

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:

Our Lady of Assumption School, 89A Sparks Road, Hoon Hay (Part Lot 2 DP 16218)

Site Description

Our Lady of Assumption School is a state integrated primary school (years 1 to 8) established in 1957 and which was integrated in 1982 under the Private Schools Conditional Integration Act 1975. The school site has primary access from Sparks Road opposite Rydal Street. On its eastern boundary facing Hoon Hay Road is the church and presbytery building which are not part of this proposed designation. There is an isolated residential dwelling adjoining the western entrance to the school, but the majority of the western boundary is shared with Hoon Hay Primary School. Apart from the church buildings, the school is adjoined by residential housing on its northern and eastern boundaries. The surrounding area is primarily residential, but with a nearby service station on the corner of Hoon Hay and Sparks Roads.

The 2014 school roll was 288 pupils, with a predicted roll of 290 pupils by 2017. There are 12 classrooms and a total of 14.62 full time equivalent (FTE) staff are employed at the school. The school site to be designated is approximately 12840m².

The site contains a main classroom block adjacent to the southern boundary of the site behind houses fronting onto Sparks Road. There is also a hall and other seven other small classroom blocks with a site coverage of 12.8%. Hard surfaced playing courts occupy an area of 1209m², the adventure playground 330m², and the grass playing fields 7135m². The hard stand areas and playing courts are on the northern side of the classroom buildings. The northern part of the site is taken up with the grassed playing fields. There are trees scattered around the northern boundary and the boundary with Hoon Hay School, near the adventure playground adjacent to the classrooms, and parallel to the entrance from Sparks Road.

The school site is essentially a 'rear lot' located behind housing fronting Wyn Street, Hoon Hay Road, and Sparks Road. 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.

Visual effects

Apart from school buildings and hard stand areas at the southern end of the school site, a large part of the school site is taken up by grassed playing fields, and which adjoin the large grassed grounds of the Hoon Hay Primary School to the west. The school buildings are a long established part of the local residential environment and are characteristic of a typical suburban school site with relatively modest buildings and associated grassed play areas and boundary trees. Most of the school site is not readily visible from the external street environment.

All school buildings are single storey.

Traffic and Parking

Sparks Road and Hoon Hay Road are both classified as minor arterials, and Wyn Street to the north as a local street. Bus services operate along both Sparks Road and Hoon Hay Road. Sparks Road is narrowed for traffic calming purposes approximately 50m to the west of the Sparks Road entrance to the school, with this crossing shared with the adjoining Hoon Hay School. Vehicular access to the site is from Sparks Road and there are 16 marked carparks on that part of the site proposed to be designated. Eight of these car parks plus a loading zone are located adjacent to the vehicular access into the site, with another 8 car parks located adjacent to the western boundary between the old hall and the boundary with Hoon Hay primary school. Children can also access the school site on foot adjacent to the church from Hoon Hay Road, or from Wyn Street to the north. There is provision on 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. Our Lady of Assumption School 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

Our Lady of Assumption School has long been part of providing for the educational needs of primary school children in the Hoon Hay 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. Our Lady of Assumption 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 Spreydon 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.

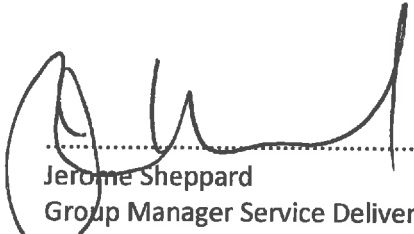
The technique of designation provides for greater consistency for the treatment of schools and greater certainty in terms of their future management. This certainty is considered to be important by the Minister of Education as a long-term commitment is made to the particular sites selected or used for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

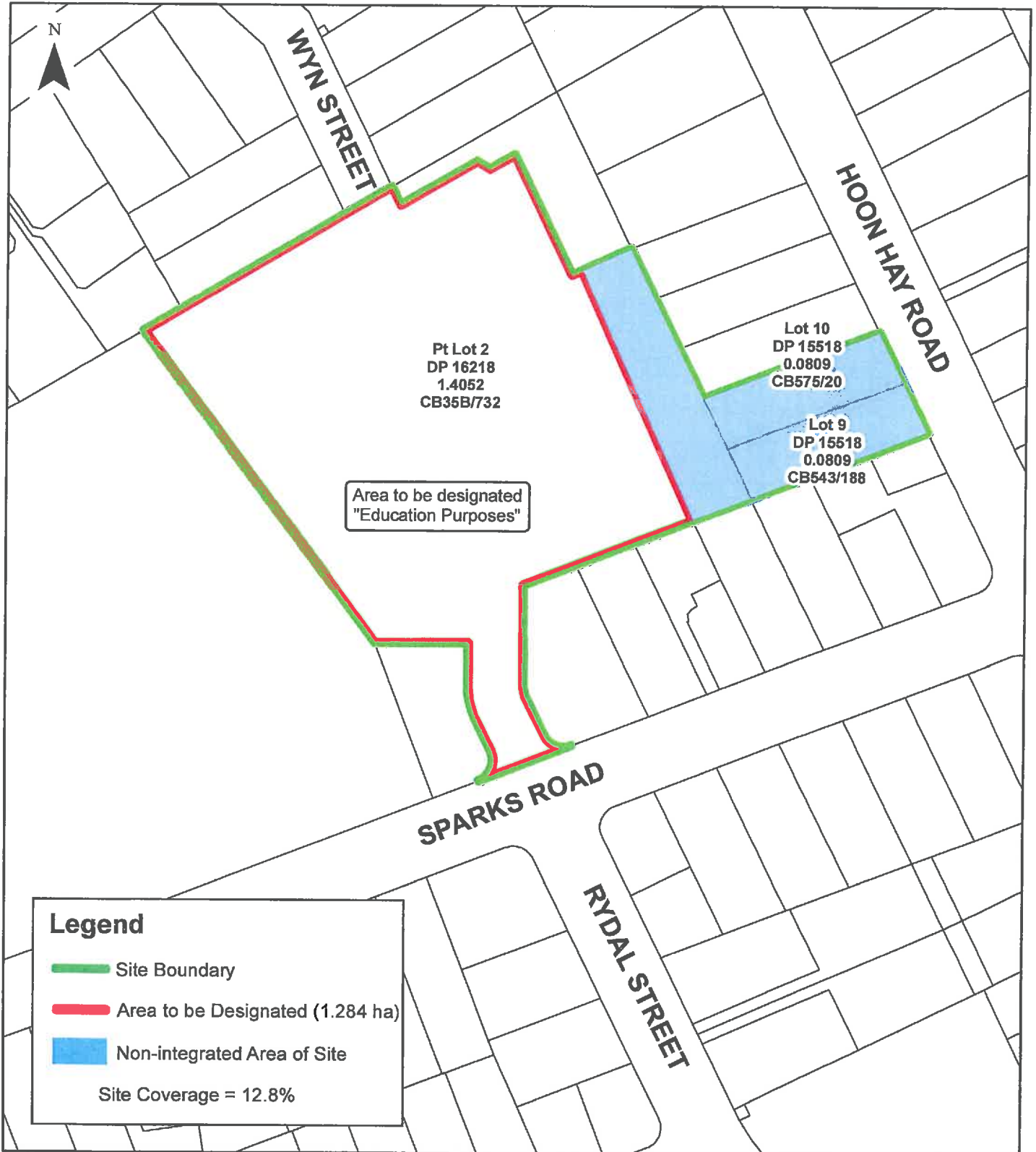


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Jerome Sheppard
Group Manager Service Delivery
Education Infrastructure Service
Ministry of Education

16 February 2015

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

1.284 hectares being part of Lot 2 Deposit Plan 16218 and described in title CB35B/732.



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