



30 June 2022

Selwyn District Council

Planning Policy Department

Attention: Rachael Carruthers

Dear Rachael

Minor alteration to Ministry of Education designations

Pursuant to section 181(3) of the Resource Management Act 1991 (RMA), the Minister gives notice of a requirement for a minor alteration to three of its designations within the Proposed and Operative Selwyn District Plan (SDP). This letter provides details of the proposed modification and is supported by:

- Form 18 of the Resource Management Regulations 2003 (Appendix A)
- Details of the school sites and designations subject to this modification (Appendix B).

1. Context

The National Policy Statement on Urban Development 2020 (NPS-UD) came into force on 20 July 2020. Among a number of objectives and policies for achieving well-functioning urban environments, the NPS-UD directs that increased built form densities be enabled by regional policy statements and district plans (Policies 3 and 5) and that all Tier 1 authorities¹ must implement intensification policies (Subpart 6, section 3.31).

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("RM Housing Supply Act") came into force on 20 December 2021 with a purpose of amending the RMA and strengthening the requirements of the NPS-UD. To give effect to Policy 3 of the NPS-UD, Section 77G of the RM Housing Supply Act requires specified territorial authorities² to incorporate Medium Density Residential Standards (MDRS) within its relevant residential zones.

It is understood that Selwyn District Council is currently preparing a variation to the Proposed Selwyn District Plan (PSDP) to give effect to the requirements of the RM Housing Supply Act and include MDRS. This notice seeks to align the relevant Ministry of Education (the Ministry) designations with the proposed MDRS of the underlying zones. Section 77M(5) of the RMA enables Ministry designations which apply to

¹ Selwyn District Council is identified as a Tier 1 local authority in Table 1 of the NPS-UD Appendix

² Specified Territorial Authorities are defined in the RM Housing Supply Act and include Tier 1 territorial authorities.



land that is in a relevant residential zone or adjoins a relevant residential zone, to rely on the provisions of the relevant residential zone that incorporate the density standards in Part 2 of Schedule 3A if those provisions are more lenient than conditions included in the designation.

The amendment to the density conditions of Ministry designations in Selwyn will have no immediate effects on the environment. Any future works would be subject to an outline plan which would require the details of height, shape, bulk and location on the site of the public work, project, or work to be addressed, irrespective of any designation condition. This notice is effectively administrative and will enable the Ministry's designations to reflect the underlying MDRS requirements under the district plan.

2. Details of the alteration and the designations that are subject to this notice

This alteration relates to three school designations that are included in both the Operative Selwyn District Plan (OSDP) and PSDP. Details of the designations, the schools and the applicable land are contained in Appendix B to this Form. All three designations are for Ministry-owned schools.

The designations (that this notice relates to) have all been given effect to and the schools are an established part the community. It is important that the operating requirements of these schools as per the conditions of the designations reflects our everchanging environment and society, and this includes density standards.

There are no works proposed as part of this alteration and all other existing conditions (including the requirement to submit an outline plan for any future works) will remain unchanged.

Table 1 below shows the proposed alterations and the designation numbers to which they apply (~~strike through~~ for deletion and *underline italics* for new text).



PSDP Designation Reference	Condition Numbers	Designation Condition Amendment
MEDU-11	4, 5, 6 and 7	<p>4. The minimum setback of buildings from roads shall be 40 <u>1.5</u> metres.</p> <p>5. The minimum setback of buildings from the southern property shall be 10 metres and 6 metres respectively <u>1 metre</u> as indicated on the Concept Plan shown in Annexure E of the NOR.</p> <p>6. The minimum setback of buildings from the western boundary shall be 7 metres as indicated on the concept plan shown in Annexure E of the NOR and 7 metres from the northern boundary <u>1 metre</u>.</p> <p>7. The maximum height of buildings shall be 9 metres <u>11 metres (except 50% of roof may be 12 metres where the entire roof slopes 15° of more)</u> provided that no part of any building shall protrude through a recession plane commencing 2.5 metres above ground level at any point along the internal boundary inclined towards the relevant containment angle of the recession plane indicator contained in Annexure E of the NOR.</p> <p><u>7A. Any new building or building extension (excluding goal posts and similar structures) must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all internal boundaries (except where the height in relation to boundary provisions are more lenient in an underlying relevant residential zone or adjoining relevant residential zone and those conditions shall apply)..</u></p>
MEDU-17	2 and 3	<p>2. Any new building or building extension (excluding goal posts and similar structures):</p> <ul style="list-style-type: none"> — shall comply with the height in relation to boundary controls (attached as Appendix A) <u>must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all internal boundaries (except where the height in relation to boundary provisions are more lenient in an underlying relevant residential zone or adjoining relevant residential zone and those conditions shall apply).</u> — and s Shall not exceed the following:



PSDP Designation Reference	Condition Numbers	Designation Condition Amendment
		<p>a. Maximum building coverage: 35% <u>50% of the net site area</u>; and</p> <p>b. Maximum impermeable surface coverage: 40%.</p> <p>3. No building shall be located closer than 5.5m <u>1.5m</u> from any road boundary.</p>
MEDU-18	1, 2, 3 and 4	<p>1. Any new building or building extension (excluding goal posts and similar structures) shall comply with the height in relation to boundary controls (attached as Appendix A to this recommendation) from any adjoining land zoned primarily for a residential purpose must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all internal boundaries (except where the height in relation to boundary provisions are more lenient in an underlying relevant residential zone or adjoining relevant residential zone and those conditions shall apply), or zoned for an open space/outdoor recreation purpose.</p> <p>2. Any new building or building extension (excluding goal posts and similar structures) shall not exceed a maximum height of 8m <u>11 metres (except 50% of roof may be 12 metres where the entire roof slopes 15° or more).</u></p> <p>3. Buildings on the site shall not exceed a total site coverage of 35% <u>50% of the net site area.</u></p> <p>4. No building shall be located closer than 5.5m <u>1.5 metres</u> from any <u>road</u> boundary <u>and 1 metre from any internal boundaries.</u></p>

3. Statutory Considerations

This alteration to designations has been prepared in accordance with the statutory requirements set out under Section 181(3) of the RMA and are outlined below.

3.1. Section 181(3)(a)(i) the alteration involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned.

The alterations are effectively administrative and are not considered to result in more than a minor change to the effect on the environment.



All designated sites will continue to be subject to Section 176A of the RMA, requiring an outline plan be submitted to the territorial authority before any future works are undertaken. Section 176A(3) sets out what needs to be included in an Outline Plan. Section 176A(3)(a) and (b) requires “*the height, shape, and bulk of the public work, project, or work*” and “*the location on the site of the public work, project, or work*” to be addressed, respectively. In addition, Section 176A(3)(f) requires “any other matters to avoid, remedy, or mitigate any adverse effects on the environment”.

The amendments to the density requirements in designation conditions as detailed in Table 1 above will have less than minor effects on the environment as the amendments will align the density requirements with those of adjacent residential zones. In addition, any future works on the sites will need to meet the requirements of Section 176A of the RMA through the provision of an outline plan addressing features relevant to density requirements (i.e., the height, shape, bulk and location provisions).

Notwithstanding the above, there is a national policy shift to enable more permissive density standards in Tier 1 urban environments under the RM Housing Supply Act. The broader effects of this requirements have been anticipated as part of the development of the MDRS.

3.2. Section 181(3)(b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration:

The Ministry owns and operates the three designated school sites.

3.3. Section 181(3)(c) both the territorial authority and the requiring authority agree with the alteration and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.

This notice formalises the request for alterations to the designations.

4. Conclusion

This alteration to designation seeks to amend all density standard conditions for three designated schools in Selwyn. These amendments will align the proposed MDRS that Selwyn proposes to introduce through a concurrent variation to the proposed District Plan by August 2022. This notice is prepared in accordance with section 181(3) and Form 18 of the RMA 1991. There are no effects on the environment as a result of this alteration.

Please contact the undersigned if you wish to discuss this notice.

Yours sincerely



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Minister of Education approval under delegated authority

Signed by Clive Huggins

PP

Brian Mitchell - Group Manager National Property Services, Te Puna Hanganga, Matihiko | Infrastructure & Digital, Te Tāhuhu o te Mātauranga, Ministry of Education
(pursuant to a delegated authority dated October 2021)



Appendix A - Form 18

Notice of requirement by Minister, local authority, or requiring authority for designation or alteration of designation under section 145, 186(1), (2), 168A, 181 and Clause 4 of Schedule 1, Resource Management Act 1991.

To: Selwyn District Council

The Ministry of Education ('the Ministry') gives notice of a requirement for an alteration to a designation.

The site to which the requirement applies is as follows:

The designation alteration relates to three school designation in Selwyn. These Ministry designations and the site addresses are listed in Appendix B.

The nature of the proposed work is:

No works are proposed. The alteration relates to the amendment of conditions that specify density requirements.

The nature of the proposed conditions that would apply are:

Table 1 of the attached letter lists the designation conditions proposed to be amended to align with the density requirements of the underlying zone in the operative district plan. All other conditions would continue to apply.

The effects that the work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

Refer to section 3.1 of the attached letter.

Alternative sites, routes, and methods have been considered to the following extent:

The consideration of alternatives is not required for a modification in accordance with section 181(3c) of the RMA which states that sections 168-179 shall not apply.

The designation alterations are reasonably necessary for achieving the objectives of the requiring authority because:

The alterations will continue to enable the Ministry to develop and operate fit-for-purpose educational facilities across the Selwyn District while supporting SDC in their requirement to adopt MDRS in their district plans for current and future residential zones.



Appendix B - Table of schools subject to alteration

Proposed Selwyn District Plan

Designation ID	School Name	Property Address
MEDU-11	Clearview Primary School	20 Broadlands Drive, Rolleston
MEDU-17	Rolleston College	631 Springston Rolleston Road, Rolleston
MEDU-18	West Rolleston School	327 Dunns Crossing Road, Rolleston

Operative Selwyn District Plan

Designation ID	School Name	Property Address
ME-11	Clearview Primary School	Broadlands Drive, Rolleston
ME-26	Rolleston High School	Between Goulds Road and Springston Rolleston Road, Rolleston
ME-27	Rolleston West Primary School	Corner of Dunns Crossing Road and Burnham School Road, Rolleston