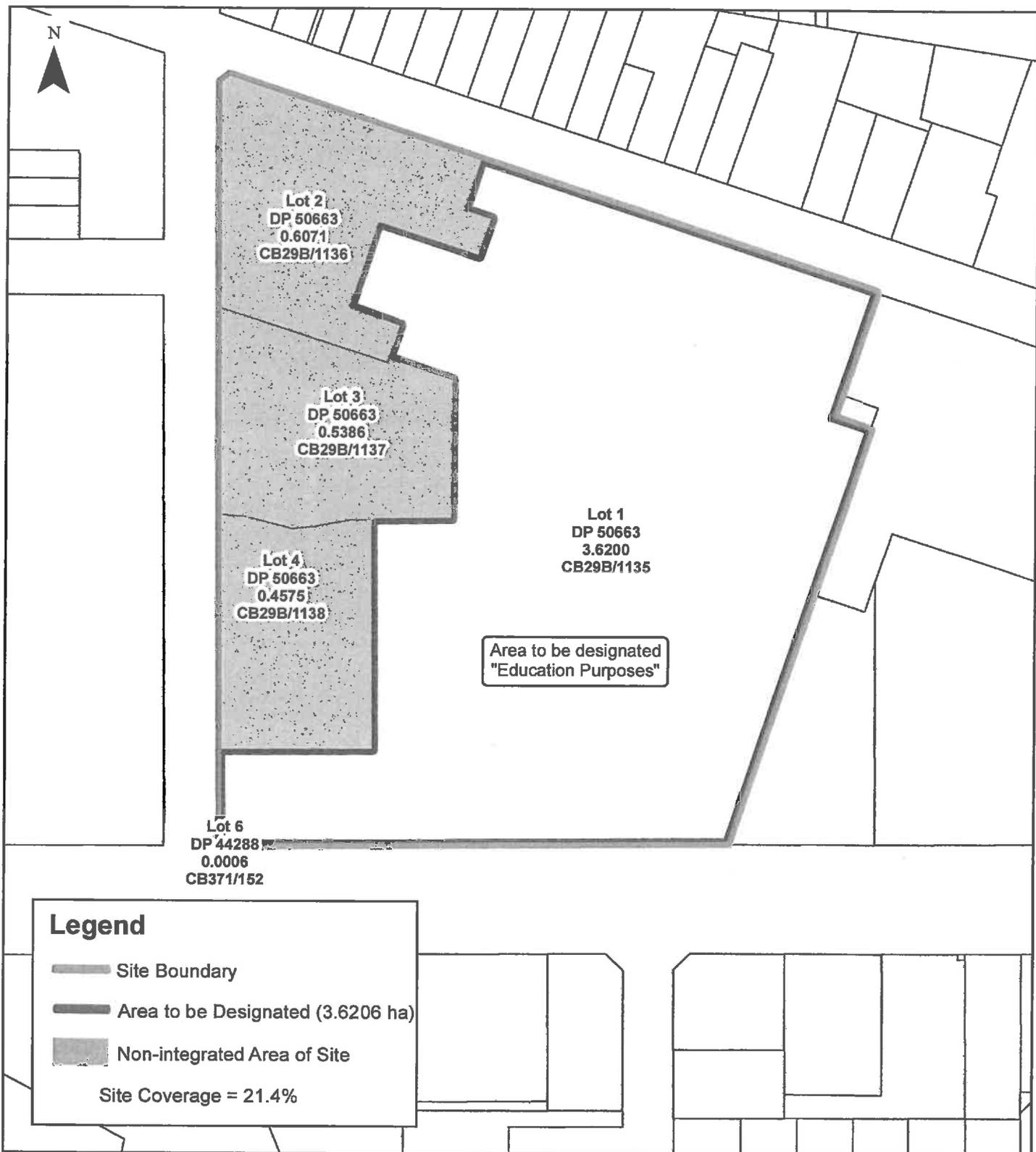


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Jerome Sheppard
Group Manager Service Delivery
Education Infrastructure Service
Ministry of Education

16 February 2015

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

3.6206 hectares being Lot 1 Deposit Plan 50663 and described in title CB29B/1135, and
Lot 6 Deposit Plan 44288 and described in title CB371/152.



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