

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF Stage 3 Chapter 10 Designations and Heritage Orders and various designations notified for incorporation into the Christchurch Replacement District Plan

Date of hearing: 17 December 2015

Date of decision: 30 November 2016

Hearing Panel: Environment Judge John Hassan (Chair), Ms Sarah Dawson, Mr Stephen Daysh and Mr Alec Neill

FINAL DECISION – DECISION 49

**CHAPTER 10 — STAGE 3
DESIGNATIONS REQUIRED BY THE MINISTER OF EDUCATION**

Outcomes: Confirm designations in accordance with Schedule 1

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INTRODUCTION

[1] On 17 October 2016 we issued a *draft* decision in relation to 26 designation requirements sought by the Minister of Education (‘Minister’)¹ in its capacity as a Requiring Authority. Each of the proposed designations are new and are not provided for in the Existing Plan.² The designation requirements were notified by the Christchurch City Council (‘Council’) as part of Stage 3, Chapter 10 Designations and Heritage Orders (‘Proposal’) and made a submission on the Proposal.

[2] The *draft* decision sets out the designations that the Minister as a Requiring Authority sought be included in the Christchurch Replacement District Plan (‘CRDP’) with, or without, modification.

[3] In terms of the OIC, the Council served our draft decision on:

- (a) The Minister for Canterbury Earthquake Recovery and the Minister for the Environment;
- (b) The relevant requiring authority or heritage protection authority; and
- (c) Any person who made a submission under Schedule 1 on the relevant requirement.

[4] Those persons were entitled to provide to the Council comments on any minor or technical aspects of our *draft* decision within 20 working days of being notified of our *draft* decision. The Council then had five working days to provide any comments back to us, and we must then, as soon as practicable, make and report our *final* decision.³

¹ The notices of requirement were made in the name of the Minister of Education. Where we refer to the Minister in this decision that term also covers the situation where the Minister has been represented by counsel and advisers, such as at meditations.

² Comprising the existing Christchurch City District Plan and Banks Peninsula District Plan.

³ Those persons listed at [3] will have a right of appeal to the High Court, on questions of law, against our final decision (a submitter’s appeal right being only in relation to matters raised in that submitter’s submission). The time limit for filing a notice of appeal is not later than 20 working days after the Council notifies our final decision.

Background

[5] Our *draft* decision sets out a description of the requirements, our consideration of the evidence, submissions received and the statutory framework. Our *draft* decision also sets out our reasons for accepting, with or without modification, those requirements. We do not repeat those matters here, but confirm our *draft* decision for the reasons stated, subject to the minor corrections that we discuss below.

Comments on draft decision

[6] The Council filed a memorandum ('the Memorandum') on 23 November 2016.⁴ It advised that comments on the *draft* decision were received from the Council as the Territorial Authority, and from submitters in respect to the designation of L124 – Hillview Christian School (being R and M Calman (#3131), N Smith (#3132), R and A Craignolini (#3133) and J Busch (#3228)).

[7] The Council also advised that the Minister did not have any minor or technical comments on the *draft* decision. The Minister subsequently filed a memorandum on 23 November 2016⁵ advising that it had identified numbering errors in the *draft* decision and disagreed with the proposition by the Council that there was an error in the setback conditions applying to L123 – Emmanuel Christian School, L124 – Hillview Christian School and L143 – St Thomas of Canterbury College. We address this matter below.

Comments from the Council

[8] The Council has made a number of comments on the *draft* decision. The Council noted:

- (a) Paragraph 2 for the *draft* decision should refer to the designations as being for 'education purposes' rather than 'education purpose';
- (b) The address of St Bernadette's School should be '74 Hei Hei Road, Hornby';

⁴ Memorandum of counsel for Christchurch City Council regarding draft decision — Chapter 10 Stage 2: Designations required by Minister of Education, 23 November 2016.

⁵ Memorandum of counsel for the Minister of Education, 23 November 2016.

- (c) A minor amendment should be made to the drafting of the setback condition relating to accessory buildings;
- (d) The numbering of designations in Chapter 10 of the CRDP should be amended as a consequence of the inclusion of new designations for state schools; and
- (e) Corrections to the underlying zoning of a number of state integrated schools.

[9] We confirm that the corrections identified by the Council are appropriate, and are of minor or technical nature. Where they relate to Schedules 1 and 3 of the *draft* decision, we have made these changes in this *final* decision.

Comments from submitters

[10] R and M Calman (#3131), N Smith (#3132), R and A Craginolini (#3133) and J Busch (#3228) seek the correction of the legal description of the one of the properties listed in relation to the designation of L124 – Hillview Christian School.

[11] We confirm that the correction identified by the submitters is appropriate, and is of a minor or technical nature. We have made this change in the *final* decision.

Comments from the Minister

[12] The Minister has made two comments with respect to the numbering in the *draft* decision. The Minister noted that:

- (a) A condition in relation to L126 – Middleton Grange School should be amended to a qualification / advisory note; and
- (b) The conditions in relation to L143 – St Thomas of Canterbury College should apply to the listed properties only.

[13] We confirm that the corrections identified by the Minister are appropriate, and are of minor or technical nature. We have made this change in the *final* decision.

Setback conditions for Emmanuel Christian School, Hillview Christian School and St Thomas of Canterbury College

[14] The memorandum by the Council suggests that it may be potentially inconsistent for the Panel to adopt a less restrictive internal setback condition for L143 – St Thomas of Canterbury College, in contrast to the conditions applied to L123 – Emmanuel Christian School and L124 – Hillview Christian School. The Council have suggested that the 3 metre setback alternative clause for St Thomas of Canterbury College be deleted for reasons of consistency.

[15] The Minister has responded in their memorandum that they do not agree that the difference in the setback conditions for the three state integrated schools was an error in the *draft* decision. The Minister advises that their starting point (at the time of lodging the notices of requirement) was that no setback was required, and that the setback conditions were agreed at mediation and in response to submitter's concerns.

[16] We decline to make the corrections to the setback conditions for L143 – St Thomas of Canterbury College, in contrast to the conditions applied to L123 – Emmanuel Christian School and L124 – Hillview Christian School suggested by the Council, as they are not considered to be of a minor or technical nature. While we acknowledge that there are differences between the conditions, this is based on the evidence we received as to the environment around the various state integrated schools and due to the mediated outcomes between the parties.

Updated designation maps

[17] Our *draft* decision directed the Council to provide updated designation maps to reflect the *draft* decision.⁶ The Council has provided these, which we include as Schedule 3 of this final decision. We confirm these with respect to the extent of the designations shown.

FINAL DECISION

[18] We confirm that the corrections identified by the Council are appropriate and we have made these in Schedule 1 and 2 to this final decision.

⁶ *Draft* decision at [132].

For the Hearings Panel:



Environment Judge John Hassan
Chair



Ms Sarah Dawson
Panel Member



Mr Stephen Daysh
Panel Member



Mr Alec Neill
Panel Member

SCHEDULE 1

Designations that have been confirmed after consideration under s 171 of the RMA.

Number	Site Name	Location
L200	Aidanfield Christian School	2 Nash Road, Halswell
L201	Catholic Cathedral College / Marian College Campus	62 Ferry Road, Woolston
L202	Christchurch Adventist School	15 Grants Road, Papanui
L203	Christ the King School	92 Greers Road, Burnside
L204	Emmanuel Christian School	322 Sawyers Arms Road, Harewood
L205	Hillview Christian School	125 and 150 Wilsons Road South, St Martins
L206	Middleton Grange School	50 Acacia Avenue, Upper Riccarton
L207	New Brighton Catholic School	100 Lonsdale Avenue, New Brighton
L208	Our Lady of Assumption School	89A Sparks Road, Hoon Hay
L209	Our Lady of Victories School	106 Main South Road, Sockburn
L210	Our Lady Star of the Sea School	45 Colenso Street, Sumner
L211	Sacred Heart School	40 Spencer Street, Addington
L212	St Albans Catholic School	49 Rutland Street, St Albans
L213	St Anne's School	739 Ferry Road, Woolston
L214	St Bede's College	210 Main North Road, Redwood
L215	St Bernadette's School	74 Hei Hei Road, Hornby
L216	St Francis of Assisi School (formerly named Mairehau Catholic Primary School)	370 Innes Road, Mairehau
L217	St James School	25 Rowan Avenue, Aranui
L218	St Joseph's School	4 Vagues Road, Northcote
L219	St Mark's School	33 Cholmondeley Avenue, Opawa

L139	St Mary's School	375 Manchester Street, Christchurch
L140	St Patrick's School	57 Plynlimon Road, Bryndwr
L141	St Peter's School	11 Fisher Avenue, Beckenham
L142	St Teresa's School	10 Puriri Street, Riccarton
L143	St Thomas of Canterbury College	68, 68A and 69 Middlepark Road, Sockburn
L144	Villa Maria College	21 Peer Street, Upper Riccarton

SCHEDULE 2**L Minister of Education****State Integrated Schools Designation Schedule****L200 Aidanfield Christian School**

Designation Number	L200
Requiring Authority	Minister of Education
Location	2 Nash Road, Halswell
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School and Residential Suburban
Map Number	44

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L201 Catholic Cathedral College / Marian College Campus

Designation Number	L201
Requiring Authority	Minister of Education
Location	62 Ferry Road, Woolston
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A

Underlying Zone	Specific Purpose School
Map Number	39

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L202 Christchurch Adventist School

Designation Number	L202
Requiring Authority	Minister of Education
Location	15 Grants Road, Papanui
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	24

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L203 Christ the King School

Designation Number	L203
Requiring Authority	Minister of Education
Location	92 Greers Road, Burnside

Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	31

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L204 Emmanuel Christian School

Designation Number	L204
Requiring Authority	Minister of Education
Location	322 Sawyers Arms Road, Harewood
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	18

Purpose

Education Purposes.

Conditions

1. No part of any building shall project beyond a building envelope contained by recession planes from points 2.3 metres above a boundary with a Residential Zone as shown in Appendix 14.14.2.
This restriction shall apply on the common boundary of the school with 330 Sawyers Arms Road (part RS 529)
2. The minimum building setback from an internal boundary shall be 6 metres; except:
 - i. Accessory buildings for caretaking and storage purposes may have a nil setback from a boundary with any other zone, if the length of walls of accessory buildings within 6 metres of the boundary does not exceed a total of 9 metres for each 100 metres length of boundary.

This restriction shall apply on the common boundary of the school with 330 Sawyers Arms Road (part RS 529).

Attachments

N/A

L205 Hillview Christian School

Designation Number	L205
Requiring Authority	Minister of Education
Location	125 and 150 Wilsons Road South, St Martins
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	39 and 46

Purpose

Education Purposes.

Conditions

1. No part of any building shall project beyond a building envelope contained by recession planes from points 2.3 metres above a boundary with a Residential Zone as shown in Appendix 14.14.2.

This restriction shall apply on the common boundary of the school with Lots 2 and 3 DP 9627, Lot 3 DP 3365, and Part Lot 4 DP 3365 (86, 88, 90 and 92A St Martins Road).

2. The minimum building setback from an internal boundary shall be 6 metres; except:
 - i. Accessory buildings for caretaking and storage purposes may have a nil setback from a boundary with any other zone, if the length of walls of accessory buildings within 6 metres of the boundary does not exceed a total of 9 metres for each 100 metres length of boundary.

This restriction shall apply on the common boundary of the school with Lots 2 and 3 DP 9627, Lot 3 DP 3365, and Part Lot 4 DP 3365 (86, 88, 90 and 92A St Martins Road).

Attachments

N/A

L206 Middleton Grange School

Designation Number	L206
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Requiring Authority	Minister of Education
Location	50 Acacia Avenue, Upper Riccarton
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	37 and 38

Purpose

Education Purposes.

Conditions

1. The designation shall not apply to the alteration, relocation, demolition, reconstruction or heritage upgrade works on the heritage item schedule in the District Plan as ‘Former Dwelling, Middleton’ (heritage item number 27), shown on Heritage Aerial Map no.28 and Attachment 1.
2. No new buildings shall be located within the area marked on Attachment 1 “Designation L126 – Minister of Education – Building Control Area”, that is located within the heritage setting of the ‘Former Dwelling, Middleton’ heritage item scheduled in the District Plan (heritage setting number 200), shown on the Heritage Aerial Map no. 28.

Refer to the corresponding attachment – Attachment 1

3. No part of any building shall project beyond a building envelope contained by recession planes from points 2.3 metres above a boundary with a Residential Zone as shown in Appendix 14.14.2.
This restriction shall apply on the common boundaries of the school with Lots 54-56 DP 16688 (36-40 Acacia Avenue), Lot 5 DP 15936 (60 Suva Street), Lot 9 DP 20460 (41 Arthur Street) and Lot 5 DP 20335 (47B Arthur Street).

Attachments

See Attachment 1

L207 New Brighton Catholic School

Designation Number	L207
Requiring Authority	Minister of Education
Location	100 Lonsdale Avenue, New Brighton
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School

Map Number	26
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Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L208 Our Lady of Assumption School

Designation Number	L208
Requiring Authority	Minister of Education
Location	89A Sparks Road, Hoon Hay
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	45

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L209 Our Lady of Victories School

Designation Number	L209
Requiring Authority	Minister of Education
Location	106 Main South Road, Sockburn
Roll-over Designation	No

Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	37

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L210 Our Lady Star of the Sea School

Designation Number	L210
Requiring Authority	Minister of Education
Location	45 Colenso Street, Sumner
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	48

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L211 Sacred Heart School

Designation Number	L211
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Requiring Authority	Minister of Education
Location	40 Spencer Street, Addington
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	38

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L212 St Albans Catholic School

Designation Number	L212
Requiring Authority	Minister of Education
Location	49 Rutland Street, St Albans
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	25

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L213 St Anne's School

Designation Number	L213
Requiring Authority	Minister of Education
Location	739 Ferry Road, Woolston
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School and Residential Suburban
Map Number	40

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L214 St Bede's College

Designation Number	L214
Requiring Authority	Minister of Education
Location	210 Main North Road, Redwood
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	18 and 24

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L215 St Bernadette's School

Designation Number	L215
Requiring Authority	Minister of Education
Location	74 Hei Hei Road, Hornby
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	36 and 37

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L216 St Francis of Assisi School (formerly named Mairehau Catholic Primary School)

Designation Number	L216
Requiring Authority	Minister of Education
Location	370 Innes Road, Mairehau
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School and Residential Suburban
Map Number	25

Purpose

Education Purposes.

Conditions

1. A solid construction acoustic fence shall be provided within six months of the sealing of the car parking areas along the school's western boundary. This fence shall extend along this western boundary commencing at 15 metres into the site from the road boundary, and extending 200 metres into the site adjoining all car parking and vehicle access areas and beyond the rear car park and relocated playground. This fence shall:
 - i. Have a minimum height of 2 metres when measured above any neighbouring property's ground level at the fence line;
 - ii. Have a surface mass of at least 8.0kg/m² (Materials meeting the surface mass specification include 20mm thick timber overlapped or on a board and batten configuration, or a range of proprietary building materials such as Hardiflex, Titan Board, concrete block or Hebel block);
 - iii. Be continuous and maintained without gaps (any gaps between the bottom of the fence on the ground can be avoided using solid material such as sleepers or ground treated boards); and
 - iv. Be maintained in accordance with these parameters at all times

Attachments

N/A

L217 St James School

Designation Number	L217
Requiring Authority	Minister of Education
Location	25 Rowan Avenue, Aranui
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	33

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L218 St Joseph's School

Designation Number	L218
Requiring Authority	Minister of Education
Location	4 Vagues Road, Northcote
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	24

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L219 St Mark's School

Designation Number	L219
Requiring Authority	Minister of Education
Location	33 Cholmondeley Avenue, Opawa
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	39

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L220 St Mary's School

Designation Number	L220
Requiring Authority	Minister of Education
Location	375 Manchester Street, Christchurch
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	32

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L221 St Patrick's School

Designation Number	L221
Requiring Authority	Minister of Education
Location	57 Plynlimon Road, Bryndwr
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	31

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L222 St Peter's School

Designation Number	L222
Requiring Authority	Minister of Education
Location	11 Fisher Avenue, Beckenham
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	46

Purpose

Education Purposes.

Conditions

N/A

Attachments

N/A

L223 St Teresa's School

Designation Number	L223
Requiring Authority	Minister of Education
Location	10 Puriri Street, Riccarton
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	31

Purpose

Education Purposes.

Conditions

1. No work shall be undertaken which involves the construction of any building, or laying of overhead or underground services, any sealing, paving, soil compaction, or any alteration of more than 75 mm to the ground level existing prior to work commencing, any depositing of chemical or other substances, within 10m of the predator proof fence surrounding the lowland Kahikatea forest remnant at 16 Kahu Road, which forms part of the greater Riccarton Bush and House Reserve.

Attachments

N/A

L224 St Thomas of Canterbury College

Designation Number	L224
Requiring Authority	Minister of Education
Location	68, 68A and 69 Middlepark Road, Sockburn
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	37

Purpose

Education Purposes.

Conditions

1. No part of any building shall project beyond a building envelope contained by recession planes from points 2.3 metres above a boundary with a Residential Zone as shown in Appendix 14.14.2.
2. The minimum building setback from an internal boundary shall be 6 metres; except:
 - i. The minimum building setback may be reduced to 3 metres if the building does not exceed 4.5 metres in height, and
 - A. The building does not exceed 15 metres in length; or
 - B. A recess is provided for every additional 15 metres of building length or part thereof, with a minimum dimension of 3 metres by 3 metres for the full height of the building including the roof.

- ii. Accessory buildings for caretaking and storage purposes may have a nil setback from a boundary with any other zone, if the length of walls of accessory buildings within 6 metres of the boundary does not exceed a total of 9 metres for each 100 metres length of boundary.

Restrictions 1 and 2 shall apply on the common boundary of the school with Lots 10, 13 and 14 DP 53281 (being 18, 24 and 26 Takaro Avenue, respectively).

Attachments

N/A

L225 Villa Maria College

Designation Number	L225
Requiring Authority	Minister of Education
Location	21 Peer Street, Upper Riccarton
Roll-over Designation	No
Legacy Reference	N/A
Lapse Date	N/A
Underlying Zone	Specific Purpose School
Map Number	30

Purpose

Education Purposes.

Conditions

N/A

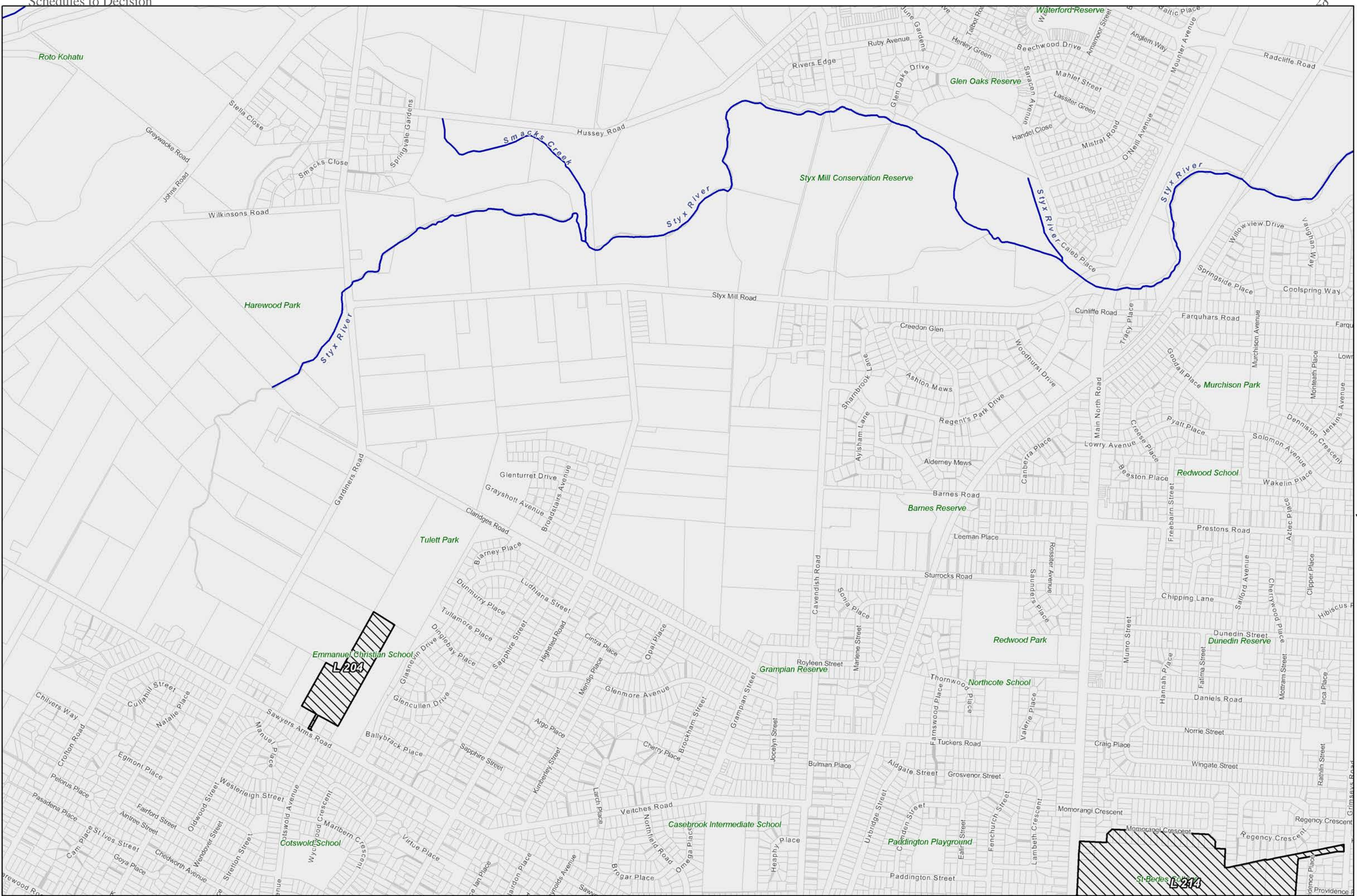
Attachments

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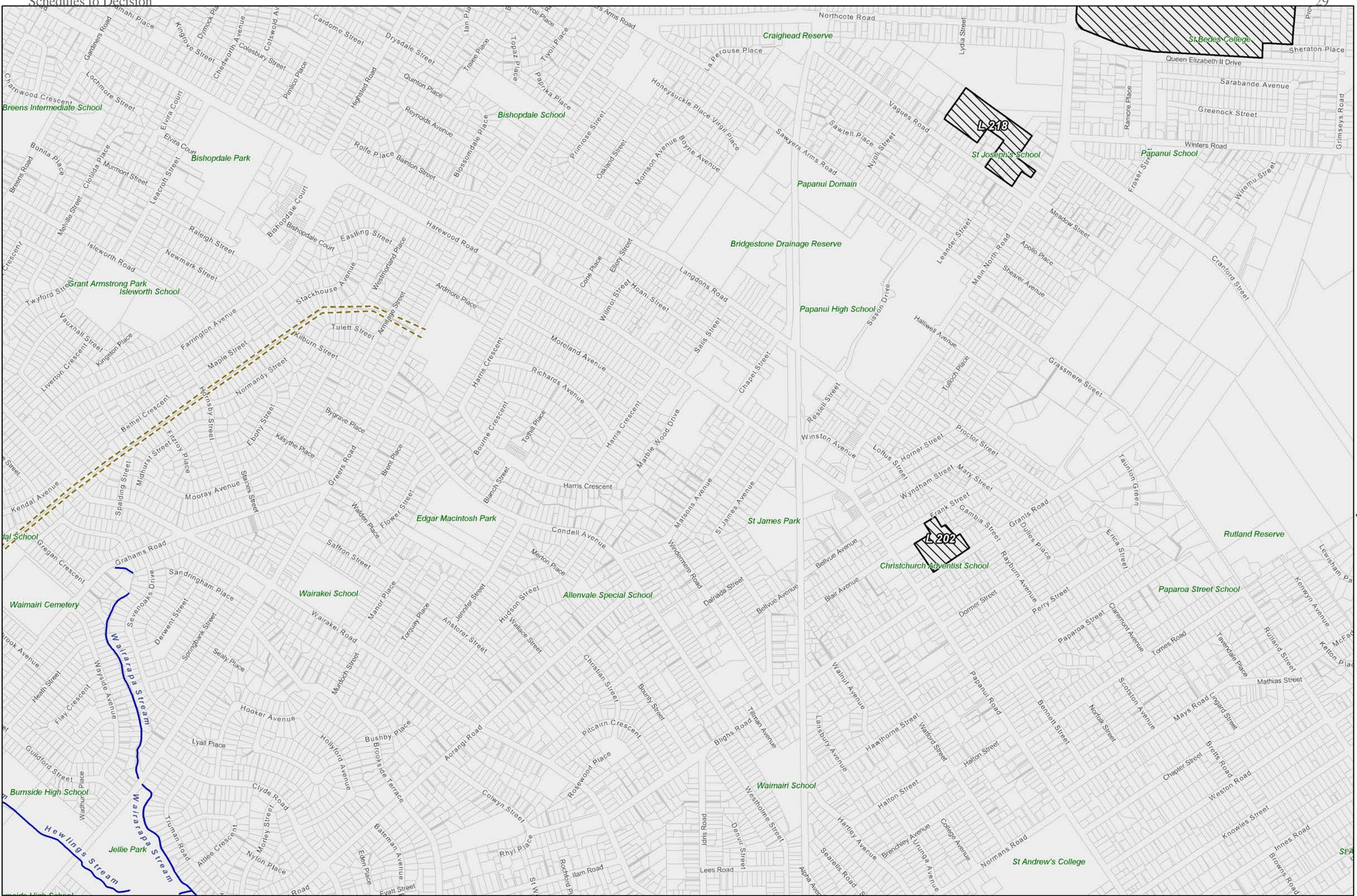
Attachment 1

SCHEDULE 3

Planning Maps



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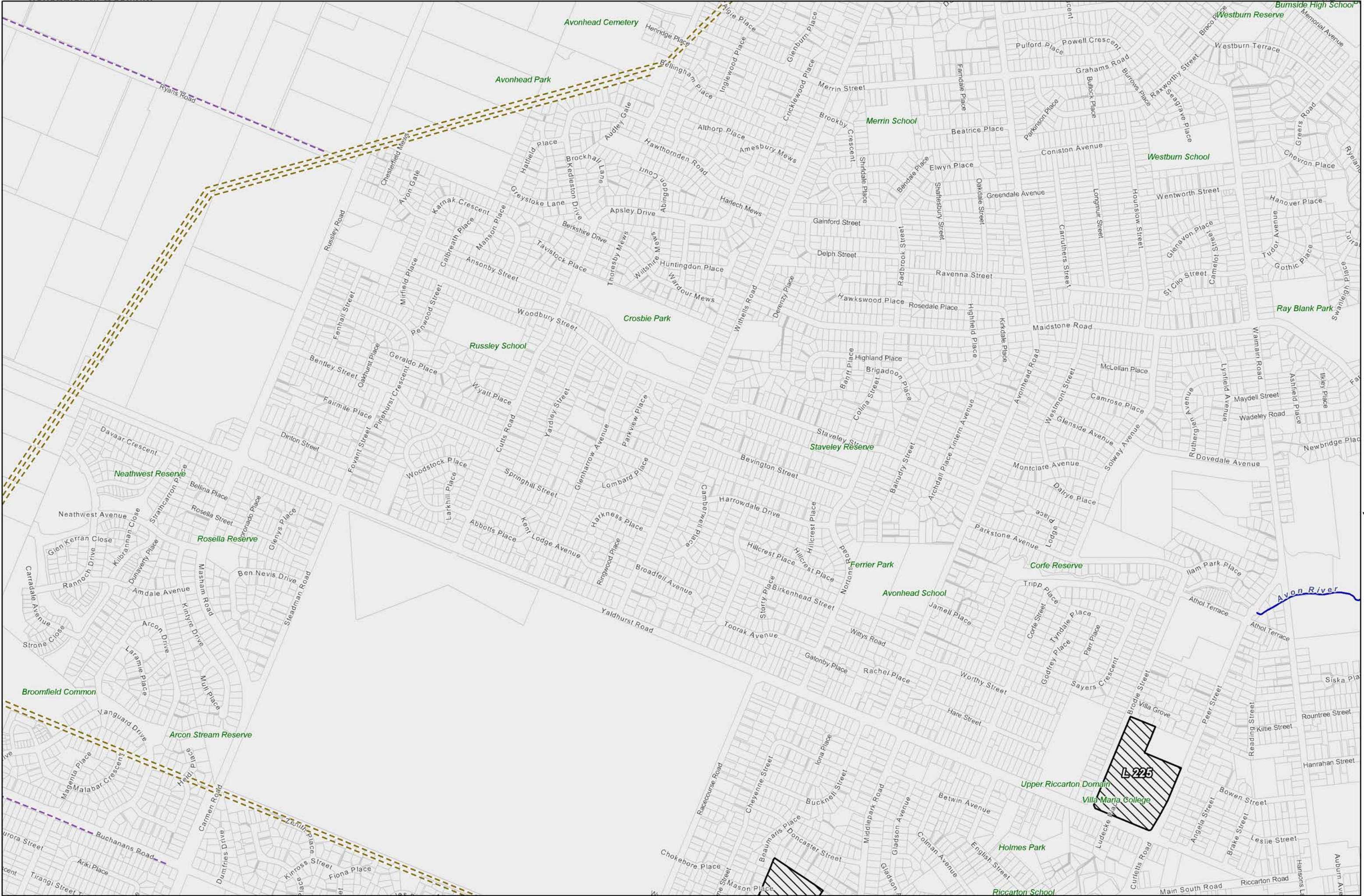
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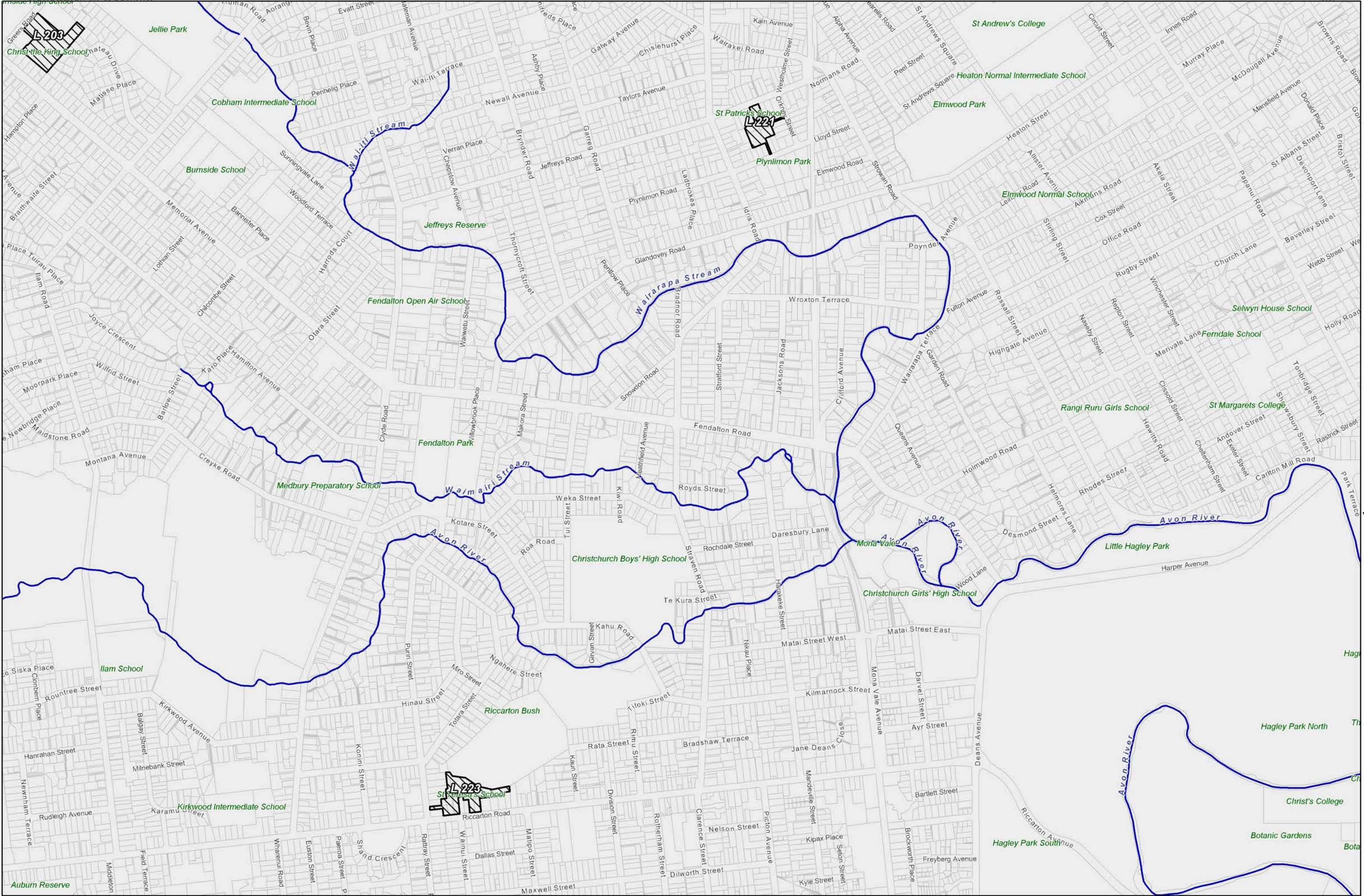


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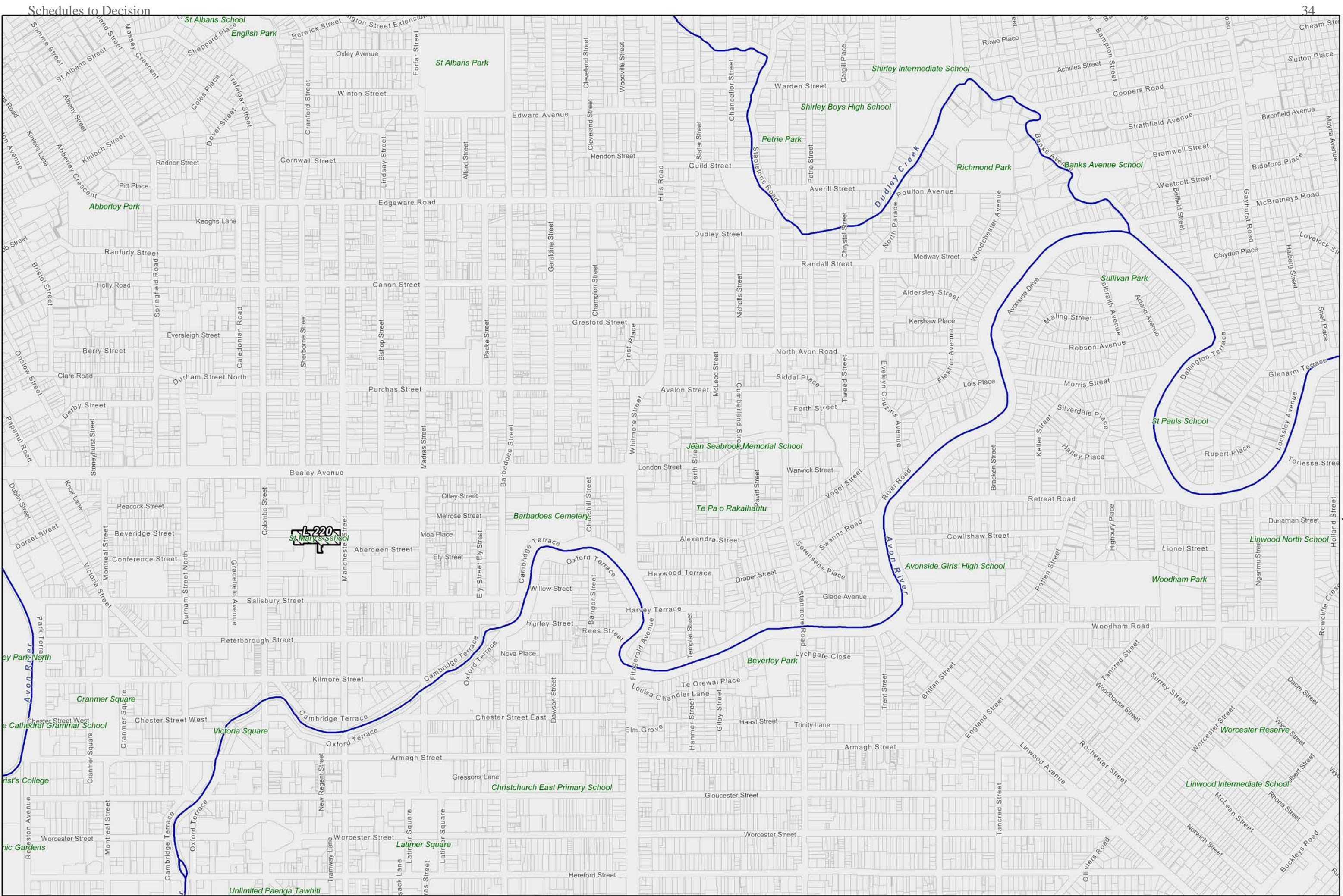


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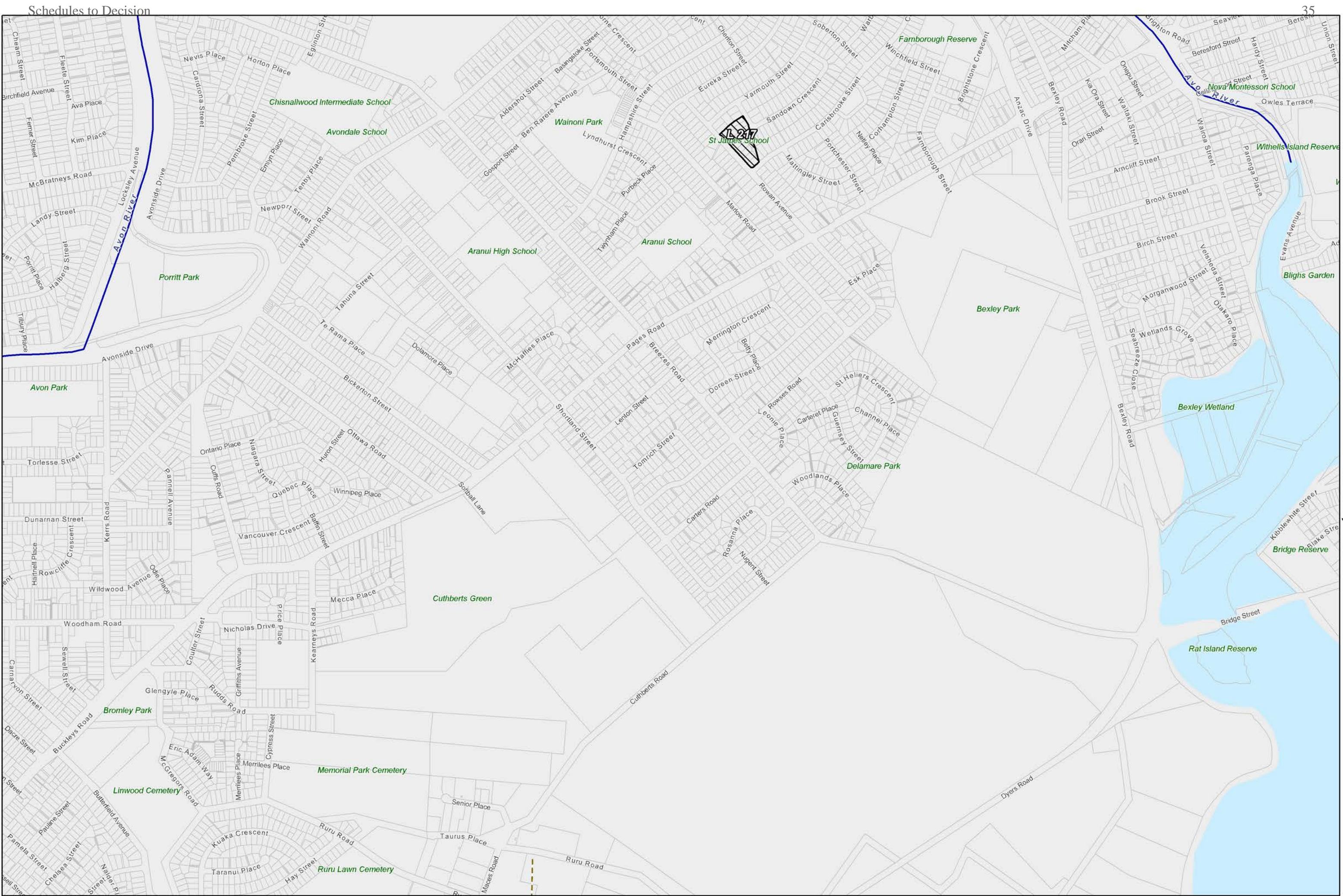
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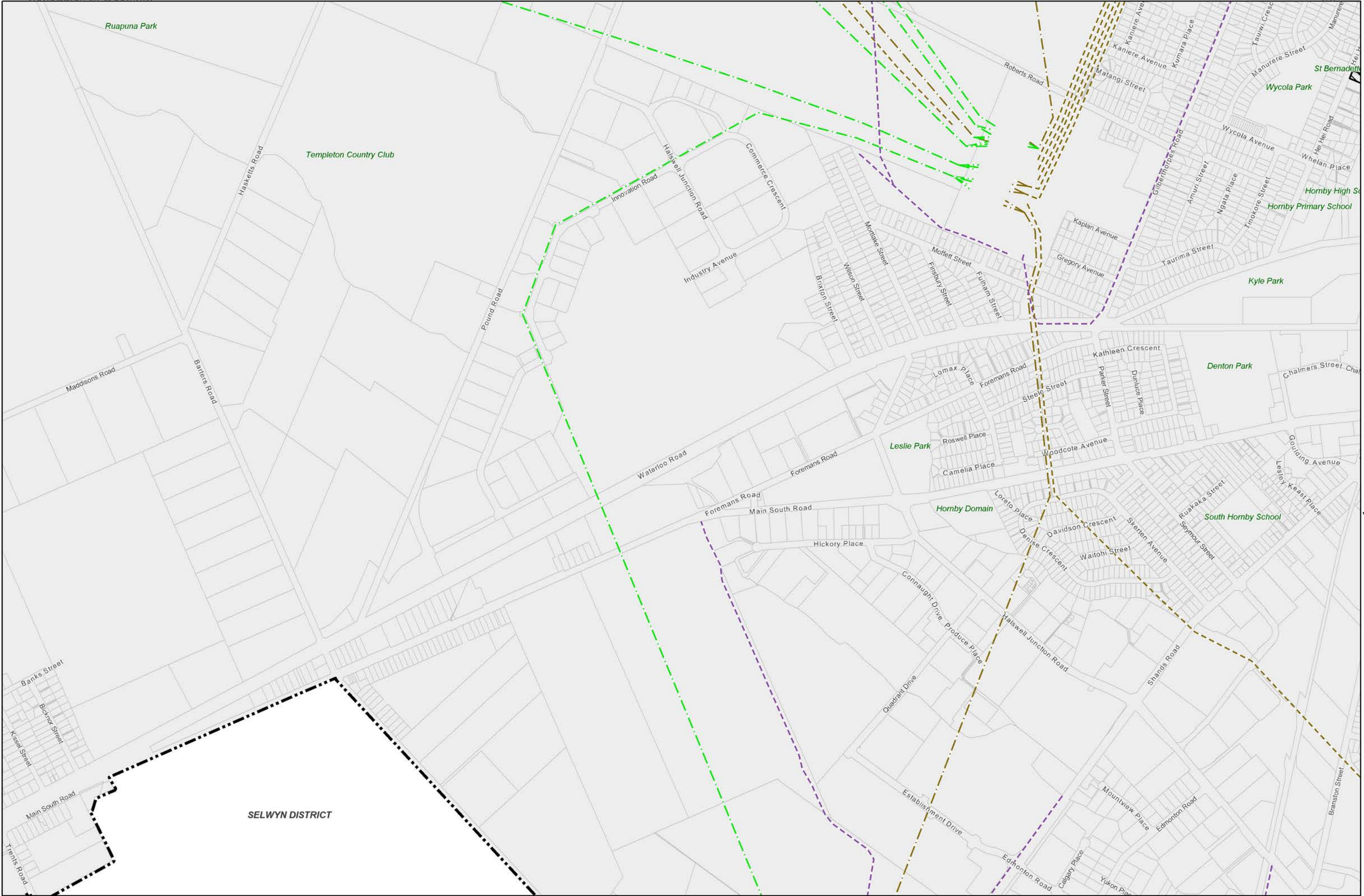
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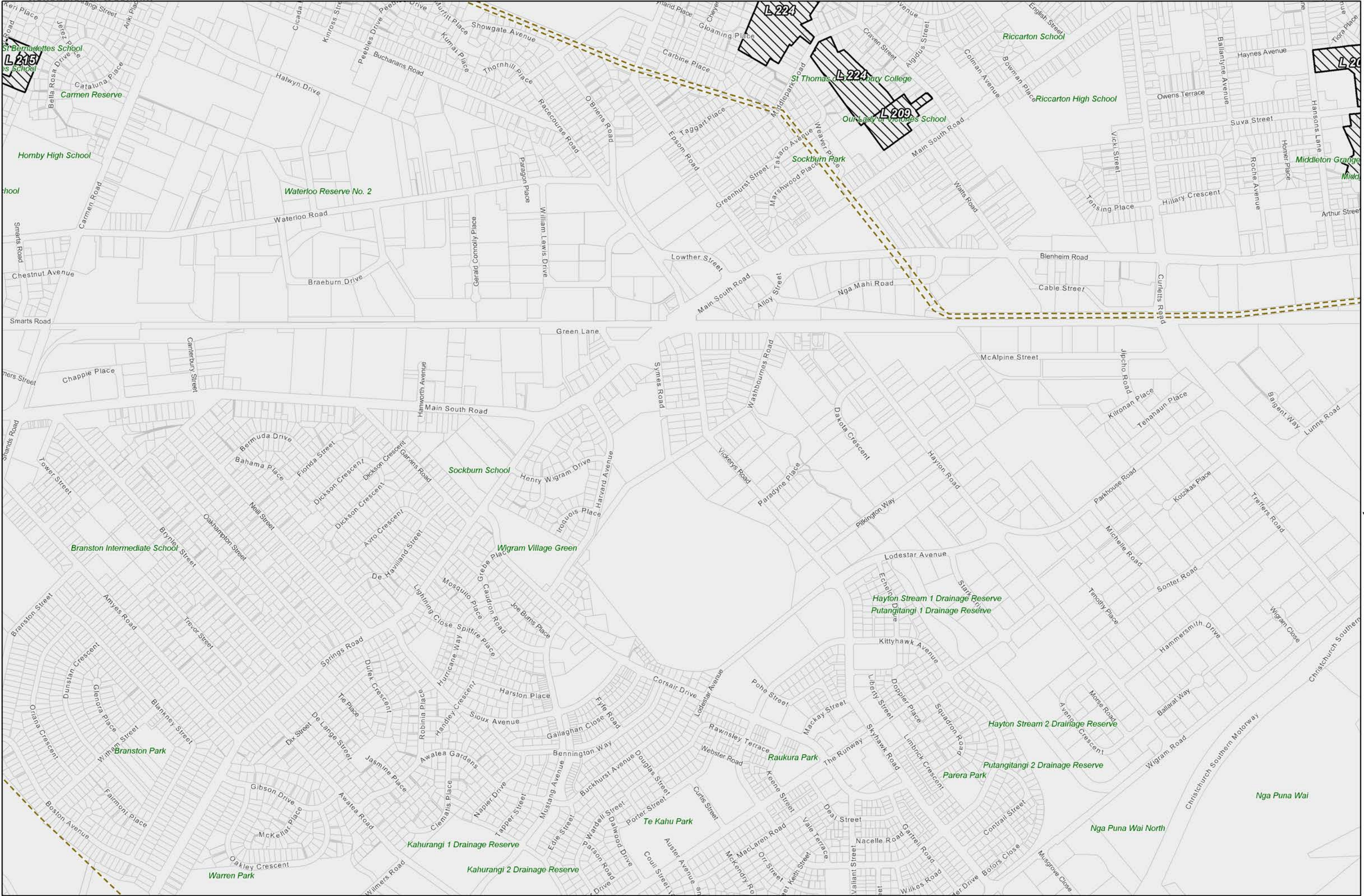


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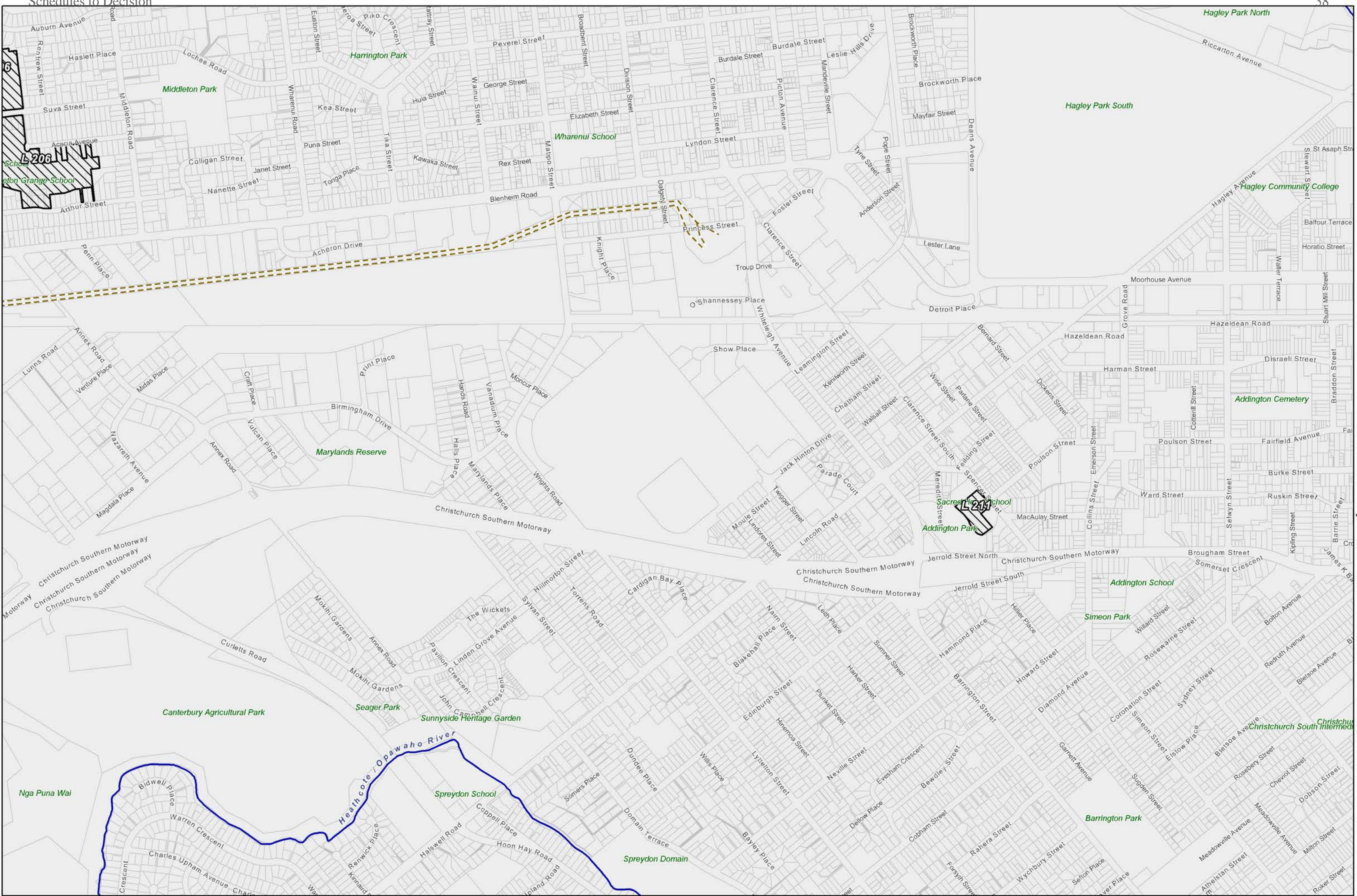


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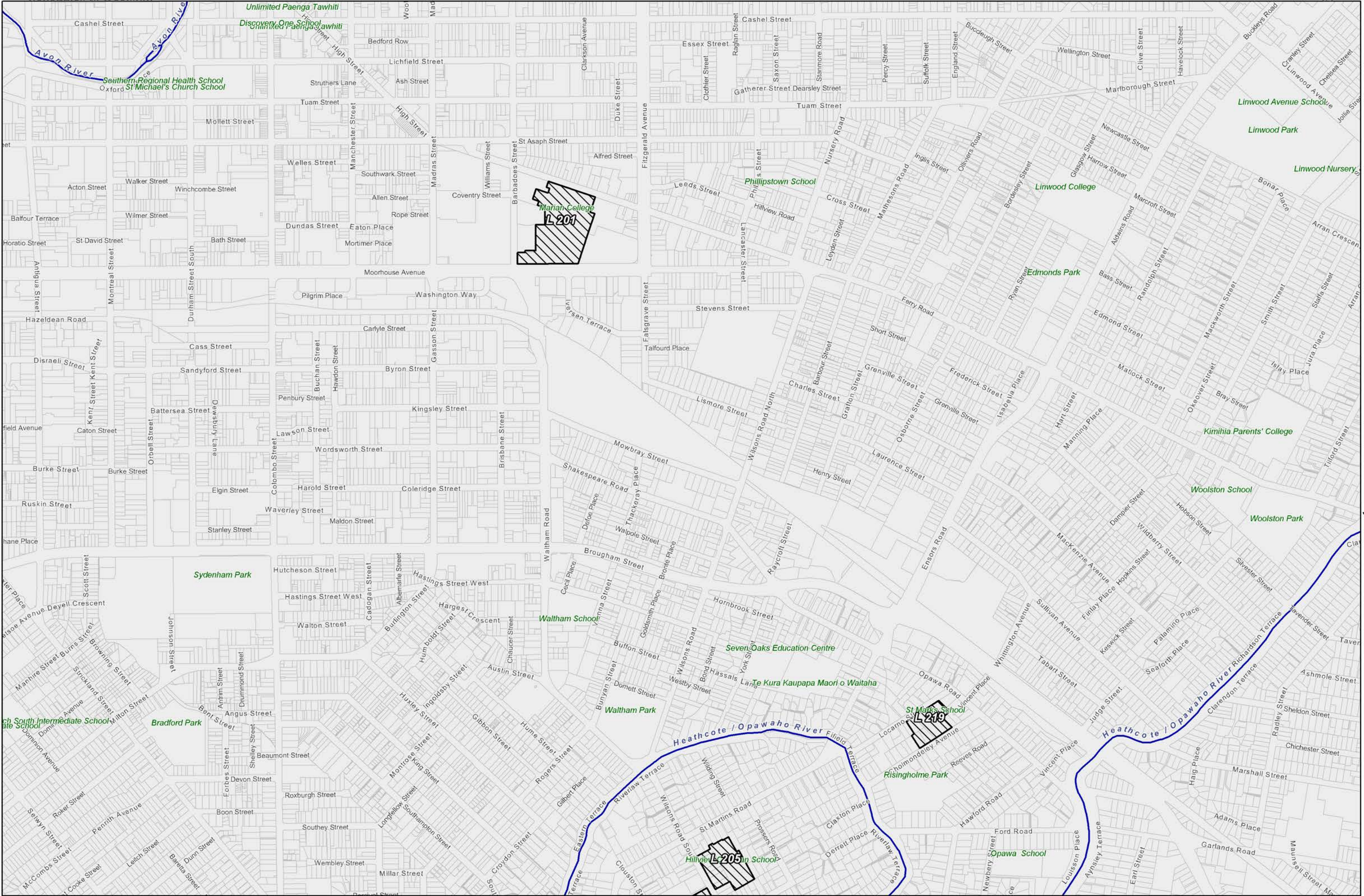




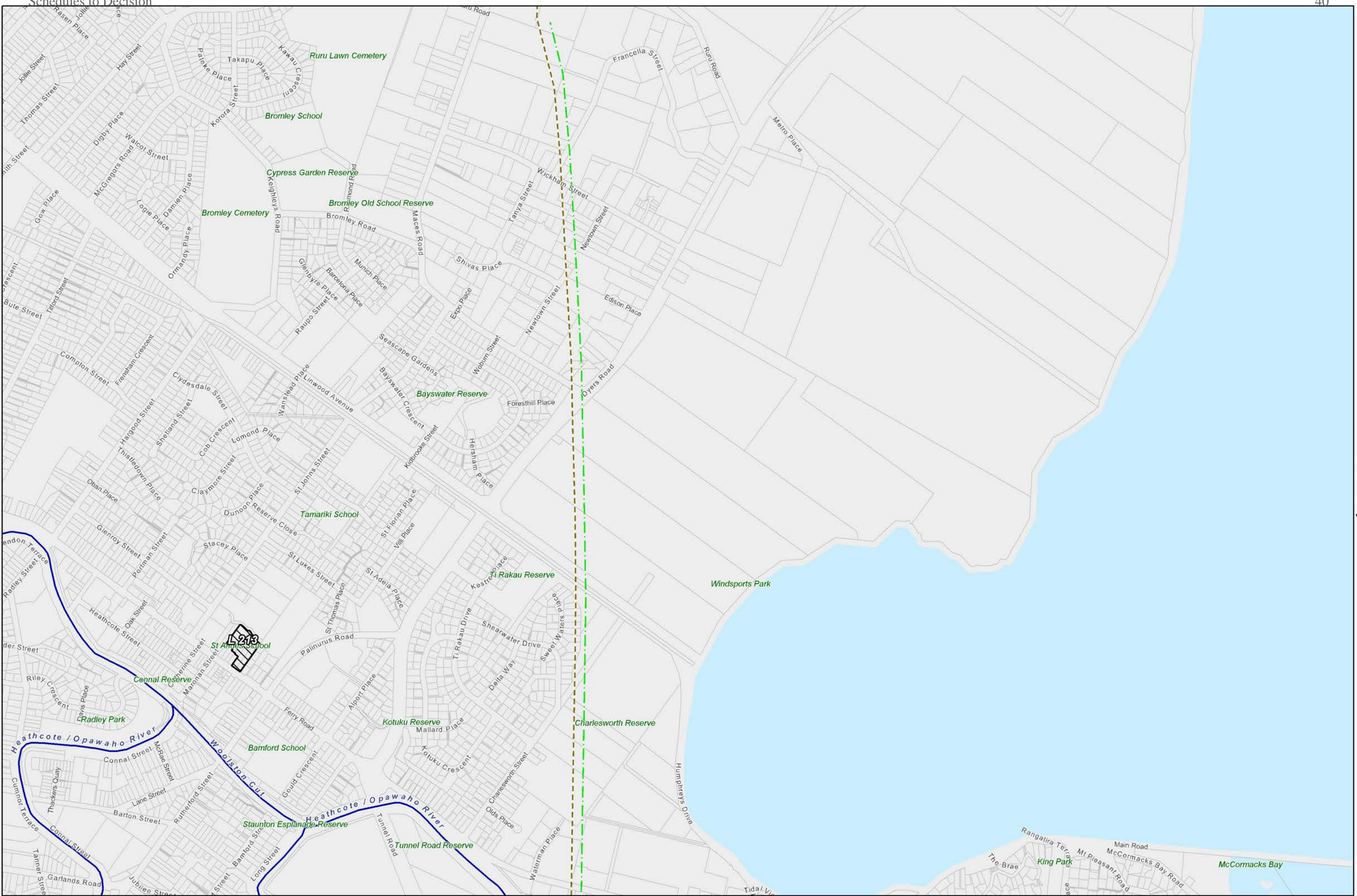
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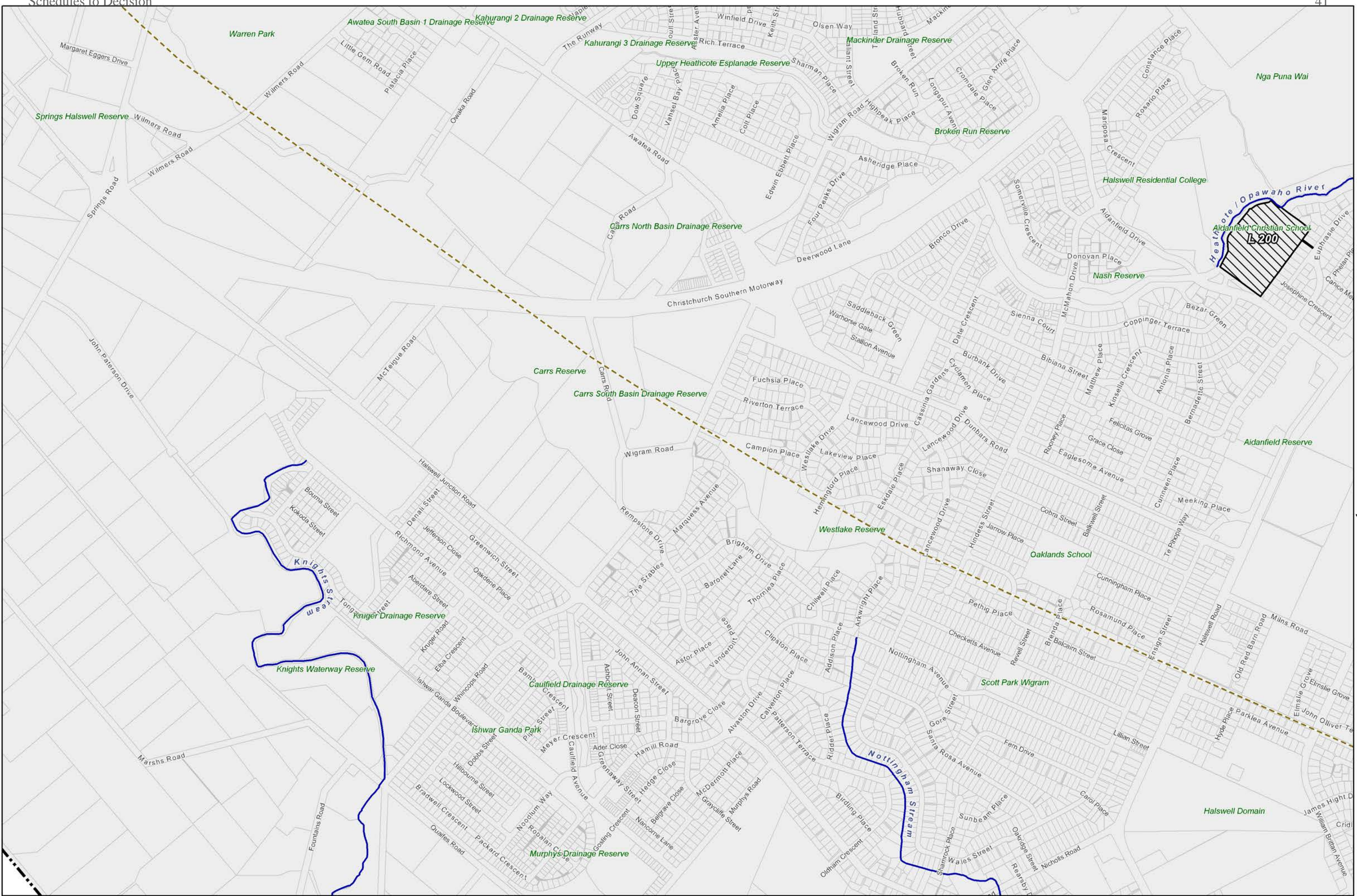
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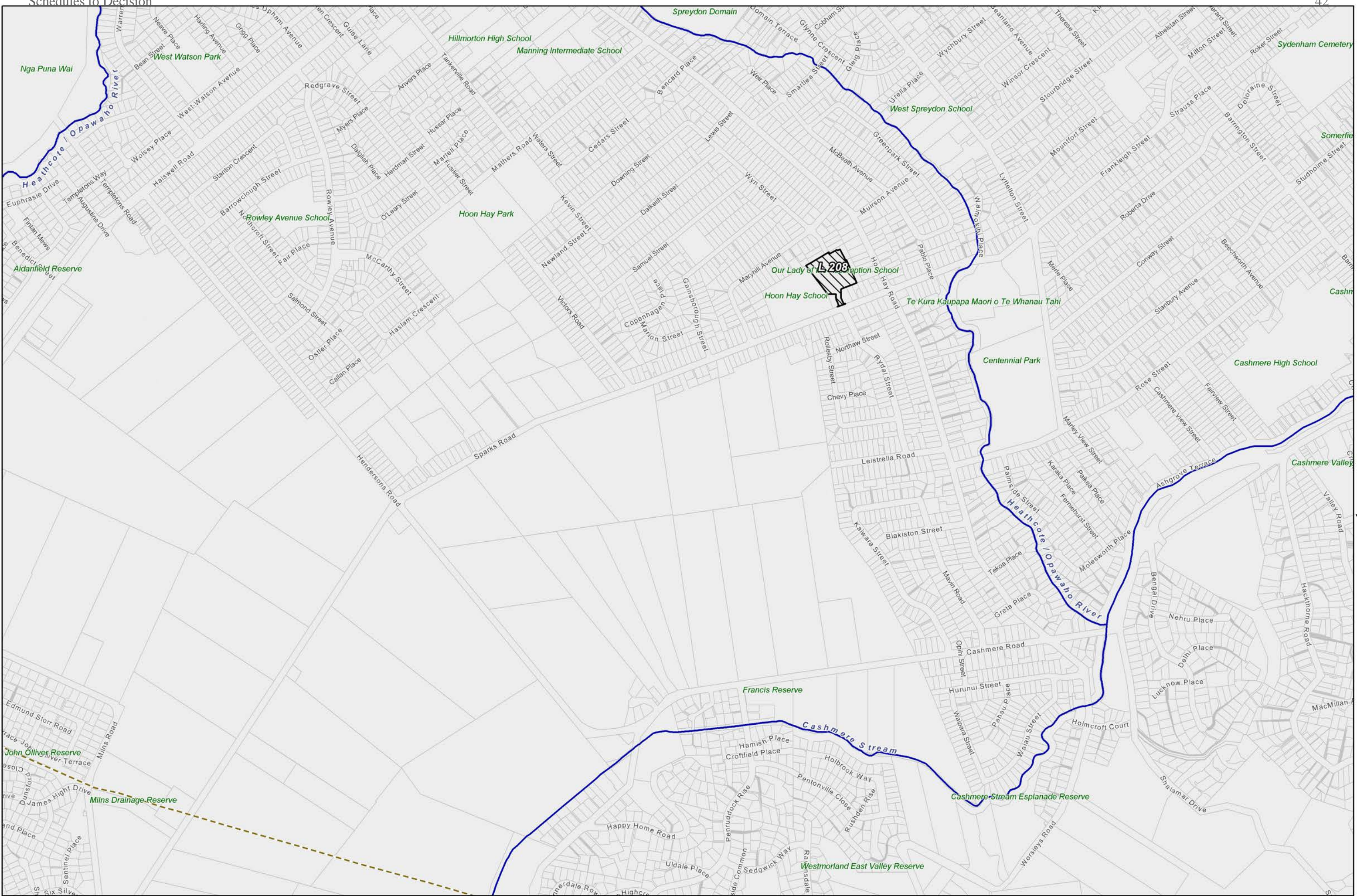
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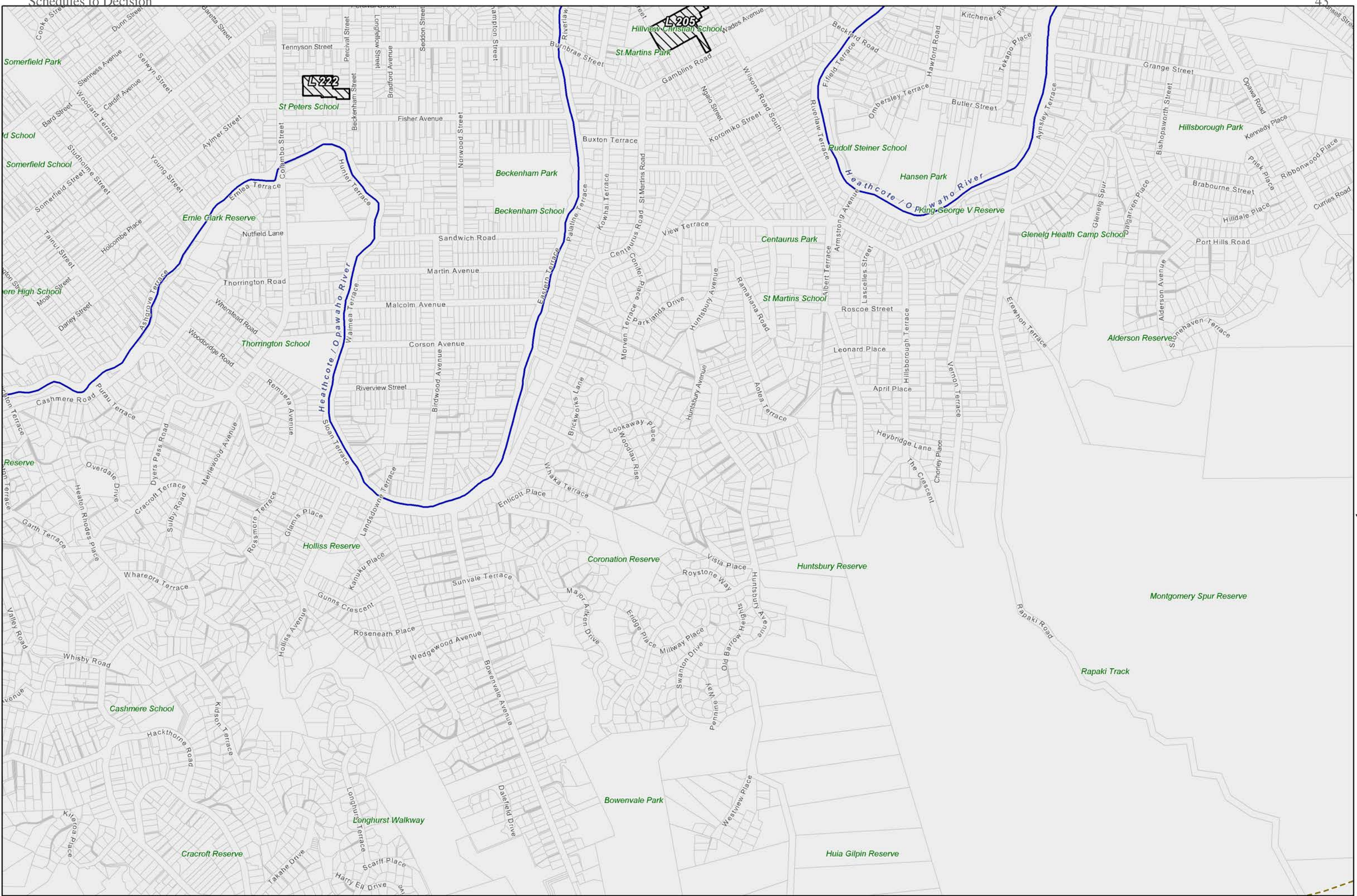
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37	38	39
44	45	46
49	50	51



38	39	40
45	46	47
50	51	52

