

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 Star of the Sea School, 45 Colenso Street, Sumner (Lot 1 DP 79558; Part Lot 198 and Part Lot 235 DP 13; Part Lots 199 and 200, DP 13).

Site Description

Our Lady Star of the Sea School is a small state integrated primary school (years 1 to 8) established in 1939, which was integrated in 1981 under the Private Schools Conditional Integration Act 1975. The school occupies a block surrounded on three sides by Dryden Street, Menzies Street, and Colenso Street. The school buildings are located in the southern part of the site on the corner of Colenso and Menzies Streets. Hard surfaced areas and playing courts are located adjacent to the northeastern side of these classroom buildings. The corner of Dryden Street and Menzies Street is occupied by the church and presbytery, which are not to be included in the designation. The grassed playing fields occupy the area between the church and the school buildings and extend through to the Dryden Street frontage.

The 2014 school roll was 64 pupils, with a predicted roll of 65 pupils by 2017. There are 5 classrooms and a total of 3.78 full time equivalent (FTE) staff are employed at the school. The school site to be designated is 6359m².

The school buildings comprise a main classroom block in the south-eastern corner of the site and three other small blocks with a total ground floor area of 801m², and a resulting site coverage of 12.6%. Hard surfaced playing courts occupy an area of 812m², the adventure playground 527m², and the grass playing fields 3595m². The school site is in a residential area in the central part of Sumner and shares a common northwestern boundary with four residential properties.

Our Lady Star of the Sea School is a well-established part of the local community, and the small scale of the school and its primarily local catchment limit potential off-site 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 site is relatively small and constrained.

Visual effects

The school has a more exposed road frontage than most Diocese schools. From the surrounding street network, the primary built features are the classroom buildings in the south-eastern corner

and the church buildings in the northeastern corner. The Colenso Street frontage is partially screened by trees, with scattered trees along the northwestern residential boundary. 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 and hard surfaced play areas.

Traffic and Parking

The three adjoining streets are all classified as local roads. Bus services operate along Nayland Street and Colenso Street. The primary access points to the school are from the Collins Street frontage and Menzies Street frontage between the classroom block and the church, although physical access is also possible from Dryden Street to the school playground.

There is no on-site parking provision for either visitors or staff. The surrounding streets have wide carriageways, and given the small numbers of students and the localised catchment, there are no significant traffic or parking issues associated with the operation of the school. 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. Cycle and scooter parking is available for students.

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 Star of the Sea 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 expected to increase significantly.

Positive effects

Our Lady Star of the Sea School has long been part of providing for the educational needs of primary school children in Sumner, 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. St. Our Lady Star of the Sea 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 Sumner 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.

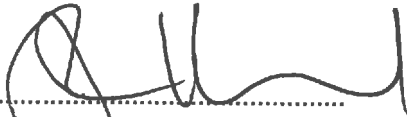
The technique of designation provides for greater consistency for the treatment of schools and greater certainty in terms of their future management. This certainty is considered to be important by the Minister of Education as a long-term commitment is made to the particular sites selected or used for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

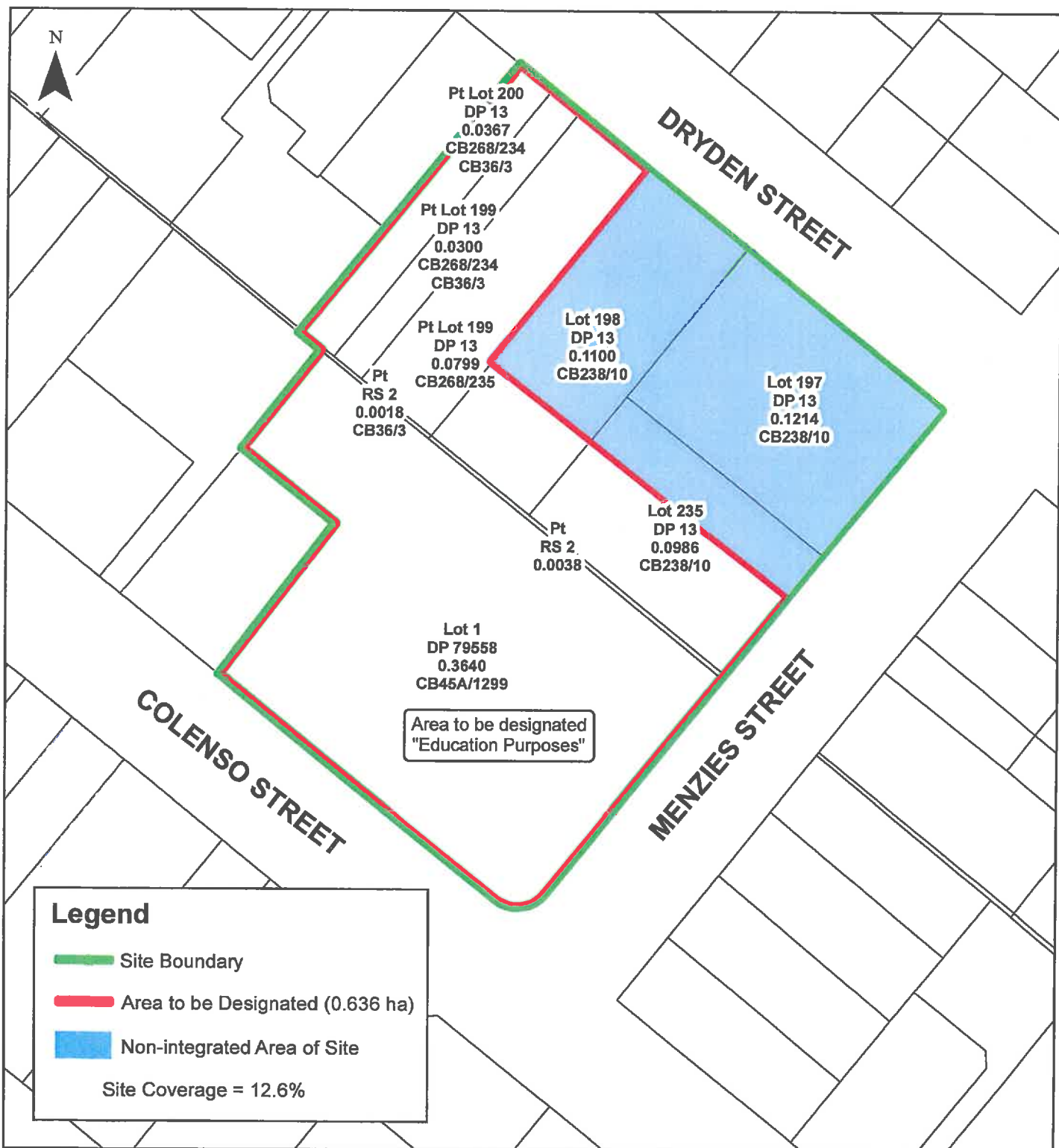


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Jerome Sheppard
Group Manager Service Delivery
Education Infrastructure Service
Ministry of Education

16 February 2015

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

0.636 hectares being Pt Lot 200 Deposit Plan 13 and described in titles CB268/234 and CB36/3,
Pt Lot 199 Deposit Plan 13 and described in titles CB268/234 and CB36/3,
Pt Lot 199 Deposit Plan 13 and described in title CB268/235,
Pt RS 2 described in title CB36/3,
Pt RS 2 described in title CB36/3,
Part of Lot 198 Deposit Plan 13 and described in title CB238/10,
Part of Lot 235 Deposit Plan 13 and described in title CB238/10, and
Lot 1 Deposit Plan 79558 and described in title CB45A/1299.



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