

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:

New Brighton Catholic School, 100 Lonsdale Avenue New Brighton (Part Lots 25, 26, 27, 28 and 29 DP 872).

Site Description

New Brighton Catholic School is a state integrated primary school (years 1 to 8) established in 1935 which was integrated in 1982 under the Private Schools Conditional Integration Act 1975. It is located on Lonsdale Avenue in central New Brighton. On the southern boundary of the school is land owned by the Catholic Church and occupied by a church, church Hall and presbytery. The western boundary fronts onto Rawhiti Domain. There are direct residential neighbours only on the northern boundary only. The school has virtually no green space, and relies on an arrangement with the Christchurch City Council for the use of adjoining Rawhiti Domain for some of its recreation and sport activities. The school is somewhat unusual, as almost the entire site is taken up with buildings and impervious surfaces.

The 2014 school roll was 148 students, with a predicted roll of 157 pupils by 2017. There are 8 classrooms and a total of 8.79 full time equivalent (FTE) staff are employed at the school. The school site to be designated is 4280m².

The school site is located opposite residential housing on the southern side of Lonsdale Street, with the frontage of the school taken up by school buildings except for a small walled area containing an outdoor play space with shade canopies.

There are two main classroom blocks in an L-shaped configuration, two small classroom blocks, a hall, administration building and two smaller structures. The classroom blocks and other buildings occupy an area of 1095m² with an overall site coverage of 25.6%. The buildings on the site are single storey. There is a central paved playing area of 1391m², a 71m² adventure playground and a very small playground of 84m².

New Brighton Catholic School is a long-standing part of the local community, and the small scale of the school and its primarily local catchment limit potential effects. The school and its activities have been absorbed into the environment of the area. In the future the school 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. This school has a very confined site.

Visual effects

The school exhibits a more urban feel than a typical suburban primary school as a consequence of the limited space available. The school is at least arguably more constrained in terms of on-site development options than any other suburban school operated by the Diocese in Christchurch. There is little opportunity for the establishment of green space and landscaping, although the school has been present on the site in its current form for very many years and is a long established part of the local residential environment. The residential area adjacent to the school has been identified in the Replacement District Plan as being one in transition to medium densities over time, so that the character of the neighbourhood will assume a more urban, rather than suburban character.

Traffic and Parking

Lonsdale Street is classified as a local street. Bus services operate along nearby Keyes Road and Hawke Street.

Access to the site is limited to the Lonsdale Street frontage; that said, pedestrian access is available through Rawhiti Domain. Parents depositing or picking up their children from the school do so along the Lonsdale Street frontage. Lonsdale Street is relatively wide but is narrowed near the entrance to the school as a traffic calming measure.

Although unmarked, there is space for approximately six carparks on the frontage of the school site between the main classroom/administration block and the street. There is space on the site for student's cycles and scooters.

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.

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. New Brighton Catholic school is a long-standing facility in the local community and noise levels are not expected to change given the school is likely to remain within its current boundaries and its roll is not expected to increase significantly. The school has only a short common boundary with residential neighbours.

Positive effects

New Brighton Catholic School has long been part of providing for the educational needs of primary school children in the New Brighton 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 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. New Brighton Catholic 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 New Brighton 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. An aerial photograph showing the arrangement of buildings on the site.

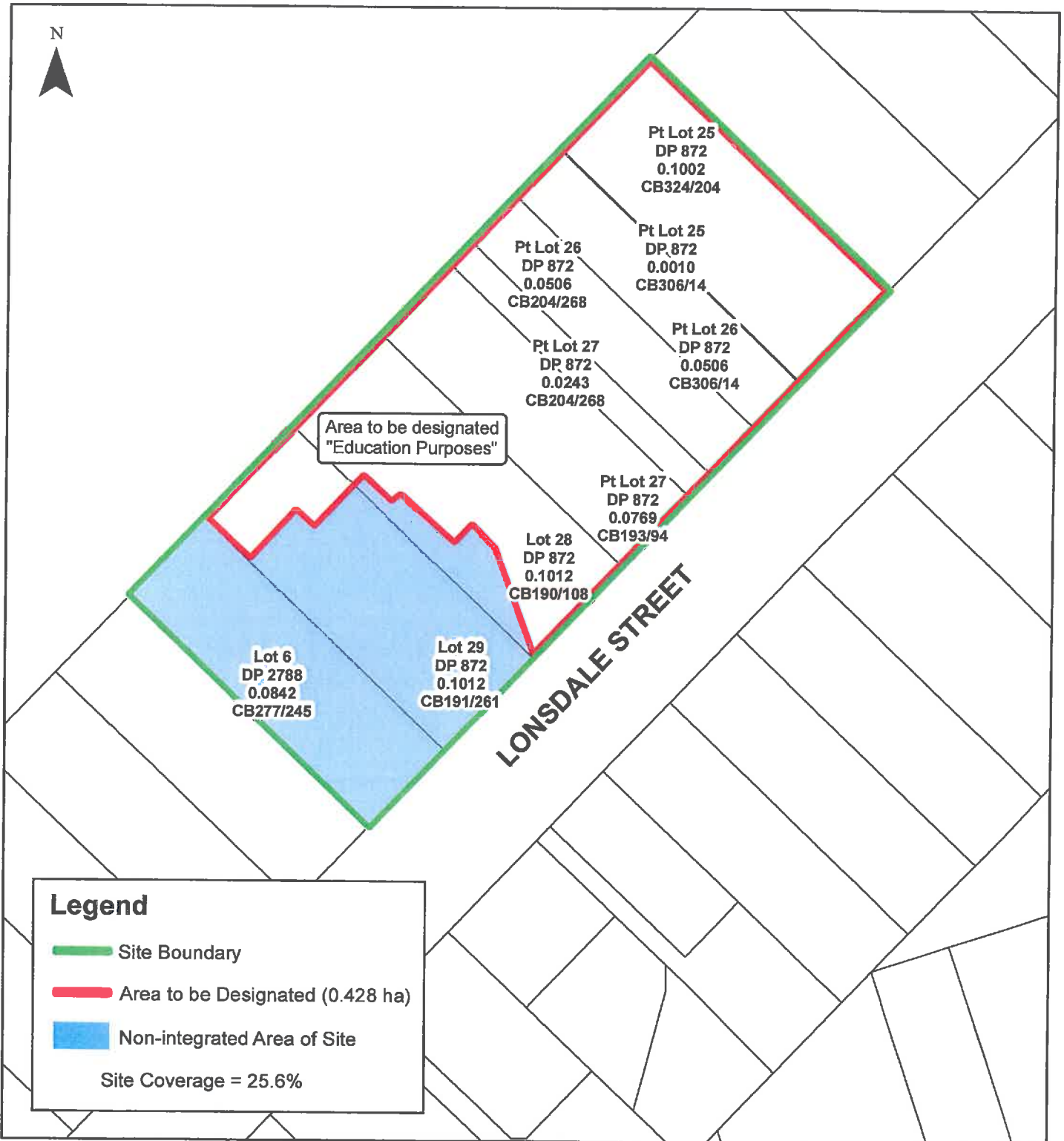
A handwritten signature in black ink, appearing to read 'J Sheppard', written over a horizontal dotted line.

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

0.428 hectares being Pt Lot 25 Deposit Plan 872 and described in title CB324/204,
Pt Lot 25 Deposit Plan 872 and described in title CB306/14,
Pt Lot 26 Deposit Plan 872 and described in title CB306/14,
Pt Lot 26 Deposit Plan 872 and described in title CB204/268,
Pt Lot 27 Deposit Plan 872 and described in title CB204/268,
Pt Lot 27 Deposit Plan 872 and described in title CB193/94,
Part of Lot 28 Deposit Plan 872 and described in title CB190/108, and
Part of Lot 29 Deposit Plan 872 and described in title CB191/261.



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