

**BEFORE THE CHRISTCHURCH REPLACEMENT DISTRICT PLAN
HEARINGS 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 – Stage One generally

SUBMITTER D & S Grimshaw (Submitter 893)

IN RESPECT OF a submission on the provision of visitor accommodation in residential zones

Statement of Evidence of Stewart William Fletcher on behalf of D & S Grimshaw

26 March 2015

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INTRODUCTION

1. My name is Stewart William Fletcher. I am a consultant planner and operate my own consultancy, Stewart Fletcher Planning Services, providing resource management and planning related services.
2. I hold the qualification of a Bachelor of Resource Studies from Lincoln University and I am a full member of the New Zealand Planning Institute. I have over 17 years experience as a planner working for local government, private consultancies and have operated my own consultancy for approximately the last four years.
3. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I have complied with it in preparing this evidence and I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise except where I state that my evidence is given in reliance on another person's evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.
4. The matter I bring before the Hearings Panel is relatively simple and is a matter of finding the correct wording for an outcome that parties would appear to already agree on.

SUBMISSION

5. The submission (Number 893) sought better clarity for the provision of visitor accommodation in residential zones and in doing so, to ensure a B&B has the ability to meet the needs of customers specifically through the inclusion of a kitchenette.
6. The submission suggested that a closer examination between the rules for travellers accommodation and residential units should be undertaken. The reason for this is there would appear to be some confusion when one reviews the definition of a residential activity which clearly excludes guest accommodation but the permitted activity table includes provision for up to six guests as a permitted activity.
7. Given that in most instances travellers accommodation in a residential zone, as a permitted activity, will be within a residential unit there is the potential for confusion as to whether the activity is provided for or not.
8. It was suggested that the rules and definitions could be amended to avoid such confusion.
9. In addition to the above, it is the submitter's experience that B&B's in New Zealand more frequently include some limited cooking facilities similar to what one may expect in a motel or hotel. This would usually be a kitchenette which would enable tea and coffee to be prepared as well as other drinks and snacks.
10. The definition of a residential unit in the Replacement District Plan includes specific provision that:

b. *where there is more than one kitchen on a site (other than a kitchen in a family flat) there shall be deemed to be more than one residential unit;*

11. On face value it would appear travellers accommodation is intended to be treated separately from residential activities so the above would not be applicable but again there is a significant grey area within these provisions which will easily lead to confusion.

FURTHER INFORMATION

12. At the direction of the Hearings Panel, submitters were requested, where unclear, to provide further information as to the specific changes sought to the Replacement Plan by their submissions. Accordingly a memorandum was prepared and lodged on 19 December 2014. A copy of the memorandum is attached as Appendix 1.
13. The memorandum details specific changes sought which would, in my opinion, eliminate the potential for confusion and provide better clarity as to the application of the provisions as they would apply for B&B's and similar accommodation.

COUNCIL EVIDENCE

14. The evidence in chief of Mr Adam Scott Blair on behalf of the Christchurch City Council specifies the following with regard to the submission of D & S Grimshaw:

“Accommodation

10.38 *Grimshaw (893) states that there is some confusion and overlap between the definitions of Residential Activity, Guest Accommodation and the provision for up to six travellers for a tariff. He states specifically that:*

The definitions of residential unit and residential activity and the relevant rules for travellers accommodation are amended to ensure there is a clear distinction between residential activities and travellers accommodation and also clear provision is included for some limited cooking facilities as part of travellers accommodation.

10.39 *I agree that there is some overlap between the provisions and that these need to be clarified. The submitter has not given any alternative wording and he is invited in mediation to suggest alternative wording to work through and reach agreement on.”*

15. In reviewing the above comments it would appear that Mr Blair did not receive a copy of the memorandum as referred to above. I have contacted Mr Blair and left a message on his phone to hopefully resolve this matter.

STATEMENT

16. Visitor accommodation is traditionally part of a residential environment with the most common examples being B&B's. As I understand it no one is opposed to the idea of

providing for such accommodation and the Replacement Plan proposes to provide for “Accommodation of travellers for a tariff” as a permitted activity, which no one is opposed to. Therefore it is not considered the provision of visitor accommodation is an issue. Instead what needs to be ensured is that the provisions are clear as to ensure there is no debate in the future as to how they are applied.

17. For each residential zone and subsequent activity status table, in the Replacement Plan, the permitted activity table lists the first item that is permitted is residential activities. The second item on the permitted activity table is accommodation of travellers for a tariff. This permitted activity is subject to standards that there shall be a maximum of six travellers and at least one owner of the residential unit residing on site. For the Residential Suburban zone the provisions appear as follows:

“14.2.2.1 Permitted Activities

In the Residential Suburban Zone and the Residential Suburban Density Transition Zone the activities listed below are permitted activities if they comply with the Activity Specific Standards set out in this table and the Built Form Standards in [Rule 14.2.3](#).

Activities may also be restricted discretionary, discretionary, non-complying or prohibited as specified in Rules [14.2.2.3](#), [14.2.2.4](#), [14.2.2.5](#), and [14.2.2.6](#).

Activity		Activity specific standards
P1	<i>Residential Activities that occur within a residential unit.</i>	1. NIL.
P2	<i>Accommodation of travellers for a tariff.</i>	<p><i>There shall be:</i></p> <ol style="list-style-type: none"> <i>1. a maximum of six travellers accommodated at any one time; and</i> <i>2. at least one owner of the residential unit residing permanently on site.”</i>

18. Through the permitted activity table, residential activities and travellers accommodation are treated as two different activities. This would seem logical as it assists in ensuring the definition for a residential activity is not ‘clouded by the addition of other activities within it. That said, the second standard for travellers accommodation does mix the two activities together slightly by referring to a residential unit. While not perfect it is suggested that the intention is clear and this also fits within the intention of how accommodation is provided on a residential

property. Accordingly no changes have been sought to the activity status table. Importantly what I suggest is that because the two activities have been separated into their own categories then it needs to be ensured this approach is continued through the remainder of the plan, primarily being definitions.

19. With the above in mind reference is drawn to the definition of 'Residential Activity' in the Plan. The definition correctly excludes visitor accommodation but in excluding such activities the definition refers to guest accommodation. This is an inconsistent term from the tables referred to above. To ensure correct reference to the tables is made it is suggested wording is inserted to refer to the accommodation of travellers. Accordingly, and as per the memorandum, it is suggested the definition is amended as follows (insertion underlined):

Residential activity

means the use of land and/or buildings for the purpose of living accommodation and includes:

1. a residential unit or a family flat;
2. emergency and refuge accommodation; and
3. sheltered housing;

but does not include:

1. guest accommodation or the accommodation of travellers; and
2. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site.

20. Visitor accommodation, and its' various forms have also been grouped together under the definition 'Guest Accommodation'. Again, to ensure that the definition is consistent with the permitted activity tables, and to also ensure reference to B&B's is included in the definition, it is suggested the definition is amended as follows (insertions underlined):

Guest accommodation

Includes the accommodation of travellers and means the use of land and/or buildings for transient residential accommodation offered at a tariff, which may involve the sale of alcohol and/or food to in-house guests, and the sale of food, with or without alcohol, to the public. Guest accommodation includes motels, motor and tourist lodges, hostels, bed & breakfasts and camping grounds.

21. Visitor accommodation provided in residential areas can take many forms. For example a couple of bedrooms of a typical house may be 'let out' and visitors are then welcome to use the facilities of the house such as the kitchen and there may be a shared bathroom. In other examples there may be a separate cabin or sleepout which can be used or, as an alternative example, a house may be two storey and a basement area might be used as separate accommodation. The point is that there are varying types of accommodation and because of this some accommodation may

be more independent from the dwelling compared to others. This reflects that different visitors will have different needs.

22. The independence of the unit will also dictate the facilities provided to visitors such as bathroom and kitchen facilities. For example a cabin could operate relatively independently of the dwelling which could be an attractive aspect for visitors. We have all stayed in hotels and motels which have a kitchenette. Such a facility is typical and enables a person to have a drink, snacks or lunch within their room/unit.
23. The inclusion of kitchen facilities as part of visitor accommodation can create confusion as to whether this creates a second residential unit. The permitted activity tables and definitions in the Plan actively separate the two activities but it is considered this needs to be further addressed in regards to the definition of residential unit.
24. In addition to the above, as a visitor accommodation activity will be associated with, or will be part of, a residential activity, as is required by the permitted activity standards, consideration needs to be given to how a visitor accommodation activity fits within the provisions of a residential unit. For example a residential unit is defined to be used for a residential activity and the definition of a residential activity does not include visitor accommodation. This creates a conflict with the permitted activity standard which requires a resident of the residential unit to reside on site.
25. Therefore to address both the issue of a kitchenette and also accommodating visitor accommodation in a residential unit it is proposed that the following amendments to the definition of residential unit are made (additions underlined):

Residential unit

means a self-contained building (or group of buildings including accessory buildings) used for a residential activity by one or more persons who form a single household unit. For the purposes of this definition:

1. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
2. where there is more than one kitchen on a site (other than a kitchen in a family flat or a kitchenette provided as part of guest accommodation) there shall be deemed to be more than one residential unit;
3. a residential unit may include no more than one family flat as part of that residential unit; and
4. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods.
5. a building can include a residential activity and guest accommodation as separate activities within the one structure.

CONCLUSION

26. The submission lodged by D & S Grimshaw seeks minor amendments to the provisions of the Replacement District Plan in order to ensure there is consistent and clear provisions for visitor accommodation in residential areas.
27. It is considered that simple changes can be made to the definitions of residential activity, guest accommodation and residential unit which will assist in achieving this goal.

Stewart Fletcher

26 March 2015

APPENDIX 1

Memorandum of Submitter dated 19 December 2015

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AND

IN THE MATTER of the Proposed Christchurch
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**MEMORANDUM FOR D & S GRIMSHAW
REGARDING RELIEF SOUGHT
19 DECEMBER 2014**

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MAY IT PLEASE THE HEARINGS PANEL

1. This Memorandum is filed on behalf of D & S Grimshaw in response to the Independent Hearings Panel's direction of 3 December 2014 requiring that all submitters specify the relief sought by way of amended provisions on the remaining Stage 1 proposals.
2. The Grimshaw's sought that the definitions of residential unit and residential activity and the relevant rules for travellers accommodation be amended to ensure there is a clear distinction between residential activities and travellers accommodation. It was also sought that the Plan included provision for some limited cooking facilities as part of travellers accommodation.
3. On the basis of now being required to specify a specific relief sought it is requested that the definitions are amended as follows (changes underlined):

Residential activity

means the use of land and/or buildings for the purpose of living accommodation and includes:

4. a residential unit or a family flat;
5. emergency and refuge accommodation; and
6. sheltered housing;

but does not include:

3. guest accommodation or the accommodation of travellers; and
4. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site.

Residential unit

means a self-contained building (or group of buildings including accessory buildings) used for a residential activity by one or more persons who form a single household unit. For the purposes of this definition:

6. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
7. where there is more than one kitchen on a site (other than a kitchen in a family flat or a kitchenette provided as part of guest accommodation) there shall be deemed to be more than one residential unit;
8. a residential unit may include no more than one family flat as part of that residential unit; and
9. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods.
10. a building can include a residential activity and guest accommodation as separate activities within the one structure.

Guest accommodation

Includes the accommodation of travellers and means the use of land and/or buildings for transient residential accommodation offered at a tariff, which may involve the sale of alcohol and/or food to in-house guests, and the sale of food, with or without alcohol, to the public. Guest accommodation includes motels, motor and tourist lodges, hostels, bed & breakfasts and camping grounds.

4. The above provides specific direction as to changes sought. Should it so be desired, the Grimshaw's are agreeable to further dialogue to develop the requested changes further if so required.

A handwritten signature in black ink, appearing to read 'Stewart Fletcher', written in a cursive style.

Stewart Fletcher
Representative for D & S Grimshaw