

Before the Christchurch Replacement District Plan Hearing Panel.

In the matter of the Resource Management Act 1991 and the Canterbury
Earthquake (Christchurch Replacement District Plan)
Order 2014

And

In the matter of the Proposed Christchurch Replacement District Plan

Statement of Evidence of:

Ilam and Upper Riccarton Residents Association.

(Submitter number: 738 & FS-1427)

Chapter 14 Residential (Part)

20th March 2015

Introduction.

1. The coverage area and scope of activities undertaken by the Ilam and Upper Riccarton Residents Association (“IURRA”) remain as presented in evidence to the Independent Hearing Panel (the “Panel”) dated 25th November, 2014 and 7th January 2015.

Scope of Evidence

2. The full IURRA submission covers those aspects of the proposed Christchurch Replacement District Plan (the “pCRDP”) that are of particular concern to residents in the IURRA area. In particular the full submission covers:
 - (a) Commentary and suggestions with respect to “Definitions” relating to boarding houses, education based activities and related accommodation, and parking matters.
 - (b) Zoning matters with respect to the proposed Residential Suburban Zone.
 - (c) Issues with respect to Parking.
 - (d) (and Further submission) Temporary Earthquake Recovery Activities.
3. Matters relating to “*Temporary Earthquake Recovery Activities*” were traversed at the hearing on 12th January 2015 and are therefore not included in this document. Although “*Definitions*” of “*Site*” and “*Education Activity*” were traversed at hearings on the 11th December 2014 they have been re-included in this evidence as they are relevant to the hearings commencing on 30th March 2015.
4. This evidence specifically traverses definitions and rules with respect to “*Boarding Houses*”, and “*Tertiary Education Student Accommodation.*” and comments on some aspects of both the Residential Suburban Zone Built Form Standards and the implications of a Crown submission with respect to non-residential activities in residential zones.

Opening Remarks.

5. It is extremely difficult to conclude if a number of the proposed “*Definitions*” are wholly appropriate when the Chapters of the pCRDP to which they intimately relate have not yet been published. The Panel will be aware that a number of other submitters hold the same reservations over the veracity of this process.
6. Whilst IURRA is mindful of the constraints the Panel are working under, a process that considers “*Definitions*” in isolation from other inter-related definitions is, it is suggested, not ideal.
7. IURRA notes that the Panel have the ability to re-visit “*Definitions*” and to permit submitters to revisit their evidence in the light of the contents of the Stage 2 pCRDP document or any subsequent decisions by the Panel.
8. In line with the Crown’s earlier evidence, IURRA wishes to note that the wording of its relief sought is intended to provide an example of how the principal outcomes sought could be enabled. IURRA is not necessarily set on the specific wording provided and is prepared to consider alternative wording that would give effect to the principal outcomes sought in its submission.

Evidence Summary

9. Locally there has been an increase in the numbers of what is known colloquially as “rent-a-room” accommodation. Typically in a “rent-a-room” scenario the occupier of a bedroom rents that room directly from the landlord. Separate rental agreements may exist for different residents.
10. This is unlike the more usual “flating” situation where one or sometimes more tenants rent a complete property from the landlord.
11. The total numbers occupying a ‘flat’ are generally of the same order of that which would have been anticipated had the property been occupied by its owner. Occupant numbers in a “rent-a-room” property are however typically significantly higher.
12. The consequent population densities are well outside those anticipated by the pCRDP strategies and policies for both the Residential Suburban Zone and

Residential Suburban Density Transition Zone. Accordingly these types of activities sit uncomfortably within the lower density residential zones.

13. Unfortunately neither the current City Plan nor the pCRDP contain rules or even a formal recognition of these types of “rent-a-room” activities. The Council therefore has no control over them from a planning perspective unlike in many ways not dissimilar, commercial accommodation facilities such as hotels and motels.
14. Accordingly IURRA submits that as a first step a suitable definition of a “*Boarding House*” that captures these activities needs to be included into the pCRDP. This would in turn enable appropriate rules to be formulated to provide the Council with a degree of planning control, over these “rent-a-room” activities which it presently lacks.
15. The form, scale, and sometimes types of activities associated with accommodation for tertiary students are different from those of secondary students. It is felt important that this difference in potential impacts is recognised in the pCRDP by including a specific definition relating to accommodation provided for tertiary students. Accordingly the relief sought is the inclusion of a new definition of “*Tertiary Education Student Accommodation*”, a reliant definition of “*Tertiary Education Student*” and the inclusion of a set of appropriate rules.
16. For ease of reference, earlier IURRA evidence with respect to the relevant “Core Definitions” “*Education Activity*” and “*Site*” have been re-submitted in this evidence.
17. IURRA supports (Part) “14.2 .3 – Residential Suburban (RS) Zone – Built Form Standards” with respect specifically to the Rules relating to minimum site size (Rule 14.2.3.1 – Site Density) and maximum site coverage (Rule 14.2.3.4 – Site Coverage).
18. IURRA however opposes the Crown’s suggested wording with respect to non-residential activities taking place within a residential zone. The relief sought by the Crown is not only imprecise it also has the potential to quite markedly change the level of permissible impact of non-residential activities within a residential zone.

Evidence in General.

Definitions and Rules: “Boarding House.”

19. Over recent years there has been an increase in the numbers of what is known colloquially as “rent-a-room” accommodation in the area represented by IURRA. We understand that a similar increase in this type of accommodation has also occurred elsewhere in the wider area encompassed by the Riccarton – Wigram Community Board and potentially elsewhere across the city.
20. Typically in a “rent-a-room” scenario the occupier of a bedroom rents that room directly from the landlord. Whilst that room is for the renter’s exclusive personal use only, the renter generally has access to other communal rooms in the house such as a kitchen and a bathroom. What were originally living areas, within a property, for example lounges, are frequently converted to produce further rentable bedrooms. Garages are also often converted for occupation and ‘sleep-outs’, and occasionally caravans, are added. Separate rental agreements may exist for different residents. A tenancy agreement may not be required under the Residential Tenancies Act (RTA) depending on the length of stay.
21. This is unlike the more usual “flatting” situation where one or sometimes more tenants rent a complete property from the landlord. Generally the holder(s) of the lease is/are responsible to the landlord for the “flat” and the activities of its other occupants. A tenancy agreement is required under the RTA.
22. The legal relationship between the landlord and the property occupiers is therefore fundamentally different between the two scenarios (i.e. “rent-a-room” versus “flatting”)
23. The total numbers occupying a flat are generally of the same order of that which would have been anticipated had the property been occupied by its owner.
24. Occupant numbers in a “rent-a-room” property are however typically significantly higher – in one case within the IURRA area a total of twenty one people concurrently occupied a site that originally encompassed a standard four bedroom home housing a family of four people*.

* Pers. comm: P Harding and tenant of 37 Parkstone Avenue (5/12/14)

25. As can be readily envisaged such numbers have a significant impact on the surrounding area – increased levels of general activity, traffic and parking, problems with shared driveways, increased demand on infrastructural assets such as water and sewerage and services such as rubbish removal, and in particular both a change in character and a consequent general reduction in amenity in the area.
26. The consequent population densities, of the order of 100 to, in some instances, 200 people per hectare (“ppha”), are well outside those anticipated by the proposed Christchurch Replacement District Plan (pCRDP) strategies and policies for both the Residential Suburban Zone (approximately 40 ppha) and Residential Suburban Density Transition Zone (approximately 50 ppha) in which these properties are often currently found.
27. Unfortunately neither the current City Plan nor the pCRDP contain rules or even a formal recognition of these types of “rent-a-room” activities. The Council therefore has no control over them from a planning perspective unlike not dissimilar, commercial accommodation facilities such as hotels and motels which are specifically covered by existing planning regulations.
28. Accordingly IURRA submits that as a first step a suitable definition that captures these activities needs to be included into the pCRDP. This would in turn enable appropriate rules to be formulated to provide the Council with a degree of control, over these “rent-a-room” activities which it presently lacks.
29. Auckland*, Wellington* and jurisdictions overseas have grappled with similar issues. Each have defined these activities (“Boarding houses” in Auckland and Wellington; “rooming houses” in Australia and the United States) and have placed planning rules around their establishment and use. “Boarding house” type accommodation is not therefore a new type of accommodation, nor is it unique to Christchurch.
30. Accordingly IURRA wishes to correct an apparent misunderstanding of its submission by Mr Blair of CCC in his evidence** at para13.1 where he states that he believes that the submission is an attempt to address issues of “*reported anti-social behaviour by tertiary students in Ilam and Riccarton in particular.*”

*Refer Appendix A for definitions

** *Statement of Evidence of Adam Scott Blair on behalf of Christchurch City Council – 12/03/15*

31. Although the area encompassed by the Association has had and continues to experience “*anti-social behaviour by (a small minority of) tertiary students*” this matter has not prompted the IURRA submission. IURRA has in the past, and continues to work in a collaborative manner with the University of Canterbury to minimise these problems.
32. Consequently we agree with Mr Blair in his evidence where he later states at para. 13.7 that “[T]he changes to the provisions proposed in these submissions will in my view have little effect in altering cultural behaviour, which would be better addressed through methods outside the RMA and the district plan provisions ...”
33. As has been described in paras 18 to 29 of this evidence, the issue of “Boarding Houses” and their impacts are quite distinct from the issues Mr Blair describes. “Boarding house” issues are not confined to one area in Christchurch. The matter is therefore not one of student “*cultural behaviour*”.
34. IURRA is mindful of the provision in the pCRDP that residential units containing more than 6 bedrooms are a restricted discretionary activity in the Residential Suburban Zone*
35. Boarding houses are however a form of commercial accommodation more akin to motels and hotels than to the family oriented residential units that predominantly define the general ambiance of the Residential Suburban Zone. The impacts of the two activities are quite different. In particular in the case of boarding houses:
- The occupants are almost always adults and as a consequence
 - The daily timescales of activities are much wider than for family oriented activities and.
 - The numbers of pedestrian, cyclist and vehicle movements and associated parking requirements** are significantly greater.

These increased impacts sit uncomfortably in the Residential Suburban Zone.

* pCRDP Rule: 14.2.2.3 - Restricted Discretionary Activities - RD1

** Rules with respect to increased parking and loading requirements associated with boarding houses will be addressed in IURRA’s evidence prepared for hearings on Chpt 7 – Transport.

36. It is therefore submitted that, whilst addressing matters with respect to larger family homes, in effect the pCRDP rule does take cognisance of the increased impacts of boarding houses over normal residential activities. It is further submitted therefore that the two need to be acknowledged as differing activities with a greater degree of control being required over the former (i.e. boarding houses) than the latter in the Residential Suburban and Residential Transition Zones than is currently proposed.

37. Accordingly IURRA request the inclusion of the following definition into the pCRDP.

“Boarding House

means accommodation on a site whose aggregated total:

(a) contains more than 2 boarding rooms and is

(b) occupied, or intended by the landlord to be occupied, by at least 6 people at any one time.”

38. The reliant definition sought is as follows.

“Boarding Room

means accommodation in a boarding house that is used as sleeping quarters by 1 or more people, and that is for use only by a person or persons whose agreement relates to that room.”

39. Issues arising from boarding house type accommodation are significant. Accordingly IURRA believes that the matter needs to be addressed through specific provisions and rules throughout the relevant sections of the proposed District Plan.

40. Whilst it is clear that there is a demand for “boarding house” type accommodation IURRA submits that the potential impacts of this type of accommodation, particularly on the lower density residential Zones need to be recognised. Accordingly it is submitted that “boarding houses” be wherever possible located in those higher density areas where their impacts are more compatible with the outcomes anticipated by the pCRDP. (e.g. Residential Medium Density Zone at approximately 75 ppha)

41. A set of associated Plan Rules will be required. The following are IURRA's proposals.

Zone	Status	Discretion	Notification	Location		
				Front/Rear Site	Road	Other
Residential Suburban	Discretionary	As per Matters of Discretion (14.9)	Notified	Front only	Collector and Minor Arterial only	No more than one per block
Residential Transition	Restricted Discretionary	Site Density and Coverage(14.9.1) Urban Design (14.9.6) Minor Residential Units (14.9.7) Scale of Activity (14.9.14) Traffic Generation and Access Safety (14.9.15)	Limited notification	Front only	Collector and Minor Arterial only	No more than one per block
Medium Density	Permitted	N/A	Non - notified	Front or Rear	Any	N/A
All Residential Zones	Not permitted where access is by means of a shared driveway					

Definitions and Rules: “Tertiary Education Student Accommodation.”

42. At the outset IURRA wishes to reiterate that, as with its submission with respect to “Boarding Houses”, this section of its submission has not been prompted by tertiary student anti-social behaviour or by a desire to effect a change in “*cultural behaviour*”. The submission is solely based on the impacts of the activity.
43. The form, scale, and sometimes types of activities associated with accommodation for tertiary students are different from those of secondary students.

44. Student accommodation at a secondary and / or primary level is closely supervised and circumscribed by a strict regime of rules, including curfews, pertinent to the provider's duty of care to the minors being accommodated. There is also commonly a high level of pastoral care provided.
45. In comparison the rules at tertiary student accommodation facilities are more permissive. As a result the level of supervision provided, the types of activities, including in some instances the consumption of alcohol, and the span of hours over which activities may take place are quite different.
46. In addition the amount of vehicular movement and associated parking requirements are significantly greater for tertiary student accommodation than for secondary and primary student accommodation.
47. It is felt important therefore that this difference in potential impacts is recognised in the pCRDP by including a specific definition relating to accommodation provided for tertiary students. Accordingly the relief sought is the inclusion of the following definition and associated rules.

"Tertiary Education Student Accommodation

means residential accommodation professionally managed by the tertiary education provider for the sole use of their tertiary education students.

48. The reliant definition sought is as follows.

"Tertiary Education Student

means a person who is a registered student of, and is pursuing a course of study or research at a tertiary educational facility."

49. A set of associated Plan Rules will be required. The following are IURRA's proposals where the accommodation is *occupied, or intended to be occupied, by at least 6 students at any one time.*

Zone	Status	Discretion	Notification	Location		
				Front/Rear Site	Road	Other
Residential Suburban	Discretionary	As per Matters of Discretion (14.9)	Notified	Front only	Collector and Minor Arterial only	No more than one per block
Residential Transition	Restricted Discretionary	Site Density and Coverage(14.9.1) Urban Design (14.9.6) Minor Residential Units (14.9.7) Scale of Activity (14.9.14) Traffic Generation and Access Safety (14.9.15)	Limited notification	Front only	Collector and Minor Arterial only	No more than one per block
Medium Density	Permitted	N/A	Non-notified	Front or Rear	Any	N/A
All Residential Zones	Not permitted where access is by means of a shared driveway					

50. IURRA is in agreement with the University of Canterbury (#797) that Tertiary Education Student Accommodation, as defined by the IURRA submission, containing less than 6 bedrooms be a permitted activity across all Residential zones with the proviso that the bedrooms are for single occupancy only.
51. Whilst not directly relevant to this submission it is noted that neither “Student Hostel Accommodation” nor “Hostel” are currently defined in the pCRDP.

Definitions: “Education Activity” and “Site”

52. Christchurch City Council have identified the “Definitions” they consider pertinent to this Hearing.* Amongst these are “*Education Activity*” And “*Site*” on which IURRA submitted in its earlier evidence dated 25th November 2014. For ease of reference this evidence is repeated below.

* Appendix A - (Updated) Statement of Issues relating to the Residential Proposals – Christchurch City Council – 23rd February 2015

“Education Activity”

53. The education sector is effectively divided into four parts :
- Pre-school
 - Primary
 - Secondary
 - Tertiary
54. The impacts of pre-school, primary and secondary institutions on the hosting communities are all similar in form, if sometimes differing in scale of activity.
55. Tertiary education activities are however significantly different in that:
- They are quasi commercially driven organisations.
 - In the Christchurch situation, they are generally very large in terms of student and staff numbers and occupy physically large areas.
 - The daily timescales of activities are much wider.
 - The movement of students to and from these institutions occur throughout the day (i.e. unlike schools where activity external to the school campus is generally restricted to two short periods of the day.)
 - The numbers of pedestrian, cyclist and vehicle movements and associated parking requirements are significantly greater.
 - The number of associated maintenance, security, grounds and commercial vehicles is also significantly greater.
56. The impacts of tertiary activities are therefore quite different from others in the education sector and, it is submitted, should be recognised as such in the PCRDP, as indeed is the case in the Auckland City Unitary Plan* and by default in the existing Christchurch City Plan by the provision of the Cu4 zone

* Auckland Unitary Plan; Part 4: Definitions:

Education facilities:

Facilities used for education to secondary level.

Excludes: care centres; tertiary education facilities

Tertiary education facilities

Facilities used for education at a post-secondary level.

57. Accordingly IURRA submit that the title / definition of “Education Activity” should be amended to read “*Education Activity other than that conducted in tertiary education and research facilities.*”
58. IURRA proposes to submit a definition of “*Education Activity other than that conducted in tertiary education and research facilities*” for consideration during the hearings under the Stage Proposals of the pCRDP.

“Site”

59. Both the Christchurch City Council and IURRA have had difficulties with the interpretation of the definition of “site” contained in the existing Christchurch City Plan. IURRA believe that the Definition in the PCRDP is an improvement in that it brings more clarity to the matter. However it is submitted that:
- (a) Wording changes are required to correct a small error in the process of the modification of the existing definition.
 - (b) An addition is required to add clarity where the concept of site is an integral part of other Definitions yet to be addressed.
60. Addressing item (a), the existing City Plan definition refers to five separately identified areas within the city which are currently zoned for tertiary education purposes* The PCRDP has however deleted reference to these areas; a deletion IURRA supports. Consequently the wording “*or otherwise defined*” in the proposed Definition is redundant and should therefore be removed. IURRA believes that this was a minor oversight on the part of the PCRDP Definition drafter.
61. It is submitted therefore that the opening sentence of the Definition should read “*means a contiguous area of land or volume of space shown on a plan with legally defined boundaries, and includes....*”
62. Such a definition is more in line with that commonly used elsewhere in New Zealand, of which the Auckland Unitary Plan and the Dunedin City District Plan are two examples. (Refer Appendix B.)

* Refer Christchurch City Plan; Volume 3, Part 1 Definitions: Site – Clause 7

General Zoning: Residential Suburban (RS) Zone

63. IURRA wishes to record its support for (Part) “14.2 .3 – Residential Suburban (RS) Zone – Built Form Standards” with respect specifically to the Rules relating to minimum site size (Rule 14.2.3.1 – Site Density) and maximum site coverage (Rule 14.2.3.4 – Site Coverage). Adherence to these rules will help to maintain the existing character and amenity of those areas currently zoned Living 1 in the operative City Plan and which in the main have been transferred into the Residential Suburban Zone in the pCRDP.
64. Accordingly IURRA support the argument and conclusions contained in paras 7.12 – 7.15 (inclusive) of the evidence, dated 11th March 2015, presented by Ms Ekin Sakin on behalf of the Christchurch City Council.
65. In particular IURRA concurs where Ms Sakin notes at 7.13 of her evidence that “[I]n addition to stormwater issues, the degree and nature of openness is a strong determinant of low density character. Openness and the resulting opportunities for significant tree and garden planting are what make suburban zones distinct. In my opinion, allowing additional site coverage has the potential to erode this character, reducing the difference between zones and consequently reducing housing choice.”
66. Whilst IURRA have not specifically submitted on the matter of “Minor Residential Units” it is noted that the proposed rules pertaining to this type of accommodation have the potential to negatively impact on the character and amenity outcomes otherwise anticipated in the pCRDP for the Residential Suburban zone.

Non- Residential Activities in Residential Zones

67. The Crown, through CERA, have submitted under their Proposal 14 - pCRDP 14.1.7.1 – Policy – Residential Character* with respect to non-residential activities taking place within a residential zone that “(T)he Crown recognises the importance of maintaining residential coherence, character and amenity in residential zones, but the requirement to have minimal adverse effects could be onerous on activities such as community facilities.”

*It is understood that this policy also applies to Objective 14.1.5

68. The Crown suggested that it was not clear how “*minimal*” may be interpreted. It therefore sought relief to amend the pCRDP wording to read “*Ensure that non-residential activities ~~have minimal~~ do not have significant adverse effects on residential coherence, character, and amenity.*”
69. IURRA has opposed this proposal as it does not rectify the Crown’s interpretation concerns – “no significant” could equally be argued as being open to interpretation - and quite markedly changes the level of acceptable impact of non-residential activities within a residential zone.
70. In the alternative IURRA submits that rather than “*minimal*” the rule should use the more commonly used Resource Management Act phraseology of “*no more than minor.*”



Richard English
Chair of Technical Committee
Ilam and Upper Riccarton Residents Association. (Inc)

Authorised by



Peter Harding
Chairman
Ilam and Upper Riccarton Residents Association. (Inc)

20th March 2015

Appendices

APPENDIX A

Boarding House Definitions – Auckland, Wellington, & Residential Tenancies Act

Auckland Unitary Plan:

Boarding houses

Paid boarding or lodging by people other than family members of the owners or people in charge. The building(s) in which the boarding house is located is composed of no more than one [site](#) or stratum estate in freehold or leasehold, in one certificate of title.

Includes:

- accommodation of people who need emergency housing or shelter
- communal food preparation and sanitary facilities
- [student accommodation](#).

Excludes:

- temporary living places or [buildings](#) that form part of a camping ground
- hotels
- [licensed premises](#)
- [dwellings](#), excluding the manager's accommodation
- tourist complexes
- [visitor accommodation](#).

Wellington City Plan

BOARDING HOUSE:

means a residential building [containing seven or more bedrooms providing accommodation for people]^{PC72} other than members of the family of the occupier or person in charge or control of the building.[It]^{PC72} does not include hotels, motels, a building forming part of a camping ground, motor camp or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time.

Residential Tenancies Amendment Act 2010

boarding house means residential premises—

- (a) containing 1 or more boarding rooms along with facilities for communal use by the tenants of the boarding house; and
- (b) occupied, or intended by the landlord to be occupied, by at least 6 tenants at any one time

boarding house tenancy means a residential tenancy in a boarding house—

- (a) that is intended to, or that does in fact, last for 28 days or more; and
- (b) under which the tenant is granted exclusive rights to occupy particular sleeping quarters in the boarding house, and has the right to the shared use of the facilities of the boarding house

boarding house tenancy agreement means a tenancy agreement (as defined in [section 2\(1\)](#)) relating to a boarding house tenancy

boarding room means a room in a boarding house that is used as sleeping quarters by 1 or more tenants of the boarding house, and that is for use only by a tenant whose tenancy agreement relates to that room.

APPENDIX B
Definitions of “Site” -
Dunedin and Auckland City Councils.

Dunedin City District Plan; Volume 1, Section 3- Definitions: Site.

“means an area of land held in one Certificate of Title, which may be sold or otherwise disposed of separately without reference to the Council, provided that a site may contain one or more Certificates of Title where a restriction has been registered on the Title preventing sale or lease of any parcel.”

Auckland Unitary Plan; Part 4: Definitions: Site.

1. An area of land which is:

- a. comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without prior consent of the council or*
- b. contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the council being in any case the smaller area of clauses 1a or 1b above.*

2. An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

- a. subject to a condition imposed under section 37 of the Building Act or s.643 of the Local Government Act 1974 or*
- b. held together in such a way that they cannot be dealt with separately without the prior consent of the council.*

3. An area of land which is:

- a. partly made up of land which complies with clauses 1 or 2 above and*
 - b. partly made up of an interest in any airspace above or subsoil below a road*
- where a and b are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the council.*

Except that in the case of land subdivided under the Unit Titles Act 1972, the cross lease system or stratum subdivision, 'site' shall be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.