

**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 Specific Purpose  
(Flat Land Recovery)  
Zone Proposal (Stage  
3)

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**JOINT MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL  
AND THE CROWN IN RELATION TO ACTIVITY STATUS FOR BOARDING  
HOUSES**

**SPECIFIC PURPOSE (FLAT LAND RECOVERY) ZONE PROPOSAL (STAGE 3)**

**1 APRIL 2016**

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## MAY IT PLEASE THE PANEL:

### Introduction

1. The purpose of this memorandum on behalf of the Christchurch City Council (**Council**) and the Crown is to address the activity status for boarding houses in the Specific Purpose (Flat Land Recovery) Zone (**Flat Land Recovery Zone**).
2. The Council's opening legal submissions for the Flat Land Recovery Zone hearing included a redline version of the Proposal which included significant changes to the Proposal (**Revised Proposal**). The changes were made as a result of the Council's planning witness, Mr Eman, considering it appropriate to reduce constraints on the use of privately owned land in the Flat Land Recovery Zone.

### Inconsistency between zone provisions

3. The Revised Proposal included amendments to the rules to permit the use of existing privately owned properties for residential activities and limited non-residential activities such as bed and breakfast, care for non-resident children, home occupations, market or community gardens etc.
4. One of the Council's intentions with this aspect of the Revised Proposal was to mirror the relevant Residential Suburban Zone provisions in relation to existing privately owned properties within the Flat Land Recovery Zone. However, the approach to boarding houses in the Revised Proposal differs from the approach in the Panel's decision on the Residential Zones, dated 10 December 2015.
5. In particular, Residential Suburban Zone rule 14.2.2.1 P1 (decisions version) permits "*Residential activity, except for boarding houses*", while rule 21.11.2.2 P1 of the Revised Proposal permits "*Residential Activity that occur within a residential unit on a privately owned property as at 12 October 2015*" i.e. unlike the Residential Suburban Zone decision, the Revised Proposal does not exclude boarding houses from permitted activity status.

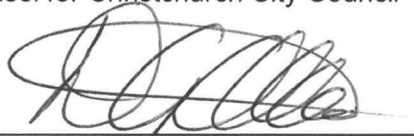
**Amendments requested**

6. The Council and the Crown consider it desirable and appropriate to make changes to the Proposal to ensure that the approach for the Flat Land Recovery Zone is consistent with the Panel's decision on the Residential Suburban Zone (Stage 1).
  
7. The parties to this memorandum therefore support the following amendment to rule 21.11.2.2 P1 of the Revised Proposal (addition shown in underlining):

*"Residential Activity, except for boarding houses, that occur within a residential unit on a privately owned property as at 12 October 2015."*

**DATED** 1 April 2016

  
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P M S McNamara / T R Fischer  
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