

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 Teresa's Catholic School, 10 Puriri Street, Riccarton** (Part Lots 304, 305, 306, and 307 DP 6079; Part Lot 303 DP 6079; Lots 5, 6, 7 and Part Lots 1, 2, and 3 DP 11845; Part Lots 523 – 527 DP 11446; Lot 2 DP350471; Lots 1 and 2 DP 25675; and Part Lot 1 DP 350471).

#### Site Description

St Teresa's School is a state integrated primary school (years 1 to 8) established in 1940 and integrated in 1982 under the Private Schools Conditional Integration Act 1975. The school site has a very irregular shape, having a boundary to St Teresa's church, hall and presbytery building is on its western (Puriri Street) frontage, two frontages to Riccarton Road separated by residential properties at 178 and 180 Riccarton Road, and a long extension to the east behind two motels fronting Riccarton Road. The school shares its northern boundary with Riccarton Bush.

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

The 2014 school roll was 162 students, with a predicted roll of 175 students by 2017. There are 8 classrooms and a total of 9.12 full time equivalent (FTE) staff are employed at the school. The school site to be designated is 12355m<sup>2</sup>.

The primary entrance point to the site is adjacent to the church Hall in Puriri Street near the corner of Riccarton Road and through the church site. The single storey school buildings comprise two larger attached block in the centre of the site, and two small classroom blocks. The ground floor area of buildings is 1100m<sup>2</sup>, or 8.9%. The school has extensive grassed playing fields along the northern part of the site with an area of 6840m<sup>2</sup>, a sealed playing area of 1152m<sup>2</sup>, and adventure playground of 567m<sup>2</sup> in the northern corner of the site adjacent to Riccarton Bush. The hard stand playing areas on the northern and eastern side of the main classroom block.

Puriri Street is residential in nature, although on the opposite side of Puriri Street is St Ninian's Presbyterian Church. Apart from the motels, there are two residential neighbours adjacent to the eastern extremity of the school site and another on the north western extremity of the site on a back section off Puriri Street. The other two residential neighbours are the properties at 178 and 180 Riccarton Road which are almost completely surrounded by the school. Riccarton Road opposite the site contains a mix of residential and commercial activities, with Riccarton Mall approximately 200 m distant on the opposite side of Riccarton Road.

St Teresa's school is a long-standing part of the local community, and the effects of its activities have been absorbed into the environment of the local 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

The school has a long common frontage of nearly 180 m with Riccarton Bush. The school buildings are at least partly obscured from Puriri Street but visible from one of the two Riccarton Street frontages. There are no buildings on the second (eastern) road frontage between 178 Riccarton Road and the adjacent motel site. The school offers an attractive frontage to Riccarton Road with grassed areas, and trees providing an element of screening. There are no buildings in the narrow easternmost extension of the school site behind the motels.

The majority of the school's common boundaries are with church land, Riccarton Bush, or motels. The amenity of the area is significantly influenced by traffic levels on Riccarton Road and the encroachment of commercial activities along both sides of the road past the school. The area opposite the school is also zoned under the Replacement District Plan for medium density housing or transition to medium density housing.

### Traffic and Parking

Riccarton Road is classified as a Minor Arterial and Puriri Street as a local street. Regular bus services operate along Riccarton Road.

Children delivered in their parent's vehicles to the school may be dropped off on the street frontage or adjacent to the northern side of the hall (which is on the corner of Puriri Street and Riccarton Road) with vehicles returning on to Puriri Street. This uses a shared area with the church, which however is not proposed to be designated. There 17 car parks in two groups on the school site between the church buildings/hall and the school buildings. 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. Spaces for students to store their cycles and scooters is provided on-site.

### 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 Teresa's 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

St Teresa's Catholic School has long been part of providing for the educational needs of primary school children in the Riccarton 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. St Teresa'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 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 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.

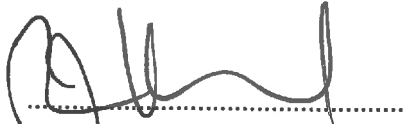
The technique of designation provides for greater consistency for the treatment of schools and greater certainty in terms of their future management. This certainty is considered to be important by the Minister of Education as a long-term commitment is made to the particular sites selected or used for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

1. A plan showing the area of the site subject to the requirement and its immediate surroundings, and the legal description.
2. A site plan showing the arrangement of buildings on the site, and describing the extent of existing facilities.

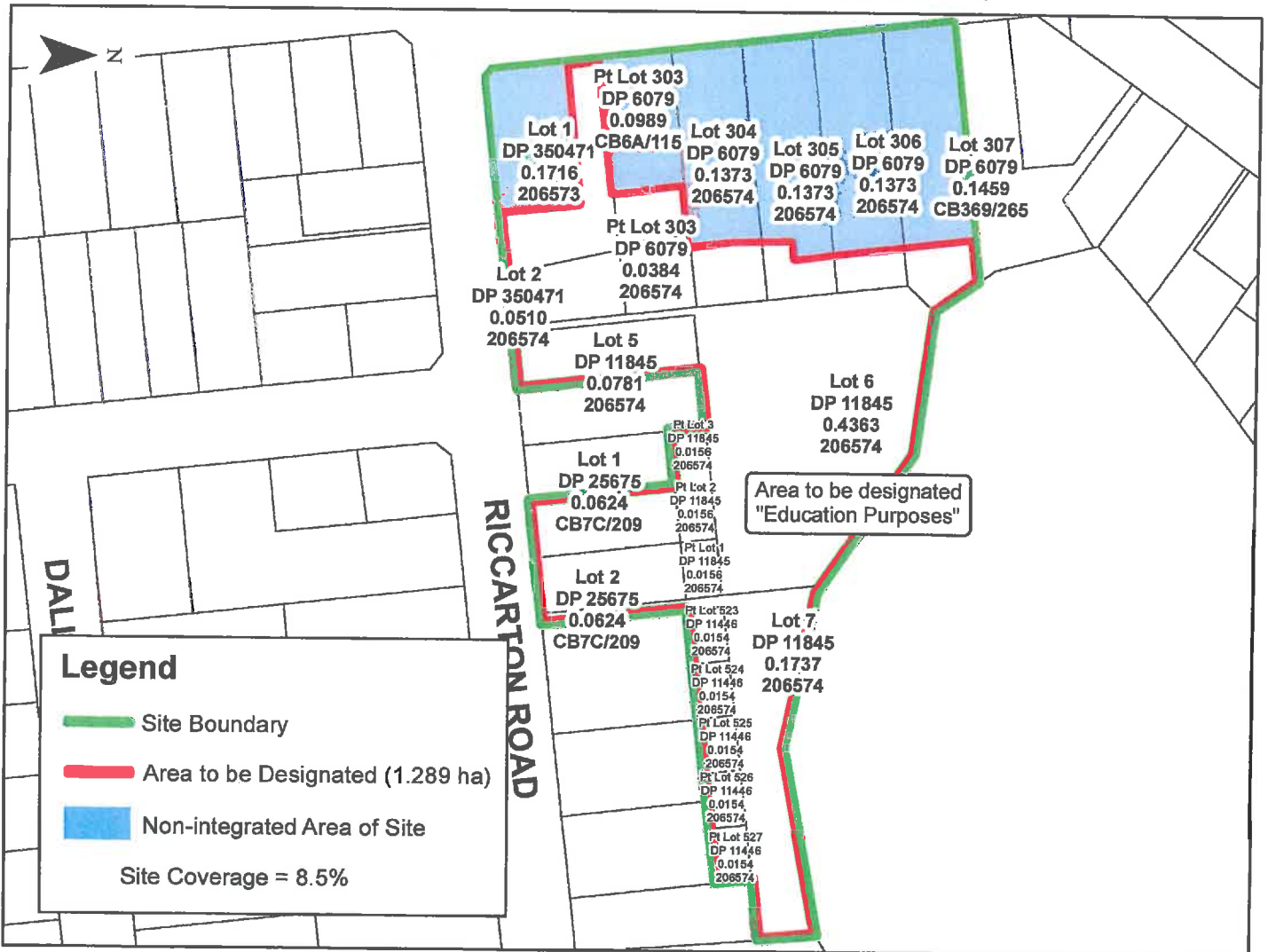


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Jerome Sheppard  
Group Manager Service Delivery  
Education Infrastructure Service  
Ministry of Education

11 February 2015

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

1.289 hectares being part of Lot 1 Deposit Plan 350471 and described in title 206573,  
 Lot 2 Deposit Plan 350471 and described in title 206573,  
 part of Pt Lot 303 Deposit Plan 6079 and described in title CB6A/115,  
 Pt Lot 303 Deposit Plan 6079 and described in title 206574,  
 part of Lot 304 Deposit Plan 6079 and described in title 206574,  
 part of Lot 305 Deposit Plan 6079 and described in title 206574,  
 part of Lot 306 Deposit Plan 6079 and described in title 206574,  
 part of Lot 307 Deposit Plan 6079 and described in title CB369/265,  
 Lot 5 Deposit Plan 11845 and described in title 206574,  
 Lot 6 Deposit Plan 11845 and described in title 206574,  
 Pt Lot 3 Deposit Plan 11845 and described in title 206574,  
 Pt Lot 2 Deposit Plan 11845 and described in title 206574,  
 Lot 1 Deposit Plan 25675 and described in title CB7C/209,  
 Lot 2 Deposit Plan 25675 and described in title CB7C/209,  
 Pt Lot 1 Deposit Plan 11845 and described in title 206574,  
 Lot 7 Deposit Plan 11845 and described in title 206574,  
 Pt Lot 523 Deposit Plan 11446 and described in title 206574,  
 Pt Lot 524 Deposit Plan 11446 and described in title 206574,  
 Pt Lot 525 Deposit Plan 11446 and described in title 206574,  
 Pt Lot 526 Deposit Plan 11446 and described in title 206574, and  
 Pt Lot 527 Deposit Plan 11446 and described in title 206574,



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