

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

## 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:

**Emmanuel Christian School, 322 Sawyers Arms Road, Harewood.**

The school property is owned by the Emmanuel Proprietor Trust and comprises Lot 1 DP 82630.

#### Site Description

Emmanuel Christian School is a state integrated composite school (years 1 to 10) established on its current site during 2000. The school currently educates year 1 – 9 students, extending up to year 10 in 2015. It was integrated as a state school in July 1996 on its original site in Worcester Street. The site comprises a total area of 3.4813 ha located north of Sawyers Arms Road.

The school occupies a rear site behind two rows of dwellings along Sawyers Arms Road and extends into the rural area further to the north. The northern part of the site is currently unoccupied and comprises rough grazing land. The area along both sides of Sawyers Arms Road comprises low density suburban housing. Along the eastern boundary is the large Papanui Workingmen's Club, including Peppertree Restaurant and a bowling club. The land to the west is rural, although in the longer term this area (Styx Mill Basin) is expected to be developed for the urban expansion of Christchurch. The Council's Tulett Park adjoins the short northern boundary of the school.

The school roll in August 2014 was 151 pupils (and still increasing), and is expected to increase to at least 195 by 2017. There are seven permanent classrooms and a 'portacom' classroom on the site, with a construction of a further new classroom block having commenced in late 2014. There are 9.97 full time equivalent (FTE) staff currently employed on site, a number which will increase as the school develops further. The four existing single storey school buildings are concentrated towards the southern end of the site with grass playing fields in the centre. There is also a landscaped area in the south-eastern part of the site, which along with the visitor and staff car parking provides a buffer between the school and adjoining housing.

Site coverage is low at approximately 4.5% following the construction of the new classroom block, and as noted all existing buildings are currently single storey as is the building currently under construction. A further 8.9% of the site comprises hard surfaces – carpark, driveway, path and sealed play area.

The school site coincides with the area identified as part of the Cultural 3 Zone under the 1995 City Plan, and it is understood it is to be provided for as a future 'Schools Zone' under the Replacement District Plan.

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.

### Visual effects

The school is located on what is currently the rural/urban fringe, and having been located on the site for only a relatively short period, is still in an ongoing developmental phase. The northern part of the site is completely undeveloped, and is to be retained for future needs. The school is largely screened from public view by housing, trees and to some extent rural buildings. It is however in a location where in the medium and longer term urban greenfield development is anticipated, and in taking into account the projected growth of the school and population increases in the northwest of the city, the school will need flexibility to balance coverage, height, and open space on site to satisfy future growth needs.

### Traffic and Parking

The only access to the school is from a vehicular access off Sawyers Arms Road. There are 30 car parks for parents and visitors and a drop off point at the end of the accessway between the school buildings and the rear of the residential properties to the south. There are also a small number of informal on-site staff car parking spaces within a former farm building on the western boundary.

Sawyers Arms Road is classified as a major arterial and is a bus route. The school draws its clientele from parents seeking a spiritual component in their children's education, and the school has a large catchment which covers the northern part of Christchurch. For this reason, a high proportion of the children are taken to, or picked up from school in their parent's vehicles from the parking area within the school site itself. There is a crossing point near the entrance to the school which is also used by children attending Cotswold School.

No expansion of the boundaries of the school is planned to take place, and to a large extent the environmental effects of the school have been absorbed into, and form part of, the amenity of the local community. However the surroundings of the school itself, notably on its long western boundary will eventually change significantly, from a rural to an urban environment. Growth in classroom numbers is currently underway and there is likely to be both redevelopment of buildings on the site and new classroom buildings over time, noting that the northernmost 40% of the site is undeveloped and held for future needs.

### Noise

Schools by their very nature are an inherent part of a residential community and are almost invariably surrounded by residential activities. Emmanuel Christian School is somewhat different, in that it is on the edge of the urban area, but will in the longer term be enveloped by urban expansion. However the school buildings and playgrounds do not immediately adjoin the residential boundaries to the south. The adjoining neighbours on the other side are not noise sensitive activities. Future residential development will establish along the western boundary of the school.

### Positive effects

Emmanuel Christian School provides for the educational needs of students in the northern part of the city whose parents are seeking a Christian dimension to their children's education, and through

the provision of a national educational curriculum. 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 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. Emmanuel Christian School 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 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 established school facility within the Harewood 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 an aerial photograph showing the area of the site subject to the requirement and the buildings thereon.

A handwritten signature in black ink, appearing to read 'Jerome Sheppard', written over a horizontal dotted line.

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

Emmanuel Christian School Lot 1 DP 82630.

