

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN INDEPENDENT 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 Introduction
Proposal (Part) and
Definitions Proposal
(Part)

**SUPPLEMENTARY EVIDENCE OF IVAN THOMSON
ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

DEFINITIONS (RESIDENTIAL) PROPOSAL

23 JULY 2015

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1. INTRODUCTION

- 1.1 My full name is Ivan Thomson. My experience and qualifications are set out in my overview evidence in chief for this hearing, dated 9 June 2015.
- 1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SCOPE

- 2.1 This supplementary evidence is provided in response to matters raised by the Independent Hearings Panel (**Panel**) during the course of the hearing of the Introduction Proposal (Part) and Definitions Proposal (Part) on 13 July 2015.
- 2.2 As requested by the Panel, this supplementary evidence covers the following definitions:
- (a) Addiction services
 - (b) Balcony
 - (c) Bed and Breakfast
 - (d) Boarding House
 - (e) Community housing unit
 - (f) Duplex
 - (g) Early childhood education facilities
 - (h) Education activity
 - (i) Elderly persons housing
 - (j) Greenfield
 - (k) Guest accommodation
 - (l) Healthcare facilities
 - (m) Market garden
 - (n) Net site area
 - (o) New neighbourhood density
 - (p) Place of assembly
 - (q) Pre-school facility

- (r) Residential activity
- (s) Residential unit
- (t) Retirement village
- (u) Social housing/multi-unit development

2.3 My evidence addresses issues with definitions that the Panel raised with me at the hearing.

2.4 Feedback has been sought from representatives for submitters, including the Crown, Ilam Upper Riccarton Resident's Association, Salvation Army, Christchurch District Health Board and Ryman Healthcare Limited on several of the definitions listed in paragraph 2.2 above. This feedback is referred to below.

2.5 I note that where I have suggested further changes to the definitions following the hearing, those changes have been shown in red underlining for additions, and red ~~striketrough~~ for deletions. The version of the definitions used for the 'base' is the same as the version attached to my rebuttal evidence dated 2 July 2015.

3. ADDICTION SERVICES

3.1 Ms Huria questioned whether it is intended that this definition is restricted to clients attending a counselling programme.¹ It was her understanding that the Salvation Army takes clients who needed help, but were not yet on a programme.

3.2 This matter was discussed with Mr Blair and he confirmed that the definition was agreed with the Salvation Army.

3.3 However, I note that it may be limiting the valuable social services offered only to clients attending a counselling programme. I therefore recommend that the definition of 'Addiction services' be amended as follows:

Addiction services

means, in relation to the Salvation Army site in Addington, services, including overnight accommodation, for clients attending a counselling

¹ Page 75 of Transcript, line 10.

programme, or otherwise seeking help, for alcohol, drugs or gambling addiction.

- 3.4 I have tried contacting the Salvation Army to discuss the change proposed above, however as at the time of writing this evidence I had not heard back from them.

4. BALCONY

- 4.1 Ms Dawson² expressed concern with the wording of the second sentence of the definition of 'balcony' which says: *For the purpose of residential activities the structure must have direct and reasonable access to the residential unit which it serves*'.

- 4.2 I concur with Ms Dawson's view that, if the structure does not have 'direct and reasonable access' then it is not a balcony as defined by the proposed Christchurch Replacement District Plan (pRDP). The intent of the definition is to ensure that such structures count as part of the unit's functional outdoor living space, and not simply for decoration. I consider that this problem can be remedied by making the definition clear that the balcony, for the purpose of the rules, is part of the outdoor living space for a unit, and let the rule deal with its dimensions and other requirements. Therefore I recommend the following amendments:

Balcony

means a structure which is part of a building, which provides outdoor living space for a residential unit, and is located above ground floor level, roofed or unroofed and completely open to the weather on at least one side, except for a balustrade. ~~For the purposes of residential activities, the structure must have direct and reasonable access to the residential unit which it serves.~~

5. BED AND BREAKFAST

5.1 A number of queries were raised by the Panel in relation to the definition of 'bed and breakfast'. These included: a bed and breakfast is the *use* of a residential unit, not a residential unit itself; the limit of accommodating up to six guests; the maximum of a three month time period and who it applies to; and the requirement that at least one owner should reside on the site permanently.³

5.2 In the version of the Residential Proposal dated 23 April 2015 the concept of a 'bed and breakfast' replaced references to 'accommodation of travellers for a tariff' that was included in the notified version of the pRDP. The new activity standards proposed in the 23 April 2015 version of the Residential Proposal are very similar to the three aspects of the definition that are of concern (refer to P2 in the Residential Suburban and Residential Medium Density Zones). I consider that these activity standards are clearer with respect to the length of stay and number of guests, but still may not address the issue of whether it should be just the owner residing on the site. I suggest Activity Standard (b) in P2 be amended to include 'permanent occupier'.

There shall be:

- a. *a maximum of six travellers guests accommodated at any one time;*
and
- b. *at least one owner **or permanent occupier** of the residential unit residing permanently on site; and*
- c. *no guest given accommodation for more than 90 consecutive days*

3 Pages 77-78 of Transcript.

- 5.3 Following on from Ms Dawson's point that this activity occurs within a residential unit, I think it would be prudent to amend the definition so it is not the entire residential unit that is a bed and breakfast. Presumably the owner/occupier will need private space that is not accessible to guests. It also should be explicit that the definition is providing for visitors so I am proposing to add the words 'transient residential' which is the same wording from the definition of 'Guest accommodation', and to make it explicit that bed and breakfasts are not licensed to sell alcohol. I therefore propose that the definition be amended as follows:

Bed and Breakfast

means the use of part of a residential unit for the provision of transient residential accommodation, at a tariff and does not involve the sale of alcohol. for up to six guests. Accommodation shall be provided for up to a maximum period of three months and at least one owner of the residential unit shall reside permanently on site.

6. BOARDING HOUSE

- 6.1 I was asked by Ms Dawson⁴ to consider the definition of 'boarding house' with reference to the original submission by the Ilam Upper Riccarton Residents Association (IURRA). One of the matters raised concerned the words 'tenants who are on the property at the same time'. I also consider that it needs to be made explicit that the property is used for paid lodgings or boarding.
- 6.2 I contacted Mr English from IURRA and have agreed the following amendments to the definition of 'boarding house':

Boarding house

means one or more buildings, used for paid lodgings or boarding, providing accommodation on a site whose aggregated total contains more than 2 boarding rooms and is occupied by at least 6 or more tenants, who are at the property at any one time

⁴ Page 78 of Transcript.

7. COMMUNITY HOUSING UNIT / SOCIAL HOUSING

- 7.1 I was asked by Ms Dawson⁵ whether the term 'community housing unit' is used in provisions of the pRDP, and about the about the possible overlap between the definitions of 'Community housing unit' and 'Social housing'. I confirm that the term 'community housing unit' is proposed to be used in Policy 14.1.1.7, and Rule 14.8.3.14 which is specific to the Community Housing Redevelopment Mechanism (**CHRM**).⁶
- 7.2 Neither the Notified nor the 23 April 2015 versions of the Residential Proposal explicitly differentiate these two housing categories but there is a clear direction in my opinion towards using the term Community housing units (and the undefined term 'Community housing environments') in the context of the CHRM in Section 14.8 of the 23 April 2015 version of the Residential Proposal (this is the only section in which the term is used).
- 7.3 In their broadest sense, both definitions refer to those parts of the housing supply spectrum that are concerned with housing for the homeless, emergency housing, low income, special needs, and other parts of the community that are provided for by the agencies and other organisations who have access to government housing subsidies, or their tenants do. In the context of how the Plan deals with these types of housing I consider it would be much clearer if the term 'Community housing' simply referred to the CHRM and social housing referred to the broader context. I have discussed the 'Social housing' definition later in my evidence at section 23. I have checked the definition below with Housing New Zealand's planner, Mr Maurice Dale, and he agrees with the proposed amendment.
- 7.4 As discussed below, I consider that the definition of 'social housing' should be amended to refer to 'social housing complexes'. Therefore I have suggested further amendments to the definition of 'community housing unit' for clarity.
- 7.5 Based on the above, I consider the definition of 'Community housing unit' should read as follows:

5 Page 81 of Transcript.

6 Refer to the 23 April 2015 version of the Residential Proposal supported by the Council.

Community housing unit

in relation to the Community Housing Redevelopment Mechanism,

means a residential unit owned, let or to be let by or on behalf of the Christchurch City Council, Housing New Zealand, a not-for-profit housing entity or a registered community housing provider (under Part 10 of the Housing Restructuring and Tenancy Matters Act 1992) as social housing.

8. DUPLEX

8.1 I was asked by Ms Dawson to confirm that 'Duplex'⁷ was only used in the Residential New Neighbourhood Zone, and whether the definition should include the words 'in relation to the New Neighbourhood Zone'. As this definition is only used for the New Neighbourhood zone I concur with the amendment suggested by Ms Dawson.

8.2 On this basis a change to the definition of 'duplex' is considered appropriate.

Duplex

for the purposes of the residential New Neighbourhood Zone means, a single residential building containing two residential units each with its own entrance and habitable space on the ground floor.

9. EARLY CHILDHOOD EDUCATION FACILITIES

9.1 I was asked by Ms Dawson as to why a definition of 'early childhood education facilities' is included, when it appears to be similar to the definition of 'pre-school'.⁸ The proposed rules in the Residential proposal dated 23 April 2015 refer to pre-school facility, not 'early childhood education facilities'.

9.2 I consider that the term 'early childhood education centre' should be deleted from the Stage 1 definitions and 'pre-school' retained as this term has been used in Christchurch since at least 1995 (post the Education Act 1989) and it is well understood by the public. I also record that the provisions of the pRDP supported by the Council (i.e. the 23 April 2015 version of the Residential Proposal) refers to the term 'pre-school' rather than 'early childhood education centre'.

7 Page 81 of the Transcript.

8 Page 82 of the Transcript.

10. EDUCATION ACTIVITY

10.1 Ms Dawson asked whether the definition of Education Activity is intended to include 'tertiary education and research activity' or not.⁹ For completeness, I record that this term is likely to be discussed in the context of the Specific Purpose (School) zone and Specific Purpose (Tertiary Education) zone in the Stage 2 hearings. However, I confirm that tertiary education and research activity is intended to be included within, and to be a subset of, the 'education activity' definition.

10.2 Ms Dawson also noted that the definition of 'education activity' refers to 'pre-school facilities', for the reasons explained in the section of my evidence regarding the definition of 'pre-school' I consider that it is correct to refer to a 'pre-school facility'.

11. ELDERLY PERSONS HOUSING UNIT

11.1 Ms Dawson asked whether the definition is intended to apply to one unit or a group of units.¹⁰ I can confirm that it is intended to be one of a group and that the word "unit" in the title should not have been crossed out.

12. GREENFIELD

12.1 Ms Dawson sought an assurance that the amendments I am proposing to the definitions of 'Greenfield' would not lead to a 'policy trap'. I can confirm the assurance I gave at the hearing.

12.2 However, there is one matter I would like to bring to the Panel's attention arising from Decision 1.¹¹ Objective 3.3.7 - Urban growth, form and design requires:

A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:

(a) is attractive to residents, business and visitors; and

9 Page 82 of Transcript.

10 Page 84 of Transcript.

11 Page 85 of Transcript.

(b) *has its areas of special character ...; and*

(c) *provides for urban activities **only**:*

(i) *within the existing urban areas; and*

(ii) ***on greenfield land on the periphery of Christchurch's urban area identified in accordance with the Greenfield Priority Areas in the Canterbury Regional Policy Statement Chapter 6, Map A; and...***

[my emphasis]

12.3 Given that this objective applies across the whole Christchurch District (paragraph 27(h)(i) in the Decision) my reading of the policy is that there shall be no urban activities on greenfield land outside of the Map A area. As discussed in my rebuttal evidence (paragraphs 4.5 – 4.10), I record that there are potential greenfield areas other than those identified on Map A. It is not clear whether the Panel intended that Objective 3.3.7 exclude these additional areas. If not, I suggest that (subject to the amendment proposed to the definition of 'greenfield'), Objective 3.3.7(c)(ii) just read "*on greenfield land*".

12.4 In response to a question by His Honour Judge Hassan¹² I also propose the following amendments to the definition of 'greenfield':

Greenfield

*means **either:***

- a. **undeveloped urban** land ~~*at the urban edge not currently used for urban activities*~~ that ~~*has either been identified as*~~ **is located in** a Priority Greenfields area for future residential or business development on Map A in Chapter 6 of the Canterbury Regional Policy Statement; ~~*or*~~
- b. **is** land ~~*not included outside of the area covered by Map A*~~, and which is generally rural land.

12 Pages 89 and 151 of Transcript.

13. GUEST ACCOMMODATION

13.1 Ms Dawson asked whether a 'bed and breakfast' is 'Guest accommodation' or not.¹³ I can confirm that, while it would be in the normal meaning of the word, for the purpose of the plan, 'bed and breakfast' is treated as a separate activity. If the Panel considers that this requires further explanation 'bed and breakfasts' could be explicitly excluded from the definition, for example the following sentence could be added as a final sentence to the definition:

For the avoidance of doubt, guest accommodation excludes bed and breakfasts.

13.2 Also, to clarify my answer to Judge Hassan's question on the phrase 'which may involve the sale of alcohol or food to guests and the sale of food with or without alcohol to the public',¹⁴ I can confirm that guest accommodation is not proposed to be provided for as a permitted activity in the Residential Zones. I do not consider that the definition of 'guest accommodation' would limit the ability for the Council to impose conditions on a resource consent, and I note that sale of food and alcohol from guest accommodation may also be regulated through the rule framework. I also record for completeness that existing 'guest accommodation' activities in residential zones are proposed to be provided for as permitted activities via a schedule (in Stage 2).

14. HEALTHCARE FACILITY

14.1 Ms Dawson drew attention to the need for a correction and clear separation between different aspects of the definition.¹⁵

14.2 Sir John Hansen sought confirmation on two matters: whether the definition had been agreed with the Canterbury District Health Board (**DHB**); and whether I had considered the concept of an 'integrated family health care centre' which is a different concept to the defined term 'Integrated health care facility'. I was also asked to ensure that the two existing definitions provided a coherent package.¹⁶

13 Page 89 of Transcript.

14 Page 90 of Transcript.

15 Page 91 of Transcript.

16 Page 91 of the Transcript.

- 14.3** The definition of 'healthcare facility' recommended by the Council in its closing legal submissions on the Residential Proposal (Annexure F) has not been agreed by the DHB. However the definition has been re-notified as part of Stage 2 and the DHB has not opposed it in submissions. The definition of 'Integrated family health care centre' was discussed between Mr Blair for the Council and Mr Andrew Willis and Ms Jane Murray for the DHB on the 3 and 4 March 2015, and further discussed in emails on 23 March 2015 and agreement was reached. I have discussed my further proposed amendments below with Mr Willis and he has agreed to those after consulting Ms Murray.¹⁷
- 14.4** I am of the view that the present definition of 'Integrated health care facility' should be renamed 'Integrated Family Health Care Centre' to align with the DHB's Integrated Family Health Service programme. I understand the DHB supports this change.
- 14.5** I note that 'Integrated family health care centres' are provided for as a restricted discretionary activity, defaulting to Discretionary Activities, in the Residential Suburban and Medium Density Zones (refer rules 14.2.2.3 RD 23, 14.2.2.4 D5, 14.3.2.3 RD14, and 14.3.2.4 D5 in the 23 April 2015 version of the Residential Proposal). I also note that the references to 'Integrated Family Health Centres' in Rules 14.2.2.3 RD 23, 14.2.2.4 D5, 14.3.2.3 RD14 and 14.3.2.4 D5 should all be changed to 'Integrated family health care centres' to match the renamed definition. The term 'integrated health care facility' is not referred to in the rules, and therefore I consider that the term that should be defined is 'Integrated family health care centre'.
- 14.6** The Panel discussed the relationship between the definition of 'Health care facility', and 'Integrated family health care centre'. It was suggested that the two should be looked at together, possibly incorporating 'Integrated family health care centre' into the 'parent' definition of 'Health care facility'¹⁸. I have considered this relationship and have had further discussions with the DHB's planning consultant on this matter.
- 14.7** I note that the two activities are treated as different activities in the Residential zones, with the 'Integrated family health care centre' being restricted as to location (i.e they are required to be adjacent to a Neighbourhood, District or

¹⁷ Per comm Mr Andrew Willis.

¹⁸ Page 92 Transcript.

Key Activity Centre) and are differentiated as to scale (as a restricted discretionary activity they occupy a gross floor area of between 300sqm and 700sqm). Healthcare facilities are a permitted activity up to 300sqm). My conclusion, which has been confirmed by my discussions with the DHB planning consultant, is that these two definitions should not be combined, notwithstanding similarities in the services each provide. Provided that 'Integrated family health care centres' have a consent pathway the DHB is prepared to accept the current separation of the two definitions¹⁹.

- 14.8** In light of the above, I propose the following amendments to the definitions of 'health care facility' and 'integrated health care facility':

Health care facility

means land and/or buildings used for the provision of physical and mental health, or health-related welfare services, for people by registered health practitioners (approved under the Health Practitioners Competence Assurance Act 2003) including:

- a. medical practitioners;*
- b. dentists and dental services;*
- c. opticians;*
- d. physiotherapists;*
- e. medical social workers and counsellors;*
- f. midwives;*
- g. paramedical practitioners;*

and including the following facilities:

- h. diagnostic laboratories;*
- i. day care facilities for the elderly and disabled;*
- j. accessory offices and retail activity to the above*

but excluding facilities used for:

- k. the promotion of physical fitness, such as gymnasiums and/or pools (except where ancillary to a hospital service or treatment programme);*
- l. beauty clinics; and*
- m. health care in Retirement Villages.*

¹⁹ Pers. comment Andrew Willis

Integrated family health care facility centre

means a health care facility primarily serving the local community where multiple health care and counselling services are located within one building and function together in an integrated manner to meet the needs of the consumer. It will contain general practice medical staff and services, and can include, but not be limited to: day surgery, a pharmacy physiotherapy, midwifery, blood service, counselling and medical specialists.

- 14.9** Following a question from Sir John Hansen as to whether I have considered the new concept of integrated family health care centres,²⁰ I have looked into these further along with the DHB's Integrated Family Health Service programme which, I understand, supports health and social services to develop new ways of working to serve the specific needs of their local communities, and reduce the load on 24 hour and hospital services. The amendments to the definition reflect this understanding.

15. MARKET GARDEN

- 15.1** Ms Dawson drew my attention to the uncertainty conveyed by the words 'small scale' in the definition of market garden. She also queried whether there was a limitation on who market gardeners could sell their produce to where the definition refers to 'consumers'.²¹
- 15.2** I note that the definition is not proposed to be used in the Rural Proposal which means that the words 'small scale' should not constrain rural activities. Nevertheless, leaving aside the concern around uncertainty, market gardening in residential areas is likely to be of a relatively small scale (due to land availability/cost) therefore I recommend deleting the reference to "small scale" within the definition.
- 15.3** I also consider that it is more important in terms of managing effects to ensure the rules control structures such as glasshouses, and activities that are likely to create annoyance eg the use of bird scarers (. rather than imposing a size limit through a definition). There is a specific site coverage rule for market gardens (55%) in the 23 April 2015 version of the Residential Proposal, and

20 Page 92 of Transcript.

21 Pages 97-98 of Transcript.

the General City Rules and Procedures proposal includes provisions that are intended to manage glare and noise in residential zones.

15.4 I agree that the words in the definition 'which are sold directly to consumers (including restaurants)' should be clarified, and in my opinion are overly restrictive. These businesses do sell directly to consumers eg through gate sales, but they also supply restaurants, markets and some retail outlets. I therefore consider that there is no need to specify to whom sales are made.

15.5 Taking the above into account I recommend the following amendments:

Market garden

*in relation to residential zones, means a **small-scale** business growing a diverse range of fruit, vegetables and flowers as cash crops for general sale, directly to consumers (including restaurants)*

16. NET SITE AREA

16.1 Judge Hassan sought some clarification concerning the structure and meaning of this definition.²² He raised two points: firstly, what is qualified by the words 'less any'; and secondly interpreting the reference to 'any strip of land six metres or less in width'. Mr Udale sought clarification on how a Transpower line which is not designated would be treated by this definition.

16.2 I have made some suggested amendments that clarifies that the 'strip' refers to entry or exit strips, and qualifies the meaning of 'less than' as follows:

Net site area

*in relation to a site or allotment, means the total area of the site or allotment, less any area subject to a designation for any purpose;
and/or any entry/exit strip of land 6m or less in width; **and/or** any area of land where that land is the shared access for more than one site.*

16.3 With regard to Mr Udale's query, this definition of net site area would not be affected by overhead lines, but I accept the usable area could be if for example there are set backs from the lines provided for in the pRDP. However, in the existing built up areas there are no set backs and therefore I do not see a need to factor overhead lines into the definition.

16.4 The situation for new greenfield residential areas (Map A areas in Chapter 6 of the Canterbury Regional Policy Statement) is different. Set backs from transmission lines are usually indicated on the Outline Development Plans and the area deducted in the definition of net density (which is the area that must achieve 15 households per hectare).

17. NEW NEIGHBOURHOOD DENSITY

17.1 I was asked by Ms Dawson to clarify my position regarding 'New neighbourhood net density'.²³ Given the Panel's minute of 16 July 2015 regarding the New Neighbourhood Zone, I consider that Panel should defer making a decision on the definitions of 'new neighbourhood net density' and 'new neighbourhood hectare', until it decides on the provisions regarding the New Neighbourhood Zone.

18. PLACE OF ASSEMBLY

18.1 Ms Dawson raised concerns in relation to the range of activities and facilities that were indirectly provided for as a permitted activity by this definition, but is more comfortable with the amendments that are proposed to this definition.²⁴

18.2 The only outstanding matter was the inclusion of 'community facilities' in the definition of 'Place of assembly' which incorporates a wide spectrum of additional activities, creating considerable overlap between the two. My suggestion at the hearing was to use 'community infrastructure' in the definition of 'Place of assembly', rather than 'community facilities'. This eliminates the overlap as well as explicitly restricting the community facilities to those that are mentioned. I therefore suggest the definition be amended as follows:

23 Page 100 of Transcript.

24 Page 104 of Transcript.

Place of assembly

means land and/or buildings used principally for the public or private assembly of people for recreational, cultural or deliberation purposes and includes recreation and entertainment facilities, clubrooms, pavilions, and community ~~facilities infrastructure such as community halls and libraries.~~

19. PRE-SCHOOL

19.1 As discussed above, I consider that the term 'pre-school' should be used in the pRDP rather than the term 'early childhood education facilities'.

19.2 As raised by Ms Dawson, currently the terms 'pre-school', 'pre-school facility', 'pre-schools facility' and 'pre-school activity' are used in the Residential Proposal. I record that 'pre-school', 'pre-school facility', and 'pre-school activity' have all been intentionally used in the pRDP. Stage 2 of the pRDP proposes to introduce definitions of 'pre-school facility', and 'pre-school activity'. The references to 'pre-schools facility' in P7 14.2.2.1 and 14.3.2.1 are incorrect and should refer to 'pre-school facility'.

20. RESIDENTIAL ACTIVITY AND BOARDING HOUSES

20.1 Ms Dawson asked that the relationship between the definitions of boarding houses and residential activity be made clear, and whether a boarding house is intended to be part of a residential activity but not for the purpose of it being a permitted activity.²⁵ I consider that a boarding house is intended to be a residential activity - but not as a permitted activity.

20.2 Boarding houses are proposed as restricted discretionary activities (refer to the 23 April 2015 version of the Residential Proposal). It therefore recommended that where a residential activity is referred to as a permitted activity in Stage 1 Proposal 14 (Rules 14.2.2.1 P1, 14.3.2.1 P1, 14.4.2.1 P1, 14.6.2.1 P1) the activity descriptor should read "*Residential Activity **except for Boarding Houses.***"

20.3 Ms Dawson noted that the inclusion of the words 'including the construction of buildings' in the definition of Residential Activity was unusual and asked what

the origin of the inclusion was. I can confirm that Mr Blair agreed to the inclusion in his questioning by Dr Mitchell in the stage 1 residential hearing (in the context of considering whether it is the use of the land as well as the erection of a building that was to be covered by the permitted activity rules). This is set out in the transcript of his questioning in the context of the Residential Proposal at page 267.

21. RESIDENTIAL UNIT

21.1 Ms Dawson noted the way 'bed and breakfast' had been inserted into the definition of 'Residential unit' could imply that it is a residential unit.²⁶ I agree that it needs to be made clear that a 'bed and breakfast' may be used as part of a residential unit. There are several ways of remedying this but I prefer Ms Dawson's suggestion of adding a subsection (e) so that the definition reads:

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 ~~or a bed and breakfast~~.
For the purposes of this definition:*

- a. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;*
- b. 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 a bed and breakfast) there shall be deemed to be more than one residential unit;*
- c. a residential unit may include no more than one family flat as part of that residential unit; ~~and~~*
- d. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; ~~and~~*
- e. a residential unit may be used as a bed and breakfast.*

21.2 Judge Hassan asked me what, in the context of a Residential unit, is meant by 'self-contained building'.²⁷ In my view self-contained, as a minimum, would consist of a kitchen, and a toilet and shower. If either of these are communal I

26 Page 107 of Transcript.

27 Page 109 of Transcript.

think that it is hard to say a unit is 'self-contained' although, an apartment could rely on a communal laundry.

- 21.3 Also, for completeness, the wording 'self-contained building' does not cover multi-unit apartments, so it might say 'self-contained building **or unit.**'

22. RETIREMENT VILLAGE

- 22.1 Ms Dawson's sought assurance that through this definition, retirement villages were expected to have all the facilities listed.²⁸ I agree with Ms Dawson's suggestion to include the words "and may include" in the definition:

Retirement village

*means any land, building or site used for a comprehensive residential development that contains two or more residential units, together with services and/or facilities for on-site residents and staff (**including which may include** care home within a retirement village, nursing, medical and hospital care, recreation, leisure, welfare facilities and activities, and other non-residential activities accessory to the retirement village), predominantly for persons in their retirement or persons in their retirement and their spouses or partners...*

23. SOCIAL HOUSING / MULTI UNIT COMPLEXES

- 23.1 Ms Dawson drew my attention to what appears to be duplication between 'social housing' and 'multi-unit complexes', having regard to the permitted uses.²⁹ I understand that this is in relation to the 23 April 2015 version of the Residential Proposal. It was intended that there be a clear distinction between social housing complexes and multi-unit complexes as housing types. There seems to be three parts to this question: how they are treated in the rules, particularly the terminology used; whether we are defining the concept of social housing, or the housing type; and the structure and grammar used in the definition.

- 23.2 In relation to Ms Dawson's first point, 'Social Housing Multi Unit Residential Complexes' are provided as permitted activities in the Residential Suburban

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Zone and the Residential Suburban Density Transition Zone (Rule 14.2.2.1 P20). In Rule 14.2.2.3 RD 6 refers to 'Social housing complexes', as generally do the Built Form Standards, except for 14.2.3.12 which refers to 'multi unit social housing complexes'.³⁰ The definition is for 'Social housing'.

23.3 The provisions for multi-unit social housing complexes and social housing complexes are the same as those for 'multi-unit residential complexes'. I consider the appropriate definition should be 'Social housing complexes', and that and this term be used consistently throughout the pRDP. Part of the confusion has arisen because Multi-unit complexes (intended to be complexes open to general occupation and not solely for social housing) are provided for as permitted activities in the Residential Suburban Density Transition Zone only. In Rule 14.2.2.1 P21 the reference to within the Residential Suburban Density Transition Zone was mistakenly shown as deleted as a consequential amendment in the 23 April 2015 version of the Residential Proposal. The background to this is set out in Ms Scott's memo to the Panel 30 April 2015.

23.4 Moving on to Ms Dawson's second point in her question, the intent is to define both. There is a clear reference to social providers, relevant legislation and intended occupants of these units in the definition; and there is a reference to 'complex' in the definition's title, which the rules reflect.

23.5 In relation to Ms Dawson's third point, I have made some amendments to the grammar which make the intent and meaning clearer, and addressed the matter raised by Mr Udale regarding operation of these units.³¹ My recommended amendments are"

Social housing complex

means:

- a.** *residential units owned or operated by Housing New Zealand, the Christchurch City Council, a not-for-profit housing entity or a registered community housing provider (under Part 1 of the Housing Restructuring and Tenancy Matters Act 1992), where one of these parties is in a*

³⁰ All references to provisions in this section are to the version of the Residential Proposal dated 23 April 2015.

³¹ Page 113 of Transcript.

public/private development relationship to provide mixed tenure housing; and

- b.** *where the provision of residential units is to help low and modest income households and other disadvantaged groups to access appropriate and secure housing that is affordable.*



IVAN THOMSON
23 JULY 2015