

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 Waimakariri District Plan.

The site to which the requirement applies is as follows:

St Joseph's School, 35 Victoria Street, Rangiora (Lot 1 DP 45094, Part Lot 2 DP 45094, Part Lots 1 and 2 DP 48843, and Lot 3 DP 48843).

Site Description

St Joseph's School is a state integrated primary school (years 0 to 8) established in 1883 and integrated under the Private Schools Conditional Integration Act 1975. The site is in a predominantly residential area of Rangiora.

On 1st July 2020 the school roll was 171 pupils. There is a total of 8 classrooms with a 9.72 full time equivalent (FTE) staff employed at the school. The school site to be designated is 9700m².

There are five classroom blocks, one containing the school administration. The school buildings are primarily centred near the corner of Victoria and George Streets, around the entrance off George Street. As is frequently the case with Diocese schools, this school site is co-located with Rangiora Catholic Parish Church (currently not used due to earthquake damage) and the Parish Hall immediately adjoining the school to the north, currently being used as the church. The Church property also includes two residential properties, these being 43 Victoria Street (the Presbytery) and 45 Victoria Street (privately rented), which are not part of the area to be designated. A playing field located in the south west corner of the site will also not be designated.

The school has no on-site parking. There are two hard surfaced areas in front of the two main sets of classroom blocks including playing courts. The primary grassed area containing the playing fields is located in the northwest corner of the school site adjoining Percival Street. The site coverage by buildings is approximately 9.6%, and buildings on site are all single storey.

St Joseph's School has been an integral part of the local community for the past 133 years. It anticipated that the roll will grow to 225 students (the current maximum roll is 175 students) in the next 5-10 years in reflection of strong residential growth in the District, and the catchment of the school which extends far beyond the town itself. 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 Ministry of Education school property guide changed in the early 2000's, the required school floor space for any given school increased by around 40%, without any change to student numbers. This reflects changes in the quality and quantity of facilities expected to be provided to students and to staff schools. Where existing building stock has reached the end of its economic life, its replacement floor space may be larger. In addition to potential future changes in the school roll, schools 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 site primarily shares a common boundary with the Catholic Parish, the Church Hall and the presbytery. The school site to be designated only directly adjoins two residential properties at 118 and 118A Percival Street – being school playing fields. Otherwise, residential properties surrounding the site are separated from the school by the adjoining street network. The school is readily visible from the surrounding streets with low block or metal railing fencing. There is a large tree adjacent to the classroom block on the corner of Victoria and George Streets, and smaller trees along the playing field frontage in Percival Street. A corrugated iron fence and concrete block wall screen 118 Percival Street, however 118A is largely unscreened due to the raised floor level of the house meaning living room windows have an outlook to the playing field over the existing fence. These properties are however at the northern extremity of the playing fields, well away from existing buildings, and no significant building development is anticipated on that part of the site. The existing school buildings are an established part of the local residential environment, and is characteristic of a typical primary schools with modest single storey classroom blocks with associated grassed play areas and boundary trees.

The school is within the Residential 1 zone under the Operative Plan which anticipates a residential site coverage of 50% and a height of 8m. Any redevelopment or additional buildings on the school site are expected to be of a scale consistent with these parameters.

Traffic and Parking

Both Victoria and Percival Streets are classified as an urban collector roads, while George Street is a local road. Pedestrian access to the school is available from both George Street and Victoria Street. The catchment for the school is predominately urban, however those that come from rural areas can take the Rangiora High School bus to 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.

There is no onsite car parking for the school, instead, George and Victoria Streets are used with George Street being the primary point of access. Cycle and scooter spaces are available for the students and staff on the 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 and activities outside normal school hours. School buildings and hard surface play areas are orientated towards the south. Schools by their very nature are an inherent part of a residential community and are almost invariably surrounded by residential activities. St Joseph's School is an established facility in the local community and noise levels are not expected to change given the school is remaining within its current boundaries.

Positive effects

St Joseph's School has long been part of providing for the educational needs of primary school students in the Rangiora 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 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 primary school students 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 Joseph's School is a state integrated school, and as such should be subject to the same regulatory regime as other existing state schools. Any Council comments on Outline Plans could be guided by the underlying provisions of the Waimakariri District 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 school facility within the Rangiora 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 District 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 Minister 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, examples being Wellington City and Christchurch 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 two diocesan and Catholic state integrated schools in the Waimakariri District, 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, 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 appropriate in the circumstances, depending on the nature and scale of the works proposed.

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.

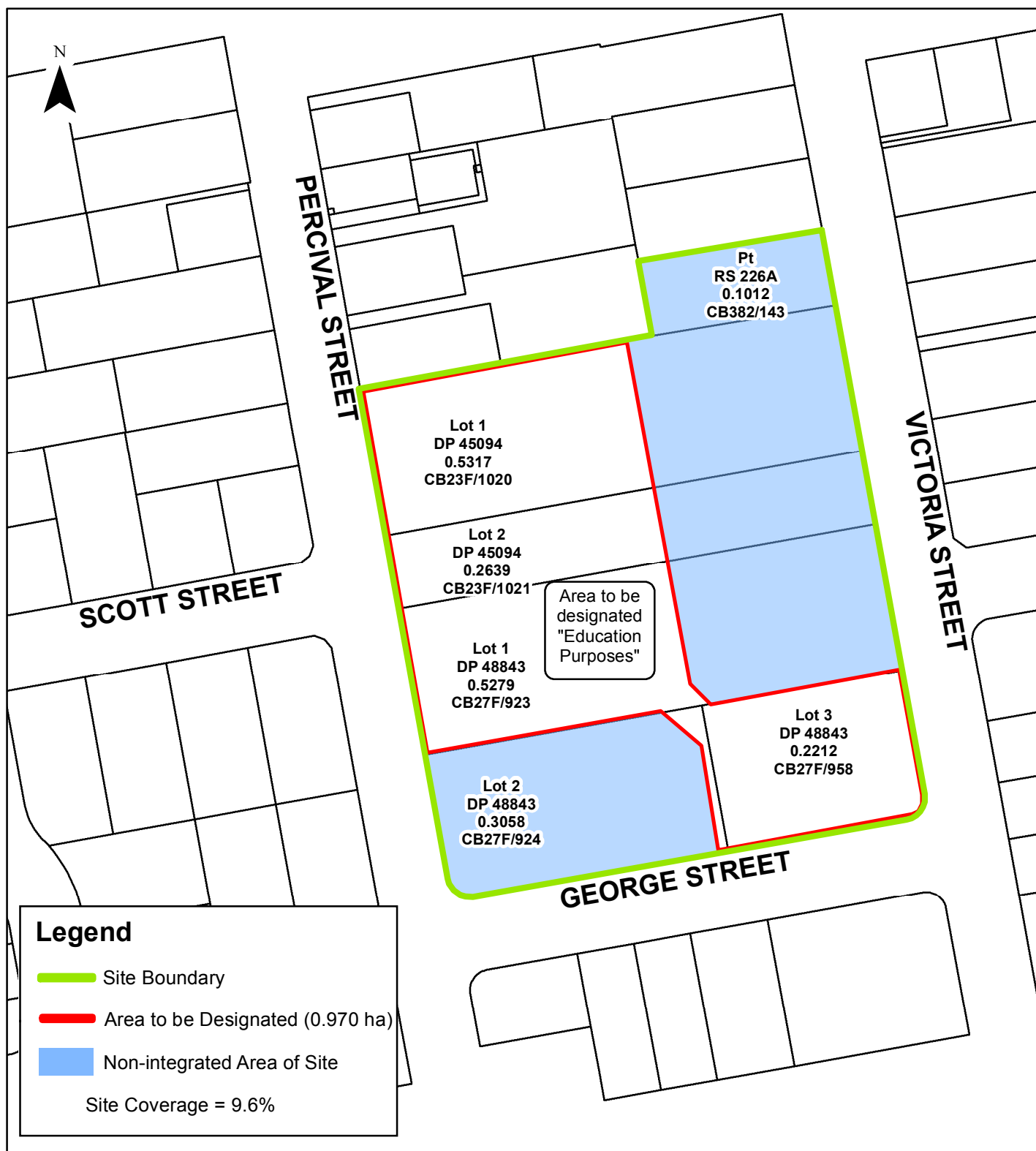

.....

Sandra Orr
Regional Infrastructure Manager
Under delegated authority

Date: 11 September 2020

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

0.970 hectares being part of Lot 1 Deposit Plan 45094 and described in title CB23F/1020, and part of Lot 2 Deposit Plan 45094 and described in title CB23F/1021, and part of Lot 1 Deposit Plan 48843 and described in title CB27F/923, and part of Lot 2 Deposit Plan 48843 and described in title CB27F/924, and Lot 3 Deposit Plan 48843 and described in title CB27F/958.



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

0.970 hectares being part of Lot 1 Deposit Plan 45094 and described in title CB23F/1020, and part of Lot 2 Deposit Plan 45094 and described in title CB23F/1021, and part of Lot 1 Deposit Plan 48843 and described in title CB27F/923, and part of Lot 2 Deposit Plan 48843 and described in title CB27F/924, and Lot 3 Deposit Plan 48843 and described in title CB27F/958.

