

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:

**Middleton Grange School, 50 Acacia Avenue, Upper Riccarton.**

The school property is owned by the Christian Schools Trust and is held in 21 titles, a list of which is forms part of, and is attached to the end of this Notice of Requirement.

#### Site Description

Middleton Grange School is a large state integrated composite school (years 1 to 13) established in 1964. It was integrated as a state school in 1996. The school comprises an area of 7.6388 ha located in the blocks bounded by Suva Street, Acacia Avenue, Arthur Street and Middleton Road. The main school site occupies an area of 5.2452ha south of Suva Street. The school playing fields north of Suva Street occupy the balance area of 2.1236 ha. The surrounding area of both parts of the school is suburban residential in character, with the exception of the Rannerdale War Veterans Home which borders the south and west of the school playing fields.

Middleton Grange School is linked with Aidanfield Christian School, Emmanuel Christian School and Hillview Christian School through the Christian Schools Network. At the primary level the school sources most of its students from the western part of Christchurch. Most senior students from the other three schools (after year 10) go on complete their education at Middleton Grange. The school roll in 2014 was 1339 pupils, which may increase to 1500 in ten years subject to Ministry approval, although there is sufficient existing classroom and other facilities to accommodate such an increase in the school roll. Included in this total are approximately 90 international students. The school has 79 classrooms, a hall, a theatre, two libraries and a gymnasium, with a second gymnasium under construction. There are 133.3 full time equivalent (FTE) staff on the site.

The western part of the site comprises the senior school and includes the international school, a gymnasium building (and another under construction - 2014), three prefabricated blocks, a large 'T-shaped' block, and a smaller block, parts of which date from the mid-1960s but with much more recent additions. The eastern extremity of the large block contains the school administration accessed from Acacia Avenue. In the centre of the main site is the new (2011) performing arts complex. All of the aforementioned buildings are two-storey, with the exception of the three prefabricated blocks.

The eastern portion of the site contains the junior school and includes the historic Middleton Grange homestead. With the exception of one older classroom block, the junior school buildings have either been replaced or built as new since the 1980s. All are single storey except the hall and the historic homestead.

The maximum height of buildings on the main site is 9m, except for the northern extremity of the science block which slightly exceeds this height as a result of localised ground levels. Site coverage of buildings over the main site is approximately 22%. In addition site coverage of hard seal areas, which include carparks,

footpaths, and play areas is approximately 23%. All of the recent buildings and development work has been approved by building consent and, where necessary, resource consent.

That part of the site comprising just over two hectares to the north of Suva Street and west of Hansons Lane is used for the school playing fields (rugby, soccer, and cricket), with hard surfaced tennis courts adjacent to the Suva Street frontage. This L-shaped site 'wraps around' the Rannerdale War Veterans Home, and a small portion of that property which is in turn leased by a preschool. There is no proposal to construct school buildings within this part of the school site.

The Christian Schools Trust also owns six properties along the southern side of Acacia Avenue, being numbers 32, 34, 42, 46, 48, and 54. Part of the rear portions of numbers 46 - 48 is used for a netball court adjacent to the junior school, while the rear portion of numbers 32 - 34 is used as a maintenance base for the school. The balance of these properties, and those at 42 and 54 Acacia Avenue are rented out for residential accommodation. The trust and school have no immediate plans for the future use of these properties, although the trust will consider the strategic purchase of one or two intervening sections for the long-term needs of the school. Any acquisition of additional land would be subject to normal designation processes.

The Christian Schools Trust also owns two other 'residential' properties, one at 68 Suva Street between the International School and new gymnasium under construction, which is used for school educational purposes. There is also a property owned by the trust at 31 Arthur Street which has been partially occupied by the performing arts building, and also contains a dwelling rented for residential purposes.

All of these properties, as listed with their legal descriptions attached to this Notice of Requirement, are to be included in the land to be designated for Education Purposes. It is understood that this will coincide with the land to be shown in the future 'Schools Zone' in the Christchurch Replacement District Plan.

Two properties extending from the eastern extremity of the school through to Middleton Road (72 – 74 Middleton Road) which were shown as part of the Cultural 3 Zone (Schools) under the Operative City Plan, are now being developed for residential purposes, and are no longer required for school purposes.

#### Visual effects and Heritage values

The heritage dwelling on the Middleton Grange property was established as early as 1855, and was added to up until 1930. It has a historic association with Charles Bowen, a 19<sup>th</sup>-century government minister involved in the development of the state education system in New Zealand, and the dwelling also hosted visits from both Scott and Shackleton, Antarctic explorers. The building is currently used as the junior school library, and for the offices of the school proprietors. The school will continue to protect and maintain this building.

There are twelve listed trees on the property under the operative District Plan, both at the western end of the site adjacent to the senior school, and in the eastern portion of the site to the north of the historic Middleton Grange Homestead. The school intends to maintain these trees, subject to their ongoing condition and safety, and has previously taken their location into account in the siting of its school buildings. The school grounds present an attractive grassed environment with some significant groves of trees, particularly on the junior school site.

The school occupies a largely "mid block" location between Suva Street, Acacia Avenue and Arthur Street, with relatively short frontages to each street, and accordingly the buildings on the site are not readily visible from the 'external' environment.

## Traffic and Parking

The school has limited road frontages to Suva Street, Acacia Avenue, and Arthur Street. All of these are classified as local streets, with Hanson's Lane to the west and Middleton Road to the east being classified as 'Collector Streets'. There are six access points to the main site of the school. Two are from Suva Street, one being to the international student school, and the other adjacent to the two gymnasium buildings adjacent to the senior part of the site, which is a drop-off point for parents with vehicles. Vehicular access to the school is also possible from the end of Acacia Avenue, and from a point halfway along Acacia Avenue into the junior school between numbers 48 and 52, although this is only available for staff vehicles using a small carpark behind the recent constructed junior school hall. Suva Street and Arthur Street are the preferred drop-off points for parents and caregivers bringing students to school by car.

Another primary access point is from Arthur Street adjacent to the recently completed performing arts centre. This is also a drop-off point for students delivered by vehicle, and also for those delivered under contract by three buses which pick up students from various locations around the city. There is also a secondary entrance off Arthur Street which provides for a small number of staff car parks behind the junior school and a separate pedestrian access, while the final shared access off Arthur Street between numbers 47 and 49 is locked and only used on very rare occasions for maintenance purposes.

Carparking on the site comprises the following:

- 11 visitor car parks adjacent to the administration block accessed from the end of Acacia Avenue
- 45 staff car parks
- A further 71 visitor parks at various places on the site, of which 53 are considered to be for "setting down" i.e. short drop off and pick up of students.

The final car parking arrangements for the school as a whole will be finalised upon the completion of the second gymnasium building, and have been agreed with the Council pursuant to RMA92024120. .

There are also 178 cycle parks on the site, which are not fully utilised.

Bus services operate along Riccarton Road, Blenheim Road, and Hansens Lane. As noted previously, the school has arrangements whereby three large busloads of students (approximately 150) are taken to and from the school each day. The school differs from a number of other schools, in that its clientele is drawn from parents seeking a specific spiritual component in their children's education. For this reason, a high proportion of the students attending the school are delivered or collected in their parent's vehicles.

## 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. No future building activities on the site are envisaged which would impact on the adjoining residential environment to a greater extent than that which already arises from the operation of the school.

## Positive effects

Middleton Grange School provides for the educational needs of primary and middle school children (Y1-10) in the western part of Christchurch area and for senior students (Y11-13) throughout the city area for those

parents wanting a Christian dimension to their children's education, and through the provision of a national educational curriculum. The school's 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. Middleton Grange 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 Outlined Plans could be guided by the underlying provisions of the Christchurch City Plan.

(this section will be subject to confirmation with the Ministry of Education)

**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 Upper Riccarton 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.

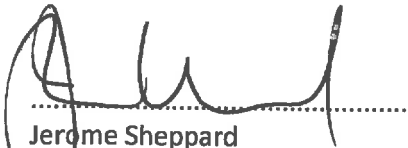
The technique of designation provides for greater consistency for the treatment of schools and greater certainty in terms of their future management. This certainty is considered to be important by the Minister of Education as a long-term commitment is made to the particular sites selected or used for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

Attached is a plan showing the area of the site subject to the requirement and the arrangement of buildings on the site as at August 2014.

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

## Land Titles

### The Christian Schools Trust Middleton Grange School

<i>Ref</i>		<i>Sq m</i>	<i>CT</i>	<i>Zone</i>
1	50 Acacia Avenue	20055 Lot 1, DP 21557	2C/137	CU3
2	"	18174 Lot 2, DP 38274	46B/648	CU3
3	"	1360 Lot 1, DP 80737	46B/648	CU3
4	"	758 Lot 1, DP 41704	19B/32	CU3
5	"	822 Lot 20, DP 17087	4D/605	CU3
6	"	443 Lot 21, DP 17087	4C/1192	CU3
7	27 Arthur Street	640 Lot 1, DP 20460 PT Lot 1 DP 21557	4D/159	CU3
8	29 Arthur Street	635 Lot 2, DP 20460	801/54	CU3
9	31 Arthur Street	138 Lot 2 DP 41704 (easement)	19B/33	L1
9	31 Arthur Street	830 Lot 4, DP 20460 (excluding easement)	19B/33	L1
10	47A Arthur Street	905 Lot 4, DP 20335	785/50	CU3
11	32 Acacia Ave	726 Lot 58, DP 16688	584/84	CU3
12	34 Acacia Ave	746 Lot 57, DP 16688	584/83	L1
13	42 Acacia Ave	746 Lot 53, DP 16688	584/79	L1
14	46 Acacia Ave	746 Lot 51, DP 16688	584/77	L1
15	48 Acacia Ave	756 Lot 50, DP 16688	581/94	CU3
16	54 Acacia Ave	746 Lot 48 DP 16688	584/75	CU3
17	68 Suva St	809 Lot 4, DP 15936	582/80	CU3
18	70 Suva St	809 Lot 3, DP 15936	582/81	CU3
19	74 Suva St	809 Lot 2, DP 15936	548/60	CU3
20	78 Suva St	809 Lot 1, DP 15936	619/91	CU3
21	83 Suva St (grounds)	21236 Lot 1, DP 50929	29F/452	CU3

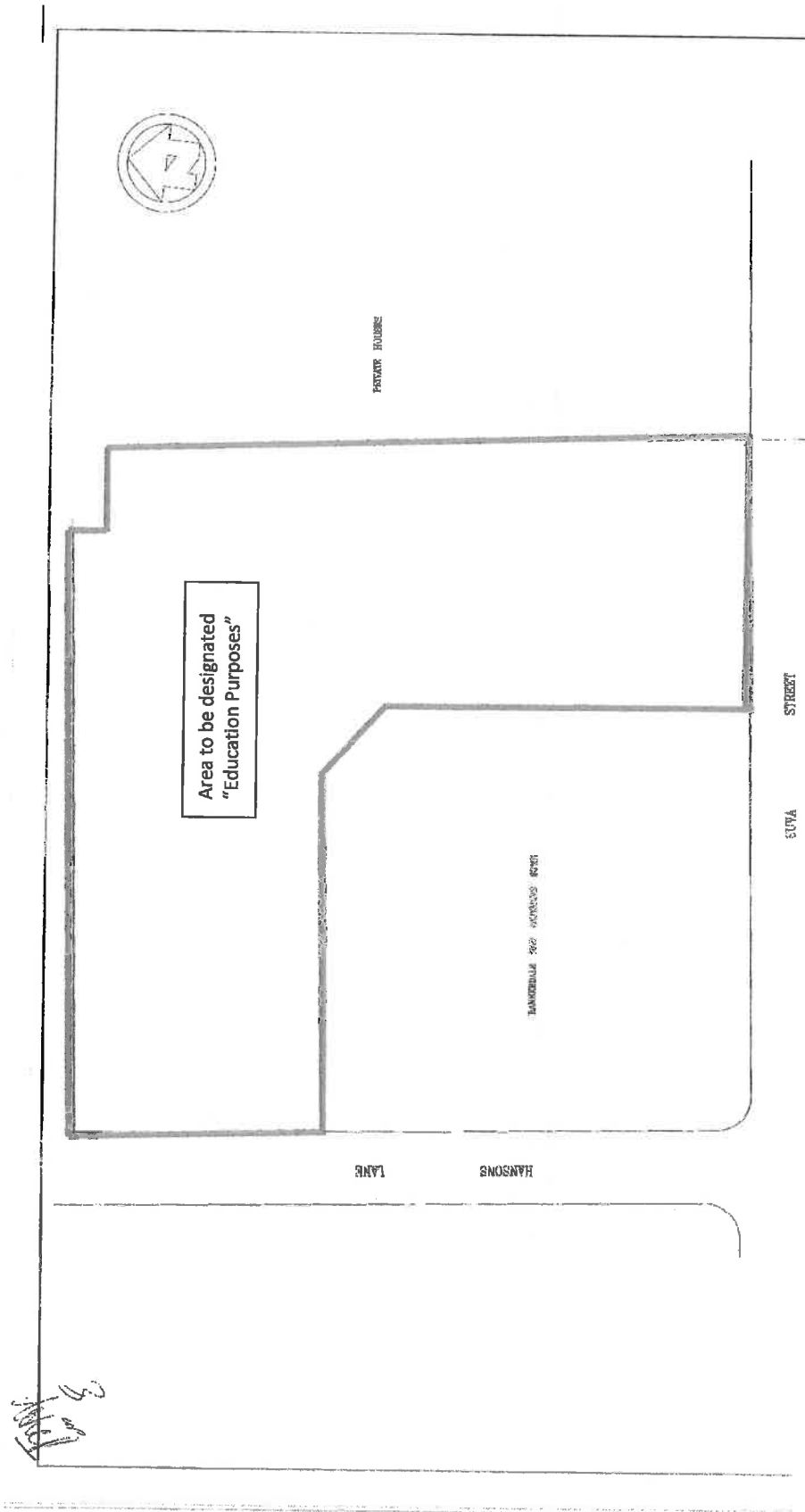
Total area to designate 73688

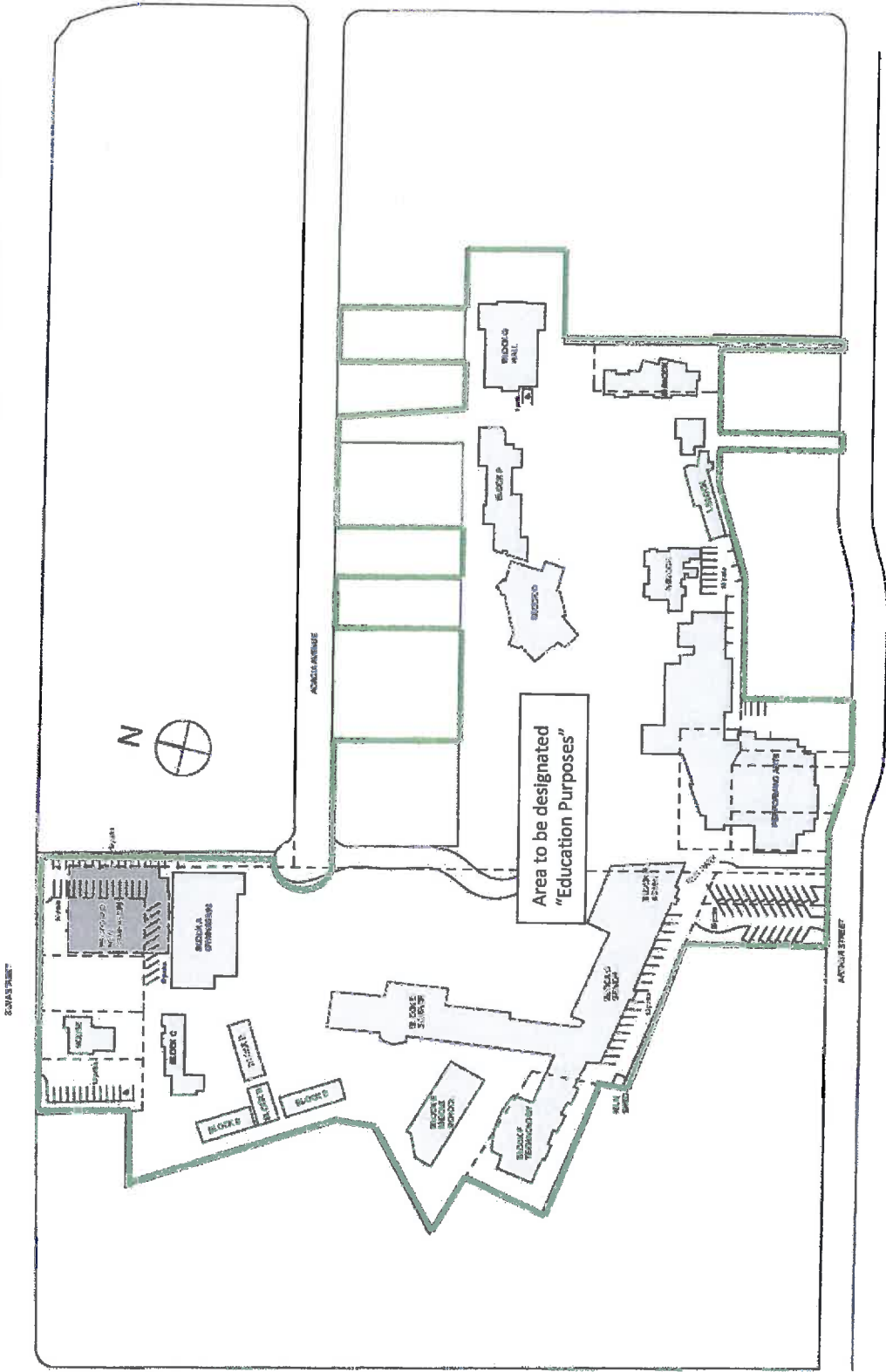


NOTICE OF REQUIREMENT TO CHRISTCHURCH CITY COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

Middleton Grange School – Titles as listed in attached schedule

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MIDDLETON