

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

## **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:

**Mairehau Catholic Primary School, 370 Innes Road Mairehau, St Albans** (part Lot 4 DP 1122 and Lot 2 DP 19388). The area to be designated is 1.9277 ha.

### **Site Description**

Mairehau Catholic Primary School is a state integrated primary school (years 1 to 8) established in 1954. The school was integrated on 4 September 1981 under the Private Schools Conditional Integration Act 1975. The site is part of the residential area in the suburb of Mairehau, and adjoins adjacent land owned by the Diocese, comprising church buildings between the school site and the frontage of Innes Road, which is the primary access point into the school. It is proposed that a new church will be constructed on the Innes Road frontage, but not within the land subject to designation.

The 2015 school roll is projected to be 229, which is expected to increase to a predicted roll of 495 by 2019. This large increase reflects the fact that Catholic primary schooling in the Parish of Mairehau will be concentrated on the Innes Road site following the “red zoning” of the former St Paul’s School site in Gayhurst Road. In order to prepare for this, there is development of further classrooms underway on the site which has been approved pursuant to a resource consent granted by the Council (RMA 92025343). By 2016 there will be 21 classrooms on the site which will be accompanied by an estimated time full-time equivalent staff of 22.2.

The school site is essentially a ‘rear lot’ located behind the church properties fronting Innes Road and adjoining the rear boundaries of residential properties in Kensington Avenue, Pascoe Avenue and Nancy Avenue. The site has a rectangular shape with additional pedestrian access points to Norah Street (off Nancy Avenue) and Kensington Avenue. Site coverage upon completion of current development will be approximately 11.8 %. The new buildings, including classrooms, library, and administration will be orientated in a “U-shaped” configuration facing in the direction of Innes Road, enclosing a predominantly paved playing area and adventure playground. The buildings comprise a mixture of single and two storey structures. Block 1 has a ground floor area of 667 m<sup>2</sup> and a first floor area of 83 m<sup>2</sup> approximately. Adjacent to the common boundary with the church land are two new buildings being constructed, one of 474 m<sup>2</sup> and another (“New Building 2”) which will have a ground floor area of 674 m<sup>2</sup> and a first floor area of 689 m<sup>2</sup>. There are five small blocks along the north eastern boundary. The car park adjoins the south-western corner of the Block 1, and obtains access from Innes Road along the north – western boundary of the site.

The Catholic Primary School in Mairehau is a long-standing part of the local community. The school and its activities have been absorbed into the environment of the area. Schools require the 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 2000’s 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. This particular school is an example of such a process, and additionally as a consequence of the closure of St Pauls School, has arguably been subject to more change than any of the Diocese Schools.

#### Visual effects

The surrounding area almost entirely comprises low density suburban housing with the exception of a small group of commercial premises along the Innes Road frontage to the east, and Mairehau (State) Primary School beyond Kensington Avenue, also to the east.

The location of the school behind church buildings in Innes Road and behind adjoining housing to the east, south and west, means that the site is not readily visible from the external street environment. The school as redeveloped however, will include a two storey structure which however comply with the 9m height standard applied in the Cultural 3 Zone as well as a small two storey component as part of Block 1. The location of buildings on the site will remain generally similar to that pertaining prior to redevelopment, with the central and southern area of the land to be designated remaining in open space and playground use.

#### Traffic and Parking

Innes Road is classified as a Minor Arterial and Kensington Avenue as a Collector Street. The other surrounding streets are classified as local streets. Bus services operate along Kensington Avenue, Innes Road and Philpott's Road.

The main access to the school is from Innes Road, although pedestrian access is also available from Kensington Avenue, and off Nancy Avenue. The approved development will have 26 on site carparks, with additional carparking available on the adjacent church site. Children can access the school site from Innes Road and the street frontages of either Kensington Avenue or the Nancy Avenue walkway.

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.

The approved development includes provision for covered scooter and cycle parks.

#### 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. The approved development has provision for an acoustic fence along the boundary with residential properties.

Schools by their very nature are an inherent part of a residential community and are almost invariably surrounded by residential activities. The Catholic Primary School in Mairehau is a long-standing facility in the local community and noise levels are not expected to change given the school is remaining within its current boundaries and its roll is not expected to increase significantly.

#### Positive effects

The Catholic Primary School in Mairehau is a long established part of providing for the educational needs of primary school children in the Mairehau – St Albans area, 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 redevelopment of the school site with modern classroom and related facilities serving the wider Mairehau Parish is an important component of the recovery of educational facilities following the Christchurch earthquakes. The school's activities and development 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. Mairehau Catholic Primary 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 existing long-standing school facility within the Mairehau – St Albans 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 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. Approved plans showing the development of buildings on the site is currently underway.



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

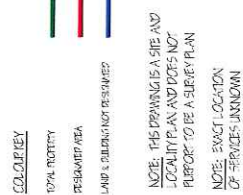
12 March 2015  
Date



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

1.9227 hectares being Part of Pt Lot 4 Deposit Plan 1122 and described in title CB741/24 and  
Lot 2 Deposit Plan 19388 and described in title CB741/24.





TOTAL ACRES AREA	20.023 <sup>ac</sup>
101 - 105 ACRES AREA	4.69 <sup>ac</sup>
22 ACRES AREA	10.272 <sup>ac</sup>
22 ACRES AREA	9.062 <sup>ac</sup>
101 - 105 ACRES AREA	11.23 <sup>ac</sup>

CONFIDENTIAL  
SITE PLAN

MINISTRY OF  
EDUCATION SCHOOL  
PROFILE NO.