

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 Patrick's School, 61 Fuller Street, Kaiapoi (part Lots 1 and 2 DP 1443, Lot 2 DP 44696, Part Lot 1 DP 4938, and Part Lot 1 DP 73029).

Site Description

St Patrick's School is a state integrated primary school (years 1 to 8) established in 1926 and integrated under the Private Schools Conditional Integration Act 1975. The site is in a predominantly residential area of Kaiapoi and occupies an irregularly shaped parcel of land between Fuller Street and Peraki Street. The site to be designated adjoins a dwelling and Methodist Church to the north, and two residential properties and the Kaiapoi Baptist Church and a preschool on the southern boundary. As is commonly the case with Diocese schools, immediately adjoining the site on the schools eastern side fronting Fuller Street is the St Patrick's Catholic Church. The wider environment beyond is predominantly residential in character.

On 1st July 2020 the school roll was 111 pupils. There is a total of 8 classrooms with a 6.44 full time equivalent (FTE) staff employed at the school. The school site to be designated is 1.033 ha.

There are five classroom blocks, one containing the administration area on the site. While the school site is adjoined by St Patricks Church and manse, these do not form part of the area to be designated. The school has one parking area, off Fuller Street, containing 3 staff parks. Cycle and scooter parks have been provided on site for the students. There is an extensive hard surfaced area in front of two the classroom blocks in the centre of the school site including playing courts. There is a grassed area with some trees and a playground in the north-eastern corner of the school site to the rear of a one classroom block, but the primary grassed area containing the playing fields is located along the western side of the school adjoining Peraki Street.

Site coverage by buildings is approximately 10.9%, and all of the school buildings are single storey.

St Patrick's School has been an integral part of the local community for the past 92 years, and it is not anticipated to have a significantly greater roll in the future. Notwithstanding this, 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 for staff at 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

With the exception of one classroom block, the school buildings are located towards the centre of the site, beyond the grassed playing field of Peraki Street and are screened from Fuller Street by the Catholic Church and manse. The school is an established part of the local residential environment and is characteristic of a typical primary school containing modest single storey buildings with associated grassed play areas and boundary trees. Low metal paling fencing extends along the street frontages of the site.

Traffic and Parking

Fuller Street is classified as an urban collector road, and Peraki Street is a local road. The catchment for the school is mostly urban with only four students coming from outside Kaiapoi. These students catch the Rangiora High School bus to get to school. Pedestrian access to the school is available from both Fuller Street (primary access) and Peraki Street.

There is extensive marked angle and parallel parking spaces opposite the school on the northern side of Fuller Street. There is also space for on street parking on Fuller Street outside the school north of the main pedestrian entrance; south of here the Fuller Street frontage is subject to a no parking restriction. An 'informal' pedestrian crossing is placed opposite the entrance to the school on Fuller Street. 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 are 3 staff car parking spaces on site to be designated. Any other parking, or drop off points for students is available on the Fuller or Peraki Street frontages of the school.

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. School buildings and hard surface play areas are orientated towards the north. Those residential properties affected by the school's activities including active play areas, are the houses at the northern and southern ends of Peraki Street. Number 40A to the south adjoins a hard surface playing court to the east of the property and the playing field to the north. The other, at 42 Peraki Street adjoins only the playing field and is screened by mature vegetation from both properties. Schools by their very nature are an inherent part of a residential community and are almost invariably surrounded by residential activities. St Patrick'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 and its roll is not expected to increase significantly.

Positive effects

St Patrick's School has long been part of providing for the educational needs of primary school students in the Kaiapoi 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 Patrick's School is a state integrated school, and as such is 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 Kaiapoi 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 some 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 two diocesan Catholic state integrated schools in 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 the extent of existing facilities.

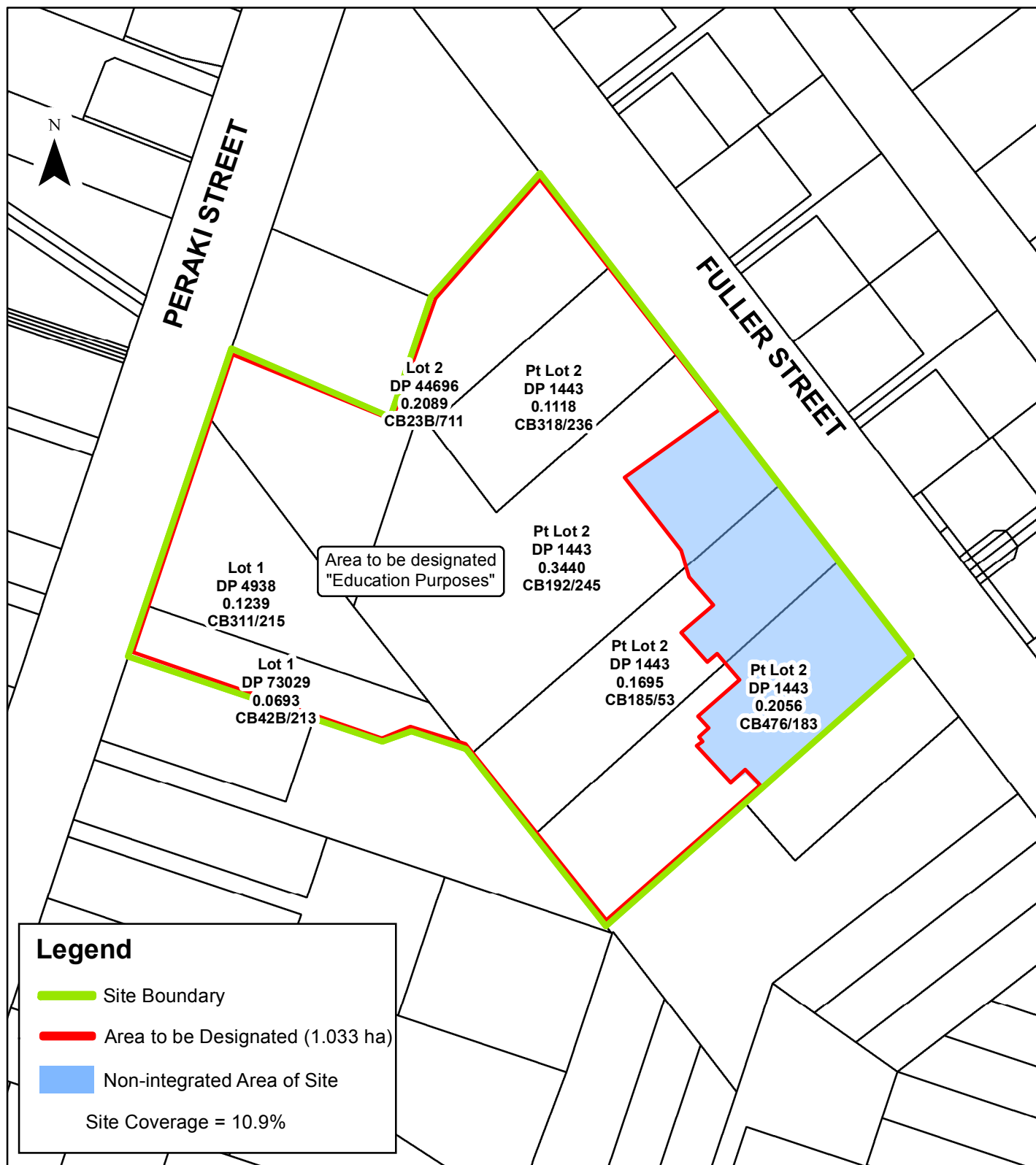


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Sandra Orr
Regional Infrastructure Manager
Under delegated authority

Date: 11 September 2020

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

1.033 hectares being part of Pt Lot 2 Deposit Plan 1443 and described in title CB476/183, and part of Pt Lot 2 Deposit Plan 1443 and described in title CB185/53, and part of Pt Lot 2 Deposit Plan 1443 and described in title CB192/245, and Pt Lot 2 Deposit Plan 1443 and described in title CB318/236, and Pt Lot 2 Deposit Plan 44696 and described in title CB23B/711, and Pt Lot 1 Deposit Plan 4938 and described in title CB311/215, and Pt Lot 1 Deposit Plan 73029 and described in title CB42B/213.



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