

# MINISTER OF EDUCATION

## Notice of Requirement for Rolleston Christian School

Site Address: 571 Springston Rolleston Road, Rolleston

Date: 5 May 2020



### Document Control

<b>Report Title</b>		Notice of Requirement		
<b>Client</b>		Ministry of Education	<b>Client Contact/Approver</b>	Ministry of Education
<b>Rev</b>	<b>Date</b>	<b>Status</b>	<b>RMG Author</b>	<b>RMG Reviewer</b>
1		Draft	Melanie Foote	Darryl Millar
2		DRAFT for SDC Review	Melanie Foote	
3	8 April 2020	Final	Melanie Foote	
4	5 May 2020	Final (amendments)	Melanie Foote	
<b>Current Rev</b>		4		

# **Notice of Requirement for Rolleston Christian School**

**Minister of Education**

**to**

**Selwyn District Council**

**Resource Management Group Limited**  
Level 4, 69 Cambridge Terrace  
PO Box 908  
Christchurch Box Lobby

Christchurch 8140  
Phone (03) 943 4112

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## NOTICE OF REQUIREMENT

### PURSUANT TO SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

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**To: SELWYN DISTRICT COUNCIL**

**From: MINISTER OF EDUCATION**

**The Minister of Education** is a Requiring Authority pursuant to Section 167 of the Resource Management Act 1991.

The Ministry of Education (MOE) gives notice to the Selwyn District Council of a Requirement to designate land within the District as Education purposes (Primary and Secondary).

**1. The site to which the requirement applies is as follows:**

**Name:** Rolleston Christian School

**Address:** 571 Springston Rolleston Road, Rolleston

**Legal Description:** Lots 16-20 DP8530 (See Appendix One for a copy of the Certificate of Title)

**Site Area:** 2.02ha

The location of the site and the extent of the proposed designation are shown on the Plan contained in **Appendix Two**.

- 2. The nature of the proposed work and the nature of any proposed conditions:** Refer to the attached Notice.
- 3. The effect that the proposal will have on the environment and the ways in which any adverse effects will be mitigated:** Refer to the attached Notice.
- 4. Alternative sites, routes and methods considered:** Refer to the attached Notice.
- 5. The public work and designation are reasonably necessary for achieving the objectives of the Minister because:** Refer to the attached Notice.
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6. **Consultation with parties likely to be affected:** Refer to the attached Notice.
7. Signed by the person authorised to sign on behalf of the person giving notice



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Sandra Orr  
Regional Infrastructure Manager – Southern  
Ministry of Education  
5 May 2020

**Address for Service:**

**Ministry of Education**  
C/- Resource Management Group Limited  
PO Box 908  
Christchurch Box Lobby  
CHRISTCHURCH 8140

Attention: Melanie Foote

Phone: (03) 962 1738  
Email: [melanie@rmgroup.co.nz](mailto:melanie@rmgroup.co.nz)

**Address for Client:**

**Ministry of Education**  
PO Box 2522  
Addington 8140  
Christchurch  
Attention: Gill Maher

## CONTENTS

NOTICE OF REQUIREMENT FOR DESIGNATION .....	1
THE SITE TO WHICH THIS NOTICE OF REQUIREMENT RELATES.....	2
ASSESSMENT OF EFFECTS ON THE ENVIRONMENT.....	2
STATUTORY CONSIDERATIONS.....	3
CONSULTATION .....	7
CONCLUSION .....	7

Appendix One: Computer Freehold Registers

Appendix Two: Site Plan

Appendix Three: Recession Plane Diagram

Appendix Four: Designation Table for Insertion

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## Minister of Education

### Notice of Requirement: Rolleston Christian School

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#### Background and Reasons

1. The Ministry of Education (MOE) is responsible for the delivery of New Zealand's education system. They shape and direct education agencies and providers and contribute to the government's goal for education. The MOE are responsible for all education property owned by the Crown.
2. Rolleston Christian School (RCS) is an established state integrated Christian school for children in years 1-8 and opened in February 2015. The school was established via a resource consent for stages 1 and 2. Stages 1 and 2 currently comprise of two teaching blocks playground, courts parking, access, landscaping and a current roll of approximately 150 students. As an integrated school the Christian Schools Trust as proprietor of the school under the Education Act 1989 owns the land and buildings however the MOE funds the operating costs and the teachers' salaries etc through the RCS Board of Trustees.
3. Pursuant to Section 168 of the Resource Management Act 1991 (the Act), the MOE gives notice of its requirement for the site described above to be designated within the Selwyn District Plan. The designation is for 'Education Purposes - Primary and Secondary'.

<b>Rolleston Christian School</b>	<b>Ministry of Education (MEDU)</b>
Unique identifier	MEDU28
Designation purpose	Education purpose – Primary and Secondary
Site identifier	571 Springston Rolleston Road,  Rolleston  Lots 16 – 20 DP8530
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	Design Parameters

	Noise Parking Height in relation to boundary Maintenance of existing acoustic fencing Outline plan exemptions
Additional Information	N/A

The inclusion of an explanatory note within the Designation Appendix to define “*Education Purposes*” is required. The explanatory note shall read;

*"Education Purposes" in the designated purpose means to:*

- a) Enable the use of the facilities on the site by and for the educational benefit of any preschool and school age students (i.e. years 0 to 13) regardless of whether they are enrolled at the institution located on the site.*
- b) Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.*
- c) Enable the provision of community education (e.g. night classes for adults) outside school hours in school facilities.*
- d) Include but not be limited to the provision of academic, sporting, social and cultural education including through:*
  - i) Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;*
  - ii) Formal and informal cultural activities and competitions whether carried out during or outside school hours;*
  - iii) The provision of specialist hubs and units (including language immersion units and teen parenting units) for children with particular educational requirements or special needs.*
- e) Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.*
- f) Enable the provision of associated administrative services; carparking and vehicle manoeuvring; and health, social services and medical services (including dental clinics and sick bays).*
- g) Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretaker) and their families.”*

4. The MOE considers that designating the site will provide more certainty with regard to long term planning and establish a consistent planning approach across all school sites, both locally and nationally.
5. The following resource consents relate to the site and activities:

- RC145371: change of conditions 1, 18, and 22 of RC135708. Specifically, this variation removed the requirement for an acoustic fence along the entire boundary and amended the requirement for this to be along only part of the boundary.
  - RC135708: Resource consent to establish, operate and maintain an Integrated Christian School with an associated preschool. Stages 1 and 2 were approved, but stage 3 (High School component) was declined due to uncertainty around potential traffic effects and the proposed Foster Park slow road development. It is noted that the Foster Park slow road has now been completed and is formed all the way to Dynes Road however it does not provide vehicle access to Dynes Road.
  - RC185347: to construct a new classroom within the existing Rolleston Christian School. Consent was required as this was not in accordance with the plans approved under the above consent.
6. A site plan showing the location and extent of the proposed designation is contained in **Appendix Two**.

## The Site and Surrounding Environment

7. The site is located at 571 Springston Rolleston Road, Rolleston. Access is directly onto Springston Rolleston Road. The Foster Park access and parking has been constructed to the rear of the site and it is anticipated as part of future development of the school that access would be also gained from the rear of the site. It is noted the school will need to have a ROW agreement in place to gain access from the rear of the site.
8. The site is located to the east of Rolleston Township and Springston is 8km to the east.
9. The zoning of the site has recently changed from Living 2A to Living Z which provides for comprehensive residential development at a higher density than the previous zoning.
10. Springston Rolleston Road is classified as an arterial road within the Council's Road hierarchy and the speed limit has recently been reduced to 50km/hr due to the urbanisation of the area. This road provides a primary connection between Rolleston, Springston and Lincoln.
11. Land to the southwest and west comprises the recently developed Foster Park and slow road. This park includes: multiple sports hubs. A new high school and the new aquatic centre are located to the east of the park. To the south is Dynes Road which provides access to the Farrington subdivision. To the northeast is a new residential subdivision development.

## Description of Proposed Designation

12. The Minister of Education, as Requiring Authority gives notice of the intention to designate an area of 2.02 ha of land at Rolleston for 'Education purposes - primary and secondary'. The land requirement and location plan are attached as **Appendix Two**.
13. The designation will best enable the Minister to provide for education facilities on the site and any future expansion for the school.
14. As this Notice is only for the designation of the site and existing school activities, there is currently no detailed information available around the development for and future stages or to accommodate roll growth. Should this notice be confirmed, any future works proposed will be addressed via the Outline Plan procedures contained in s176A of the Act. This section of the Act places a statutory duty on Requiring Authorities to submit



Outline Plans to territorial authorities for projects or works proposed on designated sites.

15. As noted above, while details of any future expansion cannot be confirmed at this point earlier concept planning undertaken at the time resource consent was sought:
- additional classrooms associated with proposed secondary school component: and
  - additional staff and associated access and parking.
16. As part of the integration agreement the MOE has granted a maximum roll of 300 students for RCS. The current buildings allow for a capacity of 225 students. The Christian Schools Trust as proprietor and RCS will determine how best to provide additional teaching accommodation to meet the demand within the balance of the maximum roll. Future development above 300 students is likely to involve the Foster Park end of the site.

### **Access and Parking**

17. Access to the RCS is from Springston Rolleston Road via an existing single crossing to two existing parking areas. Any future access from the rear of the site to the Foster Park slow road will form part of the Outline Plan approval. It is noted that a ROW agreement will need to be sought for access at the rear of the site.
18. The existing parking areas currently have spaces for approximately 67 cars. As part of the consented stage 2 development a further 55 car parks will be provided on the adjoining Hope Church Site.
19. Cycle parking is currently provided on site. Any expansion of classrooms in the future will provide further cycle parking as required. As a guide, the Proposed District Plan requires the school to provide short term cycle parking at a rate of 1 space per 30 students for a primary school and 1 space per 100 students for a secondary school. Together with long terms cycle parking at a rate of 1 space per 7 students for primary school and 1 space per 5 students for a secondary school. An appropriate assessment will be undertaken at the time an Outline Plan is submitted to confirm the appropriate number of spaces.

### **Landscaping and Fencing**

20. There is existing landscaping on the site approved and implemented as part of the resource consent. Any future expansion of the school may require further landscaping which will be subject to the Outline Plan approval process.

### **Ongoing works**

21. The designation regime of the RMA recognises that sites and activities subject to a confirmed Notice of Requirement may continue to change and develop in response to demand and/or changed circumstances. Future development and construction of future stages for the school will be considered by the Council via the Outline Plan process of the Act. Section 176A of the Act places a statutory duty on Requiring Authorities to submit Outline Plans to territorial authorities for projects or works proposed on designated sites and such plans must show:
- The height, shape and bulk of the public work, project, or work;
  - The location on the site of the public work, project or work; and
  - The likely finished contour of the site; and
  - The vehicular access, circulation, and the provision for parking; and
  - The landscaping proposed; and

- Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

22. After considering an Outline Plan, the territorial authority is able to request changes. A right of appeal to the Environment Court exists should the Requiring Authority decline to make the changes sought.

The Outline Plan process enables a territorial authority to better ascertain the nature of the future development, which may not be known at the time a Requirement (such as this) is sought. More importantly, it prescribes a process to ensure that any adverse effects are addressed. The Outline Plan procedure provides a process and a level of assessment and control which ensures the effects of the development are considered on a case by case basis, rather than within the context of a set of broad-brush plan rules which may not be appropriate to the particular land use and setting.

## Proposed Conditions

23. The Minister proposes that the designation is subject to a number of conditions as follows. The following mitigation measures are recommended as conditions for the proposed designation which will give Council some assurance of how the impacts of future development of the site may be addressed. This also allows RCS some design flexibility for the future expansion of the school going forward.

### Design Parameters

- All buildings shall have a maximum height limit of 8m.
- All buildings shall be setback from internal boundaries by at least 2m.
- All buildings shall be setback from any road boundary by at least 5.5m.
- Car parking areas shall be located at least 1m from internal boundaries.
- Site coverage shall not exceed 20%.

### Noise

- The noise level arising from the operation of the school in all buildings must comply with the following noise levels when measured within the boundary of any residentially zoned site:

Time	Noise level
Monday to Saturday 7am to 10pm	50db L <sub>Aeq</sub>
Sunday 9am to 6.00pm	85 dBA L <sub>AFmax</sub>
All other times	40 dB L <sub>Aeq</sub> 70dBL <sub>AFmax</sub>

These noise limits do not apply to noise from school sports and school recreational activities occurring outdoors on the school site between 8am and 6pm Monday to Saturday.

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".

Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, ~~New Zealand Standards NZS 6803: 999 "Acoustics – Construction Noise"~~.

### **Parking**

- g. Additional on-site car parking shall be provided at the rate of two car parks per new classroom or classroom equivalent, except where council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate. For the avoidance of doubt, this condition shall only apply where there is a net increase of classrooms or classroom equivalents.

### **Height in Relation to Boundary**

- h. Any new building or building extension shall comply with the height in relation to boundary recession plane control (attached to this Schedule as **Appendix Three** ) from any adjoining land zoned for residential purposes or for an open space/outdoor recreation purpose.
- i. All existing acoustic fencing shall be maintained with no gaps or cracks.

### **Outline Plan Exemptions**

That an Outline Plan of works shall not be required for:

- a. Any internal buildings works other than those that result in a net increase in the number of classrooms or classroom equivalents;
- b. General building maintenance and repair work including but not limited to re-painting, recladding and re-roofing.
- c. Installing, modifying and removing playground furniture and sports structures (e.g. goal posts).
- d. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks.
- e. Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan for the works; or
- f. General site maintenance and repair work, or boundary fencing otherwise permitted by the District Plan.

## Assessment of Effects on the Environment

24. This section considers the relevant effects that may result from the proposed designation and this includes the following matters:

- Noise;
- Scale intensity and site coverage
- Parking and access;
- Landscape and visual effects;
- Earthwork and dust

### Noise

25. Any future expansion of the school has the potential to generate noise from a number of sources, but in particular, from the operation of the school during the daytime. While noise effects will be addressed at the time an Outline Plan is submitted for any future development/expansion of the school, any noise from activities in new classrooms will be required to comply with specified noise standards. These standards have been included as recommended conditions as part of the proposed designation listed in paragraph 23. It is noted the method for achieving compliance with the noise condition will be determined as part of the Outline Plan assessment, but it may include the use of boundary acoustic fencing and the use of a buffer zone between parking areas and internal boundaries (as proposed above in condition c).

### Scale, Intensity and Site Coverage

26. Any future expansion of the school in terms of layout, site coverage and building scale will all be determined at as part of the Outline Plan process. To provide certainty, bulk and location related conditions are proposed to form part of the proposed designation. It is noted that these largely replicate those that formed part of the approved resource consent and District Plan standards, but also include the MOE standard conditions.

27. Future development of the school site is considered to be consistent with the zone in which it is located and the urbanisation of the surrounding area such as Foster Park, the Foster Park access road to the rear of the site and the residential development immediately to the northeast of the school. Given the proposed conditions, it is considered any effects of the future development of the school can be sufficiently mitigated. As aforementioned a ROW agreement will be required if access is required from the rear of the site for future school development stages.

### Parking and Access

28. Access to the school is existing and via single accessway on to Springston Rolleston Road. As part of the Outline Plan process any future expansion of the school and associated transportation effects will be considered. To provide certainty, relevant conditions for the approved resource consent have been proposed to be included as part of the proposed designation.

29. It is noted given the size of the site there will be sufficient space on site to accommodate future parking and associated manouvering areas for staff, visitors and service vehicles. A proposed condition has been imposed from the MOE's standard list of education designation conditions requiring provision of on-site carparking at a specified rate.

## **Landscape and Visual Effects**

30. Any visual effects of any future expansion of the school will be addressed at the time an Outline Plan is submitted. However, it is noted that extensive planting has been undertaken to date and the site is sufficiently large enough to accommodate further planting as the school develops in the future.

## **Earthworks and Dust**

31. Any future expansion of the school may require associated earthworks which may result in the potential for fugitive dust emissions. All site earthworks will be subject to standard mitigation methods and adherence with ECan's Erosion and Sediment control Guidelines. As part of the Outline Plan process, a site management plan and a dust management plan will be prepared if required to ensure any adverse effects can be mitigated.

## **Effects Conclusion**

32. Overall, it is concluded that any potential adverse effects that could result from the proposed designation and any future development can be appropriately managed by way of the conditions offered and through future Outline Plan processes. This is particularly so given the ability of the Council to request changes relating to any matter under section 176A(3)(f) of the Act.

# **Statutory Considerations**

## **Introduction**

33. Section 171(1) of the RMA sets out when considering a notice, Territorial Authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:

- Policy Statements and Plans;
- Alternate sites, routes or methods;
- Whether the work and designation are reasonably necessary;
- Other matters.

34. The balance of this Notice considers the matters requiring consideration under section 171 of the Act.

## **Policy Statement and Plans**

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35. Section 171(1)(a) requires consideration of the relevant provisions of national policy statements, NZ coastal policy statement, regional policy statement, plan or proposed plan.
36. There are no national policy statements relevant to this proposal. Similarly, given the location of this site, the NZ Coastal Policy Statement has no application. This leaves consideration of the Canterbury Regional Policy Statement, Canterbury Regional Council Regional Plans and the Selwyn District Plan.

#### Canterbury Regional Policy Statement (CRPS)

37. The CPRS provides overarching policy direction for the region however there are no specific objectives and policies relating to schools. Notwithstanding this, the proposal would not be inconsistent with the CRPS.

#### Regional Plans

38. The Canterbury Land and Water Regional Plan (LWRP) do not contains any specific provisions relating to schools, or any other provisions applicable to this Notice.

#### Selwyn District Plan

39. The site is located within the Living Z zone of the Selwyn District Plan. The relevant planning map is contained in **Appendix Three**. The Living Z zone is a new zone introduced for greenfield residential development that accompanied Plan Change 7. This new zone allows for the development of traditional low density, medium density and comprehensively designed development. It is noted that the zoning has recently changed to a Living Z from Living 2A zone. It is noted the bulk and location standards are largely similar except the site coverage has increased to 40% (20% of 500m<sup>2</sup> in the L2A zone).
40. It is noted that future development on the school site will not be a permitted activity as the earthworks standards and scale of activities standards limit the number of staff and the gross floor areas of buildings.
41. The Selwyn District Plan contains objectives and policies relevant to the school and any future development, and are as follows:

#### **Part B Section 2.1 Transportation Networks**

- **Policy B2.1.2.** *Manage the effects of activities on the safe and efficient operation of the Districts existing and planned road network, considering the classification and function of each road in the hierarchy.*
- **Policy B2.1.4(a).** *Ensure all sites, allotments or properties have access to a legal road which is formed to the standard necessary to meet the needs of the activity considering:*
  - *The number and type of vehicle movements generated by the activity;*
  - *The road classification and function; and*
  - *Any pedestrian, cycle, public transport or other access required by the activity.*
- **Policy B2.1.4(b).** *Avoid adverse effects on the safe flow of traffic along State Highways and Arterial Roads from new property access where the speed limit is more than 70km/hr.*
- **Policy B2.1.6.** *Require activities to have adequate on-site carparking and loading facilities to minimise potential adverse effects from roadside parking and to require adequate on-site manoeuvre area to avoid the need for reversing onto or off roads, particularly State Highways and Arterial Roads.*

## **Traffic**

- **Policy B3.4.17:** *Ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the quality of the environment in the Living zone and the local receiving environment.*
- **Policy B3.4.18(a):** *Ensure all activities have appropriate car parking facilities to avoid, remedy or mitigate any adverse effects of car parking on:*
  - *The amenity values of streets;*
  - *The privacy of residents; and*
  - *Safe and convenient access to sites.*
- **Policy B3.4.18(b):** *Ensure that a high level of amenity, safety and accessibility is achieved for pedestrians, users of public transport and cyclists when parking is provided.*
- **Policy B3.4.18(c):** *Ensure that access by sustainable transport modes, such as public transport, cycling and walking, is considered when assessing parking needs for new activities.*
- **Policy B3.4.26:** *Ensure buildings and structures in Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.*

## **Part B Section 3 People's Health Safety and Values**

- **Policy B3.4.9:** *Ensure noise in all zones does not adversely affect the health or well-being of people.*
- **Policy B3.4.13:** *Avoid nuisance effects caused by dust from construction work in living zones.*
- **Policy B3.4.15:** *Ensure the operating hours of non-residential activities in living zones do not disturb surrounding residential activities, particularly at night.*

## **Landscape and Amenity Plantings**

- **Policy B3.4.30:** *Encourage sites in Living and Business 1 zones to maintain a landscaped area along the road frontage of the site.*
- **Policy B3.4.32:** *Encourage people who are developing or redeveloping sites in townships to retain trees, bush or other natural features on the site, as part of the new development.*

42. Overall, the preceding assessment has determined that any adverse effects are acceptable and that any future development will be required to adhere to the proposed conditions and be subject to the Outline Plan process.
43. Overall, it is concluded that this Notice is not inconsistent with the objectives and policies of the Selwyn District Plan

## **Alternative Sites, Routes or Methods**

44. Section 171(1)(b) reads:

*'Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if*

- (i) *the requiring authority does not have an interest in land sufficient for undertaking the work; or*
- (ii) *it is likely that the work will have a significant adverse effect on the environment.*

45. The driving force behind this proposed designation is to recognise the existing school and to provide a more efficient process for any future development of the site. The school is already existing on the site, so no consideration is required for alternative sites. Further the preceding assessment has determined that any actual or potential effects will be acceptable. It is considered that the designation, as a planning tool, is reasonably necessary to assist the MOE in achieving its purpose.

## Reasonably Necessary

46. Section 171(1)(c) reads:

*‘whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.’*

47. There are two parts to this assessment; being the need for:

- the work; and
- the designation as a planning tool.

48. The reasons for the proposal have been outlined earlier and, within this context, it is not proposed to discuss the issue further. That said, it is important to note that the Act refers to whether the designation is “*reasonably necessary*”. This clearly indicates that it is not required to demonstrate that the designation is “necessary” – rather it only has to be reasonably necessary, and this is a lesser test. Moreover, it occurs within the consideration of the wider section 171 context of having a “*particular regard*” to the matter – rather than a requirement. For completeness, this framework of consideration also applies to the matter of whether the designation as a planning tool is appropriate.

49. It is considered that the designation, as a planning tool, is reasonably necessary to assist the MOE to have a consistent national approach to school development and expansion.

50. The alternatives to a designation are:

- a. Reliance on the District Plan rules; or
- b. Resource consent.

51. The District Plan rules and the consent process do not provide a long-term planning tool to effectively and efficiently address the ongoing operation and any potential future development of the site. Given the long-term nature of this school, and the prospect that further site development will be required in the future the designation regime is the only long-term planning tool able to address these issues. This is a fundamental reason why Requiring Authorities make use of the designation regime as a planning tool and why the provisions exist within the legislation.

52. In essence there are process and consistency issues associated with reliance on Plan rules or resource consent pathways. As noted earlier, the MOE is responsible for schools on a national level across a multitude of territorial authorities all with differing Plan provisions. The designation regime overcomes the potentially inherent process and inconsistency issues that arise in such circumstances when dealing with a multitude of different districts across the country.



53. The Environment Court considered the issue of need, amongst a raft of other issues, in its decision on an Appeal by the Christchurch City Council opposing the Minister of Education's decision to designate state sector school sites. In that case (*Christchurch City Council v Ministry of Education (C130/2003)*) the Court found that:

*"... we conclude that designation holds a significant number of benefits for the Minister in this case and that it is the preferable planning method to be utilised for the reasons set out in the decision of the Court in Takamore Trustees paragraphs 140 – 143 and in particular:*

- (a) It signals the potential for future changes on the site;*
- (b) It provides a clear methodology for such changes to occur (the outline plan procedure);*
- (c) It provides a uniform approach throughout many different districts, particularly for the Minister;*
- (d) That the existing uses are well established;*
- (e) That the necessity for change is unequivocal. It is clear that both education requirements and student numbers change regularly;*
- (f) It is not possible to freeze the existing position in terms of plan provisions."*

The Court went on to conclude that:

*"In the alternative, designation better meets the sustainable management purposes of the Act."*

54. That case dealt directly with the application of the designation regime to the Minister of Education's property portfolio and, as such, is relevant to the consideration of this Notice.

55. Consequently, it is considered that the designation is 'reasonably necessary' to achieve the objectives of the requiring Authority.

## Other Matters

56. Section 171(1)(d) reads:

*'any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.'*

57. There are no other matters considered reasonably necessary to make a decision on this Notice.

## Consultation

58. RMG, on behalf of the School, has undertaken preliminary consultation regarding this Notice with Selwyn District Council. No other consultation has been undertaken on the basis that the proposed conditions would ensure any adverse effects of any future expansion of the school would be less than minor.

## Conclusion

59. The Minister of Education gives notice of its requirement to designated land containing the Rolleston Christian School. The designation is for Education - Primary and Secondary purposes. No works are proposed in

association with this Notice and any future works will be assessed via the Outline Plan process.

60. The preceding assessment concludes that any effects will be acceptable and will be managed via proposed conditions outlined earlier in this assessment.

61. The use of the designation as a planning tool is considered reasonably necessary to achieve the MOE's purpose and, the school is existing and it is not necessary to consider alternative sites, routes or methods. Given this, it is considered that the designation and the Notice are consistent with the purpose and principals of the Act and should proceed.

## Appendix One: Certificate of Titles

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**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **CB11K/1289**  
**Land Registration District** **Canterbury**  
**Date Issued** 13 September 1972

**Prior References**

CB2B/491 CB407/17

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**Estate** Fee Simple  
**Area** 8094 square metres more or less  
**Legal Description** Lot 19-20 Deposited Plan 8530

**Registered Owners**

The Christian Schools Trust

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**Interests**

Fencing Provision in Transfer 852684 (affects part)

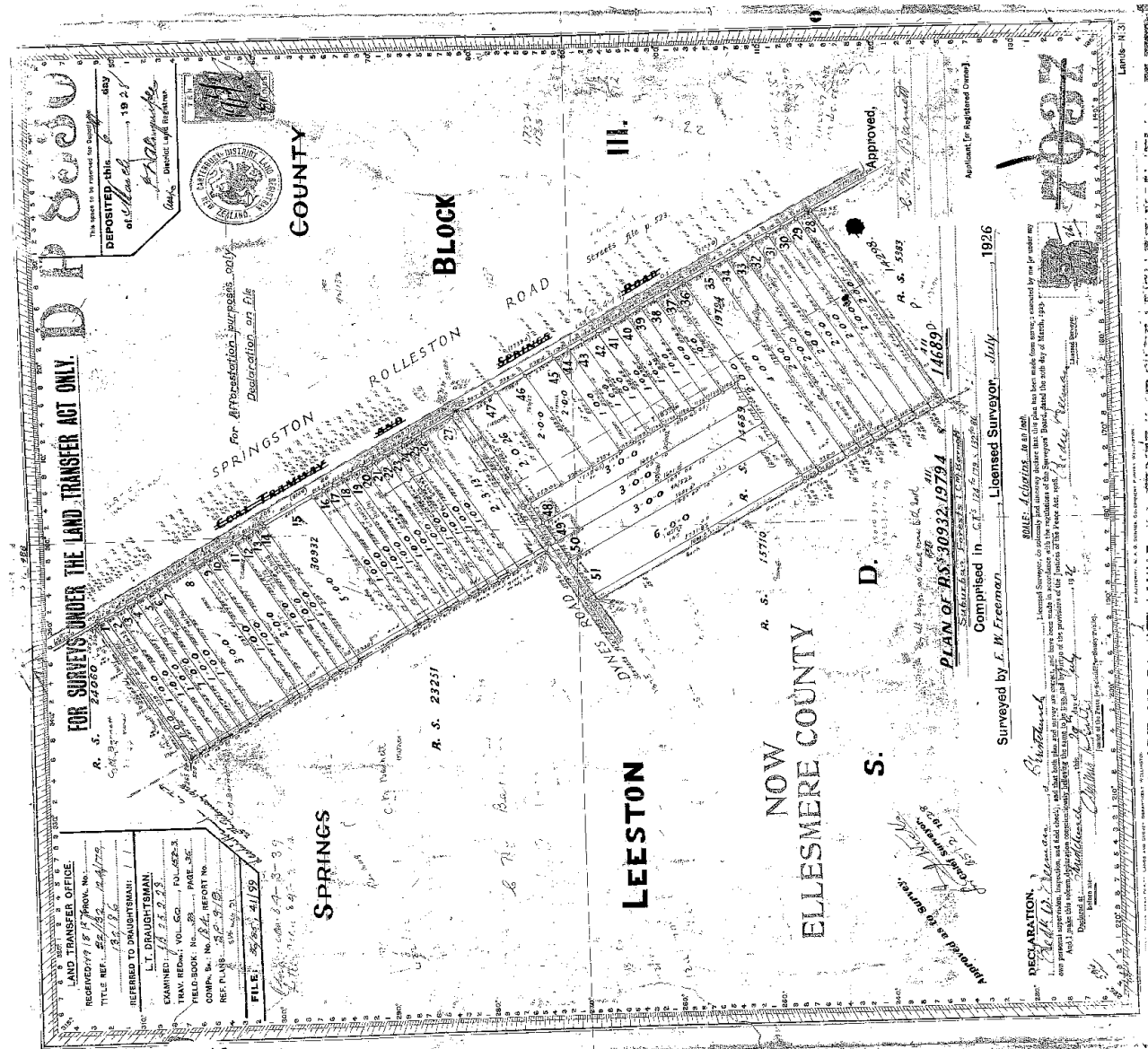
9635766.3 Mortgage to Bank of New Zealand - 1.4.2014 at 1:33 pm

9790298.2 Variation of Mortgage 9635766.3 - 30.7.2014 at 10:59 am

Subject to a right (in gross) to convey electricity over part Lot 20 DP 8530 marked A on DP 480510 in favour of Orion New Zealand Limited created by Easement Instrument 10062198.2 - 29.6.2015 at 10:45 am

11171924.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (ALSO AFFECTS CB539/220 and CB542/283 ) - 19.7.2018 at 3:25 pm

11171924.1 Subject to Section 81(2) and 81(3) Building Act 2004 (affects CB539/220 and CB542/283 ) - 19.7.2018 at 3:25 pm





**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** CB542/283  
**Land Registration District** Canterbury  
**Date Issued** 16 August 1951

**Prior References**

CB433/48

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<b>Estate</b>	Fee Simple
<b>Area</b>	8094 square metres more or less
<b>Legal Description</b>	Lot 16-17 Deposited Plan 8530

**Registered Owners**

The Christian Schools Trust

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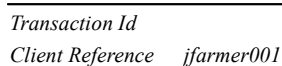
**Interests**

9635738.3 Mortgage to Bank of New Zealand - 28.2.2014 at 11:47 am

9790298.1 Variation of Mortgage 9635738.3 - 30.7.2014 at 10:59 am

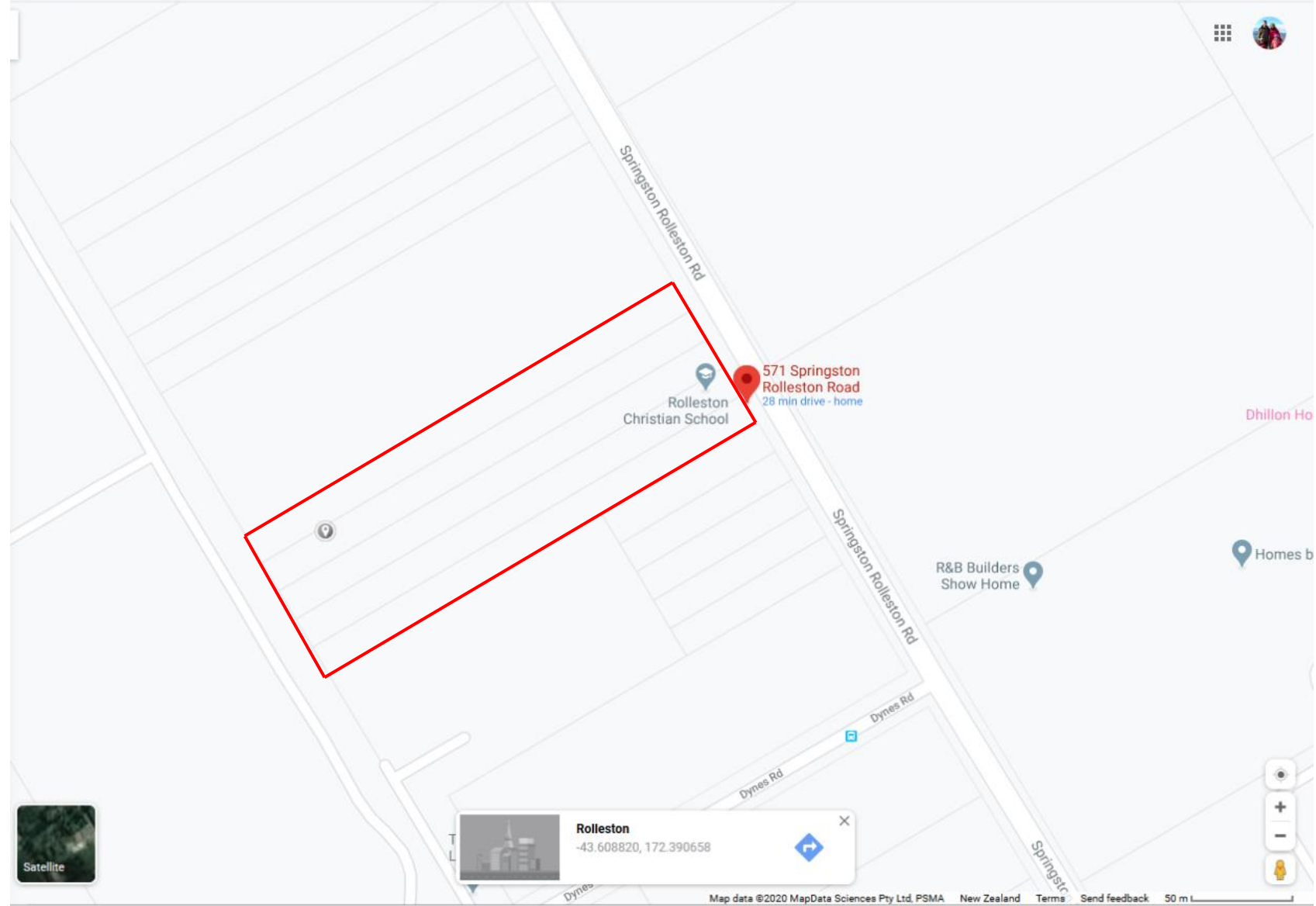
11171924.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (ALSO AFFECTS CB11K/1289 and CB539/220 ) - 19.7.2018 at 3:25 pm

11171924.1 Subject to Section 81(2) and 81(3) Building Act 2004 (affects CB11K/1289 and CB539/220 ) - 19.7.2018 at 3:25 pm



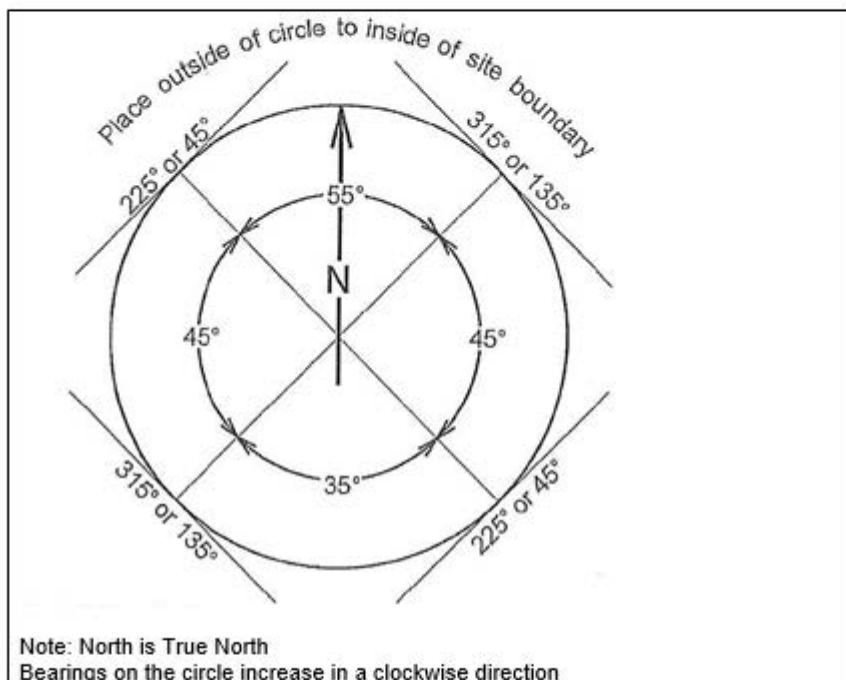
## Appendix Two: Site Plan



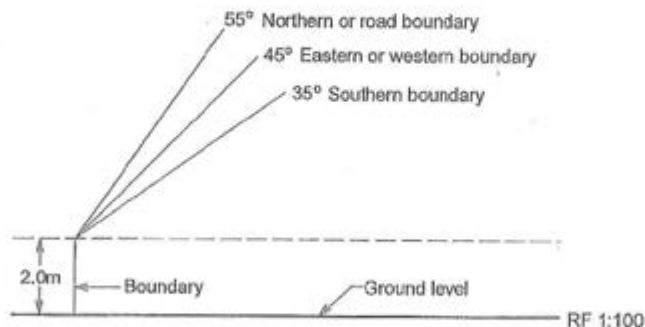


## Appendix Three: Recession Plane Diagram

### Recession Plane Indicator



### Recession Plan Cross Section





## Appendix Four: Designation Table for Insertion

Rolleston Christian School	
Designation unique identifier	XXXX
Designation purpose	Education purpose- Primary and Secondary
Site identifier	571 Springston Rolleston Road Lots 16- 20 DP8530
Lapse date	
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	Yes
Additional Information	
Rolleston Christian School <b>Conditions</b>	

### Design Parameters

- All buildings shall have a maximum height limit of 8m.
- All buildings shall be setback from internal boundaries by at least 2m.
- All buildings shall be setback from any road boundary by at least 5.5m.
- Car parking areas shall be located at least 1m from internal boundaries.
- Site coverage shall not exceed 20%.

### Noise

- The noise level arising from the operation of the school in any new buildings must comply with the following noise levels when measured within the boundary of any residentially zoned site:

Time	Noise level
Monday to Saturday 7am to 10pm	50db L <sub>Aeq</sub>
Sunday 9am to 6.00pm	85 dBA L <sub>AFmax</sub>
All other times	40 dB L <sub>Aeq</sub> 70dBL <sub>AFmax</sub>

These noise limits do not apply to noise from school sports and school recreational activities occurring outdoors on the school site between 8am and 6pm Monday to Saturday.

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".

Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standards NZS 6803: 999 “Acoustics – Construction Noise”.

### **Parking**

- g. Additional on-site car parking shall be provided at the rate of two car parks per new classroom or classroom equivalent, except where council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate. For the avoidance of doubt, this condition shall only apply where there is a net increase of classrooms or classroom equivalents.

### **Height in Relation to Boundary**

- h. Any new building or building extension shall comply with the height in relation to boundary recession plane control (attached to this Schedule as **Appendix Three**) from any adjoining land zoned for residential purposes or for an open space/outdoor recreation purpose.
- i. All existing acoustic fencing shall be maintained with no gaps or cracks.

### **Outline Plan Exemptions**

That an Outline Plan of works shall not be required for:

- g. Any internal buildings works other than those that result in a net increase in the number of classrooms or classroom equivalents;
- h. General building maintenance and repair work including but not limited to re-painting, recladding and re-roofing.
- i. Installing, modifying and removing playground furniture and sports structures (e.g. goal posts).
- j. Installing, maintaining or repairing any in ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks.
- k. Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan for the works; or General site maintenance and repair work, or boundary fencing otherwise permitted by the District Plan