

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:

**St Mary's School, 375 Manchester Street, Christchurch** or (Lot 2 DP 45940 and Part Lot 2 DP 50087)

#### Site Description

St Mary's School is a small state integrated primary school (years 1 to 8) established in 1894 which was integrated in 1983 under the Private Schools Conditional Integration Act 1975.

The small school site is located adjacent to St Mary's church which fronts the western side of Manchester Street between Bealey Avenue and Salisbury Street. The school site is approximately rectangular in shape and approximately 40m wide and 150m deep.

A site plan of the school is attached to this requirement.

The 2014 school roll was 74 pupils, with a predicted roll of 97 pupils by 2017. There are 5 classrooms and a total of 4.23 full time equivalent (FTE) staff are employed at the school. The school site to be designated is 5955m<sup>2</sup>.

At present, the school buildings are sited at the rear of the school property, and comprise a large classroom block and a smaller block. The schools' a grassed playing fields (which occupy approximately 2160 square metres or approximately one-third of the school site) are located between the classroom areas and Manchester Street frontage. There is also a grassed area in the south-western corner of the site where a previous building has been demolished, as well is an adventure playground and hard stand playing area in the centre of the site. The school site has vehicle access adjacent to the northern side of St Mary's church and the use of the carparking area behind the church for staff carparking.

The current school buildings occupy a ground floor area of 781 m<sup>2</sup> amounting to approximately 13.1% site coverage.

The property is adjoined on its northern boundary by the historic Mclean's Mansion, the fate of which is currently undetermined. The area beyond to the north, west and south is zoned under the Operative City Plan for medium density residential purposes, with a number of sites having been cleared following demolition. On the opposite side of the road to the east is commercial development within the Central City Mixed Use Zone.

St Mary's School is one of the oldest Diocese schools in Christchurch, and one of only two within the inner city area bounded by the four avenues. It is a very long established part of the local community, and the small scale of the school limit potential off site effects. 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. It is the intention of the Diocese to redevelop the school site and locate new classrooms towards the front of the site, with the grassed recreation area being relocated to the rear of the school site. Upon the completion of planning for this process, and subject to the agreement of the Ministry of Education, it is intended to issue an outline plan through the Ministry to provide for the redevelopment of the site.

### Visual effects

The school site has a very short frontage and does not have a strong visual presence as seen from Manchester Street. Planned redevelopment of the site will result in a change in the visual appearance of the site, as a consequence of the buildings being located close to the site frontage, but in the form of modern teaching spaces which will much better serve the educational needs of the children attending the school. The current zoning provides for medium density residential development adjacent to the school site, with buildings up to 14 m in height. In that context, the school is not likely to have a significant visual impact on its neighbours. The current buildings are single storey, and the planned future buildings will be single storey.

### Traffic and Parking

Manchester Street is classified as a Collector Street at this point. Bus services operate along Bealey Avenue to the north, and Colombo Street to the west.

There is no dedicated visitor carparking, although some parents deliver and collect their children from the carparking area behind the church, while others pick up and drop off their children on the Manchester Street frontage. The school has only one access point, being a vehicular access. Within the site to be designated and along the northern side of the church. There are eight car parks available behind the church on the site to be designated. Provision is made within the school site for the storage of 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. The contribution of the school to local traffic generation is unlikely to be more than minor.

### 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. St Mary's school is a long established facility in the local community and noise levels are not expected to change given the school is remaining within its current boundaries and while its roll is expected to increase, the school will remain small in scale.

### Positive effects

St Mary's School has long been part of providing for the educational needs of primary school children in the northern part of the central city, 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 Mary's 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 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 inner-city, 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.

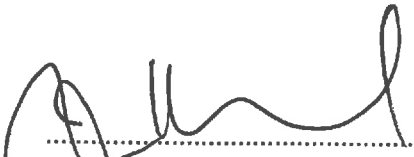
The technique of designation provides for greater consistency for the treatment of schools and greater certainty in terms of their future management. This certainty is considered to be important by the Minister of Education as a long-term commitment is made to the particular sites selected or used for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

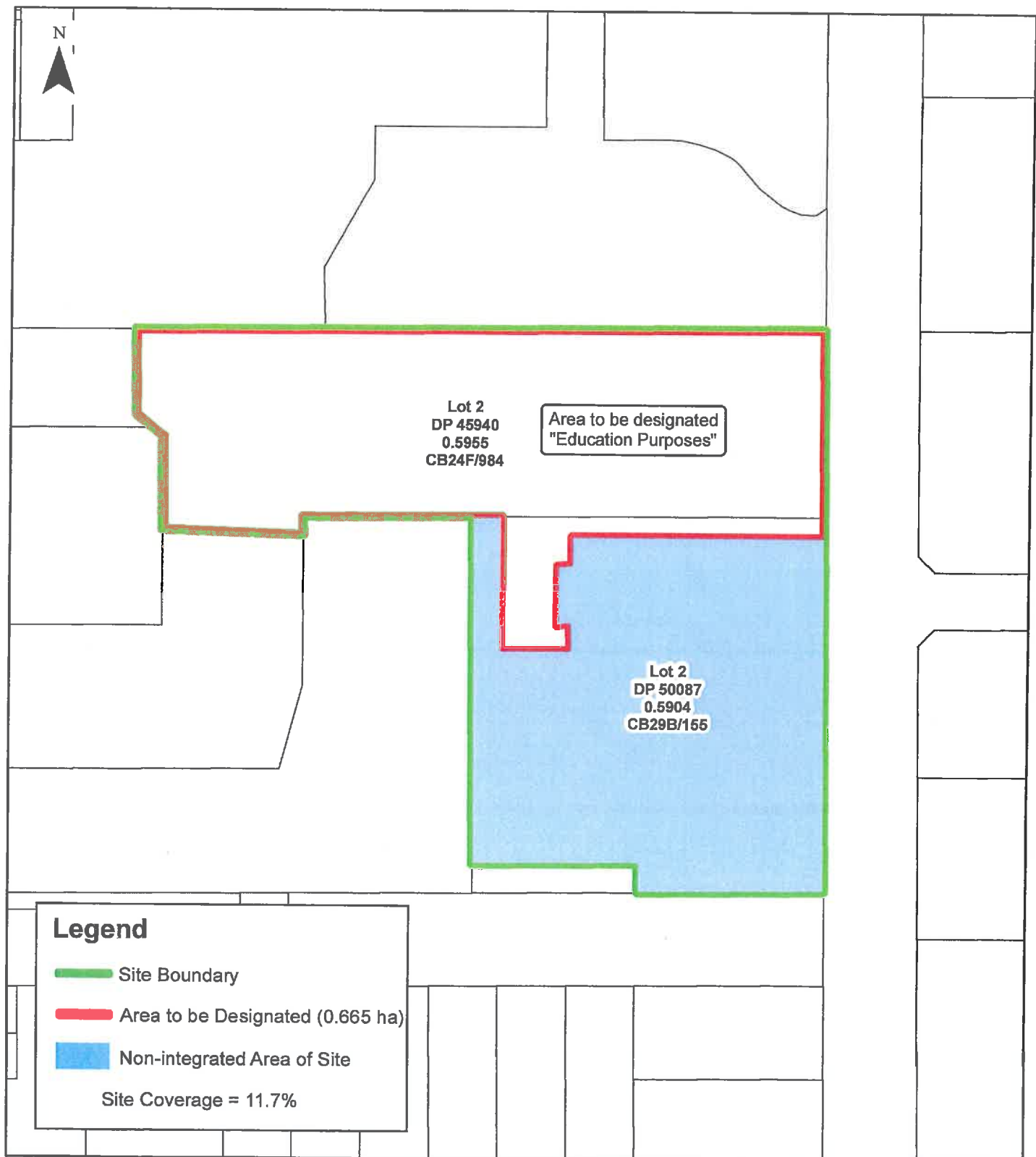


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Jerome Sheppard  
Group Manager Service Delivery  
Education Infrastructure Service  
Ministry of Education

11 February 2015

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

0.665 hectares being Lot 2 Deposit Plan 45940 and described in title CB24F/984,  
and part of Lot 2 Deposit Plan 50087 and described in title CB29/155.





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