

4. PROPOSED VARIATION 57 – REZONING: LIVING 3 TO CULTURAL 3

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The purpose of this report is to recommend to the Regulatory and Consents Committee that a Variation to the Plan be notified regarding the rezoning of St Margaret's College sites from Living 3 to Cultural 3 (see attached map 32A).

BACKGROUND

The Cultural 3 zone was included in the Christchurch City Proposed Plan to ensure that the effects of the activities of schools are appropriately avoided, remedied or mitigated, balanced against the ability of schools to develop and operate their sites in a comprehensive manner. School sites in the Transitional Plan were either designated or zoned in accordance with surrounding sites. The St Margaret's College site was zoned Residential 3 in the Christchurch Section of the Transitional Plan, where schools were assessed as a permitted activity.

The Proposed Plan, as publicly notified in 1995, included St Margaret's College in the Cultural 3 zone. However, some of the sites, although owned and used by St Margaret's College, were not included within the zone boundary. As a result St Margaret's College made a submission to the Proposed Plan requesting additional sites to be included in the Cultural 3 zone. However, the submission did not identify all the sites, including the sites subject to this variation. Therefore, these sites could not be considered at the hearing. The Council decision suggested that, due to the limitations of the original submission, a variation be initiated to rezone any of the additional sites owned by St Margaret's College to Cultural 3.

Upon the release of decisions to the Proposed Plan, St Margaret's College lodged a reference to the Proposed Plan requesting exceptions for education activities to the Living zone rules as follows:

"That all the residential coherence standards in all of the living zones (except the Living 5 zone) be deleted and;

That the scale of activity rule in the Living 3-4 zones be deleted; or

That the residential coherence standard be returned to a community standard or become a development standard; and

That the scale of activity rule be returned to a development standard; or

That educational, spiritual, daycare and health facilities are exempt from all standards concerning residential coherence and scale of activity; or

That the educational activities of all existing schools be expressly permitted in the Living zones".

St Margaret's College have indicated that they will consider the withdrawal of their reference to the Proposed Plan if the Council proceeds to notify a variation to the Proposed Plan to rezone some existing properties to Cultural 3. If this occurs there will only be one outstanding reference to the Proposed Plan relating to the Living Zone community standards, which is also tied up with a rezoning request and is therefore likely to become a site specific issue.

NEED FOR A VARIATION

- Reflects the Council's decision at the hearing of submissions on the Cultural 3 Zone regarding initiating a variation.
- Would meet the referrers' needs, who would withdraw from their general reference to the living zone rules, reducing the need to argue the Living Zone community standards in the Environment Court.
- It is likely that the Council will proceed with a variation/plan change to rezone these sites at some stage in the future to effectively "tidy-up" the zoning in the area.
- The variation does not include all sites owned by St Margaret's College, which were previously discussed in negotiations. These were considered potentially inappropriate and also controversial in terms of effects on surrounding residential amenity values.
- Consultation has been undertaken with surrounding residents who in the main appear to support in principle the rezoning of the sites to Cultural 3.

CONCLUSION

A specific variation (see attached) to rezone existing sites owned by St Margaret's College will reduce the need to address wider living zone issues at the Environment Court. The rezoning will tidy up an existing land use situation allowing for the effective and efficient management of the site, while avoiding, remedying or mitigating the adverse effects on the environment.

- Recommendation:**
1. That the Section 32 report be received.
 2. That the Council initiate and publicly notify Variation 57 pursuant to clause 16A of the First Schedule of the Resource Management Act 1991.